CHAPTER–6

WOMEN’S OWN ROLE IN THE PREVENTION
OF CRIME AGAINST THEM

6.1. Introduction

The year 1975 was declared as the International Women’s Year. At the end of the year, the U.N.O. decided to declare the next ten years as the women’s decade. This declaration sparked off new endeavours to develop awareness on women’s issues, embracing all its relevant conditions - economic, social, political and religious.

The announcement of 1975 as the International Women's Year and the ensuing decade as women's decade, succeeded in its objective, though not materially improving the lot of Indian Women in any significant way, but at least in focusing attention on the situation of women and their problems. The attendant publicity both official and non-official provided a background against which women could think and voice their problems publicly seeking solutions without fear of ridicule or indifference. The objective situation of women had changed in a number of ways in the decades since Independence through the spread of women’s education, the emergence of middle-class working women in large numbers and the rise of political consciousness among more women as a result of the political turmoil of the late sixties and early seventies. Thus, the ground was prepared so that women could take advantage of the opportunity offered by 1975 of an increased level of general consciousness among the public, to look for concrete ways to improve their situation.¹

In India, specific activities to enhance the status of women were initiated in the 19th century under the ‘reform movement’. It demanded more humane treatment for women. Liberal male crusaders, their wives and some British administrators worked for abolition of Sati, child-marriage and other oppressive and cruel customs affecting women's lives. They actively advocated
women’s education, widow-remarriage and social reforms. Raja Ram Mohan Roy, Iswarchandra Vidya Sagar, Mahatma Phule, Ranade, Karsandas Mulji and Maharishi Karve were some of the leading personalities of the reform movement. Their contemporary, Pandit Ramabai, was even more radical reformer of her times and as such faced plenty of hardships.

For the first time, thousands of Indian women actively participated in the Nationalist Movement which occurred during 1940’s, under the leadership of Mahatma Gandhi. In the movement, women were mere vehicles who helped to achieve National Independence. There was no specific attention given to change the status of women. Once national independence was achieved, women stopped taking interest in the larger social issues. But with the blossoming of autonomous women’s groups, things started changing. It also forced the established women's organisations hitherto preoccupied with their ‘welfare activities’ or women’s front of political parties busy with election propaganda at the time of elections, to review their past and revitalize themselves.²

The Western women’s liberation movement, its literature and the issues raised by the feminist movement influenced many highly educated Indian women. Its main aspect was revolt because women were treated as objects and not as individual human beings. The women’s Liberation Movement generated great stir because it called for perception of equality and ‘liberation’ in a new context - from women's point of view. Initially women's liberation was not taken seriously. Anyone who talked of women's liberation was labelled as antiman. Feminists were an ‘ambitious’, ‘egocentric’, ‘individuallistic’ or ‘careerist’ lot. It was also said that all women who were frustrated, humiliated and rejected by males because of their 'ugly' looks and were unsuccessful in their lives joined the band-wagon of women's liberation. Many such preconceived notions prevailed.

But in spite of all these, during 1975 many small groups of 'women liberationists' started appearing. Many young women-activists who were
involved in various progressive, radical and Leftist organisations also started raising their voice against sexual discrimination within these organisations. All these organisations were sensitive to the problems of the poor, openly denounced casteism and communalism, talked of fighting against oppression and exploitation of the toilers and were utterly insensitive to oppression of women. Not only that, they were just perpetuating patriarchal norms and forms, directly or indirectly, in political as well as personal spheres. This angered women activists who found it necessary to form an independent and autonomous organisation of women.³

Around mid-seventies India witnessed the emergence of a new type of women’s groups and organisations which have been taking up women’s issues from a totally different perspective. Their activities were not restricted to merely passing resolutions or despatching delegations to various authorities. These groups indulged not only in militant activism to assert women's rights, but also made serious attempts to articulate their thoughts on the roots of oppression of women. Moreover, they were not guided by some big political leaders or parties. Young educated women took initiative to form autonomous women’s groups.⁴

The latter half of the International Women’s Decade has witnessed the formation and growth of women’s organisations like the Platform Against Rape, Stree Atyachar Virodhi Parishad and the ‘All India anti-Dowry Movement’. These organisations have voiced their anger at the injustice perpetrated to women and sought to redress it through socio-legal justice. These groups have now gained prominence because of their constant fight for justice, equality and freedom for women.⁵

These autonomous women’s groups occupy a very significant and striking position in the Indian women’s movement. New women’s groups are found in almost all urban areas of the country. They are addressing themselves to pressing women’s issues. These groups have been involved in mobilizing women; organizing campaigns ‘morchas’, ‘dharnas’, meetings as well as
working for the betterment of the life of polar women. Many of the groups have developed self help in health and legal issues. Attempts are made to provide support and shelter to women who have been harassed or are victims of social oppression. Besides other means of raising consciousness, they use techniques like street play, skits on burning issues, feminist songs, posters, exhibitions and Jathas. They have their journals in the regional languages and they also publish newsletters.⁶

6.2. Social Reforms and Women’s Movement in India

Ironically in India, it were the men and not women who initially took up the cause of women. Enlightened reformers launched a vigorous campaign against social evils affecting Indian women. They raised their voice in unequivocal terms for the restoration of women’s lost prestige, glory and rightful place in society. With religious zeal and rational fervour, they advocated the necessity of social reform and boldly met all the challenges thrown by the orthodox section of society. They firmly believed that with the betterment of women’s lot, the general progress and development of society would automatically follow. They aspired to revive the Vedic ideals of Indian womanhood. As a result there emerged a brilliant era of social reform in India.⁷

Although men were the first to take up the cause of Indian women, the latter came up closely behind and organized themselves for the upliftment of their kind. Some of the outstanding women of the nineteenth century like Ramabai Ranade, Anandibai Joshi, Annie Besant, Margaret E. Cousins, Sarla Devi Chaudhrani, Sarojini Nadiu, Herabai Tata, S. Muthulakshmi Reddi, Durga Bai Deshmukh, Raj Kumari Amrit Kaur, Vijai Lakshmi Pandit, Kamla Devi Chattopadhyaya, Begum Sharifa Hamid Ali, etc. struggled against heavy odds and pursued with all sincerity the object of women’s emancipation. With original mind and sharp intellect, they chalked out a definite scheme of constructive work and, in the end, succeeded in their life’s mission. They possessed the essential virtues of truth, beauty and goodness. They were, indeed, the true products of the nineteenth century Indian renaissance.
In the beginning, new liberal ideas made little impression on women. But they could not miss the refreshing and invigorating currents of western thought. When English education began to be popularly applauded in the country, a few enlightened women not only stood up to challenge their age-long intellectual isolation but also to discard boldly the obsolete customs and dead usages to which they had become a helpless victim. With their innate purity and moral force par excellence, they inaugurated the magnificent era of women's social regeneration and liberty. They represented the unique renaissance which began in India, in the very wake of alien contact, on account of an inner urge and restlessness within their very souls. It was an unparalleled event in the history of the country when Indian women experienced an intuitive call of resurgence which necessitated the spirit of introspection and self-analysis. A slow but steady upsurge became easily discernible. Women leaders turned to India’s glorious past and sought inspiration from the honoured state of Indian womanhood during the Rigvedic period. With a rich heritage in the background, they did not lag behind in choosing the best elements of democratic liberalism of the West. They began their long-awaited task and tried “to cut a pathway for the coming women to tread upon, cut it through dark and solitary forest of gloom with bleeding feet and bleeding hands, women who wrote the first gold letters on the new page of history that India had entered upon”. In fact, such great women became the true pathfinders and laid the foundation of the women’s movement in India.

There is no doubt that all these great women, mentioned above, gave guidance and direction to a movement which at that time was only in an embryonic stage. Their dauntless struggle against orthodox society became a source of inspiration for those who were to follow their footsteps later. They were unable in their short lives to completely emancipate Indian women, nor could this have been expected of them for the malady was deep-rooted in society. These outstanding women had succeeded in their mission inasmuch as
they sowed the seeds of women’s movement for later leaders to herald a vigorous campaign in the twentieth century.

