

**NPTEL**

**NPTEL ONLINE CERTIFICATION COURSE**

**Course  
On**

**Gender Justice and Workplace Security**

**by**

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**Lecture 06: International Perspectives**

Good morning dear students, I welcome you to the course on gender justice and workplace security. In the previous lecture we initiated the discussion on the international perspectives towards gender justice. In that regard we try to see the efforts which have been taken by the United Nations with cooperation with the nation-states and the various endeavors they have made in order to promote the rights of women and to see that necessary steps are taken by the state parties to ensure the equality and liberty of women in all spheres of life.

We were last discussing the convention on all forms of discrimination against women which is referred to as the International Bill of Rights passed in 1979, and ratified by India in 1993.

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**Obligations of States**

By accepting the Convention, States commit 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

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This convention was a major step towards recognizing the various issues and concerns of women in society and taking appropriate steps towards the amelioration of their condition. The Sydow laid down obligations of individual states that by accepting the convention states commits to undertake a series of measures to end the discrimination against women in all forms. Now such measures include the incorporation of principles of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting such discrimination.

Next to establish tribunals and other public institutions to ensure the effective protection of women against discrimination. And third to ensure elimination of all acts of discrimination against women by persons, organizations, or enterprises. There were various other obligations which were also laid down, but it essentially at the core of it, it tried to ensure that in the legal system in the practices which are followed by the various organizations and enterprises within this system.

Equality of men and women were maintained, and any sort of existing discriminatory practices are done away with, and to that effect laws have a very important role to play, and laws must ensure that such equality must be a reality so far as men and women are concerned. It is also important that there must be proper institutions which are maintained or established in order to ensure the effective protection of women against discrimination.

So the courts as well as other institutions must ensure that the equality of the sexes is maintained and any instance of discriminatory practice must be immediately abolished or set aside. So therefore, the seed or laid down the obligations of the nation states to take necessary steps in this regard under the Sedog the various states are required to submit reports as to the efforts they have taken at the national level or at their level with regard to each of the obligations, and in what manner that has sought to bring about or establish equality or abolish the discriminatory practices in this society.

So therefore, the obligation of the nation-states is to prepare such reports and that those reports must ensure the appropriate steps taken at the state level which they are after is reported at the international level based on the report there are thereafter various recommendations and various suggestions which is made by the international body towards which the state party should take appropriate steps however being a part of the international obligation there is as such no enforcement mechanism towards that effect.

But it is based on good will and good gesture of state in parties or individual Nations to see that appropriate steps are taken whereby the suggestions or recommendations of the international body can be taken into account and where they are falling short of what steps may further be taken that should effectively be planned and implemented at the state level.

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**DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN, 1993**

- International human rights instrument to exclusively deal with the issue of **violence against women**.
- It affirms that violence against women violates, impairs or nullifies women's human rights and their exercise of fundamental freedoms

The slide features a blue header with the title, a yellow background for the text, and a blue footer with logos for IIT BHARANGPUR, NPTEL ONLINE CERTIFICATION COURSES, and a video inset of a woman's face.

Following this video thereafter there has been the declaration on elimination of violence against women a declaration of 1993, now this it was a international human rights instrument to exclusively deal with the issue of violence against women it affirmed that violence against women violates in pairs or nullifies women's human rights and their exercise of fundamental freedoms violence against women is a very significant and crucial concern when it comes to women.

And the international body through it is declaration try to draw the attention of individual nations towards the problem of rising violence against women all across the world, and that it is necessary that if human rights and fundamental freedoms have to be realized then it is very important that such violence must be stopped.

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**Violence**

- "Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."
- Violence against women encompasses-
  - Physical violence
  - Sexual Violence
  - Psychological Violence

Both inside and outside the family- rape, sexual abuse, trafficking, sexual harassment and intimidation in workplace, battery, female genital mutilation & other practices harmful to women.

This declaration also went on to define the concept of violence and what comes within the scope of violence against women the term violence has been defined as any act of gender-based violence that results in or is likely to result in physical sexual or psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life.

So therefore it is a very apt and appropriate definition which encompasses the various types of violence which a woman phases whether within the homes or outside, it speaks of hear the term violence has been referred to with reference to gender-based violence, so specifically such types of activities violent activities which are targeted towards women.

Now generally there may be different forms of violence which exist in society some are gender-neutral in a sense that it can affect anybody in the society without having any specific reference to the gender of a person, however it has been see that there are certain kinds of activities or certain kinds of violent act which are specifically targeted towards the women population, now these are basically the result of the patriarchal mindset the existing gender stereotypes which exist in society and a sort of a power structure which tends to establish the dominance of men over the women.

So therefore here the concept of violence which was referred to in the declaration specifically spoke of gender-based violence, now those gender-based violence would be inclusive of any of the following harms it may come in the form of physical violence it may come in the form of

asexual violence or it may come in the form of mere psychological violence. Now such violence or harm results in seriously affecting the woman in terms of her body in terms of an integrity or in terms of her mental well-being and such acts not only include the perpetration of the act but also any threats any intimidating acts or arbitrary deprivation of Liberty also comes within the scope of the term violence.

