CHAPTER – 2

DOMESTIC VIOLENCE AND UNIVERSAL DECLARATION OF HUMAN RIGHTS

The report published in The Telegraph revealed, “differences between male and female child mortality rates over the last 40 years, reveals that from 2000 to 2010 there were 56 deaths of boys aged one to five for every 100 female deaths.”

Indian campaigners for the rights of girls said the figures reflected widespread discrimination against girls, ranging from neglect to abuse and killing of unwanted female infants.

The figures, compiled by the United Nations Department of Economic and Social Affairs, emerged as India was plunged into introspection over the case of a two year old girl fighting for her life in hospital after being abandoned by her family and trafficked between several adults before being beaten, bitten and branded by a 14 year old girl. The girl, known as Falak, is suffering from severe chest injuries and brain damage and according to her doctors is unlikely to survive the next 48 hours.

Girls are widely regarded as a burden to Indian families who fear the high costs of their weddings and resent spending money on their education only for them later to leave the home to marry.

Many women abort pregnancies when they believe they will deliver a girl, often under pressure from their husbands or in-laws who favour boys. Campaigners believe there may have been as many as eight
million cases of 'female foeticide' in India over the last decade.

This discrimination has driven India's sex ratio progressively lower. Census statistics show it fell from 976 girls per 1000 boys in 1961 to 914 in 2011. But according to campaigners the figures hide the cruelty and neglect suffered by girls kept by their families, in particular from malnutrition and denial of medical treatment. Ranjana Kumari of the Council for Social Research said Indian mothers breastfeed girls for a far shorter period than they do their sons and feed them less well because they fear good nourishment will speed the advent of puberty and the need for a costly wedding. While boys are taken immediately to hospital, sick girls are kept waiting because their families do not have the same interest in their survival.

"They think they need to feed the boy, but there is less desire for the girl to survive, it is common in rural India. Boys are immediately taken to the doctor, but not the girl. She is the last to get the medicine," she said.

Female infanticide was also a factor in the UN figures, she added. "It has been a practice in central India for a long time, where mothers were made to feed the child with salt to kill the girl child." 132

Another report in Reuters reveals, “Increasing female feticide in India could spark a demographic crisis where fewer women in society will result in a rise in sexual violence and child abuse as well as wife-sharing, the United Nations warned.

Despite laws banning tests to determine the sex of an unborn child, the killing of female fetuses is common in some regions of India where a

132 By Dean Nelson, New Delhi 01 Feb 2012: The Telegraph
preference for sons runs deep.

As a result, the United Nations says an estimated 2,000 unborn girls are illegally aborted every day in India.

This has led to skewed sex ratios in regions like Punjab, Haryana, Gujarat and Himachal Pradesh as well as the capital, New Delhi, where a census in 2001 showed there are less than 800 girls for every 1,000 boys.

"The 2001 census was a wake-up call for all of us and much public awareness have been created on female feticide since then," Ena Singh, assistant representative for the United Nations Population Fund in India told Reuters.

"But initial figures show sex ratios are still declining as female feticide is becoming more widespread across the country and it is likely to be worse in the next census in 2011."

In most parts of India, sons are viewed as breadwinners who will look after their parents and carry on the family name, but daughters are viewed as financial liabilities for whom they will have to pay substantial dowries to get married off.

**Demographic Crisis**

Activists say female feticide is rising because of the availability of technologies like ultrasonography and amniocentesis to determine the gender of fetuses at the request of the parents.

If the fetus is found to be a girl, it is aborted.

As a result, the government says around 10 million girls have been killed by their parents either before or immediately after birth over the
past 20 years.

Experts warn that fewer women will spark a demographic crisis in many parts of country.

"There already is this phenomenon all over the country where there is a lot of sexual violence and abuse against women and children across the country," said RanjanaKumari, director of the Centre for Social Research, a New Delhi based think-tank.