6.3. Evolution of the Campaign Culture to Combat Crime against Women

The women’s movement in India launched campaigns against rape, domestic violence, sexism in advertisements as well as against state repression during caste and communal riots in the early eighties. Before that, during the post-emergency period of 1977-1980, small groups of women’s rights activists in Hyderabad, Bombay, Delhi and Madras had started taking up individual cases of custodial rape, deaths of housewives under mysterious circumstances and excesses by the state enforcement machinery during caste/communal riots which had increased in number and intensity of violence. The mass of poor women involved in the struggles of the tribal people, the industrial working classes and the Dalit movement faced misogyny from the members of their own organisation, social ostracism and violence perpetrated by the police, military and para-military force. With these kinds of experiences of individual, institutional and systemic violence, newly emerging women’s groups felt the necessity to put violence against women on the political agenda. While building up systematic campaigns in different socio-cultural context and among women of different economic backgrounds and political persuasions, they had to evolve day-to-day tactics to be effective and long-term strategies to carve out more space for women to gain gender justice within the system.9

The decade of the eighties was marked by the campaign culture in which women’s groups with different priorities and ideological positions had to evolve a network amongst themselves to combat powerful patriarchal forces operating within the institution of family, state and civil society. Among the political groups and civil liberties groups, violence against women became a hotly debated issue in the post-emergency period. Excesses by the authorities on women political prisoners (nearly 5000 in number) had generated new awareness about the question of gender violence. The democratic rights organisations had started highlighting rapes of poor and helpless women by the
policemen in Delhi, Ludhiana and Hyderabad. Detailed reports based on first-hand information collected by the investigation teams instituted by the democratic rights and civil liberties organisations in Delhi, Bombay, Hyderabad and Calcutta resulted in petitions and public interest litigations against violence against women by powerful forces. Newly emerging women's groups learnt a lot from these organisations, but at the same time found them inadequate because they refused to highlight violence against women perpetrated by men of the oppressed community, the oppressed caste and the working class. The issue of domestic violence created a major rift between the male-dominated progressive groups who refused to accept it as a public issue and the women's groups who came out with a slogan 'the personal is political'. While the progressive groups talked of world peace, the women's groups retorted by shouting 'peace begins at home'.

Building up campaigns in an atmosphere of large-scale ignorance about women's Constitutional rights forced the women's groups to approach the print media. The English press responded immediately, but the regional language press in the beginning made sensational use of the issue. Publicity for the campaigns in newspapers, periodicals, radio and television generated a sympathetic atmosphere for women's groups and played a crucial role towards educating the public. To combat the pernicious tendency to bait the victims of violence, women's groups and individual activists (men and women), put up poster exhibitions, slide shows, street-theatre and musical ballets. The use of the folk-medium in the cultural programmes enhanced the effectiveness of the campaign. It became an instrument to highlight the message and shatter myths about rape, domestic violence, double standards of sexual morality was found to be extremely effective; Thus street-theatre, intimate theatre and the audio-visual media were given prime importance by women's groups.

In 1982, they organised a 15-day national level cultural workshop in which the women activists learnt the skills to make audio-visual resource material to build a campaign. In the Indian women's movement, the songs
against violence have motivated many women to be actively involved in campaigning. Women discovered their own creativity while writing skits, plays and songs and their own tradition of folk-songs and dance while talking to women of their mothers’ and grandmothers’ generation.12

6.4. Methods of Campaigns: Workshops, Seminars & Conferences etc.

In the initial period of campaign-building, the most empowering influence was that of sharing of experience of violence in one’s own life, in the neighbourhood, in the community and at the workplace. This broke the isolation brought about due to guilt and helplessness in which women find themselves when confronted by violence. The common experience of gender violence which cuts across class, caste, religious and cultural boundaries created a bond among the women to come together for collective action.

Initially, there was a total aversion to the idea of counseling experts such as psychotherapists or professional social workers. The women’s rights groups believed in mutual counseling where two or more women with similar experiences talked to each other in an atmosphere of trust and confidentiality and decided on the line of action. An understanding exists that without the victim’s consent, no information should be published. The demand for public action and political campaign must come from the women concerned.13

In four national conferences of the women’s movement (during the decade 1980-1990), violence against women has been a continuous theme. Rural, urban and tribal women evolved a wide range of methods to combat violence. While poor women in Rajasthan fought against sexual advances of the contractor or supervisor by parading him naked, the rural women of Uttar Pradesh declared a strike from housework to protest against beatings by drunkard husbands. Tribal women from Dhulia and Uttarakhand broke pots of liquor to prevent domestic violence. Women slum-dwellers of Karnataka decided to strip themselves in front of the police station to protest against sexual harassment by police constables in their areas.14
It is found that relating incidents of violence against women is a totally ineffective method of conveying one's message. The women's groups have discovered that narrating an actual incident of violence in story form, reciting poetry describing dowry-murder or gang-rape, evolving songs on domestic violence, or slide shows on gender violence evoke better response from the audience. Analysis from the women's perspective of epics such as the Ramayana and Mahabharat of incidents of violence is done by Madhubani painters in the form of a series of posters on a long piece of cloth which is displayed at conferences, workshops or seminars.¹⁵

In the context of rising religious chauvinism, this kind of exhibition makes a powerful statement about gender violence condoned by institutionalized religion. Documentary films or documentary dramas on selective abortion of female foetuses, bride-burning, sexual assault, sati and coercion in family planning programmes have sensitized large sections of society - from school and college-going students and teachers, media-persons, legal experts, police officials to citizens at large.

It is necessary to deal with the issue from a multi-faced angle. The operational dimensions dealing with myths and reality of gender violence are many - how to approach the judicial system, the setting up of help-lines, the education in techniques of counselling which involves a sympathetic hearing of the victim 'without sitting in moral judgement, whether to go for media publicity or not, precautionary measures when one pays home visits, the importance of winning the confidence of the neighbours, when or how to mobilise public opinion, the need for appropriate songs, slogans, posters and the code of conduct to be observed.¹⁶

Public material generated by the women's movement in cases of violence against women is marked by a mix of emotive-poetic language and a militant stance. Most of the urban-based groups prepare their leaflets and pamphlets in the local language and a link language. Material for campaign building is generally written in a lucid, jargon-free language, and the slogans
which represent the demands of the group are usually catchy ones. Issue-based pamphlets such as on rape laws, dowry laws, domestic violence, the Deorala sati incident, report of the National Conference on Rape, amniocentesis tests and selective abortion of female foetuses, contraceptive techniques, reports of investigation teams on different cases of violence have proved to be very useful to educate the public. They provide much needed resource material for training workshops, for scholars and journalists and for making films and other audio-visual materials. There are very few books or special issues of serious periodicals focusing on gender violence. In this context, leaflets and pamphlets on the subject published by different non-government organisations, human rights organisation and women’s groups, both in English and regional languages of India, have proved to be very useful for new entrants to the cause. It is sad that there is no educational material on gender violence from a psychological or behavioral science perspective. Sexual abuse of children and pornography are other relatively untouched areas.17

I. Women’s Rights Activists and the Audio-visual Media

Initially there was a communication gap between the women’s groups dealing with gender violence and the media personnel. Women’s groups were worried about the instrumentalist use of women’s tragedy by the media for commercial concerns. Media personnel have their own stereotyped understanding of causes of gender violence. Journalists and film-makers, tended to trivialise the victims of violence by the voyeuristic use of camera angles, sexist humour, sensational titles which made the women’s groups extremely chary of dealing with them.

Several campaigns were launched against the degrading portrayal of women in films and against newspapers for reports on victims of violence which concentrated on their looks, dress or nature. Dialogues with media persons through letters to the editors of national newspapers, through lectures initiated by the mass communication institutes and through panel discussions have helped to create an atmosphere of trust and many suggestions of the
women's movement have been incorporated in the unwritten code of conduct of the communication media. An increasing number of women joining journalism or film and theatre direction also helped the process. Many women's rights activists have overcome the initial antipathy towards writing for mainstream newspapers or magazines and participating in radio and television programmes. Women's groups have published their newsletters and periodicals in regional languages to reach out to their sympathizers.\textsuperscript{18}

\textit{II. Campaigns by the Political Parties}

Violence against women has proved to be an effective bogey for the political parties to silence their adversaries. When they realised that the Indian women were serious about the issue, they also joined the bandwagon. For the opposition party, it became a law and order issue, which could be used to defame the ruling party. Coming in the wake of the publicity which surrounded Maya Tyagi, charged with dacoity, and gang-raped in a police station in 1980, the nationwide anti-rape campaign initiated by the autonomous women's groups made the political parties aware that women were a constituency. The incident was capitalised upon by the opposition to prove how inefficient the ruling party was. All major political parties have been guilty of making opportunistic use of cases of gender violence.\textsuperscript{19}

Women's groups in Pune and Bangalore demanded that all candidates standing for election (from the village council level to the Parliament level), should be boycotted if they had records of ill-treating women. Vimochana's campaign in Bangalore against such candidates resulted in all of them losing their seats in the election. The Forum for Women and Politics (Delhi) and Women's Liberation Co-ordination Committee (Maharashtra) made similar demands. In rhetoric, the parliamentary parties have included the issue of gender violence in their election manifestos. But in praxis, they have come up with contradictory positions; for example some leaders of the Bharatiya Janata Party advocated voluntary sati. Only on the issue of antenatal sex determination
tests, the All Party Parliamentary Committee had a consensus, but when it came to passing the bill, none of them demanded prompt action.\textsuperscript{20}

\textbf{6.5. Anti-Rape Movement in India}

Women’s rights movement in India gained a national character with an anti-rape movement in 1980. Its genesis is linked with the excesses committed by the state repressive machinery during the Emergency in India from 1975 to 1977.

