

# HUMAN RIGHTS AND GENDER VIOLENCE

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## ABSTRACT

The paper focuses on the emergence of human rights due to the authoritative pattern based on sexual violence in society and wartime. The goal of this paper is to provide a complexity surrounding many situations in which sexual violence occurs with the help of historical literature.

## KEY WORDS

Human Rights,Sexual Violence,War,Rape.

## INTRODUCTION

Women around the world are disproportionately affected by sexual violence both during peace and wartime.They are looked upon as sexual object rather than human being.Their physiological structure is not seen as the blessing for the continuation of human race but are looked upon as sexual object to be used for the exploitatio of family/race when and where however required.Women experience physical and sexual violence throughout their lifetime.During the World War also women of opposite camps were raped at large scale.This paper tries to bring into discussion the policies of armed forces in which the actions of soldiers who commit sexual war crimes need to be re-evaluated.In *Agents of Atrocity*,Neil Mitchell writes,"War,conflict or just a uniform provide an opportunity for perpetrators to commit and get away with this more private crime.[1]"This paper tries to focus on the emergence of human rights due to the sexual violence during wartime.Before proceeding to emergence first let us discuss the concept Human Rights.

## HUMAN

A member of the Homo sapiens species; a man, woman or child; a person. Humans are the only mammals not endowed with natural defence against the elements, such as fur or thick hide.[2]

## RIGHTS

Things to which you are entitled or allowed; freedom that is guaranteed.[3]

## HUMAN RIGHTS

Human rights are rights inherent to all human beings whatever our nationality place of residence, sex, national or any other status.[3] We are all equally entitled to our human rights without discrimination. These rights are all interrelated interdependent and indivisible. These rights are held by all persons, equally, universally and forever.

## HUMAN RIGHTS DEFINITION

According to A. A. Said," Human rights are concerned with the dignity of the individual – the level of self – esteem that secure personal identity and promotes human community."

According to S.C. Kashyap, "Human rights are essential for the adequate development of the human personality and for human happiness. These are fundamental rights to which very man or woman inhabiting any part of the world should be deemed entitled merely by virtue of having been born a human being."[4]

According to R.J. Vincent,"Human rights are the rights that every one has, and every one equally, by virtue of their very humanity."[5]

**HUMAN RIGHTS: TYPES**

1. All are born free and equal.
2. Do not discriminate.
3. The right to life.
4. No slavery.
5. No torture.
6. You have rights no matter where you go.
7. All equal before the law.
8. Your human rights are protected by law.
9. No unfair detainment.
10. The right to trial.
11. We are always innocent till proven guilty.
12. The right to privacy.
13. The freedom to move.
14. The right to asylum.
15. Right to nationality.
16. Marriage and family.
17. The right to ownership.
18. Freedom of thought.
19. Freedom of expression.
20. The right to public assembly.
21. The right to Democracy.
22. Social security.
23. Workers rights.
24. The right to play.
25. Food and shelter for all.
26. The right to education.
27. Copy right.
28. A fair and free world.
29. Responsibility.
30. No one can take away your human rights.[6]

**CHARACTERISTICS OF HUMAN RIGHTS**

1. Human rights imply that everyone should have them. They are universally applicable to all without any discrimination on the grounds of caste, class, color, sex, religion etc.
2. Human rights, as a comprehensive whole, include socio-economic, civil, political, culture rights which are deemed to be essential for the human beings to lead a life of dignity.
3. Human rights cover legal rights protected by the law of the state with judicial enforcement.
4. Human rights are not absolute. These rights can be restricted in the interest of public peace, social decency, political security and the like.
5. Human beings cannot stay without the enjoyment of human rights. All of them possess these rights as the members of the human society. Since some people are ignorant of these rights, they must be taught about these opportunities. They can only lead a life of peace, security and dignity with the growing consciousness of these rights.

## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Rights for all members of the human family were first articulated in 1948 in the United Nations Universal Declaration of Human rights (UDHR). Following the horrific experiences of the Holocaust and World War II and amid the grinding poverty of much of the world's population, many people sought to create a document that would capture the hopes, aspirations and protections to which every person in the world was entitled and ensure that the future of human kind would be different.

During the World War II racist's acts of violence by the Japanese were common among the many atrocities carried out against civilians in Japanese occupied territories in 1942. Suspects were tortured, summarily executed and humiliated. In February 1942, the Japanese soldiers occupying Singapore killed 5,000 ethnic Chinese residents over two week period. Thousands of Asian women were forced to become "comfort women" or "prostitutes" for Japanese military[7].

