CHAPTER - I

STATE OF HUMAN RIGHTS WITH REFERENCE TO WOMEN AND CHILDREN IN SOUTH ASIA

"Where after all do universal rights begin? In small places, close to home... so close and so small that they cannot be seen on any maps of the world. Yet they are the world of individual person; the neighbourhood he lives in... the factory, farm or office where he works, such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there they have little meaning anywhere."

[Eleanor Roosevelt]

One of the remarkable contributions of the classical, medieval and contemporary and political thought to the culture and civilization can be traced to the reiteration of human rights. Facts demonstrate that the struggle to preserve, protect and promote such rights continues remained till this day by each generation of the people belonging to any part of the great human society. It is a result of such struggles that the committed fighters could get something in a form of great charter signed by the head of the state or a great declaration made by their leader to herald a new order. The cause of human rights has now assumed a significance of its own because of the new realisation that they like peace and welfare of the world is indivisible. The matter though discussed at various international, multinational and regional meets, only now has come to have a concrete form of its own after the adoption of Universal Declaration of
Human Rights on December 10th, 1948. Further developments in the same direction have performed miracle in changing the minds and thoughts of the people. According to Irving Louis Horowitz “The central characteristic of the twentieth century, what so profoundly demarcates it ideologically from previous centuries, is that a world in which obligations were taken for granted has been transformed to one in which rights are presumed to be inalienable.

Recognition and implementation of human rights is a very important and complicated issue because there is no agreed definition and understanding of the term “human rights”. It is a dynamic concept and it endeavors to adapt itself to the needs of the day. It has in fact varied from generation to generation and evolved with the changing time under constant shifting condition. Even within the same society, perception of what human rights may vary from strata to strata. For this reason the definition and understanding of “human rights” depend upon the conditions and opinions prevailing in the given society at a given time and it attains new dimensions with the march of history.

The most startling feature of the concept of human rights is that “they may be difficult to define but impossible to ignore”. Human rights are, concerned with dignity of the individual - the level of self-esteem that secures personal identity and promotes human community. A perfectly plausible definition of the term ‘human rights’ would be that they “are the rights that everyone has, and everyone equally, by virtue of their very humanity is entitled to enjoy and to have protected. They are grounded in our appeal to human nature”. It is worth mentioning here that the subject of ‘human rights’ is of universal concern that cuts across major ideological, political and cultural
boundaries. These rights are established for the full development of human personality and for human happiness. Due to their inextricable link with human beings, these rights are known as human rights. In general terms basic human rights are universal and conditionally inherited just like birthrights. Simply, our entitlement derives from our common humanity. They are natural rights, moral rights traditionally claimed for all persons, irrespective of whether they have been recognized by a particular society in the theory or in practice. Such a definition asserts that all individual human persons, male, female and children, are of intrinsic worth, which is not something that is acquired or bestowed. It is unconditional, it does not derive from personal ability, merit or our contribution to society, nor does it derive itself from membership of a particular society. It is derived from our common humanity, our moral status as persons. Therefore, human rights are paramount, sacrosanct, eternal and transcendental in nature and ought to be treated as inalienable and inviolable for preserving the dignity of the people.

Human rights of women and children are not separate or additional rights but are rather a very important, integral component of human rights. As clearly stated in the world conference on Human Rights (Vienna, Austria, June 1998). "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner on the same footing, and with the same emphasis. While the significant and national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the states, regardless of their
political and cultural systems, to promote and protect all human rights and fundamental freedoms”. The statement rejects any notion that rights can be managed selectively or introduced occasionally. As such basic to human rights is the concept of non-discrimination. It is founded on the ideal realization of equality, freedom and liberty of all, and basic to them all, social, economic and political justice for all men, women and children.

Knowledge and awareness of human rights is essentially a tool for the observance and protection of human rights and for the creation of a climate of public opinion in which gross abuses of human rights can be checked. Education of human rights can create moral and mental inhibitions and a sense of shame on the part of violators of human rights. It also acts not only as negative restrictions on the state, but also as positive obligations for creating environment in which every man could live with dignity and honour. As such any discussion on issues like human rights is a welcome change because it also reflects the change that we are experiencing. We cannot deny the fact that twentieth century was a curious blend of issues where great powers had their own agenda to shape the destiny of the world. Even after the trauma of the cold war, what should constitute the foundation of a just world order remained elusive. The emergence of human rights in the centre stage of international relations thereby drawing universal attention it seems to be acquiring the status of a new yardstick to measure states behavior both internationally and nationally.

Human Rights and fundamental freedoms encompass so much of the totality of national and international life that their deliberate protection and
implementation constitute an ideal regulative principle of international understanding. Nothing but international concern for the dignity and worth of every human person can provide the depth of inspiration to all international efforts now and in future. This is necessary to elevate the material and social condition of individuals.\textsuperscript{10} Twenty first century’s growing global interdependence signals a new era, wherein complex political and economic interactions, coupled with the rise of powerful new actors, open up new opportunities. They also call for a more visionary commitment to building the institutions, laws and enabling economic environment to secure fundamental freedoms for all: all human rights, for all people in all countries.\textsuperscript{11}

\textbf{STATEMENT OF THE PROBLEM :}

Throughout the history, the subject of women and children has been firmly associated with their struggle against injustice, exploitation and disdain. The recognition, first at national and later at international level, of human rights is one of the most remarkable manifestations of this struggle. The subject of women and children and their human rights has emerged as an important and interesting realm of research in the field of international relations. Understanding the growth and development of this vulnerable group, research into the inequalities, was undertaken. Evidence of wrong committed against them has emerged in recent years. The on going global struggle to realise the human rights of women and children is a continuing one.

It is a truism that words are instrumental rather than labels. The terminology chosen here reflects this reality. Women and children indeed do
not enjoy the rights and freedoms to which they are entitled by the mere fact that they are human. Problems persist in attaining the full recognition and enjoyment of human rights and fundamental freedoms for women and children in general and that of South Asian women and children in particular, in the context of economic development, socio-political change are the main theme of this research project.

Research in social sciences and particularly in international relations varied from region to region as it had to take into account the complexity of configuration as well as the distinct political-social-cultural and economic inequalities which had a bearing on the seven South Asian countries, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. This study is a modest attempt to set in a comparative perspective of the human rights of women and children and to examine the extent to which these rights have been actualized in these countries. The study aims to explore some of the critical human rights issues which affects millions of women and children in their day-to-day lives but which are not usually taken as being spectacular enough to arouse much interest. The study attempts to look at the problems and difficulties in realizing these human rights, tries to focus on socio-cultural, economic, political spheres, which have direct impact on women and children’s lives in South Asia.

South Asia has been selected as a testing ground for this global issue because it is appropriate to study a region while being a resident of its most prominent nation. Accessibility to research material and report on daily happening would be easier and authentic. As a woman sharing the strength
and weakness with millions of other South Asian women, the yearning to create awareness about their human rights, to treat them equally and to uphold their dignity in each of the seven South Asian countries is the driving force inspired and induced to make a indepth study of this critical area of concern.

Children are vulnerable human beings who need love, respect and nurturing if they are to become responsible considerate and matured adults. Therefore the best interest of the child shall be the paramount consideration of all societies. Since the subject women and children are closely interrelated and interwoven an attempt has been made to examine together this most important segment of South Asian society. Moreover research undertaken at M.Phil level of studies on “human rights an issue area between India and America” proved to be an added advantage. It provided basic and valuable information into the Ph.D. research. It was hoped that as a result of such study, a better insight might be gained into the basic causes of actual situation relating to the human rights of women and children which might in turn lead to suggestions for possible improvement in the countries of South Asia.