"But when there are less women in the population and more men of the same age group, there is certainly going to be much more demand for women for marriage, for sex and this pressure will certainly increase violence against women."

Experts say practices such as polyandry -- where several men, often brothers, share the same wife are already emerging in areas where there are fewer women.

Brides are also now being sold and trafficked by their parents to areas like Haryana and Punjab where bachelors are being forced to look beyond their own culture, caste and social grouping to find a wife.

Activists say these women have to adapt to an alien culture with a different language, diet, and social norms and are often treated as second-class citizens by the community who view their value based on their ability to produce male off-spring.

"There is this myth that fewer women will give them better status in society but this is a fallacy," said activist Sabu George.

"Women in India are already being treated as commodities to be
bought and sold and their plight will worsen as sex ratios continue to decline.”

“By the late 1990s, female foeticide had been reported in 27 of India’s 32 states, and in some communities in Bihar and Rajasthan, the birth ratio is reported to be as low as 60 females per 100 males, compared to the natural ratios of 97 to 100 males. Parallel studies for Bangladesh and Pakistan suggest similar trends in which existing discriminatory patterns of female infanticide and neglect continue. For example, a very recent study of sex specific mortality data in Bangladesh showed that girls aged 0 to 4 years had a mortality rate that was 40 per cent higher for girls than for boys.

Asia-Pacific Population Journal, June 2002

introduction of new technologies may well continue or exacerbate these trends and contribute to rising sex ratios at birth and increasing numbers of girls “missing”.

In East Asia, it was the dramatic increase in the masculinity of sex ratios at birth which first aroused disquiet among demographers, followed by increasing concern at the rising female infant and child mortality rates. Since the mid-1980s, demographic studies in China, the Republic of Korea, Taiwan Province of China and Viet Nam have uniformly showed an increasing rise in the proportion of male births and confirmed that access to sex identification and abortion facilities is widespread and permit new forms of intervention before birth.

For China, reported sex ratios at birth rose from close to the norm of 106 male to 100 female births in the 1960s and 1970s to 108.5 in 1981,

133 NitinBhalla: Rise in India's female feticide may spark crisis : Aug 31, 2007
110.9 in 1986, 110.0 in 1987, 111.3 in 1989 to 112 in 1990 and to 117/8 in 2000. Similarly sex ratios at birth have risen from 107 to 110 in Taiwan Province of China and from 107 to 114 in the Republic of Korea. For China, the figures for sex ratios at birth are complicated by the fact that not all female births are registered, but calculations which take probable rates of under-registration and the sex ratios of older children into account suggest that girls are not just “missing” from the statistics. Indeed, hypotheses based on under-reporting, abandonment and adoption appear to be much weaker than they were several years ago and attention has shifted to the more serious forms of discrimination such as infanticide, sex-selective abortion or infant and child neglect.

Field investigations suggest that the incidence of female infanticide probably rose during the 1980s when it became the subject of much media concern and, although the practice is likely to persist in poorer remote regions where it is still an accepted means for reducing fertility and achieving desired sex configurations, there is little evidence to suggest widespread female infanticide. Rather, there is a congruence of opinion among China’s demographers that the practice of female infanticide at birth is less responsible for the current rise in sex ratios than sex-selective abortion. In support of their argument, they cite the legal strictures against infanticide, the difficulty in keeping such births and deaths hidden, the considerable psychological costs and above all, they suggest that there are now considerable prenatal options including sex-selective abortion. Ironically, it is the improvements in the standards of prenatal care and in particular the development and spread of new ultrasound technologies that have been responsible for permitting an increase in sex-identification before birth. While government policy has forbidden the use of new technologies for sex identification, their
widespread use for this purpose is difficult to police and the lack of local funding for health encourages their misuse because the fees levied finance an otherwise under-funded health service and supplement low medical incomes. What lends weight to the importance of sex-selective abortion as the cause of rising sex ratios at birth in both rural and urban regions, is that even in urban hospitals where surveillance is greater, the sex ratios of aborted foetuses and of births also show high sex ratios, which suggest that numbers of women have availed themselves of prenatal sex identification tests (Gu and Li, 1994). Similar trends revealing increases in the use of sex selective abortion characterize the demographic literature for the Republic of Korea, Taiwan Province of China and Viet Nam. 134