In the post-emergency period, civil liberties organisations also highlighted rape of women in police custody, mass rape of the poor untouchable and Muslim women during caste and communal riots, and sexual molestation of tribal women by Central Reserve Police Force (CRPF), State Reserve Police Force (SRPF) and other paramilitary forces. The print media gave enormous coverage to the testimonies of women victims of sexual violence. Many began to question the powers given to the police and state authorities in the control of people’s lives. In 1980, when the Supreme Court of India gave its verdict on the Mathura Rape Case (\textit{Tukaram v. State of Maharashtra AIR 1979 SC 185}), there was a national outcry.\textsuperscript{21}

Mathura, a teenaged tribal girl, was raped by two policemen in the police station at the dead of night, while her relatives were weeping and wailing outside the police station. The legal battle began when a woman lawyer took up her case immediately after the event in 1972. The Sessions Court blamed Mathura for being a woman of ‘easy virtue’, and the two policemen were released. In the High Court judgement, the accused were given seven and a half-year imprisonment which was reverted by the judgement of the highest legal authority - the Supreme Court of India. It held that Mathura had given a wilful consent as she did not raise any alarm.\textsuperscript{22}

The resulting nationwide anti-rape campaign in 1980 demanded the reopening of the Mathura Rape Case and effecting of amendments in the Rape Law.\textsuperscript{23} Prominent lawyers took up the issue, as did the national and regional
language press. New groups of women were formed around this campaign. They organised public meetings and poster-campaigns, performed skits and street-plays, collected thousands of signatures in support of their demands, staged rallies and demonstrations, submitted petitions to MLAs and the Prime Minister, and generally alerted the public to the treatment meted out to rape victims. The initiative came from the middle-class, educated and urban women. Later on, political parties and mass organisations also joined the bandwagon. 

I. Debates on Reforms in the Rape Laws

The demand for amendments in the existing Rape Law touched a wide variety of issues concerning the social construction of sexuality that reflected in the assumptions in the law and in the civil society about women, past sexual history of the rape victim, procedures of the criminal justice system, First Investigation Report (FIR), inquest, medical examination and rights of women in custody in India.

Two booklets represented the debates and discussions amongst the feminists and the democratic rights activists on gang-rape, custodial rape, rape in the family, burden of proof, etc. When the National Conference on ‘Perspective for Women’s Liberation Movement in India’ was held in Bombay in November 1980, the proposed Rape Bill was the most controversial issue.

As a result of rigorous debate amongst the feminists, it was resolved that demands of the women’s organisations should be as follows:

1. A woman should be interrogated only at her dwelling place.
2. During interrogation by police officer, a woman should be allowed to have a male relative or friend or women social workers present with her.
3. Women who are detained in custody should be kept in a separate lock-up meant for women only. If there is no such lock-up available then the women should be kept in a children’s or women’s home meant for the protection and welfare of women.
4. The medical report of a rape victim should state the reasons for arriving at the conclusions and should be forwarded without delay to the Magistrate to avoid possibility of tampering.

5. During the trial for rape, the past sexual history of the rape victim should be excluded from the evidence.

6. A police officer who refuses to record a complaint should be held guilty of an offence.

7. Section 375 of the Indian Penal Code which clarifies that the consent of the woman, in order to be considered as consent, must be absolutely free and voluntary, must be amended in view of the Mathura Case.

8. The provision about 'burden of proof' in Section 114-A of the Indian Evidence Act must be changed, and it should be added that in cases where the accused in a rape trial is a public servant, police officer, superintendent or manager of a jailor hospital or remand home, where sexual intercourse is proved and the woman makes a statement on oath that she did not consent to the sexual intercourse, then the court shall presume that she did not consent.26

The last point raised a major controversy as many feminists felt that in all cases of rape the burden of proof should be on the accused and not on the victim, given the nature of the offense, the dominant position of men over women, and the impossibility of proving lack of consent in any other way except by stating that she did not consent. Women activists from the mass movement background felt that such a provision could be abused to victimise the male members of the trade-unions by the management and the male activists of the dalit, tribal and peasant organisations by local vested interests.

II. Criminal Law Amendment Act (1983)

After three years of heated debates in the women's groups, media and the Law Commission of India, the Parliament passed the Criminal Law (Amendment) Act, 1983. This Act amended the Indian Penal Code, the Code of
Criminal Procedure and the Indian Evidence Act with respect to the law relating to rape. As per this Act, revealing the identity of a rape-victim is an offence. Though this Act maintains more or less the same definition of rape, it introduces many new categories of offence of sexual intercourse by persons in custodial situations, such as superintendents of hospitals, remand homes, prison and police officials, with women in their custody.

In cases of custodial rape, the burden of proof lies with men and if a woman victim makes a statement that she did not consent, the court would believe that she did not consent. Feminists had demanded that marital rape should also be considered a punishable offence, but this demand was rejected, and thus, the Government supported the popular social belief that a married man has the right to have sexual intercourse with his wife, with or without consent. The rejection certainly meant that the Act did not fully meet the aspirations of the women’s movement. In spite of this limitation, popular debate on the subject enhanced self-confidence and the sense of solidarity within the women’s movement.27

The Act makes it clear that “Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape”.28 The only change made by the amended Act, is in provision that sexual intercourse with consent, when it is obtained by putting any person in whom she is interested in fear of death or being hurt is rape.

As per section 376 of the Indian Penal Code 1860, the minimum punishment for rape is seven years and the maximum, life imprisonment. If the judge finds valid reasons he/she can impose a sentence of less than seven years. In the cases of ‘custodial rape’ or ‘gang rape’ the minimum sentence is of ten years and the offence is cognizable and non-bailable. Sexual intercourse by a man with his wife who is living separately from him under a decree of separation or under any custom or usage, without her consent is punishable with imprisonment which may extend to two years. This offence is cognizable and bailable. This definition of rape makes it clear that the husband has a right
to have sexual intercourse with his wife with or without her consent. The underlying notion in this provision that does not see a man as guilty of raping his wife is that a woman is the private property of her husband and he can use/abuse her the way he wants.

Many women’s rights organisations had demanded that forcible sexual intercourse by a man with his wife should also be defined as an offence of rape. But the Law Commission of India refused this demand. At the same time it introduced a new section, which makes forcible intercourse by a man with his judicially separated wife an offence. Commenting on this, a progressive legal activists’ organisation, Lawyers’ Collective, commented: “This new section is a small step forward in the direction of recognising the rights of the wife not to be raped by her husband”.  

III. Mass Rape During Caste and Communal Riots

Human Rights organisations and women’s groups have provided detailed testimonies of mass rape of Dalit women during caste riots in Marathwada (1978), Ahmedabad (1983), Bhojpur (1985), Nagpur (1988) and communal riots in Delhi and Bombay (1984), and Bhopal and Surat (1993) and Godhra (2000) to the government. In most of the above-mentioned cases the state enforcement machinery was either indifferent to the plight of the victim or directly involved in perpetrating violence against them in collaboration with anti-social elements. But, in none of the above mentioned cases has the criminal justice system brought the culprits to book.

In the beginning of the anti-rape movement, many women’s groups had put forward the demand to the state that it should increase its number of women judges to ensure gender-justice and more police-women to ensure sympathetic treatment to women victims. But the last one decade has given ample evidence that just by virtue of being women, they are not going to be more sensitive or judicious about women’s issues. Women judges and women police being representatives of the state do not behave differently from the male judges
when it comes to taking sides. After all, Maya Tyagi was inhumanly tortured by 
a woman police constable who also encouraged her male colleagues to parade 
her unclothed in a public place. Women officials in jails and remand-homes 
behave as inhumanly with women in their custody as their male counterparts. 

The government had set up several judicial inquiries to contain the 
public fury after an individual case of rape or cases of mass rape were reported. 
Reports of the inquiry commissions gather dust in government offices, and are 
not circulated or discussed widely. None of their recommendations are 
implemented. To the government, this exercise is a safety valve tactic to 
contain public fury. 

IV. Role of Media in Activating State Apparatus 

Media publicity has proved to be the most effective tool in activating the 
state apparatus. In the post-emergency period, investigative journalism got 
pride of place in the mainstream media. On the one hand, a plethora of 
sensational articles trivialized the issue, but on the other hand, several sensitive 
portrayals of related issues were also given space in the media. Many protest 
agitations by women’s groups and mass organisations against rape of poor, 
dalit, tribal or minority women would have been ruthlessly crushed without 
media coverage. Thus, media publicity can be doubled-edged. Gender 
sensitization programmes for journalists and other mass communication 
personnels are viewed as a necessity by the women’s groups.30 

6.6. Campaigns Against Gender Violence by the State Apparatus (The 
Information and Broadcasting Department of the Government of 
India and the National Commission for Women) 

The initiative of the campaign against gender violence came from the 
Government of Maharashtra around the end of the 1975-1985 UN decade. It 
sponsored the poster exhibition prepared by a Pune-based feminist group and 
circulated it nationally. The same government passed an Act to regulate anti-
natal sex-determination tests. After the Government of India signed the charter
on media of the Nairobi Forward-Looking Strategy (1985-2000 A.D.), the
government controlled media gave top priority to the issue.