Human Rights discourse has traditionally been male dominated in the sense that, in what is essentially a man’s world, men have struggled to assert their dignity and common humanity against an over-bearing state apparatus. Attempts to define a body of civil and political rights were made from the eighteenth century onwards in societies that were organized by men and predominantly, for men. Women played a significant role, pleas were made for the emancipation of women to allow them to escape their traditional domestic role and to enter more fully into society. However, such attempts were
unsuccessful initially in including women in the human rights debate. This is not to claim that the area of civil and political rights is necessarily sex-specific and in particular specific to men, rather the rights typically claimed were designated to regulate the relations between men and state. In some cases the law did specifically exclude women from holding rights due to the fact that society undervalued their importance and to some extent ignored their existence. Declaration of the rights of man reflected exactly that perspective.12 It is unfortunate that women continue to wallow in the same miserable deplorable conditions, kept in a subordinated position, marginalized in all spheres of importance - academically, economically, socially and politically. There are countless women who knew nothing about the universal declaration, but who strongly affirm the need for respect, a better treatment in their families, workplaces and societies.

The extension of the rights of men to include women came about by a gradual process of change in societies and the situation changed drastically over the last few decades. One of the most hotly debated issues at national and international platforms, by academicians, politicians, policy makers and non-government organisations especially during the last three decades had been women and children issues. However, if one looks at the history of the struggle for women's rights, both in South Asia and in the world, it constitutes one of the most eventful momentous in recent times. But neither the realization nor the enjoyment of these rights is automatic. Women's struggle against their subordination was intertwined in varying degrees with the ideologies and other elements based on the values of freedom, determination, equality, democracy
and justice. The fear of fascism and the forced retreat of imperialism paved the way for social change in which gender relations were component along with other broad tenets of human rights. The revolutionary changes which followed the two world wars created fora and structures that promoted debates on women's rights and marked the beginning of an awakening among women.  

The adoption of Universal Declaration of Human Rights in 1948 has made the countries of the world recognise human rights to be universal and fundamental and for the first time in history acknowledging human rights as a global responsibility. The document clearly states what should be obvious but too often is not: "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 spirit of brotherhood". In all this where do women's right begin? The Universal rights proved to be rhetoric, as it did not bridge the gap between the genders in the concrete reality. It is unfortunate that problems faced by women and children in their enjoyment of human rights may seem endless. Centuries of repression have their impact on the psyche of women who themselves feel insufficient or inferior to the men, and thus fail to protect their interests.  

The declaration of 1975 as International Women's year and the subsequent decade as United Nations Decade for Women was the first official international recognition of women's issues in a global context. The four international women's conferences convened under the aegis of the United Nations further asserted the universal concern for women's rights and other women related issues.
The 1980s brought a strong renewal of international interest and action, propelled by the women's movement, the children's movement and a surge of activity by civil society. The Convention on Elimination of All Forms of Discrimination Against Women (The Women Convention) was adopted in 1979, and the Convention on the Rights of the Child (CRC) ten years later.¹⁶

The World Conference on Human Rights, held in Vienna, Austria in June 1993 was one of the most important milestones in advancing human rights. The Vienna conference focused on women's rights and their integral place in human rights. It helped in laying the groundwork for the historic Fourth World Conference on Women in Beijing in 1995. These two world conferences highlighted the need for greater accountability for the many violations that still occur. They recognised the human rights of women to be "an inalienable, integral and indivisible part of human rights" and demanded greater integration of women's human rights within the United Nations¹⁷ system. These conferences may not have achieved much by way of creating equality or ending discrimination against women, but it helped to recognise that the problems women are facing with in respective fields should not only be dealt with separately, but it should have a genuine place in all conferences. The recognition of the principle of women's rights as human rights is a greater achievement of these world conferences. There may exist vast cultural differences in our world, but there is one common truth that when a woman dies, or becomes disabled, and is abused or goes hungry, it can profoundly affect each of her children, her extended family, a whole neighbourhood, and finally an entire community.¹⁸
The need to ensure that children were treated humanely was being felt by right thinking people for a long time. They could not do much since the societies considered children to be mere possessions and believed that those who ‘own’ them had a right to do whatever they felt with them. Even with the advent of the era of human rights after the World War II, it was assumed that all human rights applied automatically to children. However in reality, they were denied to them. Particular needs of the children were not addressed specifically in the human rights instruments. Recognising the fact that children are vulnerable to various forms of abuse, malnutrition, exploitation, diseases etc., and based on the broad consensus on the rights to which children are entitled, the United Nations Conventions on the Rights of the Child brought forth an all encompassing document for children all over the world. By recognizing the ‘inherent dignity and worth’ of the child the convention affirmed its belief in the basic capacity of the child to enjoy and enforce her/his rights. It recognised the child as an individual with needs which evolve with age and maturity. But the sad fact that despite all these lofty and eloquent proclamations and promulgations, the very right to be human is denied every day to women and children all over the world.

The mark of all civilizations is the respect they accord to human dignity and freedom. All religions and cultural traditional celebrate these ideals. Yet throughout the history they have been violated. In the matter of human rights all countries of the world are at best at the developing stage. Even among the so-called developed countries there is perhaps nowhere human rights may be said to have been fully secured for all men, women and children. Racial
discrimination, women's inequality, children's exploitation, growing rate of crime, unemployment is known to every society depriving human beings of their dignity and freedom. The Third World Countries like South Asia the human rights situation is rendered more complicated by massive problems of economic and social underdevelopment, backwardness, illiteracy, poverty, economic disparities and social inequalities. This often attributed to long colonial domination and political consideration by outside power. Factors like caste, class, community, religion, locality, family occupation further pave the way for gender inequality and other wide ranging issues against women and children.

South Asia is home to one-fourth of world's population and is one of the richest in culture, language and ethnic diversity. Women and children in South Asia constitute more than half the population and their development reflects the progress of South Asian society. Therefore the position of women in society, development of children, protection and promotion of their rights need to be given due consideration. One of the most welcome developments in South Asia, since the end of British rule, had undoubtedly been the emergence of South Asian Association for Regional Cooperation (SAARC). In recent years efforts have been made by governments of SAARC countries to improve the general well being of women folk and children in this region. Human Rights, poverty, status of women and needs of the child have attracted special attention and focussed as the critical concern in the SAARC region.

With all these developments and increased concern Women and Children in the South Asian region represent the most neglected and deprived
segment of society. This is despite the redeeming feature that three of the seven South Asian countries have had the privilege of having women as the heads of the government. This signifies a striving to discuss the continuing disregard of the human rights of women.22

At the time of Fourth World Conference on women in Beijing, the situation of South Asian Women was one of the bleakest faced by women in any part of the world. That bleak scenario, remarkable in itself, was all the more depressing given that, as the Beijing Conference began in 1995, the Prime Minister of BanglaDesh, Pakistan and Sri Lanka were all women. Indeed, these countries were headed by women who proclaimed their whole-hearted support for the rights of women and gender equality. Pakistan’s the then prime minister, Benazir Bhutto wrote in UNDP’s 1995 Human Development Report that, ‘the trend we set in gender equality through emancipation of women, is now irreversible’. Sri Lankan President Chandrika Bandaranaike Kumaratunga asserted that ‘women should be empowered to share equal roles with men in holding positions of power, in participating in decision making process, in controlling and managing scarce resources and also in sharing the income and benefits’.