“Female Foeticide Males Females What is female foeticide? Many people do not know the difference between a foeticide and an abortion. An abortion is the removal of an embryo from the uterus, resulting in -or caused by- its death. The spontaneous expulsion of an embryo before the 20th week of gestational age is commonly known as a miscarriage. Induced abortion is the removal of an embryo by medical, surgical, or other means for therapeutic reasons. Feticide is an act that causes the death of a fetus. In a legal context, "fetal homicide" refers to the deliberate or incidental killing of a fetus due to a criminal act, such as a punch or kick to the abdomen of a pregnant woman. As a medical term, feticide is the destruction of a fetus. The beginning of foeticide in India. What are the reasons behind female foeticide in India? What has female foeticide led to? What has the government done? What actions did the United Nations take? Has there been any changes occurring? What organizations exist that support gender equality? In India, foeticide began

134  Angelique Chan and Brenda S.A. Yeoh : Gender, Family and Fertility in Asia: An Introduction
in the early 90’s, when ultrasound techniques were recognized. Before the process, families would continue to produce children until a male child was born to be able to support the family in the future. Female foeticide has led to an increase in human trafficking. In 2011, approx. 15,000 Indian women were bought and sold as brides within regions where foeticide has led to a lack of women.

According to Vijay Rai, Project Coordinator at Plan International (India), the alarming rate of female foeticide has led to a dangerously declining sex ratio, “with negative results that are already making themselves apparent in India. These include an increase in sexual and social crimes against women, such as rape, abduction, bride selling, etc., which in turn will lead to an increase in prostitution and sexual exploitation and cases of Sexually Transmitted Diseases and Human Immunodeficiency Virus and Acquired Immune Deficiency System, with a resulting increase in physiological and psychological disorders, particularly among women, as well as unwanted pregnancies and forced abortions.”

Experts say practices such as polyandry, where several men, often brothers, share the same wife, are already emerging in areas where there are fewer women.

Initially, foeticide was supported by the Government. The practice enabled the control of population growth in India, however, after the Preconception and Prenatal Diagnostic Techniques Act was passed in 1994, and sex-selective abortion became illegal. In 2003, the act was modified putting medical professionals legally liable of the practice. The Preconception and Prenatal Diagnostic Techniques Act hasn’t been carried out properly over the years and is currently enforced poorly by
authorities. The government says around 10 million girls have been killed by their parents either before or immediately after birth over the past 20 years. Experts warn that fewer women will spark a demographic crisis in many parts of the country. The UN says an estimated 2,000 unborn girls are illegally aborted every day in India. The UN Declaration of Rights of Children from 1959, which indicated that “the child, by reason of his physical and natural immaturity, needs special safeguards and care, including appropriate protection, before as well as after birth” was concerted into the UN Convention on Rights of the Child in 1989. India became signatory to the Convention in 1992. Sadly, there have been numerous incidents of the foetus being found lying in farms, floating in rivers, wrapped up in jute bags etc. Despite government measures and laws against it, foeticide has not seen a decrease in its rate; on the contrary, it is increasing rapidly. In south Indian states, children are either fed the milk of poisonous plants or covered with a wet towel so that they die later of complications from cold. In Bihar, holding the baby from the waist and shaking it back and forth snaps the spinal cord and babies are also fed with salt to increase their blood pressure; death follows in a few minutes. Furthermore, a change in the method of killing infants has been observed following the exhumation of bodies to get forensic evidence when it was suspected that an infant had been a victim of infanticide. People began to adopt methods such as starving the baby to death, which, unlike poisoning, leaves no forensic evidence as to the cause of death. In order to end gender selective abortions, a campaign in India called BetiBachao (Save Girls) was established. The BetiBachao campaign is supported by human rights groups, non-government organizations, and state and local government in India.