Now when the declaration spoke of violence it spoke of violence both in the public as well as private sphere so it is inclusive of violence which is perpetrated whether inside or outside the family, now there can be numerous instances of violent acts being perpetrated whether in the family or outside the family some examples have been given in this sense offense of rape, sexual abuse, trafficking, sexual harassment, intimidation in workplace, battery, female genital mutilation and other practices harmful to women.

So these are some of the acts which are mentioned here there may be many other forms of violence which are perpetrated against women whether within the family or outside the family, one common example of violence within the family if we speak of is domestic violence such domestic violence may take the form of physical violence it can also take the color of sexual assaults and it also involves psychological violence against a woman where the woman is subjected to different types of trauma, different types of hostile feelings or ill treatment within the family seriously deprived being her or for mental well-being or forcing her to commit suicide or take other steps towards her safety and security.

Other than that when it comes to it may be within the family as well as well as outside that there are instances of sexual assault against women sometimes it may be strangers who are involved but as has been seen through research in many instances these are also perpetrated within the house which is generally taken as a safe haven for women which itself turns to be the predator preying upon the young children maybe the young girl child in the family or other women in the family.

Trafficking is a huge problem where women are bought and sold just like products in the market and they are further subjected to commercial sexual exploitation or in the labor market or in other forms where they force suffer various types of physical sexual violence, so therefore the declination try to bring about the attention of the nation states to the various practices which were existing in society and the necessity of the nation's to take appropriate steps.

Whereby such violence against women can be stopped, just to add in recent times of female genital mutilation has also been added in the list of violence perpetrated against women even in India earlier that was a view that it was existing in some distant countries of the world and India was not affected by it, but if you have read reports and newspaper items in many situations it has been mentioned that within certain communities in certain parts of the country this practice is in existence.

And it is perpetrated with utmost secrecy within the family so that any information with regard to it does not go outside, however some women of the community have shown their courage to come out and speak openly of this problem and therefore now it is gradually being recognized that FGM also exists in the country. so therefore there are various practices which exist and these practices are targeted towards women and it is very, very important that individual nation states take appropriate measures to control that violence and to see that somewhere it is effectively curbed and for that purpose it is not only the laws but also the institution whereby justice is served such institutions are effectively maintained appropriate laws are in existence and through the effective implementation of the laws they can be the object can be achieved whereby violence against women can be reduced.

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- The Declaration also enumerated the rights of women:
  - The right to life;
  - The right to equality;
  - The right to liberty and security of person;
  - The right to equal protection under the law;
  - The right to be free from all forms of discrimination;
  - The right to the highest standard attainable of physical and mental health;
  - The right to just and favourable conditions of work;
  - The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.
- Directions to the State to condemn violence against women and take appropriate measures for eliminating violence.

The Declaration of 1993 also went on to enumerate the rights of women it laid down a list of such rights many of which have already found mentioned in the previous documents whether Universal Declaration of Human Rights or other documents passed by the international body. The right to life, the right to equality, the right to liberty and security of person, the right to equal protection under the law, the right to be free from all forms of discrimination, the right to the highest standard attainable of physical and mental health.

The right to just and favorable conditions of work, the right not to be subjected to torture or other cruel or inhuman or degrading treatment or punishment. So therefore these were some of the rights which were enumerated by the Declaration these rights lie at the core of human existence and it is very important that each of these rights are maintained for a healthy living in society. So therefore every woman must be guaranteed our rights to life, the right to equality, the right to liberty and security of the person.

There must be equal protection of all persons before the law and towards that end any sort of arbitrary or discriminatory practices existing in society must be eliminated. It is important that the highest standard of health must be maintained for everyone physical and mental health is very important and for that purpose the state has to take effective steps. In terms of work it is the be right to adjust and favorable conditions of work to ensure that there are no discriminatory or activities which tend to affect the capabilities of a woman in the workplace no such activities take place in a workplace.

As well as any sort of discriminatory or arbitrary practices which tend to affect the woman or which tend to negatively have an impact on her psyche on her performance should not be followed and it is very important that any form of torture, cruel or inhuman treatment or punishment should not be perpetrated against women. So therefore the declaration went on to give directions to the state to condemn violence against women and take appropriate measures towards that end.

So therefore the declaration was a very important step towards recognizing the issue of violence, violence in all its forms whether physical, psychological or sexual and the consequent rights of women which are to be maintained and established by the individual nation towards the security



protection and safety of women and to see that all forms of violence are condemned in the in a stern manner and effective steps are taken towards its elimination.

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The Beijing platform for action 1995 this was as a part of the conference which took place in Beijing and thereafter it was decided that the fundamental principles which were set forth in the Vienna declaration and program of action and adopted by the world conference on human rights was further reemphasized and it was established that the human rights of women and bigger child are inalienable integral and indivisible part of the universal human right there are there is nothing as separate women's rights separate men's rights they are all a part of the human rights.

And women are an integral part of that community and therefore one cannot deny those human rights to women because they are inalienable integral and indivisible part of the universal human rights protection and promotion of the full enjoyment of all human rights and fundamental freedoms of women throughout their life cycle. So therefore debate in Beijing or the Beijing platform of action try to re-emphasize that what is important is complete realization of the human rights and fundamental freedoms for women.

