
Gender Based Violence and Human Dignity (an evaluation in context of India)

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Received: 31 August 2023 Accepted and Reviewed: 02 September 2023, Published : 10 September 2023

Abstract

This paper highlights the meaning, definition, extent and nature of gender based violence and its consequences. It will also try to examine the limitations of present laws to protect the violation of such human rights on the basis of gender inequality. Gender based violence is deeply rooted in the societies. There are no boundaries for its extension. Generally the sense of gender based violence (GBV) is considered as the violence against only women, which is not factually correct. The GBV and violence against women are different in their meaning. The gender based violence is refer to “any type of harm that is perpetrated against a person or group of people because of their factual or perceived sex, gender, sexual orientation and/or gender identity.” It means violation of human rights of women, men, LGBT community (Lesbian, Gay, Bisexual and Transgender) and all such people falls within the sphere of gender based violence. Not only women but men can also be victim of such violence.

We lived in a male oriented society where women are deprived form power, men are in a better position in the society, so statistically the reported cases of gender based violence shows high bars for women. Worldwide 81,000 women killed in 2020, around 58% of them were killed by their own family members and partners, which means in every 11 min a women is killed by its own family. The stereotypical mind set of society, rejection of freedom and liberty, distinction and division of work, roles within the society on the basis of gender are some major causes of human rights violation and gender based violation. Gender based violence (GBV) is a global problem, exist in form of Physical, Sexual, Economic, Cultural, Ethnical, Psychological violence. “GBV is a term to refer harmful act or abuses perpetrated against a person’s will and rooted in a system of unequal power between men and women.”

It’s a biggest threat and denial of human dignity as well as “right of equality.”

Key Words :- Human Rights, Gender based violence, Women, Girls, Family, Domestic

Introduction

Gender based violence (GBV) is a global problem which is defined in term of physical, sexual, and psychological harm. Basically GBV is the violation of human rights occurs against a weaker section of society. The inequality and power imbalances are causes of these violence. Generally the sense of gender based violence is considered as the violence against only women, which is not factually correct. The GBV and violence against women are different in their meaning. The gender based violence is refer to “any type of harm that is perpetrated against a person or group of people because of their

factual or perceived sex, gender, sexual orientation and/or gender identity.”¹ It means violation of human rights of women, men, LGBT community (Lesbian, Gay, Bisexual and Transgender) and all such people falls within the sphere of gender based violence. Not only women but men can also be victim of such violence.

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Gender based violence (GBV) is a global problem, exist in form of Physical, Sexual, Economic, Cultural, Ethnical, Psychological violence. “GBV is a term to refer harmful act or abuses perpetrated against a person’s will and rooted in a system of unequal power between men and women.”³ It’s a biggest threat and denial of human dignity as well as ‘Right of Equality.’

Both men and women experience gender based violence but majority of victims are women and girls. So it important to understand the issue, the social and institutional power inequalities between men and women. Gender based violence is deeply rooted with these gender inequalities which is existing in each sphere of life.

Violence against women is the most common violation of human rights due to gender yet least recognized. During the world conference at Vienna on Human Rights in 1993, a slogan became very famous that “Women’s rights are human rights.”⁴ Divert attention towards violence against women.

The UN, Declaration of the Elimination of Violence against Women, 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 private life.”⁵

‘One third of women and girls worldwide will experience some form of violence in their life time.’⁶ In a conflict zone, crisis area and in a pandemic situation like Covid-19 the risk of violence against women is much higher. A report of UNHCR projected that till April 2020 (during Covid-19) ‘for every three months of lockdown measures around the world, an additional 15 million women and girls would be exposed to gender based violence.’⁷ It affects the half population in visible as well as invisible forms. Physical violence, sexual abuse, torture, deprivation from resources and opportunities, early marriages (child marriages) and unhealthy life conditions and honor killings/crimes are some common ways of violence against females.

