

# Gender Bias Is a Societal Malady: A Review on Registered Atrocities on Women in Indian Metros

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## Abstract

Violence of any kind has a strong negative impact on the physical and mental health of an individual which impacts the wholesome development of a society. Violence against babies, young girls and women is highly prevalent globally, with an estimated 35% women experiencing some form of victimization in childhood, adolescence or adulthood. CEDAW, Vienna Declaration, CSW and the Istanbul convention devised policies/punishments to check gender based violence in societies but somehow the violence against women is on the rise in India and the world over. Rapes, dowry deaths, female foeticide, IPV, FGM and vitriolage are just a few forms of gender based violence which are gaining numbers every year. Girls and women are moving out of the confines of their home for the purpose of education and employment and in the process become victims of such violence. What we lack are the drastic, terminal, societal and judicial norms which can check this unbridled violence against women.

**Keywords:** VAW, manifestations, world conferences, education, society, judicial reforms.

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## I. AN OVERVIEW

Violence against women is a manifestation of inequality between sexes. It is an activity which stamps the dominance of men over women at home and in society. History documents that violence against women was accepted, condoned and legally sanctioned. Roman law gave men the right to chastise their wives, even to the point of death, the burning of witches was condoned by both the church and the state, and rule for punishment of wives prevailed in England and America until the late 19th century. The history of violence against women is related to the historical view of women as property and a gender of subservience. (3, 4, 5) An overall world order of patriarchal system of societies explains the history of violence against women, because patriarchy includes any social, political, or economic mechanism that evokes dominance of men over women.

The Millennium Development Goals defined by the UN, impresses upon the 191 member states for equal rights and opportunities for women and men and recognize this as prime for social and economic progress as well as for sustainable human development on earth.

The UN Declaration on the Elimination of Violence against Women (1993) states that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”. (1, 2)

The Istanbul Convention (2011) defines violence against women as, “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Violence against women is highly prevalent globally, with an estimated one in three women (35%) experiencing some form of victimization in childhood, adolescence, or adulthood as per an article published in ‘India Today’. The National Crime Records Bureau (NCRB) has listed six cities in India with the highest rate of crime and violence against women viz. Jodhpur, Delhi, Gwalior, Bhopal, Nagpur and Durg- Bhilai. As per a reporting of Daily Excelsior, posted on 29/12/2016, the graph of the crimes against women, in the most advanced metropolitan city of India, Mumbai, is on a rise. The criminal mind-set does not spare the babies and minor girls. As compared to the registered cases in 2015, the kidnapping of minor girls increased by 30 percent in 2016. Many sources report that there is actually a gross under-reporting or non-registration of cases (AI 2015, 182; CNN 15 Dec. 2013). An article, dated 19/12/2014, by ‘The Hindu’, states that the rate of unreported sexual

violence in India is "far higher" than statistics indicate. Uncontrolled and aggressive violence against women, girls and children is taking place as an open violation of human rights. As a glaring reality of inequality between sexes, these violent acts boldly stamp the dominance of men over women in our present Indian society.

All policies and programs devised under the ministries of women and child care, gender equality, social development, public health, and human rights need to be stringent and unambiguous, so as to fast track cases in courts to curb violence against women. Indian Institutions should incorporate education of adolescents and young adults of both sexes at medieval and higher levels, to make them aware of the societal and religious dogmas, which promote violence against women. This would help the young generation to nurture healthy friendships/relationships. Women's access, participation and involvement in socio-medico-economic outreach activities should be expanded. Women should spearhead all programs concerned with women health, girl child education and gender discrimination at workplace and home.