'Violence is inevitable where different forms of violence are based on different causes the historical necessity of violence becomes redundant. Even when we say that violence is rooted in the system we are just characterizing the character of the system. This implies that we cannot ignore the logical possibility of the society from violence [8]. The Austrians carried out a form of Schrecklichkeit during their abortive invasion of Serbia in 1914. The Serb proved to be a tough and resourceful enemy and ostro-Hungarian failures on the battlefield resulted in the punishment of Serbian civilians. Many became the victims of reprisals such as the mass execution of Serbian women at Mauve in August 1914. According to a report on atrocities committed by the Ostro -Hungarian army, there were many examples of the rape, torture and murder of females. Amid the Chaos of the Russian Revolution the number of deaths caused by the white cards activity totaled 2400 by the end of April 28 to June 1, the figure almost doubled to 4,745. In the peak period of May 5-11 there was an average of two hundred killings a day. In total there were at least 8,380 illegal murders of captured Reds, including 58 males under the age of sixteen and 364 women.[7]

Violence against women takes many forms and can consist of varying degrees of harassment and intimidation of physical and mental abuse of extreme or less than extreme injury. By 1941, the Japanese army was heavily committed in China (with 35 of its 51 divisions stationed there) but was unable to claim a decisive victory resistance from Mao Zedng's communists among others led to savage Japanese reprisals . Beatings, arrests, rapes and killings became commonplace, as the Japanese conquests in the coastal area, there had been many examples of terror being used to weaken Chinese resistance. The most notorious of these was the 1937 Rape of Nanking after the capture of the city. Japanese troops went on an orgy of rape, murder, pillage and destruction in which 200,000 Chinese perished and much of the city was destroyed.[7]

In the period of war both men and women become targets of violence men are murdered and maimed, but women are sexually tortured or raped World War II victory parades in May 1945 brought violence. In the town of Setif (Sudan) an Arab crowd killed 20 French police officers Men's genitals were hacked off and sewn into their mouths, women were raped and their breasts were cut off. Thus killing, maiming has occurred throughout history and in all societies. Violence is not only common during wars, but is part of every day life, where innocent civilians are killed, political figures assassinated.

Gender equality is at the very heart of human rights and United Nations values. A fundamental principle of the United Nations charter adopted by world leaders in 1945 is "equal rights of men and women" and protecting and promoting women's human right is the responsibility of all states. Yet millions of women around the world continue to experience discrimination results.

- Laws and policies prohibit women from equal access to land, property and housing.
- Economic and social discrimination results in fewer and poorer life choices for women, rendering them vulnerable to trafficking.
- Gender based violence affects at least 30% of women globally.
- Women are denied their sexual and reproductive health rights.
- Women human rights defenders are ostracized by their communities and seen as a threat to religion, honour or culture.
- Women's crucial role in peace and security is often overlooked, as are the particular risks they face in conflict situation.
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Moreover some groups of women face compounded forms of discrimination due to factor such as their age, ethnicity, disability or socio- economic status In addition to their gender.

## HUMAN RIGHTS AND WOMEN

Women as group are one of the oppressed, exploited and disadvantaged people. Firestone (1972) claims that the sexual inequality is rooted in biological differences. She argues that unlike economic class, sex class sprang directly from biological reality; men and women were created different and not equally privileged. As the women bore children they were dependent on men for their survival. Dependence on men produced unequal power relationships and power psychology which formed. The basis for all future stratification systems. Men derived pleasure from their power over women which led to 'Power psychology' the desire to dominate others. Thus stratification is based ultimately and biology rather than economics. It began not with private property, but with the different reproductive role of men and women.[9] Here the question arises, can women and men be equated. After all each has a separate and different function to perform.

IN 1993, the UN World Conference on Human rights in Vienna confirmed that Women's rights were human rights and women's status as human beings entitled to rights should have never been in doubt. And yet this was a step forward in recognizing the rightful claims of one and half of humanity, in identifying neglect of women's rights as a human rights violation and in drawing attention to the relationship between gender and human rights violations. In 1994, the international conference as population and development in Cairo (ICPD) articulated and affirmed the relationship between advancement and fulfillment of rights and gender equality and equity. It also clarified the concept of women's empowerment, gender equality and reproductive health and rights. The programme of action of ICPD asserted that the empowerment and autonomy of women and the improvement of their political, social, economic and health status was a highly important end in itself as well as essential for the achievement of sustainable development.

In 1995, the fourth world conference of women in Beijing generated global commitments to advance a wider range of women's rights.

In spite of these international agreements, the denial of women's basic human rights is persistent and widespread. For instance:

- Over half a million women continue to die each year from pregnancy and childbirth- related causes.
- Rates of HIV infection among women are rapidly increasing. Among these 15-24 years of age, young women now constitute the majority of those newly infected, in part because of their economic and social vulnerability.
- Gender-based violence kills and disables as many women between the ages of 15 and 44 as cancer. More often than not perpetrators go unpunished.
- Worldwide, women are twice as likely as men to be illiterate.
- In work place women's wages are less than men.
- Many of the countries that have ratified CEDAW still have discriminatory laws governing marriage, land, property and inheritance.

Human rights can be ensured effectively after a comprehensive understanding of the social structures and power relations that frame not only laws and politics but also the economy, social dynamics ,family and community life.

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