And that should be throughout the life cycle of a woman violence against women is a violence or a violation of women's human rights and fundamental freedoms. So whenever there is a violence perpetrated against women there is a violation which happens at the level of human rights and

one such violence happens it is very difficult to realize the basic goal for which these endeavors are being made.

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Now these also highlighted the critical areas with regards to the girl child when it comes to young girls as we have said in the previous lectures they are they are made to suffer by the family by the society in various forms which seriously affects their growth and development there are various eels existing in the society which trends to seriously affect the health and well-being of the girl child and somewhere affect the progress or development of a nation in that in that manner.

So whether it relates to education all with regard to marriage or with regard to equal opportunities food and nutrition health etc these we was these are critical areas of concern and be nation states must take appropriate measures to ensure that appropriate actions are taken where

by the girl child is not adversely affected in the entire process, she also has a right to education and therefore she cannot be denied education on any ground whatsoever.

And she must have full opportunity and resources available whereby she can make the best use of it, with regard to marriage there must be a sort of a minimum age of marriage which must be determined by the individual Nations whereby any child below that stipulated age cannot be given in marriage by the family. Because there are numerous instances the world over where children as young as 10, 9, 12, 13, are given in marriage India is no exception to the same.

So therefore even though in India we have a minimum age of marriage, so therefore what the international order tries to re-emphasize is that there must be a minimum age and below that minimum age there should not be in any way or situation where a woman or child is given in marriage because that has serious impact with regards to her health with regard to her physical well-being with regard to her overall development and it has definitely negative impacts for maybe a child who is born to such a mother and that also somewhere adversely affects the entire society at large.

Women must have equal opportunities wherever it relates to whether in education whether in employment or in whatever sector that is spoken of there must be equal opportunity which is available to women and in no situation can a woman be denied an opportunity only on the basis of her sex with regards to food and nutrition.

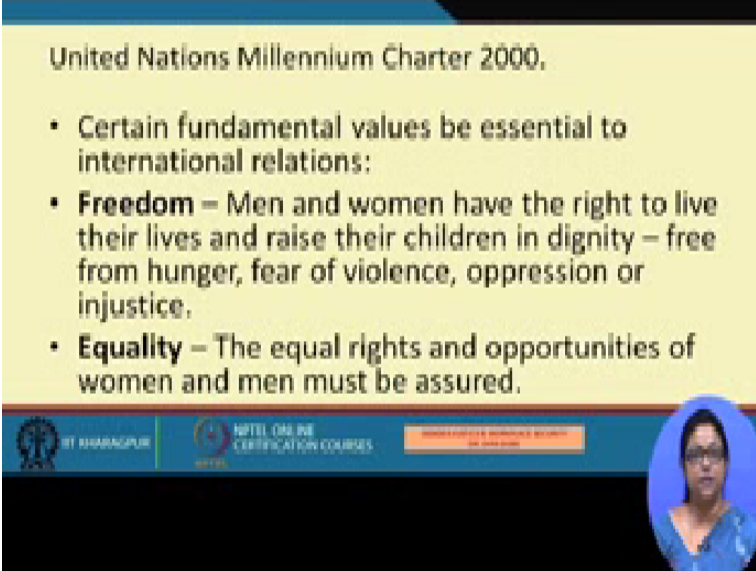
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She must have equal access to such food and nutrition as is necessary for her well-being and her development and there should be no deprivations which should take place in this regard which is also true for health services access to health is equally important for the girl child and therefore in any situation of ill health she must have equal access to the health facilities which are available and all sort of discriminatory and abusive practices in society must be removed.

So that is very important that where it relates to different attitudes different values different you know practices giving rise to different practices whereby it tends to differentiate between the boy and the girl and there are certain abusive practices followed for the girls just as we stated the example of female genital mutilation which are perpetrated on young girls so such practices must be done away with so these were some of the critical areas which were highlighted.

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United Nations Millennium Charter 2000.

- Certain fundamental values be essential to international relations:
- **Freedom** – Men and women have the right to live their lives and raise their children in dignity – free from hunger, fear of violence, oppression or injustice.
- **Equality** – The equal rights and opportunities of women and men must be assured.

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And attention drawn of the nation stage towards these issues lastly the United Nations Millennium Charter of 2000 which laid down certain fundamental values which are essential to international relations and it spoke of freedom and equality where both men and women have the right to live their life and raise their children in a dignified manner without any fear of violence oppression or injustice and there are equal rights and opportunities given to all.

So with all of these endeavors are the international body has tried to lay down a situation or lay down certain standards whereby the human rights is paramount and the human rights of women

and fundamental freedoms of women must be maintained whereby women is able to achieve the achieve the utmost which is expected of her and at no point of time issues of violence issues of arbitrary practices discriminatory practices should come in the way of her development.

In the way of her fulfillment of dreams these international developments have had its impact on individual nations India being one amongst them and thereafter and therefore India has enumerated or formulated and necessary laws towards that effect with the Constitution being one of the preliminary documents which ensures such equality of men and women.