Six years after those optimistic words, however, women in South Asia remain far behind men in enjoying basic human rights let alone in participating equal footing with men in educational institutions, the job market or in matters of governance. Women in South Asia may work from dawn to dusk, but their economic contributions scarcely acknowledged at the national level. Their access to health services, education and other facilities lags far
behind that of men and their place in the South Asian society is at a stage of severely disadvantaged.23

South Asian women are commonly portrayed as among the most oppressed and exploited in the world. Theoretically, women have the place of honour, a great respect, but there is a tremendous gap between the ideal and the reality in the SAARC region. Women are discriminated against every stage in the region. Some segments of women in the middle classes are better off because they have access to education, urbanisation and changing social norms. But still, the accomplishment is very small. The condition of rural women is far worse as she is a victim of many kind of oppressions. As a woman she is dominated by men; as a worker she is exploited and therefore she earns low wages and as a member of particular caste she is kept at a particular level of social order. She is ignorant of her rights due to lack of awareness and education. She has no political voice to fight against the problem arising out of class, patriarchy and caste, which results in the denial of her human rights. The daunting task is to enable them to relieve them of this oppressive situation in which they live, is the immediate necessity of any transformation.24

In ancient times, the South Asian region was predominantly Indian in culture, hence traditionally, throughout our history, in our mythology, women have been the moral force of our society. They have held a very prime position in each family and they have really developed the culture, the soul of our civilization as it has evolved over the period. The status of women had improved and traditional attitudes about women in society had undergone some changes. With the changing values, new systems coming in, with the
pressure of modernisation these old values are slowly disappearing. Unfortunately we are not replacing it with the correct aims. The pervasive discriminatory practices which result from and perpetuate the system of patriarchy is a matter of vital concern and raises one important question: How can a region, so rich in culture and tradition and with women leaders holding the highest political positions, be so cruel in its treatment of the vast majority of women? This is one of the central question which the study attempts to answer.

At the beginning of the new millennium, South Asia, stands at the crossroads between hope and despair: hope because tremendous progress has been made since the region became independent; despair because this progress has been neither adequate nor equitable. The Human Development reports in South Asia reveals that South Asia has emerged as the poorest, most illiterate, most malnourished and least gender sensitive region. It focused on the shocking inhuman condition of women and children in the region. South Asia has emerged as one of the most poorly governed region in the world and entered the twenty first century with 515 millions illiterate adults, and approximately 80 millions Malnourished children. Preventable diseases kill 3.2 million children each year. Girls and women form the vast majority of these deprived millions.25

In South Asian countries women have risen to the highest levels. Perhaps nowhere women have risen to such heights in any other countries. Although there are no legal barriers, it still takes women perhaps double the effort to achieve these heights in comparison to men. Lot of efforts made during
the last two to three decade, in discovering, debating and supporting the issues pertaining to women and children's upliftment, welfare and realising their rights. The greatest regret is that in spite of these not much seem to have achieved. The status of women and children has not changed in any perceptive way. In these developing countries certain key distinguishing features which puts women at the back of men. As a result women lag far behind men in social, economic, political and legal aspects thus restricting them from leading a complete and dignified life.

1. South Asian societies are mostly tradition bound, hence women have a very definite role to play. This is defined by the society, culture, tradition etc.

2. Discrimination, deprivation and disadvantage of women begin at or even before birth in the region and have become an integral part of their life.

3. Violence against women and children is all pervasive and touches all aspects of women's life from home to work place to street.

4. Countries of South Asia are in transition and where inadequate level of instability, internal divisions owing to the persistence of intra and inter-state conflicts.

5. All the SAARC countries are in the task of nation building, economic development and social change. In addressing these priorities, protection and promotion of human rights in general and that of women and children in particular are not realised to the desired level.

6. Failure of the implementing machineries to protect the constitutional guarantees and protective laws can be attributed to a large extent to lack of awareness and literacy level of people.
Violence against women is simply not cultural but criminal. Women specified violence like rape has the function of keeping women where they are, where they 'ought to be, that is within the home in a powerless condition. The effects of violence directed against women are of great consequence in their lives. The fear of violence prevents many women from living independently. It curtails their mobility to such an extent that women in many parts of the world did not venture out alone; fear of violence compels them to seek protection. This protection results in a situation of vulnerability and dependence which in turn is not conducive to women's empowerment.

South Asian women and children both in the traditional and modern social structure have always been the victims of the greatest exploitation. Incidents of violence against women continued to cause much concern in the SAARC region. Alongside exploitative and invisibility in the economic sphere, women face an atmosphere of violence within and outside the family. Domestic violence, wife battering, rape, sexual harassment of both women and children on the streets and at workplace, degrading portrayal in the media, sati, violence committed on women during communal unrest and riots, bride-burning which are all familiar forms of social oppression. This demonstrates the hazardous and insecure nature of their lives in the South Asian societies and the causes can be located in the socio-economic and political context of power relations.

Feminists all over the world are campaigning against violence on women, which demanded legal and social change to secure rights and dignity for women. In the SAARC region, in general and India in particular, there were
major campaign against rape, dowry, domestic violence etc. These campaigns were able to push forward legal changes. It has been a strategy for improving the distribution of social goods between women and men, a goal in its own rights and a method of defending women against the worst oppression. Yet, the question confronting all over the world today is whether social change and gender justice can be achieved merely by enacting strict laws? Even if progressive positive laws are enacted, experience, reveals that they are hardly adjudicated in favour of women.

Violence and abuses that South Asian women experience which are tolerated, condoned or even enumerated by the very political institutions which should be condemning them. If men experienced such a scale of violations there would be a well-funded world campaign, but since women experience the abuse, it is considered to be a part of the norm. Masculine language reinforces the socialised lack of self-esteem that many women grow up with, obliterating their presence and their needs, rights and priorities, while also implicitly reinforcing male rights. Thus, the Universal Declaration of Human Rights was rewritten, replacing 'he' and 'his' with 'she' and 'her'. This simple device, adopted in the international convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has the effect of appropriating for women each one of those 'rights denied' to them throughout the post era.

For women, the realisation of equal rights will require not merely the removal of restrictions but the presence of an environment in which they become visible and able to lead the a with dignity. The result will be to give
broaden meaning and context to rights so that they are universally understood to encompass women's interests as defined by women. Women, in the struggle of living lives of dignity free from domination and violence, the recognition of women's rights as human rights can indeed play an important role.32

Respect for the human rights of children is vital to any society's future and prosperity. To respect the human rights of children is to secure respect for human rights in the next generation. Children's rights and what the world wants for its children, are articulated most clearly in the convention on the rights of the child, (CRC) adopted by the United Nations General Assembly on November 20, 1989. The convention has placed children effectively centre-stage in the quest for the universal application of human rights. It represents an international effort to define and specify the "special care and assistance" to which children are entitled. This convention is a powerful instrument for the world's children for the protection and promotion of their rights.33

The decade since the adoption of the convention on the Rights of the Child is marked by some significant advances on behalf of the children. Many countries used the convention as the basis on which to revise domestic legislation and improve protection for children, or have appointed special ombuds persons or envoys for children. As the committee on the Rights of the Child evaluated country reports under the conventions, it developed new standards of protection and pressed for specific reforms.

However, despite these developments, millions of victims of human rights violations are children. For many children around the world violence was
a regular part of their life. Millions of children have had no access to education, working long hours under hazardous conditions, or languished in orphanages or detention centres where they endured inhumane conditions and daily assaults on their dignity, in blatant violation of the rights guaranteed to them under the convention.34

In South Asia, Children make-up over 40 per cent of the population - around 539 million of more than 1.2 billion people are under 18 years old - with 13.3 per cent of the total number being under five. Together they constitute a quarter of the children in the world. Their experience is not just an important measure of the human rights situation in South Asian countries, but of the State of children, in the world at large. The promotion and protection of their rights is vital to future development in the region - and to that of humanity as a whole.35

The governments of the SAARC countries have recognised this important responsibility. Each state has ratified or acceded to the UN convention on the Rights of the Child signalling its commitment to the survival, development and protection of children. They have reinforced this commitment collectively, making children a priority area for cooperation and assistance programs through their regional grouping SAARC.36

But in reality, South Asian Children remain prone to human rights violation at the hands of state agencies, abuses by armed opposition groups - from arbitrary detentions to killings and "disappearance" in armed conflict. As the most vulnerable members of society they are often suffer systematic abuse of their rights. In the wider community and privacy of the family, children are
often victims of neglect, violence, extreme poverty, illiteracy, hunger, and homelessness. This leads to economic and sexual exploitation through child labour, trafficking and prostitution etc. There is no way to enumerate thoroughly the various ways in which South Asian children are economically exploited and physically mistreated the effects of which hamper their growth and development. All over the region basic rights to the child are denied, depriving the carefree innocence of childhood. They are sold to unscrupulous vagabonds to be turned into beggars, camel riders, domestic servants: Child labourers doing hazardous jobs like stone-quarrying, fireworks units, match factories, carpet weaving, diamond cutting etc. Although state officials may deny their responsibility for those latter abuses, their complicity or acquiescence and indifference often serve to perpetuate them.

