

Domestic Violence and Human Right

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ABSTRACT: This paper uncover many stories of those homes where women's were beaten very badly specially in past three decades. How human rights in india tries to stop or minimize these domestic violences.

KEYWORDS: Domestic Violence, Human Rights, Women.

INTRODUCTION

Over the past three decades, the issue of violence against women, in its myriad of forms, has achieved increasing recognition. As a corollary to the growth in strength and organization of women's movements around the world and the development of both regional and international non-government organizations concerned with women's rights, violence against women has emerged as a global issue. Despite gradual changes in domestic spheres, and increasing evidence that domestic and other forms of violence affect women from a range of cultural and geographic backgrounds, violence against women remained low on international

human rights agendas until the early 80s. Conceptualizing gender violence as a human rights issue has thus been a relatively recent development and translating the rhetoric and formality of international legal mechanisms into programs and policies at a grass roots level remains a major challenge for health, welfare and legal professionals.

Domestic Violence as a Human Rights Issue: Approaches and Challenges

While recognition of violence against women as a human rights issue and the development of international legal mechanisms for addressing such human rights abuses represent a significant step forward, a number of challenges remain. Specifically, how can international human rights instruments and the treaty bodies established under them be made relevant to individual women when so many acts of violence were being perpetrated by private individuals independent of the State? In the past, a State could only be held responsible for acts committed on its behalf or through one or more of its agents. Feminist and human rights scholars have approached this dilemma in a number of ways. Some have argued domestic and other forms of violence amounted to torture under international standards; others have suggested that systems of gender discrimination in society create an environment where violence against women is condoned. For either of these arguments to hold any weight however, one must accept that the State has a duty to exercise due diligence in ensuring that the provisions of various international documents are upheld. Although still contentious,

support for the concept can be found not only in the Conventions and Declarations themselves, but in regional human rights instruments, in recent judicial decisions, in recommendations made by UN Committees and Special

Reporters and in reports submitted by non-government organizations such as Amnesty International

The Declaration on the Elimination of Violence against Women provides a concise summary of the meaning and standard applied to the concept of due diligence. The Preamble asserts that violence against women is a manifestation of historically unequal power relations in society and that its eradication therefore requires an analysis of not only violent acts but of the social conditions, institutions and norms which perpetuate them. Accordingly, a State party to the Declaration has are responsible to not only refrain from engaging in or encouraging acts of violence against women but to actively intervene in and exercise due diligence in the prevention of such acts. The concept of due diligence thus provides advocates for victims of domestic violence

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with a platform from which to argue that human rights abuses are being condoned and perpetuated by the State, through their complicity. What this means is that social justice and/or welfare issues can be reconceptualised as human rights issues, arguably providing a much stronger political and legal framework from which to work

To illustrate, evidence that crimes of violence against women are not being prosecuted proportionately may amount to unequal treatment before the law and thus breach specific provisions of international agreements. Alternatively, it may amount to discrimination and a State's failure to remedy the situation could be viewed as a failure to actively intervene in preventing, or as condoning, discriminatory practices amounting to human rights violations under various treaties. Similarly, failing to train legal/judicial officers in matters of domestic violence or to conduct adequate research and provide accessible services may all amount to a

failure to exercise due diligence and thus a breach of international legal, moral or political obligations under a Convention, Declaration or Covenant.

CONCLUSION

It is an unfortunate legacy of the patriarchal structures upon which human rights law has been built, that issues pertaining primarily to women, such as domestic violence, continue to struggle for recognition within global human rights bodies and agendas. However, developments over the last few decades have provided women with the basic mechanisms through which their rights under various international instruments might be enforced. Much, however, remains to be done. Women who are multiply disadvantaged, such as indigenous women, migrant women, disabled women and older women have often been overlooked in the quest for 'universal women's' human rights. Where their concerns have been addressed, the approach has often been to simply 'add and stir. Further, in order for human rights instruments to have any value, they must be utilized by those

entitled to enforce them. Violence against women occurs in virtually every corner of the globe and its prevalence does not appear to be decreasing dramatically. As we move into the 21st century it is thus more crucial than ever that dominant human rights discourses are on Violence Against Women, Its Causes and Consequences, in Accordance with Commission on Human Rights Resolution

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