## **II. Different Forms of VAW**

The violence against women takes various forms. The scariest and prevalent ones which are all over the news on a daily basis are:

1.] RAPE is a type of sexual assault, usually involving sexual intercourse. Rape is usually perpetrated by men against women or usually by someone they know. Naturally victims of rape get severely traumatized. They suffer from posttraumatic stress disorders (7) like physical injury, sexually transmitted infections or pregnancy. Following a rape, a victim may face violence from the rapist or from the victim's own family. In extreme cases, rape victims are killed in honour killings. Victims at times are forced to marry the rapist in order to restore the family's "honour". (8, 9, 10, 11) Marital rape, also known as spousal rape, is a non-consensual sex perpetrated by the victim's spouse. In many countries, spousal rape remains legal and is tolerated and accepted as a husband's prerogative. The registration of spousal rape or marital rape as crime is recent.

2.] The custom of DOWRY is the trigger of many forms of violence against women. Dowry death refers to the phenomenon of women and girls being killed or committing suicide due to disputes regarding dowry. Bride burning is perpetrated by the husband or husband's family due to dissatisfaction over the dowry provided by the girl's family. Dowry violence is common in India, Pakistan, Bangladesh and Nepal. In India, in 2011 alone, the National Crime Records Bureau reported 8,618 dowry deaths, while unofficial figures suggest the numbers to be at least three times higher. (12)

3.] Domestic violence or "intimate partner violence" or (IPV) is victimization of women by someone that they are intimate with. Instances of IPV tend not to be reported to police and thus many experts believe that the true magnitude of the problem is hard to estimate. (13) Women are much more likely than men to be murdered by an intimate partner. According to WHO, globally, as many as 38% of murders of women are committed by an intimate partner. (14)

4.] HONOUR Killing is a common form of violence against women. Women and girls are killed by family members (usually husbands, fathers, uncles or brothers). These killings have tribal origins. Women are killed for refusing to enter an arranged marriage, being in a relationship that is disapproved by the family, attempting a divorce, having extra marital sex, rape, dressing in ways which are deemed inappropriate. (15, 16, 17) In India, honour killings occur especially in the states of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh. (18, 19)

5.] Acid attack, or VITRIOLAGE, is defined as the act of throwing acid onto the body of a person "with the intention of injuring or disfiguring girls out of jealousy or revenge". (20) The acids used are sulphuric, nitric, or hydrochloric acid. (21) Perpetrators of these attacks throw acid at the face of the victims, burning, damaging skin tissue and often exposing and dissolving the bones. (22) The consequences include blindness and permanent scarring of the face and body. (23, 24) Acid attacks are connected to domestic disputes, dowry disputes, refusal for marriage or sexual advances.

6.] Female Genital Mutilation (FGM) is recognized internationally as a violation of the human rights of girls and women. This act of branding a sex constitutes an extreme form of discrimination against women. (25) It is believed that FGM is linked to cultural rites and customs. It is a traditional practice which continues to take place in different communities/countries of Africa and Middle East. The WHO states that, "the procedure has no health benefits for girls and women" and "procedures can cause severe bleeding, problems in urinating, cysts, infections, infertility as well as complications in childbirth with increased risk of new-born deaths".

7.] FEMALE FOETICIDE and infanticide is the deliberate killing of unborn and new-born female children outside of legal methods. The modern practice of ultrasound has resulted in this sex-selective abortion. Female infanticide is a major cause of concern in several nations such as China and India. The inferior status in which women are viewed in patriarchal societies is the primary reason. (26) Arguably the most prominent cause is the age-old dowry system. The unwanted status of the female child is the burden on her parents regarding her safety or chastity.

8.] Immigrant and REFUGEE WOMEN face extreme violence, both in the private sphere (by partners and other family members) and in the public sphere (by the police and concerned authorities). These women are in a vulnerable position because the country they are seeking refuge in foreign status is illegal. Women who seek protection from armed conflict in their countries often face more violence while travelling to the destination country or when they arrive there. (27, 28)

In addition to the above prominent manifestations we also have women prostitution, stalking, cyber stalking and cyber bullying, breast ironing of adolescent girls, widows, stoning and flogging, accusations of witchcraft and many more notable incidents of violent acts against women.