These violations are intrinsically linked to the more general deprivation of children’s economic and social rights. According to United Nations Children’s Fund (UNICEF) each year 47 million Children under the age of five die in South Asia, majority from preventable and curable illnesses such as diarrhoea and respiratory infections. Two-thirds of surviving children are malnourished. Urbanization, poverty and the breakdown of family structures have left millions of children displaced or forced to fend for themselves on the streets where they are especially vulnerable to violence and exploitation. Girl children and those from marginalised or minority groups face additional discrimination and disadvantage.37

Against this backdrop the study attempts to explore some of the critical issues of the children with special focus to find out how these issues leads to
the gross violation of basic human rights of millions of children in the SAARC region.

The magnitude of human deprivation and the denial of basic human rights of women and children in the SAARC countries pose a serious threat to the countries of the region. But every cloud has a silver lining and it is gratifying to note that governments of the SAARC region are becoming increasingly concerned about the human rights of women and children. Most of the South Asian government have already taken important legislative initiatives in an effort to safeguard the rights of women and children and have promised to be committed to eradicate particular abuses. They are striving to develop strategies and programmes that would be instrumental in bringing about sufficient improvement in the quality life of women and children. As long as women and children have an inferior status in the South Asian society, we cannot pretend that our societies are developing in the right direction. It is a moral blot on our societies and perhaps also a self-inflicted wound. We should never forget that a country where the prospects are bleak for women and children progress and prosperity is a myth and not a reality and cannot hope to have a bright future.

Rights for women and children are an integral part of overall effort to advance human rights in the SAARC region. Human freedom and development is a holistic concept, which comprises of men, women and children. In the overall development of human society there is no place for any vested political/social/ economic interest.
The concept of universality of human rights is spreading throughout South Asia, despite some opposing groups - which are more or less isolated. But the protection of human dignity can only be guaranteed not by the state alone but by the people themselves. People will have to protect their own human rights and their network and solidarity is the force, which will transform the security paradigm of today from national security to human security.

RATIONALE OF THE STUDY:

For 5000 years, south Asia has been a major centre of civilization with rich cultural and natural heritage. Home to one fourth of the world’s population, concern for the development of women and children, promotion and protection of their human rights has been basic to South Asian thinking for over a century. This study is an attempt to examine the comparative perspective of the human rights of women and children in the critical areas of concern. One distinguishing feature of the South Asian region is that nowhere in the world six women led the destiny of their countries and yet the region has a long way to go.

South Asian region is riven by a variety of conflicts and human rights issues in general and that of women and children in particular. This threatened not only human lives and social order, but also prospects of developments. There is no dearth of general information about South Asia. In the more general regional information sources, the subject of women and children and the human rights has only been mentioned in passing. Specific information on
women and women’s issues have mainly come from women researchers, women organizations and activists. A good deal of literature pertaining to the importance and utility of human rights is available. Some work in this field has also been done in the South Asian countries. However, survey and studies that cover several aspects of problems of women and children are many and quantitatively extensive. These studies, whether books or articles are sometimes repetitive and often general in their approach and the information cited is uneven and scanty. Some of these studies lack relevance in the present context. Either the treatment is formal, rigidly mechanical, or legalistic or else it is in the form of mass accumulation of statistical data, documentation of the violation of human rights, thereby leaving a host of question unanswered. It is, however very necessary to develop much greater research efforts in order to develop more specific knowledge and understanding of the human rights problems of women and children in the context of South Asian countries.

Despite the bulk of literature, comparative study of women and children’s human rights research in the SAARC region countries is neither extensive nor systematic. With hardly any sense of academic objectives, very few of these works could serve the desired objective in terms of composite content and perspective. This venture is undertaken as an academic exercise to make indepth study of human rights of women and children in the seven South Asian countries, Bangla Desh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. These SAARC countries have been chosen for comparison taking into account the geographical proximity and the rich democratic tradition and
democratic ideals in their constitution and similar social structure with some
differences here and there.

In the SAARC countries large number of South Asian women and children are
living in a life of want and destitution, misery and suffering and the subject
assumes special importance due to these reasons. It is a sad and sombering
reality that women and children who constitute more than half of the
population in South Asia continued to be deprived of basic and fundamental
human rights.

The situation described above calls for an intellectual strategy to redress
such a sad state of reality. It is time to labour at such studies which could
begin creating the contours of a field of scholarly inquiry. What is needed is the
adoption of realistic approach to the subject of human rights of women and
children, the approach, different from the traditional one with the
implementation of human rights at the grassroot level for assuring basic
human dignity and making rights meaningful to them. Today more than even
before, what is vitally important to secure enjoyment of human rights for this
vulnerable group; which should be action oriented. Unless we evolve the
methods for rights, human rights will remain merely a teasing illusion in South
Asia.

The study aims at realistic analysis with an objective to clarify issues
and present the reality. It needs to be judged on the basis of nature of its
conceptual design and its ability to give new directions and meaning to the
subject, so that the contours of a field begin to emerge.
The reality can be observed in many ways and from many vantage points. In whatever one chooses to do so, the task, needs an objective, a relevant context and a focus on the basis of which analysis could be conducted. This is the conceptual design that holds the thesis together, and lends it a particular sense of scholarly directions. Clearly the thesis must begin with a sufficient explanation of statement of the existing field of human rights situation of women and children in the SAARC region. A suitable typology of such studies has been formulated and analytically assessed with the help of theoretical perspectives drawn from different human rights theory. This critical typologization of the existing corps of literature serve to explicate why there is justification in believing that millions of women and children in South Asia are denied of their basic rights.

The thesis is also motivated by the desire to gain sound understanding of the problems relating to human rights of woman and children in the SAARC region. It predicates the desire to examine the lack of attention to the human rights of oppressed section and outlines what has been done thus far to articulate and defend their rights. Problems faced by women and children in their enjoyment of equal rights may well seem endless. It is therefore important to prioritize and undertake the study in selected areas. The multitude and magnitude of problems can be reduced to manageable priority issues. Given the scale and diversity of South Asia and the vast area of human rights, this research does not pretend to be a comprehensive study of human rights problems relating to women and children. It attempts to analyse some of the most specific critical issues where the equal rights for women and children are
denied. Sometimes such rights are formally recognised but sometimes they are not even recognised, are openly and explicitly denied. The rights therefore necessitate a knowledge of what the problems are, because they vary a great deal, before one can venture into considering how best to address them.

In South Asia despite constitutional guarantees of justice, social, economic and political and assurances of a life of freedom, equality and dignity, violence is committed against millions of women and children. This is particularly a serious problem. All theoretical indicators of equal rights and high social status such as policy declarations, constitutional guarantees and prohibitive and protective measures exist only on paper. The life of an average South Asian woman is still governed by customs, habit, prejudices and code of conduct. Legal complexities combined with social realities make their life insecure and miserable. Even the apex court has not been able to do much in its role as prime guardian of the life and dignity of the citizens. Suo moto notice is taken of the problems of the rich and the influential, but nothing is done what newspapers report cases of bride burning, rape and other heinous crimes, which could not even be registered. This is because the victim was poor and helpless or there was resistance from someone rich or highly connected. These deep-rooted and all pervasive evils of horrendous crimes those are committed against women and children everyday. These were committed in the past, they are being committed in the present also. There seems to be no let up in man's brutality towards woman inspite of protective laws to defend women. This also has evoked an academic interest to examine such critical issues in the context of social values and social norms prevalent in SAARC societies.
The study will explore the important issues of unequal treatment of women and children as well as the failure of the SAARC countries to keep its commitment made at the international level. The central focus will be on violence as gross violation of women and children as the issue for the present study.