The ugliest face of gender based violence found in Asian and African countries as selective abortions (female feticide). Which affect the natural sex ratio negatively. If we take an example of India only, a research by ‘Pew Research Center’ based on data of union government indicates that in a period of

2000-2019 feticides of nine million female happened. Pregnancies were terminated just because of their sex. The girl child is an unwanted child in many families.

It shows that a great number of females are the victim of such intoxicated behavior of the society. The aggression against women starts before her birth, continues with life.

The women and girls from other diverse and marginalized communities face greater risks it includes—Differently abled females, young girls, older women, people with the identity of LGBT, ethnic minorities, displaced, migrants and refugees.

Forms of violence-

The ‘Istanbul convention’ identifies four types of violence⁸ against women which are common and define it to the development of comprehensive understanding of GBV.

(A) Physical violence

Any act which causes physical harm as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter.

(B) Sexual violence

Any sexual act performed on an individual without their consent. Sexual violence can take the form of rape or sexual assault. Rape is one of the most common crimes in India. ‘According to the National Crime Records Bureau, one woman is raped every 20 minutes in India. Statistics related to rape are given in the table below-’⁹

Table 1

Year	Reported rapes
2008	21,467
2009	21,397
2010	22,172
2011	24,206
2012	24,923
2013	34,707
2014	36,735
2015	34,651
2016	38,947
2017	32,599

2018	33,356
2019	32,033
2020	28,046
2021	31,677

Source: https://en.wikipedia.org/wiki/Violence_against_women_in_India#cite_ref-BBC_41-0

(C) Psychological violence

Any act which causes psychological harm to an individual like coercion, defamation, verbal insult or harassment are the forms of Psychological violence. All forms of violence have a psychological aspect, since the main aim of being violent or abusive is to hurt the integrity and dignity of another person.

(D) Economic violence

Any act or behaviour which causes economic harm to an individual. Economic violence can take the form of, for example, property damage, restricting access to financial resources, education or the labour market or not complying with economic responsibilities, such as alimony.

Gender-based violence, as with any type of violence, is an issue involving relations of power. It is based on a feeling of superiority, and an intention to assert that superiority in the family, at school, at work, in the community or in society. 'Violence against women can be classified in some different ways also, like violence within the family (Domestic violence), violence in the community, violence against Stateless people and State sponsored violence.'¹⁰

These categories of violence against women are interchangeable and inter-related, some of them lays more than one category. But all of them are matter off denying human rights for women.

Gender Based Violence/Violence against Women in India

India is country of discriminatory, social, cultural and religious laws, norms and practices which works as hurdle to enjoy the equality and preservation of human rights for women. When we take the example of India for violence cases against women we should not forget that all the data available by different sources is a smaller part of the reality, because a big number of domestic violence cases never reported by victims.

All the data analysis is based only on reported cases. Despite that the highest rate of violence against women are reported in India. According to the data of 'National Crime Bureau (NCEB) in 2021 total 4,05,861 criminal cases against women were reported.'¹¹

Another report of 'National Family Health Survey (NFHS) 2019-2021 reveals that, 29.3% of married Indian women between age group of 18-49 have experienced domestic/sexual violence, 31% of women during pregnancy faces physical violence.'¹² One fourth of every married women faces the physical or sexual violence.'¹³

During the Pandemic period (Covid-19) a severe rise of 25.09% was noticed in physical violence cases against women in India. ‘National Commission for Women received 26,513 complaints of domestic violence. 136,000 complaints under section 498A of Indian Penal Code was registered during 2005-2021, related to cruelty by husband or his relatives.’¹⁴

Main Forms of GBV or Violence against Women in India

In India most of the reported cases can categorized under these titles-

(A) Dowry related Deaths and Harassment

The murder or suicide of a married woman caused by a dispute over her dowry called dowry death. According to National Crime Records Bureau (NCRB) data, 6,589 dowry deaths were registered in the year 2021 all over the country. Reported dowry deaths are given in the table below-¹⁵