Legal awareness about the Constitution to deal with gender violence is
given major importance by the Information and Broadcasting Ministry of the
Government of India. The scripts for films or serials, panel discussions and
educational programmes on the theme of gender violence have received top
priority in recent times on the electronic media. The unequal sex-ratio (933
women to 1000 men), the lowest in the history of the Census, has shocked the
policy makers into realizing that violence against women is the root cause that
affects the survival of women. The first comprehensive document on Indian
women, Towards Equality, published in 2001, had ignored this issue but the
National Perspective Plan for Women (1988-2000 A.D.), had incorporated the
demands of the women’s movement in India. The National Commission for
Women set up by the Government of India has taken up several cases of
violence against women perpetrated by the custodians of law and order in
different parts of India.\(^{31}\)

6.7. Concluding Remarks

Today, there are many educated women in India who, in the name of
modernity, are ready to sacrifice even the best of their culture and tradition and
become westernized butterflies. At the same time, there are numerous women
still living under medieval notions and superstitions. They observe purdah,
worship prê\(t\) (evil forces), love jewellery more than their life and nourish blind
faith.

The women’s organizations which exist today are mostly narrow in
scope and nature. They are either serving helpless women in earning their
livelihood or they are clubs for entertainment for the upper class women. There
is no well-defined programme before these organizations. Most of them have
become inactive and obsolete as the women members complain of lack of time and
avoid meeting even once a month. Most of the ladies’ club restrict their
activities to chess and card-playing or organizing tambolas. The middle class women who are serving in various professions actually do not get time to join the organizations. The lower class women who are busy with their household drudgeries have to face the hard realities of life and have neither the time nor the inclination and ability to be useful for any organizational work.

Another issue is that, women's groups have so far given major importance to preventive measures – evolving support structures to help the victims of violence, filing legal cases, helping women rebuild their lives. But women activists are increasingly realizing that this is not enough and we must strike at the root cause of violence. What needs to be changed is the value system and the existing structures that engender violence against women. So far, women's groups have shunned discussion on the subject with men. But it is increasingly felt that men should be involved in the process of combating violence against women. Women's sexuality is socially constructed and given the patriarchal control over their existence, it becomes imperative that men are drawn into the process of rethinking. The power equation that exists between men and women needs to be deconstructed through an honest exchange of ideas. Deep-rooted notions of the ‘the good woman vs. the bad woman, ‘she deserves it’, ‘today's women expect too much’, ‘need to be discussed in an atmosphere where men need not be defensive. In this context, organisations of men against gender violence should not be laughed at. Instead, the women’s rights activists should hold dialogues with them on issues such as what we mean by objectification of women, violence of women’s dignity, the terms sexist and sexism, indecent portrayal of women vs. aesthetically appealing portrayal of a human being.

During the eighties the women's movement in India was concerned mainly with fighting against the sexist behaviour of the state enforcement machinery, but now its efforts have been directed at creating of a pro-women environment so that the victims of sexual violence can get legal redress and societal attitude towards women’s sexuality can change. Articulate women
journalists and activists attend government-sponsored training programmes and act as resource-persons for gender-sensitisation of police officers, administrators, judges, etc. Initially, women activists were reluctant to have a dialogue with them, as, while dealing with day-to-day practical issues, bureaucrats, forest officials and police officials were not found helpful to women’s cause.34

In the final analysis, we come to a perspective that gender violence is a violation of human rights that needs to be combated by both men and women who believe in justice for all citizens irrespective of their class, caste, racial, religious and ethnic backgrounds.

In an era of globalization, the campaign against gender violence has acquired a global dimension. The efforts of women’s organisations all over the globe have culminated in a campaign to get the clause “Violence against women is violation of human rights” included in the UN charter on human rights. Women’s groups in India have taken this campaign initiated by the Centre for Global Issues and Women’s leadership quite seriously. In the UN Tribunal on Violence Against Women – Rape as a War Crime, many feminists made presentations on the Indian situation. Any minor campaign built up locally has its limitations. Unless it is connected globally, it does not make much impact on terms of legal provisions, response of the state enforcement machinery, code of conduct of the military and paramilitary forces, media and political parties. The women’s movement in India has gained a lot in terms of successful campaign building from resource material from the International Women’s Tribunal Centre, New York, literature from Rape crisis Centres and Battered Women’s Homes in the U.S.A., Canada and Asian Countries such as Pakistan, Sri Lanka and the Philippines. In the multi-cultural context of today’s existence, with the electronic media penetrating the remotest corner of the global village, international campaign building, with the perspective of “Think globally, act locally”, is the only answer to newer and newer forms of violence against women that are marketed from different parts of the world.
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3. *Id.* at 119.

4. *Id.* at 11.


9. *Supra* note 5.

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13. *Supra* note 5.


15. Leaflets, Circulars, Pamphlets of Saheli (Delhi), Forum Against Oppression of Women (Bombay), Women’s Centre (Bombay), Vimochana (Bangalore) published during 1980-1992.


31. Reports of Campaigns against Gender Violence published in Ansuya (Ahmedabad) by the Self Employed Women’s Association and Narimukti (Baroda) in Gujarati, Awaz-Aurat-Ki (Raipur) and Apni Azadi Ke Liya (Patna) in Hindi and Stree Lalkari (Bombay) in Marathi during 1985-1993.

32. *Supra* note 1.

33. *Supra* note 18.

34. *Supra* note 1.
CHAPTER–7

POSITION OF WOMEN: INTERNATIONAL SCENARIO

7.1. Introduction

Agencies of the United Nations have declared in many documents and forums that violence against women is an obstacle to the achievement of the objectives of equality, development and peace. As such, women’s vulnerability to violence violates and impairs enjoyment of their human rights and fundamental freedoms.¹ It has been described by the Secretary-General of the UN as the most shameful human rights violation and perhaps the most pervasive.²

Decades of research and action have led to a deeper understanding of the multi-faceted nature of male violence directed at women. Such acts of violence encompass human rights, health, criminal justice, economic and social justice dimensions. However, the prevalence and breadth of women’s experiences of male violence are only gradually becoming known. The World Bank estimates that globally violence causes more ill health for women than malaria and traffic accidents combined and that it is equally serious in causing death and incapacity among women of reproductive age as cancer (World Bank, 1993). The direct and indirect economic consequences of violence against women, both at an individual and a societal level, are beginning to be documented.³

Violence against women takes many forms. The 1993 United Nations Declaration on the Elimination of Violence Against Women was the first to arrive at an internationally agreed upon definition of violence as it pertains to women’s experiences. Violence was defined as:

Any act 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.
The Declaration specifies that this definition should encompass, but not be limited to, acts of physical, sexual and psychological violence in the family, community or perpetrated or condoned by the State where it occurs. The 1995 Beijing Platform for Action expanded this definition, specifying that violence against women includes violations of the rights of women in situations of armed conflict including systematic rape, sexual slavery, forced pregnancy, forced sterilization, forced abortion, coerced or forced use of contraceptives, prenatal sex selection and female infanticide.

Around the world, women suffer intimate partner violence, marital rape, rape by other men known to them and by strangers, incest, foeticide, sexual harassment, trafficking for the purposes of forced labour or prostitution, dowry-related violence, honour killings, other forms of femicide, acid attacks, and female genital mutilation. These acts are considered to be “gender-based” violence because they are committed almost exclusively by men against women, and are supported by gender inequalities at the societal level. Individual acts of violence are supported overtly or tacitly by cultural, social or religious norms and economic inequalities, which can serve to undermine legal prohibitions against such acts. The term “gender-based violence” underscores the links between women’s social and economic status and their vulnerability to male violence.

Studies have confirmed that violence affects vast numbers of women around the globe. In a summary of 80 population-based surveys conducted in more than 50 countries, Ellsberg & Heise find that:

- between 10% and 60% of women who have ever been married or had a partner have experienced at least one incident of physical violence by an intimate partner.

- Women are more likely to be murdered by an intimate partner than by anyone else.
One-half of ever-partnered women in some countries have experienced sexual violence by an intimate partner.

In addition, up to one-half of adolescent girls report their first sexual encounter as coerced.\(^5\)

While progress has been made in tackling crime against women and providing support to victims in many countries, new forms are emerging. Human trafficking is overtaking drug smuggling as one of the world’s fastest growing illegal activity, although estimates of the dimensions of the problem vary. A report by the United Nations Office on Drugs and Crime estimates that between 700,000 and 2 million people are trafficked each year. The United States Trafficking in Persons report estimates that between 600,000 and 800,000 persons are trafficked each year, the majority for commercial sexual exploitation (US State Department 2005). Approximately 80% are women and girls.

The impact of violence on women, girls and societies can be profound. According to OXFAM, there are 50 million fewer women in South Asia today than there should be due to sex-selective abortions, violence, and neglect. Girls and women have less to eat than boys and men, are often denied an education, are forced into dowry marriages, and have little or no access to proper health care.\(^6\) The premature death of women and girls due to gender discrimination, unequal access to resources, violence and neglect is known as the “missing women” phenomenon.\(^7\) Worldwide, missing women number approximately 100 million.

Violence against women is a deeply entrenched problem in most societies because attitudes and practices that support violence are institutionalized in custom and law at all levels of society-marriage and the family, home, community and state. Women traditionally have not had access to positions of authority in society and therefore have not had the power to define what is harmful to them and what action should be undertaken to
prevent violence and provide support to victims. The penetration of violence against women and the inadequacy of responses to it are a direct result of women’s lower social and economic status. The reverse is also true: a pervasive culture of gender-based violence erodes women’s fundamental rights to life, health, security, bodily integrity, political participation, food, work and shelter. Even where violence against women is officially prohibited by law, societal attitudes and legal systems are permeated by social norms that reinforce gender inequality and prevent women from having access to justice. In countries where prohibitions against sexual assault and intimate partner violence exist, weak enforcement of laws reduces their effectiveness. It is little wonder that sexual assault and intimate partner violence are the most under-reported of all crimes.