An area where women's fundamental human rights the right to life is violated in the SAARC countries is in the incident of domestic violence. All too frequently domestic violence is viewed by the state, as well as institutions of civil society as 'private'. Consequently this crime goes largely unpunished. The trivialisation of violence against women and children in South Asian societies is often due to the fact that there is a failure to recognise that it infringes the right to life, security and freedom from torture to which all citizens are entitled.

While victims of injustice and poverty have always had trouble being heard, none have had more trouble, historically than children. Children today are the primary victims of violence. Violence has become a regular part of their life throughout the South Asian region depriving them of enjoying their childhood. The study would explore these important areas to show how state officials, far from protecting children, actually, contribute the cycle of abuse in varying degrees. It also examines how human rights defenders standing up for the full range of children's rights often find themselves under attack by state authorities and powerful vested interest groups. Whether exploited as child labourers or prostitutes, drafted as young teenagers into armed forces, forced as young girls into a lonely life as domestic workers, deprived of an education to work on the family farm or denied adequate nutrition and health care and
deny their basic right - right to life. This nullifies their own rights, since without
the right to live and the right to grow to maturity with dignity all the rest is
empty rhetoric. Children need help and protection from all adult world that
perpetrates most of the abuses.40

Based on the foregoing discussion the present study raises some
important questions: What has been the impact of this trend on women and
children in South Asia? Who is responsible for this lapse? What are the myths
and realities associated with this? How far has the role played by United
Nations for the protection and promotion of women and children's rights in
international perspective been effective in the South Asian region? How do the
constitutional and statutory provisions providing machinery for protection and
implementation of women and children's rights in the SAARC region? Is it all
rhetoric or is there an element of genuine concern for the human rights of this
largely neglected and oppressed vulnerable section of South Asian society? How
far in the atmosphere of political corruption, violence, armed conflicts and
rising fundamentalism, the human rights of women and children can be
realised in South Asia?

In view of this the objectives of the present study are:

1. To historically trace the evolution of human rights with special reference to
women and children and the factors responsible for the recognition of their
rights.

2. To examine South Asia's perception of women and children and to make a
comparative and evaluative inquiry into the present situation of human
rights of women and children in the region.
3. To compare and analyse the role of institutional and monitoring mechanisms for the protection and effective implementation of human rights of women and children in South Asia.

4. To identify the critical areas of disparity, disadvantages, causes, barriers, curtailment and violations of women and children's rights so as to explore the possibility of preventing future repetition of such unlawful, inhuman acts.

5. To explore the possibility to develop future strategies to enhance respect for human rights of women and children in the lights of current international and national developments.

The present study is a modest attempt to have a holistic view of the problems - particularly violence against women and children. The human rights problems of women and children cannot be made outside the social structure. Therefore keeping in mind the diversities and inequalities and the social, economic, cultural, political and legal nature of the problems a comparative analysis of this important issue has been taken up. It is necessary to effectively coordinate political development, legal mechanism and socio-economic changes responsible for recognition, protection and implementation of violation of women and children's human rights in the SAARC region.

HYPOTHESIS

Hypothesis generally revolves around a few key questions or postulates which stimulates the study. Women and children of South Asian countries
more specifically of SAARC countries) constitute the concerned area of this study with reference to their rights.

As it is implicit in the title Women and Children of South Asian countries - omits men. This deliberate or by design - discrimination against women and children becomes the main focus of the study. Is it history, culture, social norms and values, which are the root of the plight of women and children? What attempts are being made constitutionally, legally, politically at national and regional levels to address the problem and with what results? Future of South Asian women and children depends not so much as to why they are being deprived of their basic rights but what is being done to bring an end to their exploitation, injustice and helplessness.

At macro-level the present study primarily examines the state of human rights of women and children in the SAARC region countries as the most neglected and deprived segment of the society support and concern for human rights of women and children has always been integral to the mission of United Nations which has been conceptually accepted by the South Asian countries also. However, despite all efforts at international level to treat women and children equally, improve their living conditions and to protect and promote their human rights, in each of the seven South Asian Societies, they are in one way or another at a disadvantage. The main focus of the present study is on violation of human rights of women and children in the context of violence. It also focuses the genesis of discrimination and cruelty against them as gross violation of their human rights. The hypothesis that evolved out of an extensive review of literature review focuses on the following.
1. South Asian countries despite close geographical proximity with shared sub-continental history exhibit extraordinary diversity and heterogeneity. Persistence of strong patriarchal culture with diverse religious, social norms and values are the root causes for violation of human rights of women and children.

2. Violence as gross violation of human rights of women and children occur in the sphere of home, family, community, workplace and public places due to the existence of own distinct code of fairness and justice between two genders.

3. In the name of economic expediency, culture or tradition, children are effectively viewed as property whose individual rights are subsumed in the interest of family, community and authority in most of the South Asian society.

4. Perennial poverty, unemployment, illiteracy combined with socio-cultural factors responsible for the perpetuation of a range of human rights abuses such as child labour, sexual exploitation etc. This results in egregious violation of children's rights and impedes future of million of children in South Asia.

5. In South Asia despite the constitutional guarantees and protective laws, lack of effective implementation, discriminatory laws and strong political commitment are the obstacles for the prevention of violence against women and children.

6. Growing awareness of women's rights and greater thrust on gender equality will compel South Asian countries for greater introspection of their failure in
protection these rights and the need to improve their record of human rights.

**APPROACHES AND METHODS:**

For the collection of relevant data and information, historical, comparative and analytical research methods have been used. It has been mentioned earlier, that the approach of the study is conceptual throughout. Naturally, of course, there has been extensive reference to historical material, and has been treated as the raw material for the derivation of relevant conceptualisation. The historical method has been employed in tracing the evolution and emergence of human rights on international and national levels to place developments in South Asia in this sphere, in their proper perspective. It has been used implicitly to ascertain tests of performance. A conceptual approach makes use of historical evidence in order to go beyond it to ascertain its meaning and significance for the ordering and evolution of social reality in the present and future as well. A proper study of human rights and its proper enforcement became critical for the survival of humanity can neither be exaggerated nor over emphasised. It must be hoped, that the thesis both in its substance and approach contributed to such fundamental purposes as these.

Comparative method has been adopted by the research that helped in identifying the nature and pattern of human rights in the SAARC region. It has been a significant help in understanding the specific human rights problems of public policy that had a direct impact on the implementation of human rights of women and children in South Asia. Besides, these methods have been to
immense use in understanding the working pattern of implementary 
machineries, the constitutional guarantees, the legal mechanisms, the political, 
socio-economic and religious factors responsible for the recognition, protection 
and implementation and curtailment of violation of human rights of women 
and children in South Asia. It is however not designed to be a comprehensive 
treatment of human rights, the focus throughout has been on South Asian 
women and children's oppressive position on human rights front and its 
subsequent ramification.

Methodology involves a scientific system of explicit rules and techniques. 
As such method has been applied to scientifically analyse the factors 
responsible for curtailment and violations of human rights of women and 
children in South Asia. It seeks the general within a more confined context of a 
given historical and functional setting. It sees the particular phenomenon 
under observation as a part of the whole. The whole that is described here in 
relatively modest and easily observable terms and which is derived from reality 
– a specific reality of time and context.

The research, as the above discussion suggests is inductive, it is based 
on reasoning from specific observation to general. In the specific context 
violence as gross violation of human rights of women and children is observed 
in the South Asian region are analysed on the basis of violation in the universal 
context.

The research is also deductive, that is it proceeds from general to 
specific observations. After applying the basic premises of human rights 
violation in South Asia, certain inferences are drawn as: patriarchal structure,
socio-economic, religious and cultural practices of South Asia led to gross violation of human rights. These factors retard the region's growth, peace and development and lead to human deprivation.