The Art of Living organization has been working in collaboration
with the United Nations Population Fund to educate people against the heinous practice of sex selection and female feticide in India. The Art of Living promotes the active involvement of women in decision-making processes so that their voices are not only heard, but appropriate action is taken towards development that includes men and women at the community level. That concludes my presentation. Families want a male child so that the child can carry on the family name and support his parents.

In most parts of India, sons are viewed as breadwinners, but daughters are viewed as financial liabilities for whom they will have to pay substantial dowries to get married off. Many believe that the dowry system in Indian is the main reasoning behind the practice of foeticide. A large dowry property or money brought by the bride to her husband on their marriage is usually provided by the parents. Since parents do not want the pressure of supporting dowries for their daughters in the future, they commit feticide.

Even though some families do not believe in feticide, they will commit the act either way. The life transition from a female foetus to a school going girl to a caring woman is never an easy task for the fairer sex. She has to face challenges at every step of her life. Daily, there is news related to rape, sexual harassment, molestation, verbal abuse, torture, exploitation. She has to fight against gender indiscrimination, inequality, and hundreds of social norms are tagged with her the day she puts her steps outside her home. In order to prevent the constant worry over the parents’ female child, they commit feticide.”

Women who constitute half a human population have been

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135 RodaAbdulkadir: Female Foeticide
discriminated, harassed and exploited irrespective of the country to which they belong, unmindful of the religion, which they profess and oblivious of the timeframe in which they live. Everywhere women are confronted with many challenges. Female foeticide is perhaps one of the worst forms of violence against women where a woman is denied her most basic and fundamental right i.e “the right to life”. The phenomenon of female foeticide in India is not new, where female embryos or foetuses are selectively eliminated after pre-natal sex determination, thus eliminating girl child even before they are born. As a result of selective abortion, between 35 and 40 million girls and women are missing from the Indian population. In some parts of the country, the sex ratio of girls to boys has dropped to less than 800:1000. The United Nations has expressed serious concern about the situation. The longstanding tradition of son preference, coupled with medical technology now gives to the status conscious Indian families, the choice between payment of large dowry for their daughters or elimination of daughters. The traditional method of getting rid of the unwanted girl child was female infanticide, where the female baby was done away with after birth in various ways – either by poisoning the baby or letting her choke on husk or simply by crushing her skull under a charpoy. With the advancement of medical technology sophisticated techniques can now be used or rather misused, to get rid of her before birth. Through ultrasound scans and amniocentesis, the sex of the foetus can be determined during the pregnancy of the woman and then the foetus is aborted if found to be female. In Indian society, female foeticide has emerged as a burning social problem during the last few years. The girl child in India is treated right from her birth as an additional burden an extra mouth to feed, a liability and another man’s property. The birth of a son is regarded as essential in Hinduism and many prayers and lavish offerings are made in temples in the hope of having a male child. Modern
medical technology is used in the service of this religion driven devaluing of women and girls. Woman is created par with man in all aspects. “Women have equal rights with men upon earth; in religion and society they are a very important element. Divine Justice demands that the rights of both sexes should be equally respected since neither is superior to the other in the eyes of Heaven.” These authoritative statements from the Bahai’s writing are regarded by Bahai’s as expressions of the Divine Will. To deprive women arbitrarily of there rights and privileges, or to deprive them to even being bornor killing them in infancy is both immoral and unjust, a violation of God’s law. It has a detrimental effect on the society and the individuals who are involved in this practice are responsible for such acts.3 But does the Indian society accept this reality? If so why female foeticide and female infanticide are on the increase ?