7.2. Rights of Women under International Law

The United Nations, from the very day of its inception from 1945 till date worked to secure women’s legal equality. The United Nations has chalked out a comprehensive programme by means of various conventions to uplift and develop the status of women in the field of education, politics including the position in social life with the formation of the Commission on Human Rights and the Commission on the Status of Women in 1946 and the adoption of the Universal Declaration of Human Rights in 1948. The United Nations had also undertaken a massive research study to assess the position and status of women across the world. It was found that in many parts of the world the women have constantly been denied equality in law and also in practice. They are compelled to live under male dominated world and are subjected to variety of discriminations. As a result the United Nations incorporated a series of treaties and Conventions to achieve the equal legal and political rights of women worldwide.

It is pertinent to briefly discuss the achievements of the United Nations in the field of women's right since 1948. These are:
1. Universal Declaration on Human Rights, 1948
2. Convention on the Political Rights of Women, 1953
6. Declaration on the Elimination of Violence Against Women, 1993
8. Commission on Status of Women, 1946

**I. Universal Declaration on Human Rights, 1948**

The Preamble of the Universal Declaration on Human Rights, 1948 declares the Universal Declaration of Human Rights as a Common standard of achievement for all peoples and for all nations, with the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and educating to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member States themselves and among the people of territories and their jurisdiction.

Thus, the Preamble of declaration shows the importance and necessity of having faith in the fundamental human rights and dignity of individual including men and women. The Declaration envisaged the basic principles of human rights in a most comprehensive manner. The Declaration dealt with civil and political rights of men and women in terms of equality. It also dealt with the social and economic rights.

According to Article 2 of the Universal Declaration an Human Rights—
“Everyone is entitled to all the rights and freedom set forth in this Declaration without discrimination of any kind, such as race, colour, sex, language,
religion, political or other opinion, national or social origin, property or other status. Therefore, no discrimination shall be made on the basis of the political, jurisdictional status of the country to which a person belongs”.

In this context, Articles 1 and 3 of the Universal Declaration on Human Rights are very significant.

According to Article 1 of the said Declaration - all human beings are born free and equal in dignity and rights. They should act with understanding and spirit of brotherhood.

Article 3 of the said Declaration deals with the right to life, liberty and security. This Article says that everyone has the right to life, liberty and security of person irrespective of the country or territory he/she belongs. Further, Article 7 of the said Declaration provides that all are equal before the law and are entitled, without any discrimination, to equal protection of law.

Civil and Political Rights

Articles 3 to 21 of the Universal Declaration on Human Rights deal with the civil and political rights. These are as follows:

1. Right to life, liberty and security of persons (Article 3)
2. Freedom from slavery or servitude (Article 4)
3. Prohibition against torture, inhuman or degrading treatment or punishment (Article 5).
4. Recognition as a person before the law (Article 6).
5. Equality before the law and equal protection of the law without any discrimination (Article 7).
6. Effective remedy before the national tribunals (Article 8).
7. Freedom from arbitrary arrest, detention or exile (Article 9).
8. Right to a fair and public hearing by an independent and impartial tribunal (Article 10).
9. Presumption of innocence until proved guilty in a public trial with all
guarantees necessary for defence in criminal cases (Article 11, para 1).

10. Freedom from *ex-post facto* laws (Article 11, para 21.

11. Right to privacy, family, home and correspondence (Article 12).

12. Right to free movement and residence within the borders of a State (Article 13, Para 1).

13. Right to leave any country, including his own and to return to his country (Article 13, para 2).

14. Right to seek and to enjoy in other countries asylum from persecution (Article 14, Para 1).

15. Right to a nationality (Article 15).

16. Right to marry and find a family (Article 16). 17: Right to own property (Article 17).

18. Right to freedom of thought, conscience and religion (Article 18).

19. Right to freedom of opinion and expression (Article 19).

20. Right to freedom of peaceful assembly and association (Article 20)

21. Right to participate in the government of his country (Article 21).

*Economic and Social Rights*

Articles 22 to 28 of the Universal Declaration on Human Rights deal with economic and social rights which are as follows :-

1. Right to social security (Article 22).

2. Right to work and free choice of employment (Article 23).

3. Right to rest and leisure (Article 24).

4. Right to a standard of living adequate for the health of himself and of his family (Article 25).

5. Right to education (Article 26).

6. Right to participate in cultural life (Article 27).

7. Right to good social and international order (Article 28)

The Declaration has laid down under Article 29 certain limitations to
these rights and freedom. It contemplates that everyone has duties to the community in which alone the final and full development of his/her personality is possible. Para 2 of Article 29 has provided that the rights shall be provided to the individuals subject to just requirements of morality, public order and the general welfare in a democratic society. Thus, the rights contemplated in the Universal Declaration on Human Rights, 1948 are not absolute.

Further, the International Covenant on Economic, Social and Cultural Rights, 1966 declares under Article 3 of the said covenant as under :-

"The State parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant."

The International Covenant on Civil and Political Rights, 1966 proclaims under Article 3, as under:

"The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant".

It is submitted that the United Nations had attempted to ensure civil, political, social and economic rights to all human beings with special reference to women at worldwide scenario.

*Legal Effect of the Declaration*

The Universal Declaration on Human Rights, 1948 is a proclamation of the United Nations providing common standard of achievement. It recognized the inherent dignity and equality among the people, i.e., men and women. The concept of human rights mentioned in the proclamation is universal, indivisible, interdependent and interrelated. It is the duty of the states to promote and protect the social, political, civil and economic rights of all human beings.
The said proclamation was not meant to be legally binding and therefore, it did not impose any legal obligation on the States to give effect to its provisions. The nature of provisions contemplated in the said proclamation is only recommendatory and it was not strictly binding on the States. However, it contains authoritative interpretation of the provisions of the Chapter. The General Assembly of the United Nations proclaimed Universal Declaration on Human Rights as a common standard of achievement for all peoples and all nations and called upon all member States and all people to promote and secure the effective recognition and observance of the rights and freedom set forth therein. The chief object of the Universal Declaration on Human Rights was to present the ideas of human rights and freedoms in order to induce everybody to work for their progressive realization.

II. Convention on the Political Rights of Women, 1953


The Convention further emphasizes regarding recognition of the principles of equality in the public employment and also representation of men and women equally in the Government of his/her country directly or indirectly by means of freely chosen voting system.

By virtue of Article I of the said Convention, the women shall be entitled to vote in all elections on equal terms with men and there should not be any discrimination on any ground. Women shall be eligible for election to all elected institutions as provided under Article II of the Convention. According to Article III of the said Convention, women shall be entitled to hold public office and perform public functions on equal terms with men.
III. Convention on the Nationality of Married Women, 1957

Notably, the Commission on the Status of Women in 1949 expressed the concern regarding the determination of nationality of a married woman in the context of marriage and its dissolution. Consequently, Commission prepared draft of the Convention in 1957 which was adopted by the General Assembly of the United Nations and was called the Convention of the Nationality of Women, 1957.

Various commitments were undertaken by the contracting parties. Briefly these are as under:

(i) **Article 1** - Neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during the marriage, shall automatically, affect the nationality of wife;

(ii) **Article 2** - Neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national;

(iii) **Article 3, Para I** - The alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures. However, the grant of such nationality may be subject to such limitations as may be imposed in the interest of national security or public policy.

(iv) **Article 3, Para 2** - The present Convention shall not be construed as affecting legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband’s nationality as a matter of right.

IV. Declaration on Elimination of Discrimination Against Women, 1967

On 7th December, 1967, the General Assembly of the United Nations adopted the Declaration on Elimination of Discrimination Against Women.
1967. The Preamble of this Declaration states that despite the existence of various conventions protecting the right of women the discrimination against women continues. This Declaration is pledged to eradicate the discrimination against women in any form. It re-affirms the principle of equality of right of women in the worldwide scenario.

Article 10 of the Declaration on Elimination of Discrimination Against Women, 1967 states that all adequate measures shall be undertaken to ensure equality of married or unmarried women with men in the social and economic fields and specifically –

(i) the right without discrimination on grounds of marital status or any other grounds to receive vocational training to work, to free choice of profession and employment;

(ii) the right to equal pay/salary with men;

(iii) the right to equal treatment relating to work of similar nature;

(iv) the right to receive family allowance on equal terms with men.

With a view to prevent discrimination the status of women is to be regarded with equality in respect of married or unmarried in public employment and consequential family benefits. However, physical incapacity of a woman shall not be treated as a discrimination.