The research relies heavily on qualitative methods and has been based on secondary sources of data and information, which are supplemented by primary data wherever possible.

To obtain secondary information, an archival research on previous studies and reports has been conducted. Very limited written, published and analytical material has been available on the comparative study of human rights of the seven countries of the SAARC region. Therefore the existing relevant literature available in the form of documents, textual, analysis and historical analysis has been collected and studied substantially. A detailed document and textual analysis has been carried out of books, manuscripts, journals, periodicals, magazines, newspapers, articles, official documents and seminar papers pertinent to the research topic. Moreover historical analysis of human rights of SAARC countries have been undertaken so as to have proper insight into the vexed issues and problems connected with the recognition and enforcement of human rights in the region.

LITERATURE REVIEW:

The research problem elaborated earlier gains merit on the basis of literature review conducted along the lines of subject under investigation. The present research itself has benefited tremendously by the inclusion of a
detailed literature review on specified as well as general human rights issues of international relations, and other related issues. The main sources of review however, have been limited by the constraints of time and availability. Most of the literature review was obtained from different universities libraries and material provided by certain distinguished scholars of the subjects.

A plethora of theoretical and empirical studies relating to recognition and protection of human rights on international and regional levels have been undertaken by various scholars. However comparative human rights research, is indeed academically under-developed. No serious attempts has been made by these scholars to confront and understand the problem in all its complexities from a total perspective. The comparative human rights research between the South Asian countries is neither extensive nor systematic. It must be mentioned that comparative human rights issues should be given due attention and there is need for a new introduction of human rights. Presented below are a few comments from diverse literature reviewed during the course of this research study. Even though the pivotal concern of this research is violence as violation of human rights of women and children in South Asia and its effect on their lives, it would be appropriate to begin with a general remark on the historical growth and development of the concept of human rights - which has emerged in the central stage of international relations and assumed universal attention after the second world war.

With the renewed importance that human rights have come to acquire in the present era, the literature review focuses on developing societies of South Asia with a typical third world socio-political framework with all attendant
problems of poverty, unemployment, illiteracy, ailing economy and uneven levels of development.

The most interesting and important debates in recent years have been the concern for the realisation of human rights of women and children who have always been victims of the greatest exploitation in South Asia. Violence as one of the major concerned area of human rights, violation of women and children the emphasis on review of literature is focused on this issue.

Walter Laqucar and Burry Rubin (eds.), The Human Rights Reader (1979), is an important and the most extensive source book and a documentary of history on the issue of human rights. The completely updated edition of a basic source book covers over eight centuries of human rights issues addressing the events, the agreements, the speeches and the conferences. It provides a general overview of the subject. It is at the same time a work of reference and a guide to further study. It opens with essays of the human rights issues, discussing the historical background as well as philosophical and legal implications. Hence this volume is of great importance to the present research study.

This book is an interesting collection of essays on theoretical and political aspects of human rights including some very interesting studies on problems in the developing countries of the world. This important volume provides the most interesting and important debates in recent years concerning different issues of human rights both nationally and internationally. It contains scholarly essays by distinguished scholars and eminent personalities of national and international acclaim. As such the book describes, analyses, criticises, proposes and provokes various aspects of human rights issues in developed as well as developing countries and helps the reader not only to understand the basic concepts of human rights but also reflect critically about international as a whole.

This interesting and thought provoking volume has been divided into various parts covering and objectively evaluating specific human rights issues. Part E of this book explores one important topic of central importance and devoted specially on women’s rights that has a direct bearing on the subject matter of the present enquiry. It has two functions: First, Part E examines one substantive field of human rights in a more systematic and comprehensive way. That field touches many other, from economic development to political participation, from sociology and history to religion and political culture.

Second, the topic women’s rights bring together within one illustrative study most of the ideas within the framework. This chapter involves relationships among norms, institutions and processes; the interpretation of international and national system, and broader themes pervading the human
rights movement, like the claims of cultural relationship and the reach of International human rights to 'private' or nongovernmental conduct.

This important relevant work for the present study critically evaluates the development of human rights movement from 1945 to the present. It examines the striking feature of movements failure to give the violation of women's human rights the attention and priority which not only adversely affect all of us, for a deep change in women's circumstances means corresponding change through out the social life. The review of this chapter reveals the shocking reality of the complexity of interwoven socio-economic, legal, political and cultural strands to the problems of women's subordination and women's rights. The book also presents reports about human rights violation of women's rights in different parts of the world. They suggest the complex relationship among diverse phenomena that bear on women's rights.

This book examines two institutions within the universal human rights system are concerned exclusively with women's rights, critically assess United Nations Commission on the status of women and the more significant and influentially organ committee formed under CEDAW.

This important volume will be a valuable addition to the growing literature on the subject of human rights. This will provide useful information as well as valuable insights to academicians, human rights activists and deserving members of the public. Deep study and careful research have illuminated many chapters of this informative and thought-provoking book”.

Lauterpacht in his book, international law and Human Rights (1950) has systematically traced the evolution of human rights on international level. After
discussing the various provisions of UN Charter concerning human rights, he throws light on the adoption of the Universal Declaration of human rights. This work is useful in retrospective study of human rights.  

A R. Desai (eds.) Violation of Democratic Rights in India (1986), adequately discusses how far the fundamental rights guaranteed by Indian constitution are enjoyed by the people of India. A systematic attempt has been made in this book to record the literature that expose violation of the legitimate rights of the people against the backdrop of the rights given in the constitution of India and in the Universal Declaration of Human Rights. The volume also contains the reports of Amnesty International exposing the harsh treatment meted out to the citizens of India by state. He has very elaborately examined some of the selected reports and documents which give the authentic accounts of the attacks by the guardians of law by way of public atrocities, encounter deaths, deliberated murders and torture inflicted on the people hailing from different parts of the country. This book provides useful data relating to the violations of the rights to life in India.  

Justice V.R. Krishna Iyer in his book entitled Human Rights and the law (1984) with refreshing fearlessness and passion for socio-spiritual betterment explores different human rights problems, displaying a deep commitment to humanity. The author has rightly examined the interaction of law and social change in the context of Indian legal system He has gone beyond and written with zeal and amazing originalization on a panorama of subjects. This work is a combination of scholarly skill and sparkling style.
G.S. Bajwa, *Human Rights in India: Implementation and Violation* (1995), has made a very detailed and lucid analysis of the origin and growth of the concept of human rights. He analysed various International instruments concerning human rights and success and failure in implementation of human rights in India. He objectively evaluates the constitutional measures adopted by India one of the most important countries of the SAARC region for implementation of human rights choosing the Universal Declaration of Human Rights and the International covenants of human rights as the principle of yardstick of compliance. This work also evaluates the role of judiciary for implementation of human rights in India.42

Dr. Haragopal in his work "Political Economy of Human Rights: Emerging Dimensions has made very detailed analysis of the unfolding dimensions of human rights which can in a way, form the frontier areas of enquiry. The books central concern is the question of dominance permeating the social relations that is anti ethical to all form of freedom.

This important work is deeply concerned with the transformation of the existing unjust, unequal and undemocratic Indian social order. The author analyses that the order is of course changing but the pace can be speed up by the active intervention of a middle class committed to the democratic concern. The work is of immense use for the present research as it critically examines the theoretical dimensions and the global scenario of human rights from the feminist worldview. This useful work greatly stimulates some enquiry into certain deeper and larger questions relating to human rights. A

Subrmaniam’s *Human Rights International Challenges* (1997) (in two volumes)
is a very useful work in a lucid form and style. The treatment of the subject by
the author is indeed unique feature in-as-much-as he classified the subject
scientifically into historical aspect. He presented a critical analysis of human
rights situation in SAARC countries with special reference to women and
children. He also examines the crime and violence committed against them
denyng their basic rights.