The sex ratio has altered consistently in favour of boys since the beginning of the 20th century (see Table), and the effect has been most pronounced in the states of Punjab, Haryana and Delhi. It was in these states that private foetal sex determination clinics were first established and the practice of selective abortion became popular from the late 1970s.

Worryingly, the trend is far stronger in urban rather than rural areas, and among literate rather than illiterate women.136

World over either because of societal structure or because of inequality, India is among those few nations who have seen this peculiar problem. Since female foeticide is a problem linked with the main threats to women dignity and other rights of women. United Nations has also taken into account the same. If read carefully, even Universal Declaration of Human Rights has indirect but effective provisions regarding that.

136 Dr. Krushna Chandra Jena: Female Foeticide in India : A Serious Challenge for the Society: Orissa Review 9 December - 2008
PREAMBLE of Universal Declaration of Human Rights provides, “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts, which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS
UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education 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 peoples of territories under their jurisdiction.”

It is clear from the Preamble itself that the declaration was meant to establish dignity of all which includes dignity of women along with their right to life

Further the Article 1 provides, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

It must be noted that spirit of article 1 clearly suggests that all are born ‘free and equal’.

Article 2 provides, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other

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137 Article 1
limitation of sovereignty.”

This article correspondence to Article 15 of Indian Constitution and clearly prohibits any inequality on the bases of ‘sex’ along with other attributes.

Corresponding Article 15 (1) provides, “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

Article 3 provides, “Everyone has the right to life, liberty and security of person.” It must be noted that female foeticide clearly violates the said article because security of person’s security is put in danger.

Article 5 provides, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 7 provides, “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8 provides, “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

Article 10 provides, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

138 Article 2
Article 12 provides, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 16 provides, “(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17 provides, “(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18 provides, “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 provides, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
Article 25 provides, “(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26 provides, “(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27 provides, “(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material
interests resulting from any scientific, literary or artistic production of which he is the author.

It may observed from the Article in Universal Declaration of Human Rights that woman is supposed to treated as man and she is entitled to each and every right in the same fashion as man.

**Roe v Wade and Universal Declaration of Human Rights**\(^{139}\) is a landmark decision by the United States Supreme Court on the issue of abortion. Decided simultaneously with a companion case, *Doe v. Bolton*\(^{140}\), the Court ruled 7–2 that a right to privacy under the due process clause of the 14th Amendment extended to a woman's decision to have an abortion, but that this right must be balanced against the state's two legitimate interests in regulating abortions: protecting prenatal life and protecting women's health. Arguing that these state interests became stronger over the course of a pregnancy, the Court resolved this balancing test by tying state regulation of abortion to the third trimester of pregnancy.

The Court later rejected *Roe*'s trimester framework, while affirming *Roe*'s central holding that a person has a right to abortion until viability. The *Roe* decision defined "viable" as being "potentially able to live outside the mother's womb, albeit with artificial aid", adding that viability "is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks."

In disallowing many state and federal restrictions on abortion in the United States,*Roe v. Wade* prompted a national debate that continues today about issues including whether, and to what extent, abortion should

\(^{139}\) 410 U.S. 113 (1973)

\(^{140}\) 410 U.S. 197(1973)
be legal, who should decide the legality of abortion, what methods the Supreme Court should use in constitutional adjudication, and what the role should be of religious and moral views in the political sphere. *Roe v. Wade* reshaped national politics, dividing much of the United States into pro-choice and pro-life camps, while activating grassroots movements on both sides.

The Court issued its decision on January 22, 1973, with a 7-to-2 majority vote in favor of Roe. Burger and Douglas' concurring opinions and White's dissenting opinion were issued along with the Court's opinion in *Doe v. Bolton* (announced on the same day as *Roe v. Wade*). The Court deemed abortion a fundamental right under the United States Constitution, thereby subjecting all laws attempting to restrict it to the standard of strict scrutiny.