V. Convention on the Elimination of All Forms of Discrimination Against Women, 1979

To achieve the provisions incorporated in Articles 1, 2 and 55 of the Charter of the United Nations, the Declaration on the Elimination of Discrimination Against Women, 1967 was adopted by the General Assembly of the United Nations which consequently paved the way to the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
By means of the said convention it was reiterated that the State Parties to the International Covenant on Human Rights are under obligation to provide equal rights to men and women in civil, political, social, economic and also cultural fields. The specialized agencies have to be established in order to achieve the fundamental objectives of the Conventions and the efforts should be made to root out all the forms of discrimination between men and women, as discrimination of any kind is a sure obstacle to the participation of women with men.

The State Parties to the Convention were fully convinced that discrimination is an important factor causing obstruction in the development and advancement of women with men at national and international level. It was realized that achieving equality of women with men is must in the present scenario.

VI. Declaration on the Elimination of Violence Against Women, 1993

The General Assembly of the United Nations through its resolution adopted the Declaration on the Elimination of Violence Against Women in 1993. Notably, this Declaration is the first of its kind which exclusively dealt with the elimination of violence against women and intended to protect the fundamental right of freedom of women.

Article 1 of the said Declaration provides that violence means “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”. In view of this definition, ‘violence’ is not only physical or sexual harm to women but also psychological harm caused on women.

VII. Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999

By means of this protocol it was realised by the State Parties to the Convention on the Elimination of All Forms of Discrimination Against
Women, 1979 that there is an urgent need to gear up by all adequate means to
ensure full and equal enjoyment of freedom by women of all human rights.

Under the said protocol the State Parties agreed as under:

(i) to recognize and constitute Committee to receive and consider
communication pertaining to the issue of discrimination in respect of
women. Such communication could be received and considered with the
consent of victims of violation unless the author of communication can
justify acting on their behalf without such consent;

(ii) it is necessary that communication must be in writing and it must not be
anonymous;

(iii) the Committee constituted under the said protocol shall not consider the
communication unless it is shown that all available domestic remedies are
exhausted;

(iv) the Committee shall be competent to declare a particular Communication
non-considerable if :-

(a) the same matter is already considered;

(b) the communication is beyond the scope of the Committee;

(c) the communication is ill founded and it is not substantial;

(d) the communication amounts to abuse of process;

(v) the Committee shall be empowered to communicate further to the State
Party concerned in case of urgent consideration needed in the matter.

(vi) under extra-ordinary circumstances the Committee may consider the
communication submitted as confidential with the intimation to the State
Party concerned, within six months from the date of Communication
submitted, State party shall be liable to submit explanation clarifying the
matter and available remedy;

(vii) the Committee shall consider Communication submitted to it in the light
of all informations furnished to it.
After examination of the matter the Committee shall communicate its view and its recommendations to the State Parties concerned and within six months' period the State Party concerned shall submit its written response to the Committee and details of measures undertaken. The Committee may further invite information from the State Party concerned on any particular issue.

(viii) the Committee shall ensure that individuals who gave communication and dealt with the Committee are not subjected to ill-treatment or intimidation.

In this context it is pertinent to note that India, one of the signatories to this Protocol, has shown the Parliamentary endeavour in the field. As a result in the year 2005 the Parliament has passed the enactment to be called the Protection of Women from the Domestic Violence Act. However, we are yet to experience its effect in lowering crime graph of domestic violence against women. Unfortunately, as the crime statistics to be relied, India is one of the leading country in such type of crime.

VIII. Commission on the Status of Women, 1946

In 1946, the Economic and Social Council established its functional Commission to be known as the Commission on the Status of Women. This Commission is having the main functions as under:

(i) to prepare report and its recommendations relating to measures that are to be taken in promotion of the rights of women in the field of education, politics, civil, social and economics; and

(ii) to make recommendations on the matter which is of urgent nature in the field of women’s rights.

At present the Commission is consisting of 45 members whereas at its inception there were only 15 members. These members are the representatives of the United Nations elected by the Economic and Social Council. The
Commission on the status of women meets biennially holding its session for three weeks. The Commission is duty bound to submit its report of each session to the Economic and Social Council, with its recommendations in the field of promotion and protection of women's rights.

It would be pertinent at this juncture to refer at least two important International Conferences, namely:-

1. Vienna Conference
2. Beijing Conference

1. Vienna Conference: The Commission on the Status of Women has made significant contribution in the field of women's rights, from its very inception. In 1975, the First World Conference on Women was held in Mexico city which raised the themes of equality, development and peace at the international level. However, in 1980, the Second World conference was held in Copenhagen, which added the themes of education, employment and health. The Third World Conference on Women was held in Nairobi to review and assess the achievements during the period commencing from the year 1976 to 1985. From 29th March to 7th April, 1989 the Conference was held at Vienna, the Commission on the Status of Women in its thirty-third Session emphasized that serious endeavours must be made to propel the campaign for advancement of women and their rights as the development and advancement of women's rights have been slowed down. The Commission adopted 23 variety of points such as AIDS, aging, refugees and displaced women, poverty and apartheid and submitted the drafts for approval to the Economic and Social Council of the United Nations. During Vienna Conference the Commission on the Status of Women pledged unanimously on the elimination of violence against women and also realised that it is a major hurdle to the achievement of equality, development and peace. On the other hand, in 1992 U.N. Experts Group had submitted a draft declaration on the subject of violence against women to be considered by the Committee dealing with the status of women. Notably, it was for the first time that the subject of physical, sexual and psychological violence
against women was addressed vehemently. As a result in 1999 an optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 was adopted.

2. Beijing Conference: From 4th to 15th September, 1995 the Fourth world Conference on Women was held in Beijing (China). In its thirty-seventh Session, the Commission on the Status of Women expressed 'a serious concern' relating to women's rights. Thereafter, a number of U.N. Sponsored international conferences on women proposed programmes in the field of human rights of women.

In April 1995, a draft document was approved during the thirty-ninth session of the U.N. Commission on the Status of Women which was presented at Beijing Conference. This draft showed the review and appraisal of the progress made by women since 1985. The draft was adopted at the Third U.N. Conference on Women held in Nairobi in the year 2000. The 'platform for Action' a blue print for the advancement of women in the countries around the world contained 362 paragraphs. The platform for Action recommended action in twelve areas of concern as these areas were considered to be hurdle in the women's advancement. These areas of concern are poverty, education, health, violence, armed and other conflicts, economic participation, power sharing and decision making, national and international machineries, human rights, mass media, environment and development and the girl child.

South Asian Association for Regional Cooperation (SAARC)

Besides the United Nations and other International bodies, the South Asian Association for Regional Cooperation consisting of South Asian Countries, has adopted a Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, in its Eleventh Summit in Kathmandu in January, 2002 .. Under Article 3 of the said Convention, it is provided that State Parties to the Convention shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law.
It is submitted that we are yet to achieve desired result in spite of various Conventions. The position of women is really deplorable in the developing countries and India is one of them. Unless we improve the fundamental educational system and bring public awareness in the field of women’s rights we cannot attain success in the relevant field. Thus, India is still the male dominated society, although some noticeable changes have taken place but we are yet to come at the level of women's position in the developed countries.

7.3. The International Legal Framework for Crime Against Women

Until 1945, international law did not focus specifically on the rights of individuals. The birth of the United Nations changed this scenario and in view of the founding principles, the United Nations condemned any discrimination on the basis of race, sex, language or religion. The Universal Declaration of Human Rights of 1948 further strengthened the rights of individuals. It also included a specific provision on equality between men and women, although the different gendered realities of men and women were not considered. Furthermore, it did not offer any concrete guidelines for preventing discrimination against women.11 In the 1950s and 1960s the United Nations adopted instruments governing women’s political rights as well as conventions on women’s rights in marriage.12 However, although the international human rights instruments were based on the principles of generality, equality and non-discrimination, women’s rights and issues were largely marginalized in international law until the 1970s.13

In the 1990s, violence against women began to be viewed as a public health problem and was identified as a leading cause of injury and death to women. Public health agencies, including the World Health Organization, became active in violence prevention and public awareness campaigns, and surveillance and monitoring was broadened through women’s health and reproductive clinics. In 1993, the Global Campaign for Women’s Human Rights led the effort to place women’s human rights on the agenda of the
World Conference on Human Rights in Vienna. This was the critical point at which violence against women became recognised as a human rights issue. The human rights perspective helps broaden the understanding of what should be included under a definition of violence against women from one that is narrowly understood as a private matter between married couples or an attack by a stranger on the street, to a broader definition that includes rape in war, rape against women in refugee camps, rape by police, military and peacekeeping personnel, trafficking of women for sexual exploitation and harmful traditional practices, such as forced marriages, genital cutting, honor crimes and bride burning. Not only does the human rights perspective broaden the definition of violence against women, it also focuses attention on discrimination and inequalities that are maintained or tolerated by the state, which increase women's vulnerability to violence. These include restrictions on women's ability to inherit property, obtain a divorce, access education, health care and employment. At the 1995 UN Conference on Women in Beijing, governments agreed that respect for women's rights must be the cornerstone of efforts to improve women's political, economic and social status.