The handbook is full of authentic information. It is perhaps the most
detailed treatment of the subject. The book is significant for the present study
for the reason that the country-wise studies themselves advance the knowledge
of human rights from within both a particular and universal perspective. The
comparative analysis of human rights of women and children in the South
Asian countries immensely helped the study to assess the magnitude of human
rights of this vulnerable group in the region.

The study also reviews the perspective articles of eminent feminists and
scholars of human rights with genuine concern for the rights of women and
the twenty first century, (1999) the chapter by Bell Christine, Women's Rights
as Human Rights: old Agenda, New disguise-the author examines feminist
theories of human rights and suggests that it stands in uneasy harmony with
agendas which seek to deny the universality while insisting enforceability.

"Feminists have sought to retain clearly political goals and to move forward
agendas for equality, while taking into account the multiplicity of women's
identified perspectives." It locates the answers in 'cross cultural dialogue and
notions of positionality.
Mahoney and Mahoney’s (eds) book “Human Rights in the Twenty First Century - A Global Challenge”, (1993), the Chapter by Bunch Charlott, “Feminists vision of Human Rights in the twenty first century add to previous human rights thought and transform it. This chapter focuses more on the task of transforming concepts because it is often resisted and offers to greatest challenges to and possibilities for human rights in the 21st century. The article discusses four approaches to bringing women’s rights and feminists perspectives fully into human rights: Women’s rights as political and civil rights, as socio-economic rights, women’s rights and the law, and feminists transformation of human rights.

Katarina Tomasevski work Women and Human Rights (1993), exhaustively deal with standards and procedures, and gender gap between the recognition and enjoyment of human rights and fundamental freedom of women’s human rights. The book makes an attempt to demystify the numerous myths that have been woven around the concept of human rights of women and children. To understand human rights it locates them within a large, social matrix in an attempt to identify the preferred structure and organisation that would be most conducive to the full fruition of these fundamental liberties.

A recurrent theme of this book is its emphasis on the gaps between the women’s agenda and the human rights agenda changing from the standard-setting policy, practice and action whereby human rights of women fall between crack. They are debated from the human rights agenda because they pertain to women and from women’s agenda because human rights are seem to belong elsewhere. This book argues that a merger of the two is mutually reinforcing
and should come a priority in the future work of both women’s and human rights organisations.

This book describes the lack of attention to the human rights of women at all levels, from local to global, and encompassing all human rights, freedom from torture to political participation, from free and responsible parenthood to property rights. It outlines what has been done thus to articulate and defend women’s human rights. It singles out illustrative examples of success in attaining equal rights of women in different countries and areas, and indicates a range of issues where equal rights for women are openly and explicitly denied.

The book is a pioneer attempt to stimulate activism at grass root level to place equal rights for women and children on the global human rights agenda to redress the traditional neglect of women. The unfinished history of women’s human rights first summarised then the pattern of problems today is outlined. Finally, the book describes the universal framework for the implementation of women’s equal rights and to emerging human rights agenda.

Askin and Koening (eds.) women and international Human Rights law (1999) An important volume in which a chapter by Cerna Christina and Wallace Jennifer C. “Women and culture”, the authors explore the issues surrounding the abuses of women’s rights under the guise of cultural tradition. The authors critically analyses various cultural traditions, and their impact on women and (for example, in marriage, health, reproduction and violence), then provide a brief overview. They examine the impediments to changing traditional practices and offer a possible plan of action.
Ursula O'Hare, "Realising Human Rights for women" in Human Rights quarterly, 1999 contains very relevant subject and assumes special importance in the context of present enquiry. The author examines the developments in the prohibition of violence against women in international law. She stresses the importance of recognising violence against women as a human rights abuse rather than as a "private" Individual or family matter. The precedent set in the area of violence against women may give other groups the framework within which to challenge the boundaries of human rights law. The author also examines the feminists debate around violence. She analyses that human rights are more static and that women's voices have much to contribute to the future evolution of human rights. Finally she, concludes that the growing prohibition against domestic violence in international law will encourage a sense of ownership of those rights moving the debate from expressions of moral outrage into the framework of enforceable legal rights.

Kim Nancy, "Toward A Feminist Theory of Human Rights: Straddling the Fence Between Western Imperialism and Uncritical Absolutisms" (1993). This article explores how feminist theory, an alternative to both relativism and liberal human rights theory, can be used to reconceptualised women's rights as human rights. It also argues that the existing human rights theory, because, of it adherence to liberal principles, fails to remedy oppressive conditions of women. This article explores the way in which feminists thought may be infused into international legal theory to further promote human rights of women.
S.K. Ghosh's book *Women's war in men world* (1981) has systematically traced the historical evolution of human rights of women and children and their struggle to gain recognition in a male-dominated world at international and national level. The book effectively analyses human rights problems that violates women's human rights in the developing South Asian country like India. It analyses how stern religious and social customs left women in the region weak and fragile and dependent on men from the time of their birth to death till the turn of last century when many of the mal-practices were abolished. The book critically examines that despite the reforms carried out to improve the lot of women even today much remained to be done to place women on equal footing with men. The theme of this book is of unique relevance for the developing South Asian societies.

The Human Development in South Asia 2000, *The Gender Question* (2000) is a very important work as far as present research is concerned. This report examined the magnitude of human deprivation and focusses on the disproportionate share of this burden of deprivation that is born by the women of South Asia.

The theme of this book assumes special importance for the present study as it has a direct bearing on the subject matter of present study. Close examination and indepth study of this report reveals that, the opinion expressed by the eminent scholars and experts from the region support the theory of gender-discrimination practices. It analyses that these discrimination in the legal, economic, political and social sphere adversely affect women's lives in the region. It is situated within deeply ingrained system of patriarchy that
limit and confine women to subordinate role depriving the enjoyment of their rights.

The report explores the socio-economic scenario of South Asia over the past half century and presents a conceptual framework for analysing gender issues in South Asia. Further the report critically evaluates and assesses the follow-up actions in the region five years after the Beijing conference. Chapter Five of this report analyses legal systems in South Asia and examines their impact on women. It gives an overview of the systems of governance that perpetuate women's unequal position everywhere in the Society and the state. The report finally, proposes an agenda that identifies the most pressing policy and institutional changes required to achieve gender equality and realisation of women's human rights in South Asia. On the whole this work is undoubtedly a very rich contribution for the literature on the subject of women's human rights.

Bina Agarwal's important work, A field of one's own : Gender and rights in South Asia (1994) contain an indepth investigation to recognise the central importance of women's lack of rights in property, - especially land, in explaining their economic, social and political subordination in South Asia. It became increasingly clear that it was critical for women to win those rights for establishing more equal gender both within an outside the household. This volume critically analyses how land has been and continued to be the most significant form of property in rural South Asia. The scenario of women's virtual exclusion, in most region from control over property and from most public decision making bodies continue to deprive their human rights. This
book is also quite useful for the present research inquiry in conceptualising gender relations in the region. A close study of this book make possible to assess the inequalities existed between the two genders in the South Asian context.

The SAARC European Human Rights Conference (1994) is a collection of various perception articles from distinguished scholars from the region and the close examination of these articles on range of human rights of issues provides invaluable information and insights for the present study. The eminent contributions presented a comprehensive work of reference on all aspects of human rights in the region. The authors examine human rights issues, the historical perspectives, socio-economic, political factors, the constitutional provisions and legal systems in the SAARC region. The authors make a probing study of the magnitude of human rights abuses and present a real picture of human rights situation. The study of this work provides insight to the problem of enforcement of the rights in the region. These important collections of articles are very useful to pursue comparative analysis of SAARC countries.

R.S. Verma (ed) Book Human Rights Burning issues of the World (2000) is undoubtedly the most useful volume contains various important human rights issues. The author examines a range of human rights, problems of children like child labour, child survival, child abuse etc. The author also examines the right to women in Islamic communities, Islamic constitutions of human rights etc. This work may well be a ready reckoner for the present study to understand systematically the evolution of human rights, various proves
and problems concerning women and children rights in the international and South Asian context.