**Relevance:** The decision was based on the principle that the right to get aborted is fundamental right and all the laws curtailing the right must strictly be scrutinized.

Since the right includes negative and positive aspects both. Hence, not to get aborted must also be fundamental right. To stop female foeticide, the courts are required to implement the same right in stricter sense and must ensure whether the same has been provided to the persons desperately need it.

### 2.1 Universal Declaration and other treatise

The Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination
against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life including the right to vote and to stand for election as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.
The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

2.2 RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

Violence against women migrant workers the General Assembly, recalling that the Charter of the United Nations reaffirms faith in human rights and fundamental freedoms, in the dignity and worth of the human person and in the equal rights of men and women,

Reaffirming the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly by its resolution 34/180 of 18 December 1979 and annexed thereto,

Welcoming the reaffirmation made in the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human Rights, that gender-based violence and all forms of sexual harassment and exploitation are incompatible with the dignity and worth of the human person and must be eliminated by legal measures and through national and international cooperation.
Noting that large numbers of women from developing countries continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic situations in their home countries, while acknowledging the primary duty of States to work for conditions that provide employment to their citizens, recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education, and to apprise them of their rights and obligations in the countries of employment,

Aware of the moral obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, in particular women migrant workers, who are doubly vulnerable because of their gender and because they are foreigners,

Noting with concern the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some of their employers in some host countries,

Stressing that acts of violence directed against women impair or nullify the enjoyment by women of their human rights and fundamental freedoms,

Convinced of the need to eliminate all forms of discrimination against women and the need to protect them from gender-based violence,

1. Expresses grave concern at the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse;
2. Recognizes with appreciation the efforts exerted by some receiving countries to alleviate the negative situation of women migrant workers;

3. Welcomes the recommendation to the General Assembly by the Economic and Social Council in its resolution 1993/10 of 27 July 1993 of the draft Declaration on the Elimination of Violence against Women; 3/

4. Reaffirms the provision in the Vienna Declaration and Programme of Action that the rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments specifically relating to women;

5. Calls upon all countries, particularly the sending and receiving States, to cooperate in taking appropriate steps to ensure that the rights of women migrant workers are protected;

6. Also calls upon the countries concerned to take appropriate measures to ensure that law-enforcement officials and the judiciary assist in guaranteeing the full protection of the rights of women migrant workers;

7. Urges both sending and host countries to help ensure that women migrant workers are protected from unscrupulous recruitment practices, if needed, by the adoption of legal measures;

8. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

10. Requests treaty-monitoring bodies and calls upon non-governmental organizations concerned with violence against women to include, where appropriate, the situation of women migrant workers in their deliberations and findings and to supply relevant information to United Nations bodies and Governments;

11. Calls upon non-governmental organizations concerned in cooperation with both the sending and the host countries to conduct seminars and training programmes on human rights instruments, particularly those pertaining to migrant workers;

12. Urges all States, with the support of relevant non-governmental organizations, to adopt appropriate measures to provide support services to women migrant workers who have become traumatized as a consequence of violations of their rights by, inter alia, unscrupulous employers and/or recruiters, and to provide resources for their physical and psychological rehabilitation;

13. Also urges that the subject of violence against women migrant workers be included in the agenda of the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995;

14. Calls upon competent bodies and specialized agencies of the United Nations system, other intergovernmental organizations and non-governmental organizations to inform the Secretary-General of
the extent of the problem and to recommend further measures to implement the purposes of the present resolution;

15. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution, taking into account the relevant views of the Commission on the Status of Women in its discussion of the subject of violence against women at its thirty-eighth session, in March 1994.

2.3 **United Nations intergovernmental bodies dealing with relating to women:**

The Commission on the Status of Women, composed of 32 members, prepares recommendations and reports to the Economic and Social Council on the promotion of women's rights in political, economic, social and educational fields. It makes recommendations to the Council on problems requiring attention in the field of women's rights.