The recognition that violence against women is a violation of their human rights is considered a significant turning point in the fight to end violence and respond to the needs of victims. Norms and standards hold governments accountable for sustaining conditions that perpetuate violence and call on them to take steps to address the problem. The human rights perspective effectively provides governments with a framework for action and has helped frame the issue within the context of women's social and economic inequality and linked to other forms of discrimination that affect their status. For nongovernmental agencies, these international instruments have become important tools for bringing pressure to bear on governments to bring about change to fulfill their obligations under international law to prevent violence and punish the perpetrators. Civil society now has access to mechanisms that have been developed to hold States accountable, including treaty bodies, international
criminal tribunals, as well as the African, European and inter-American human rights systems. This empowers women as holders of rights rather than passive recipients of discretionary benefits.

A range of bodies, offices and agencies within the United Nations, including the World Health Organization (WHO), the United Nations Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), and the United Nations Office for Drugs and Crime (UNODC) are actively engaged in conducting research and implementing programs to combat gender-based violence. UN HABITAT, through its Safer Cities Programme, is working to improve women’s safety in cities by providing guidelines, for conducting safety audits in public spaces. Through community-based research and consultation, conceptual models and practical tools have been developed for use with non-governmental organizations and local governments to prevent gender-based violence.17

Violence against women has also been the focus for attention of agreements at a regional level. The examples are:

- The 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belem do Para) was one of the first regional treaties focusing exclusively on violence against women.

- The Southern African Development Community (SADC) adopted in 1998 an addendum on the Prevention and Eradication of Violence against Women and Children to the 1997 SADC Declaration on Gender and Development. The Addendum identifies violence against women as a violation of women’s human rights and as an impediment to sustainable development.


- The Association of South-East Asian Nations (ASEAN) adopted a
Declaration on the Elimination of Violence Against Women in the ASEAN Region in 2004.

- The Council of Europe adopted measures to counter violence against women in 2002 and urged Member States to tighten laws and increase public education.
- Two major initiatives on violence against women were launched by the European Union (EU) in 1997: the European Campaign to Raise Awareness of Violence Against Women and the Daphne Programme. The Daphne Programme is a community preventive action programme to combat violence against children, young people and women. It funds NGO and partnership projects, networks, and media campaigns, on domestic violence, trafficking, migrant and refuge women.

Given are some of the international conventions and instruments aimed at preventing gender-based violence

<p>| Declaration on the Elimination of Discrimination against Women, 1967 | Recognised that discrimination against women denies and limits their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity. |
| Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 | Recognises that discrimination is related to gender but did not include a focus on violence against women. However, in 1992, a General Recommendation noted that gender-based violence is discrimination within the meaning of CEDAW and is a hindrance to women’s enjoyment of fundamental rights and freedoms. Member States are now required to report to the CEDAW committee on steps taken to combat forms of violence against women. |
| Third Conference on the Status of Women, Nairobi, 1985 | Between 1976 and 1985 the UN celebrated the Decade for Women which helped place attention on women’s rights. The Nairobi |</p>
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<tr>
<th>Event</th>
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<tr>
<td>Declaration on the Elimination of Violence against Women, 1993</td>
<td>Included the first internationally agreed-upon definition of violence against women. The declaration makes clear the obligations of governments to address violence against women. The following year a Special Rapporteur on Violence Against Women was established at the UN High Commission for Human Rights.</td>
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<tr>
<td>Ad hoc tribunals for war crimes in Yugoslavia and Rwanda, 1993</td>
<td>Recognized rape as a crime against humanity. The following year, the UN Panel stated that rape related to ethnic cleansing constitutes genocide.</td>
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<td>Fourth World Conference on Women, Beijing, 1995</td>
<td>Violence against women was identified as an area that is critical for strengthening women's rights and gender equality. The Beijing Declaration and Platform for Action adopted a broad definition of violence against women and requires Member States to prevent and combat violence against women and trafficking in women, undertake research and assist victims. Gender-based violence was recognized as a threat to women's health and human rights.</td>
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<td>General Assembly Resolution on Crime Prevention and Criminal Justice Measures to Eliminate violence Against Women, 1997</td>
<td>the UN Commission approved a resolution on the elimination of violence against women.</td>
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<td>Rome Statute of the International Criminal Court, 1998</td>
<td>Urges member states to take measures to ensure that women are treated fairly by the criminal justice system. Calls for research on the causes and consequences of violence against women, outlines preventive measures and includes model strategies for eradicating violence.</td>
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<tr>
<td>Beijing +5, Special Session of the General Assembly of the UN, 2000</td>
<td>Codified rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence in armed conflict as crimes against humanity and war crimes.</td>
</tr>
<tr>
<td>UN Security Council Resolution on Women, Peace and Security, 2000</td>
<td>The session added six more aspects of violence against women to be addressed by governments: crimes of honour; dowry-related violence; violence against widows and indigenous women; radically motivated violence; marital rape and forced and early marriages. Failure of States to aid victims of violence may constitute a human rights violation.</td>
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<tr>
<td>UN Guidelines for Crime Prevention, 2002</td>
<td>Calls for participation of women in peace processes, gender training in peacekeeping operations, protection of women and girls and respect for their rights, and gender mainstreaming in the reporting and implementation systems of the UN relating to conflict, peace and security.</td>
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<tr>
<td>UN General Assembly Resolution Working towards the Eliminations of crime Against Women Committed in the Name of Honour, 2004</td>
<td>Includes recognition of gender and diversity as one of the basic principles for strategic crime prevention at state and local levels.</td>
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<td></td>
<td>Called upon States to continue to intensify efforts to prevent and eliminate honour crimes against women and girls, to investigate, prosecute and document honour crimes and punish perpetrators, to intensify efforts to raise awareness with the aim of changing attitudes and behaviour that allow such crimes to be committed.</td>
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7.4. Recent International Endeavours to Combat Crime Against Women: The Millennium Development Goals

At the United Nations Millennium Summit in 2000, leaders from 189 countries agreed to eight Millennium Development Goals (MDG) and set 2015 as the date for their achievement. The MDGs are the highest level expression of the international community’s development priorities. The eight MDGs are:\(^{18}\):

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

Gender equality is one of the Millennium Development Goals and, according to the United Nations Population Fund, it is key to achieving the other seven. Eradicating violence against women, in turn, is central to achieving gender equality. Experience has shown that development policies that have gender equality at the forefront reap the greatest gains in reducing poverty, improving maternal and child health, reducing violence against women, and combating infectious diseases. Efforts to eliminate violence against women must go hand-in-hand with programs and policies to increase gender equality. Violence against women therefore both stems from the conditions addressed by the MDGs and hinders their achievement. As stated by the United Nations Population Fund.\(^{19}\)

Efforts to outlaw discriminatory practices such as child marriage, honour killings, acid burning and the inheritance of “cleansing” of widows, among others, are unlikely to succeed unless they are accomplished by practical
measures to promote gender-equitable norms that respect the rights of girls and women.

A 2005 report by the World Health Organization (WHO) highlights the connections between the MDGs and the prevention of violence against women by showing how working toward the MDGs will reduce violence, and how preventing violence against women will contribute to achieving each of the MDGs. Violence against women is not explicitly highlighted in the goals, targets or indicators established for monitoring progress, yet each of the goals offers a strategic opportunity for preventing gender-based violence. For example, with respect to eradicating poverty (MDG I), the WHO recommends strategies that respond to gender inequality by promoting access to education for women, addressing gender gaps in earnings and gender-based barriers to receiving credit, extending the availability of childcare, enable women to participate in the paid labour market, eliminating occupational segregation, and ensuring protections for women in precarious employment situations. Reducing poverty among women addresses a major risk factor for gender-based violence.

By ensuring that women and girls have access to education (MDG 2), women are empowered to use information and resources and attain greater economic independence which elevates their status and helps prevent gender-based violence. A comprehensive approach to achieving gender equality (MDG 3) includes the elimination of violence against women which therefore must be a central focus of goal 3. Harmful gender norms, traditions and acceptance of violence must be addressed, as well as legislation that discriminates against women, Child mortality (MDG 4) is associated with violence against women via death and injury inflicted on girl children by female infanticide, neglect, sexual violence and the preference given by children in many countries. Partner violence inflicted on pregnant women can result in traumatic injury to the fetus, miscarriage, premature labour and low birth weight. Efforts to reduce child mortality therefore must include efforts to reduce intimate partner violence and erase harmful gender-based practices that discriminate against girls. Maternal
health (MDG 5) is directly affected by intimate partner violence; therefore efforts to improve maternal health must include a focus on reducing partner violence.

Prevention of HIV/AIDS (MDG 6) is especially difficult in societies where gender norms restrict sexual autonomy for women, where women lack power to insist on condom use, and where women are subjected to violence for testing positive for the disease. The goal of ensuring environmental sustainability (MDG 7) which, on the surface may appear not to have a direct link to violence prevention, has direct importance to women’s safety. As the WHO (2005a) report points out, environmental sustainability will reduce conflict situations which are associated with high rates of physical and sexual assault against women. Efforts to improve the lives of slum dwellers which is one of the targets of goal 7, should include interventions to improve women’s security in public places. And finally, development strategies (MDG 8) must promote women’s ability to participate as full partners which means eliminating harmful gender norms and violence.