### **III. International Intervention**

In recent years attempts to address the violence against women at international levels is being done in form of conventions, directives, policies and amendments in the judicial laws primarily against dowry and trafficking. There have been three notable world conferences on women held by the United Nations. The first one was held in Mexico in 1975, the second conference in Copenhagen in 1980, and the third in Nairobi, wherein strategies were framed to promote gender equality and opportunities for women. The main objectives were: Equality, development and peace. Important milestones documented in this direction are:

- The 1979, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), recognizes violence as a part of discrimination against women. This is stated in recommendations number 12 and 19.
- The 1993, Vienna Declaration, calls for action to integrate the equal status human rights of women. It stresses toward elimination of violence against women in public, professional and private life.
- The 1993, UN Declaration on the Elimination of Violence against Women was the first international document which defined and addressed violence against women explicitly. The UN Declaration and the world conference were held in the same year and are viewed as a "turning point".
- The 1995, Beijing conference, provided a platform for concentration on some of the key issues identified as fundamental obstacles to the advancement of majority of women in the world. It focused on issues such as discrimination against women, violence against women, etc.
- In 1996, the World Health Assembly (WHA) recognized and established violence as a primary cause for inept public health.
- In 1999, the UN adopted the "Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women" and identified 25<sup>th</sup> November as the "International Day for the Elimination of Violence against Women".
- In 2002 the World Health Organization published its first ever world report on 'Violence and Health' as a follow-up on the 1996 declaration of WHA which had accepted violence as a major public health issue,
- The 2011, Council of Europe Convention or the Istanbul convention, called on preventing and combating violence against women in confines of a house, This was the second regional legally-binding declaration on violence against women and girls.
- In 2013, the United Nations Commission on the Status of Women (CSW) adopted 'Agreed Conclusions' on the 'elimination and prevention of all forms of violence against women' and girls (formerly, there were no agreed-upon conclusions).

Many developing countries have also enacted similar legislative, political and social instruments in their constitutional framework, to address violence against women. However, solely enforcing legislation for prevention and punishment of violence against women is not sufficient. Extremely strict laws on violence against women have been passed in Bangladesh but violence against women is still rising. (29)

#### **The soft and hard suggestions**

In spite of continuous of advocacy and involvement of many feminist activist organizations, the issue of violence against women still remains one of the most pervasive forms of human rights violations worldwide so much so that violence prevents women from wholeheartedly contributing to social, economic, and political development of their communities being themselves socially, economically and politically deprived. (30)

The soft suggestion to change masochistic temperament is prevention of patriarchal and violent attitudes in boys which should start early in life. This can be done by educating and working with young boys and girls to promote respectful relationships and by sensitizing the students about gender equality. Working with youth is the only mechanism for faster and sustained progress on preventing and eradicating gender-based violence. Public policies and interventions often overlook this stage of life. Pre-puberty is a critical time when values and norms around gender equality start taking shape. Prevention also entails supporting the implementation of the 'agreed conclusions' of the 57th Session of the Commission on the Status of

Women (CSW) that places a strong focus on prevention through the promotion of gender equality, women's empowerment and their enjoyment of human rights (31).

The hard steps or extreme form for prevention of crimes against women is the element of fear which can be implanted in the minds of the perpetrators by channelizing such reported cases on fast track courts and granting capital punishment to the criminal, irrespective of age, caste, colour creed if proved guilty of the crime. The societal norms for justice should be made such that the perpetrator thinks twice before committing the crime.

Finally, it is suggested that major societal and judicial changes need to take place to make the society aware of gender inequalities. The mind-set should be to empower women-with-men and not women-versus-men. There should be no interference of the 'Human Rights' activists in case of stringent punishments to the perpetrators of crime. Only then can violence against women be minimized if not ended. This societal change is being showcased and glorified by 'neopatriarchal' nations across the globe as March 8, which gives women the complete liberty to shout and protest about the violent societies of the world but for one single day.

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