Shanker Sen's Human Rights in developing society is another useful book which critically examines some of the very pressing issues confronting Human rights abuses of children in South Asia. It examines Child labour as an alarming problem in the region that leads to gross violation of human rights violation in the region. The book analyses different factors responsible for this problem and in the summary of discussion of this book future measures have been suggested. This book is an eye opener for the countries in the SAARC region to the human depreciation, especially for India due to its dominant place in the region. It also helps to think on those lines for promotion and protection of these rights for the happiness of the children and prosperity of the region as a whole.

Devika and Z.A. Nizam's (eds.) work Human Rights in the Third World Countries is a collection of articles by learned writers of human rights of women and children in the Third World countries. This work is one of the few of its kind which critically evaluates the problem of human rights in the developing countries of South Asia and especially examines Women's Rights violation in BanglaDesh. Various human rights problem of women and girl child in the country has also been critically analysed by the author.

Kumudhini Rosa, in her book “Women of South Asia” (1995) has made a very detailed analysis of the situation of women in the seven SAARC countries where women are always in disadvantage.
This book is a key guide intended to provide comprehensive picture of women's socio-economic political situation in these countries and to critically analyse the inequalities and depressed status of women in the region and to suggest future measures.

The work adequately provides extensive statistical data on the various countries as well as regional aspects. This work is very useful to know the numerous myths that has been woven around the concept of women's human rights. The book reveals the shocking reality about the inhuman conditions faced by the women and children in the SAARC region. The book is very useful helpful to understand in totality the conceptualisation of women.

Urmila Dhawin and Indira Malan's (eds.) work "Women of the world illusion and Reality" is the collection of papers is an attempt to set in a comparative perspective of the status of women in different social structure. The main focus of this work is to examine the role assigned to women by tradition, religion, ideology and state of economic development. Finally the contributors of the volume have made an assessment of the writ reality of the wider opportunities claimed to have been opened out to women in this respect. The book analyses the discourse role of women and her struggle to reality those volume. This work is relevant to pursue the comparative approach.

Vijaya Chitnis, Maldan and Hirani's (eds.), 'Human Rights and the Law, Nation and Global perspectives' (1997) examine at length human rights violation of women and children. The book critically analyses how women for centuries have been assigned a low and undignified status in comparison with that of men and victim of oppression and atrocities not only in South Asia but
also all over the world. The book also analyses child abuse as the major international and national concern by which millions of children suffer. The contributors of this book are much worried about the violation of human rights of women and children and explains how on the one hand, human rights of women and children has become a live issues and on the other, human beings seeking such rights are tortured, maimed, disemboweled, killed, physically and sexually exploited and even burn alike. This work is useful to identify the areas of violations of human rights of women and children.

The Human Rights watch Global report on Women's Human Rights (1995), is a compilation of investigations by Human Rights watch from 1990-1995 on women's human rights violation. Human Rights watch, which conducts regular systematic investigations of human rights abuses through out the world, this particular volume assumed special importance for the present research as it provides invaluable information and insights for the subject matter of present inquiry. A systematic and critical probe study has been made in this report. The report documents a range of human rights violations of women and its role in maintaining the subordinate status of women. It analyses the gap between government rhetoric and reality and emphasised the vital role of government in combating violations of women's rights.

Ursula R. Sharma, Daughters of Independence Gender, Caste and Class in India (1986) is the result of a research study. This volume contains historical and empirical analysis of women's lives, descriptions of their struggles to change their conditions. The main theme is to explore reasons for women's subordination and oppression and the influences in freeing them from
constraints and the nature of social processes linking the hierarchies of privilege and subordination and to raise implications for such issues. The focus throughout is on various women issues that are extremely helpful for the study to trace the problematic areas.

Rajinder Kaur, “The political of Empowerment of Women: Myth and Reality” is Gopal Singh’s book South Asia, Democracy, Discontent and societal conflict (eds), makes an indepth analysis of violation of women and children’s human rights and explores important contributing factors for the oppressive positions of women and children. It critically examines the constitutional and statutory provisions. The work contains useful data that reveals a pathetic picture of violence against women and children in the region. This work is quite relevant to the study.

Amnesty international report, “Children in South Asia, their future in the region” (1998) is a systematic probe study reveals the rampant abuses against children in South Asia. The report critically analyses that children in South Asia constitutes a quarter of the children in the world. Hence their experience is not just important measure of the human rights situation in South Asian countries, but of the state of children in the world and large. The probing study is mainly concerned with the millions of South Asian children who are worst victims of range of human rights violation.

The different chapters of this important volume explore the nature and conditions of children’s human rights and exhaustively analysis human rights abuses in the SAARC countries. The report examines that despite the ratification of the constitution on the Rights of the child and the constitutional
guarantees the rights in the region are being violated every day. The report has elaborately examines the different human rights abuses and finally concludes with a wide range of recommendation to the governments if South Asia, opposition groups and the international community as a whole. This report as a whole covers a wide range of human rights of children in the region that helps to understand in totality the concept of human rights of children.

Radhika Coomaraswamy, Reinventing international law: Women's Rights as Human Rights in Vanness (eds.) Debating Human Rights: Critical Essay from the United States and Asia (1999) presented this powerful essay - Drawing on her work as the special Rapporteur on violence against women for the United Nations Human Rights Commission, Coomaraswamy criticises aspects of Enlightenment while remaining committed to the concept of universal human rights. She describes the victories achieved for women at the world conference for Human Rights at Vienna 1993 and 1995 world conference on women in Beijing. Finally, she discusses the special responsibilities of the state with respect to women's rights and argues that women's rights should be considered a “fourth generation of human rights”. As a fourth generation of human rights, women's rights would be considered as indivisible and important as civil and political rights, social and economic rights and peoples rights. Coomarsawamy argues that this new treatment of women's rights is needed because in the legal doctrine out of international standards of violence against women and those emerging from the discussion of sexual autonomy do not really suit the old provisions contained in international law".
In order to provide a thorough and systematic analysis of the subject matter, this research has been divided into five inter-related chapters. The first chapter "The State of Human Rights with reference to women and children in South Asia" introduces the importance of human rights of women and children at international and national levels. It gives an overview of the human rights situation that perpetuates women’s unequal position and children’s exploitations in the region. It provides a review of literature on human rights issues in the region. It also explains the rationale of this study and also provides the research tool employed in collecting relevant data and information.

Chapter Second entitled "Human Rights: Perspectives and Perceptions" deals with meaning of human rights in the international relations discourse and provides a historical evolution to their present day status in the universal and South Asian perspectives. It presents a conceptual and theoretical framework for analysing human rights issues of women and children in South Asia. The discussion leads to certain major assumptions and convictions that form the basis of the subsequent chapters.

The Third Chapter "Violation of Human Rights with reference to Women and Children. In South Asia" focuses on the violence committed against women as one of the critical area of concern. It examines various factors responsible for the gross violation of women's human rights and its impact on them. It also examines the legal systems and critically analyses the extent to which human rights of women have been protected, promoted and implemented in the respective countries.
In the Fourth Chapter "Children in South Asia: Securing their Rights" an effort has been made to critically analyse the particular vulnerability faced by children. Especially those children in different circumstance who are frequently the most invisible and voiceless victims of these abuses in the region. It also sets these concerns within the broader framework of children's rights which governments are obliged to respect and ensure.

The final chapter evaluates entire study so as to situate the problem in an analysis and conclusion and offer fresh insights to the problem under study. And finally, in the context of its hypothesis it ends with concluding observation on the future prospects of human rights issues in the South Asian countries.

**FOOTNOTES AND REFERENCES**


7. Sometimes these rights are also preferred as basic rights, birth rights, fundamental rights, natural or inherent rights.


29. For such discussions, See Ponna Wigna Raja, Women, Poverty and Resources, Sage Publications, New Delhi, p.28.


34. Ibid., p.26.


36. Ibid.

37. Ibid.