Despite the high-level commitment to achieve the MDGs, the Millennium Project Report of 2005 states that “gender equality remains an unfulfilled goal”. The report recognizes the need to include specific interventions to address gender inequality if the MDGs are to be realized.20

7.5. Incorporating International Law on Crime against Women in India

International conventions and norms have been used in India in cases where there is a lacuna in domestic legislation. In the case of *Vellore Citizens Welfare Forum v. Union of India*21 it was held that any rule of customary international law which is not contrary to municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by courts of law. The case was concerned with the pollution by tanneries (leather industry) of the river that supplied the drinking and irrigation water to the surrounding areas. In the case of the tanneries the court incorporated the ‘polluter pays’
principle that makes the polluting industry or developer absolutely liable for any damage caused by his activities to the environment. This norm was made part of Indian environmental law.\textsuperscript{22}

However, the incorporation of international law into domestic law is possible only when the law does not come into conflict with an Act of Parliament. As held in the \textit{Gramophone Co. of India Ltd. v. B.B. Pandey}\textsuperscript{23}, the will of the legislative bodies is still supreme and international law only tills the gaps in municipal law.

In another case\textsuperscript{24} where cross-tiring had taken place between the police and members of Hamars People's Convention, it was held that the State was liable to pay compensation to the affected parties on the basis of Article 9(5) of the International Covenant of Civil and Political Rights. This article states that 'anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation'. It was further held that (with regard to applicability international law in domestic law) a statute has to be interpreted and applied so that it conforms to and does not conflict with established international norms. Besides playing a role in interpretation and implementation of domestic legislation, international law should also influence the formulation of decisions and judgments by the judiciary.

This move of incorporating international law as part of domestic law is useful especially with regard to women, because it expands the amplitude of their rights and can ensure that concepts such as gender equality and protection and prevention of harassment are read into the fundamental rights in the Constitution.

The passing of such guidelines would usually fall within the purview of the legislature. But under Article 32 and the Beijing Statement of Principles of the Independence of the Judiciary in the Lawasia region, signed by all the Chief Justices of Asia and the Pacific in Beijing in 1995, the judiciary took it upon itself to lay down these guidelines\textsuperscript{25}. Another important issue that was dealt
with is the applicability of international conventions and norms to Indian law. Under Article 51-C of the Constitution of India it is implicit that the government has an obligation to observe international law. This contention is supported by the enabling provisions of Article 253 read with entry 14 on the Union List in the Seventh Schedule of the Constitution. An international convention when consistent with fundamental rights and in harmony with the spirit of the Constitution should be read into the Constitution to expand the content and meaning of these rights. Thus the amplitude of women's rights can be extended beyond what is available under the domestic law of India to what has been provided in international law.

In the Vishaka case, heavy reliance has been placed on various conventions and declarations that have been signed by the executive body of India with regard to the duty of the government to safeguard women's rights to protection from violence and prevent discrimination. These include the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform For Action of the Fourth World Conference on Women in Beijing. Article 11 and Article 24 of CEDAW were referred to in the judgement. The guidelines, especially with reference to the definition of sexual harassment, have borrowed heavily from CEDAW. At the Fourth World Conference on Women in Beijing the Government of India made an official commitment to protect women's rights by undertaking various steps, and stated that it would formulate and implement a national policy on women. Government commitments under CEDAW must be fulfilled in terms of its own obligations under international law. The integration of international law can therefore be an important catalyst for strengthening the administration of justice in the area of crime against women.

7.6. Concluding Remarks

Violence against women is now recognized as a human rights violation and an obstacle to the achievement of equality, development and peace. A range of international legal and policy frameworks are in place for addressing
gender-based violence and women's inequality. Gender equality is at the heart of the Millennium Development Goals and violence against women is critical for achieving gender equality. In order to chart progress toward achieving the aims of equality and the eradication of violence against women, reliable statistical data are needed for all countries around the world. The International Violence Against Women Survey is one tool developed for this purpose.

Sadly, violence against women remains a serious, prevalent and largely invisible threat to human development. Human rights violations such as physical violence, human trafficking, rape and other sexual abuses, still affect women and girls in nearly every society worldwide. In order to design and implement an adequate response to this problem, it is necessary first to understand it, for which we need reliable and consistent data and other information about the prevalence, the causes, the nature and the consequences of violence against women. Second, institutional, national and global information and knowledge on violence against women must be translated into effective and integrated action. Third, responses to violence against women should be broadened to include the participation of multiple sectors and social groups: the police, judicial officials, the health sector, community groups, men's groups, and above all women themselves. Finally, in order to effect a change in both consciousness and behaviour, responses to violence against women must be implemented at the community, municipal, national and international levels, so that a "community-based response" involves not just local, but regional and international communities as well.

Though a number of relevant laws, policies, guidelines, concepts, rules and definitions have been adopted as establishing a theoretical framework for the response to violence against women, the means to implement this framework have not been as forthcoming. The Beijing Platform constitutes an important basic agreement that sets out a list of concrete actions to be taken by governments, international and nongovernmental organizations and other actors, but the agreement has not been fully implemented, nor have indicators
to measure these actors' progress in achieving the strategic objectives. The utility of periodic reviews of international commitments such as Cairo, Beijing, and the Millennium Development Goals is that we can reevaluate these agreements to determine what we need to ensure their full implementation, be it financial and other resources, data and indicators, multisectoral cooperation, or simply a renewed sense of commitment.

Despite the important legal framework set up by the UN, regional organizations and national governments through resolutions, guidelines and reports condemning all forms of violence against women, the UN Secretary-General recently affirmed that the collective response to violence against women is "inadequate" in comparison to the magnitude of the problem. According to recent surveys, at least one in every three women, or up to one billion women, have been beaten, coerced into sex, or otherwise abused in their lifetimes. Usually, the abuser is a member of her own family or someone known to her.

There is a need to focus increasingly on the implementation of these laws and principles at the international, national and local levels. Vast quantities of guidelines on preventing or eliminating violence against women, such as the World Health Organization's Guidelines for Medico-legal Care for Victims of Sexual Violence have been developed but have not been put into practice. The shifts in consciousness that led to the establishment of laws, conventions and declarations on violence against women need to be translated into shifts in behaviour.

According to a 2003 report of the UN Special Rapporteur on Violence against Women at least fifty-four countries have discriminatory laws against women. In her 1994-2003 review, the UN Special Rapporteur highlighted some of the problems of law enforcement in almost all of the reviewed states, citing a total of seventy-nine countries that have no (or unknown) legislation against domestic violence. Marital rape is recognized specifically as a crime in only fifty one countries as far as information was available.
Strategies designed to enforce existing laws, to protect women and girls from violence or to assist the victims of violence are still lacking, or are sometimes contentious and even inappropriate, such as the issue of mandatory reporting. Even though many measures, such as National Action Plans, awareness-raising campaigns or gender-sensitive training and education programmes have been taken at UN and at regional and national levels to combat violence against women, an objective assessment and evaluation of the actual impact of such measures is often missing. A general overview indicates that, despite numerous initiatives, we are far from achieving a truly integrated response to the problem of violence against women. An integrated response brings multiple sectors: law enforcement, the judiciary, the military, education, health and social services, community and women’s organizations, and the international community together to design and implement a holistic response that addresses both prevention and treatment of violence from the perspective of the victim, her safety and her needs. An integrated response implies sensitization and training for all those people that are involved in addressing violence against women: teachers and students; counselors; doctors and nurses; police and other law enforcement officers; lawyers, judges and other judicial officials; government officials and other policy and law-makers; soldiers and other armed forces personnel. An integrated approach is necessary to ensuring not only that violence against women becomes universally regarded as an unacceptable and criminal violation of women’s human rights, but also that victims of sexual, physical and psychological violence receive the attention and support that they need to enable them to escape and resolve any bad situation.
REFERENCES

1. Available at http://www.un.org/womenwatch
4. *Ibid*
5. *Id* at 8
7. *Supra* note 3
9. *Supra* note 3 at 9
13. *Supra* note 3 at 15
14. *Id* at 12
16. *Ibid*
19. *Id* at 28.
22. The ‘polluter pays’ principle is part of the concept of sustainable
development which was first mentioned in the Stockholm Conference and was recently referred to again in the Rio Conference as the means whereby to balance ecology and development. The 'polluter pays' principle making the polluting industry absolutely liable was even enunciated in the case of Indian Council for Environ-Legal Action v. Union of India (1996) JT (SC) 196.

23. AIR 1984 SC 667.


26. Article 51-C: "The State shall endeavor to foster respect for international law and treaty obligations in the dealings of organized people with one another".

27. Article 253, is about legislation for giving effect to international agreements states – 'Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body'.

28. Entry 14 on the Union List is about entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

29. Supra note 25

30. Article 11 of CEDAW states: '1. State parties shall take appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) the right to work as an inalienable right of all human beings...; (f) the right to protection of health and to safety in
working conditions, including the safeguarding of the function of reproduction’.

31. Article 24 of CEDAW states: ‘States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present convention’.

32. These obligations of the government include setting up a Commission for Women’s Rights to act as public defender of women’s human rights and to monitor the implementation of the Platform for Action which shall provide a common forum to discuss and implement women’s rights at a national level.