Table 2

Year	Reported dowry deaths
2008	8,172
2009	8,383
2010	8,391
2011	8,618
2012	8,233
2020	6,843
2021	6,589

Source: https://en.wikipedia.org/wiki/Violence_against_women_in_India#cite_ref-BBC_41-0

(B) Domestic Violence

Domestic violence is abuse by one partner against another in an intimate relationship such as dating, marriage, cohabitation or a familial relationship. It’s also known as domestic abuse, spousal abuse and battering etc. The Indian government has taken measures to try to reduce domestic violence through legislation such as the Protection of Women from Domestic Violence Act 2005. The cases of domestic violence occurring in a year are shown in the table.¹⁶

Table 3

Year	Reported cruelty by a husband or relative
2008	81,344

2009	89,546
2010	94,041
2011	99,135
2012	106,527
2013	118,866
2014	122,877
2015	113,403

Source: https://en.wikipedia.org/wiki/Violence_against_women_in_India#cite_ref-BBC_41-0

(C) Trafficking

Human trafficking in India, although illegal under Indian law, remains a significant problem. People are frequently illegally trafficked through India for the purposes of commercial sexual exploitation and forced/bonded labour. In given table cases of violations of the Immoral Traffic (Prevention) Act of 1956 in India.¹⁷

Table 4

Year	Violations of the Immoral Traffic Act
2008	2,659
2009	2,474
2010	2,499
2011	2,435
2012	2,563
2013	2,579
2014	2,070
2015	2,424

Source: https://en.wikipedia.org/wiki/Violence_against_women_in_India#cite_ref-BBC_41-0

(D) Acid Attacks

Acid attack is a form of violent assault used against women in India. Acid attacks are usually directed at a victim's face which burns the skin causing damage.

(E) Honour Crimes

Murder of a family member who has considered to have brought dishonour upon the family. The reasons for honour crimes are an arranged marriage against family, committing adultery, choosing a partner that the family disapproves of.

(F) Female Sex Selective Abortions

UN report says on estimated 2000 unborn girls are illegally aborted every day in India. The Govt. of India has passed Pre Conception and Pre Natal Diagnostics Techniques Act (PCPNDT) in 1994 to ban or punish pre natal sex screening and female feticide.

Every year number of cases registered by agencies which comes under above mentioned categories. In this patriarchal society women is a subject of subversion, she is not accepted as a free living being. On the name of different causes women are not allowed to enjoy equal rights on property, decisions, sexual behavior and liberty.

Solutions and Suggestions

Gender based violence can stop only with the multidimensional approach and with the comprehensive understanding of the problem.

1. We must realize that GBV is not related with the females only.
2. Men, Transgenders, Sexual minorities and others can also be victimize.
3. It's an Issue of Human Right Violation.
4. Gender Stereotypical behavior of society is the root cause of GBV.
5. Increasing the awareness and education can help to face the challenge.
6. Strengthening of Legal Framework and strict implementation of existing Laws and Policies.
7. Reforms in Judicial System, easy access to Justice.
8. Empowerment of Women, support, security and rehabilitation of survivors of GBV.
9. Introduce stronger laws to protect human rights.
10. Sensitive political leadership.

Conclusion- The Gender Based Violence is very complex issue which affects men, women and others in different ways. The denial of some one's dignity, violation of his or her human rights and rejection of equality and liberty for others, leads to such crimes. The State, institutions, Society, Family everywhere one can experience the torture and threats of such violation. Gender based violence, as any other form of violence, is an issue related to power dominance. It is based on a pseudo feeling of superiority, and the will to hold the power. This type of violence is deeply rooted in the socio-politico-cultural structure, norms, values which govern the society. GBV is based on the imbalance of the power within the society and the family. It is an act to humiliate a person or a group to feel inferior or subordinate. Awareness and strict laws can create a better environment for minorities, different sexual representation, stateless people, different genders. The respect for right of equality is important to allow to individuals to live him/her with dignity of human being.

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