

### Human right violations of women

Women birth & child - infanticides, neglect of nutrition needs, edu, healthcare  
 teen & adult - underage marriages, unwanted pregnancies, domestic violence, sexual abuse, marital rape, honor killings  
**Gender based violence** - dowry deaths, cruelty/rape by family/in laws, forced abortions, intimate partner violence (IPV)

#### Stats -

27% girls in India - underage marriage and pregnancy (2015-16 UNICEF)

30% of Indian women - domestic violence at least once by age of 15, 4% pregnant women - spousal violence (2012 UNICEF)

### Vulnerable groups

Women and girls

Children

Refugees

Migrant workers

Displaced people

Stateless people

HIV and AIDS victims

Elderly people

Disabled people

National minorities

Indigenous people

LGBTQIA+ people

### UN on children's rights

UNICEF (11 dec 1946- permanent in 1953) to provide emergency food and healthcare to children and mothers in countries that had been devastated by World War II

UN Convention on the Rights of the Child (Nov. 20th 1989) civil, political, economic, social and cultural rights of children

Includes:

right to survival

right to protection

right to development

right to freedom of thought and expression

### LGBTQ community

### UN provisions (no violence against women)

June 1993 Vienna Declaration and Program of Action (VDPA)

Declaration on the Elimination of Violence Against Women (20th December 1993)

Beijing Declaration and Platform for Action (1995)

2030 Agenda for Sustainable Development (UN, 2015)

### Criminal justice system in HR

The court serves to protect human rights in three key areas:

During arrest - 1st step of criminal justice system, guidelines issued by apex court must be followed

#### Ensure:

- evidence is admissible wrt legal procedure
- accused is informed of their rights (to remain silent, to an attorney)
- accused is not subjected to any form of torture or inhumane treatment

*custodial torture*- common police practice in India

### Criminal justice system in HR (cont)

During trials protect - liberty, speedy trial  
**Ensure:**  
 -accused receives a fair and impartial trial  
 -opportunity to present evidence and cross examine witnesses  
 -rights of the victim are protected + participate in the trial proceedings

*Bail is the rule, jail is an exception* - rule of criminal justice system (CrPC), should not be subjected to pre-trial detention or incarceration unless necessary (chances of accused to flee from justice, tamper with evidence, or commit further crimes)

While serving sentence Issues: prison overcrowding and the lack of basic amenities in prisons, torture/inhuman treatments

apex court - issued several guidelines to authorities to safeguard rights of prisoners

### Indian const. provisions for children

Art. 15(3) special provisions for children

section 377 in IPC enforced in 1861 by british, criminalized homosexuality

sec 377 violated article 14, 15, 21 of Indian constitution

In 2009, delhi high court declared art 377 as unconstitutional, this appeal was overturned by indian supreme court in 2013

decriminalised on 6th sept 2018

UNHRC in 2011- human rights apply equally to all regardless of their sexual orientation or gender identity, appointed special rapporteur on HR of LGBTQ+



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### Indian const. provisions for children (cont)

|  |  |
|--|--|
| Art. 21A, 45, 51A, 86th constitutional amendment | free and compulsory education to all children<br>21A, 86th const - children btw 6 to 14yrs<br>45 - before age of 6<br>51A - duty of parent/guardian to provide edu for 6 to 14 yrs |
| Art. 23  | prohibits trafficking of human beings including children   |
| Art. 24  | no child below 14 years can work in any hazardous occupation   |
| Art. 39 A & F                                    | state policies are directed towards securing the tender age of children  |

### Indian const. provisions for women

|  |   |
|--|---|
| Art. 15(3)                               | allows the state to make special provisions for women and children        |
| Art. 39, The Equal remuneration Act 1976 | equal pay to women for equal work   |
| Art. 44                                  | uniform civil code- to improve the condition of women across all religion |
| Acts                                     | Dowry Prevention Act, Protection of women from domestic violence Act 2005 |

### CRI - Children rights index

evaluates the implementation of children's rights as outlined in the United Nations Convention on the Rights of the Child (UNCRC) in different countries

### CRI - Children rights index (cont)

|                                       |   |
|---------------------------------------|---|
| right to health                       | key indicators: mortality rate, life expectancy at birth, maternal mortality rate, risks of HIV, lack of water, inadequate nutrition and sanitation |
| right to education                    | (37% out of world - 287M) of indian population is illiterate<br>gender inequality, no edu due to child labour, disc based on caste, SES             |
| right to life                         | death due to poverty, female infanticides, post birth mortalities (families kill the babies after they're born)                                     |
| right to protection                   | child marriage, labour, sexual exploitation/abuse, female genital mutilation, trafficking   |
| enabling environment for child rights | no disc, enabling legislation, child participation, State-civil society cooperation for child rights participation                                  |

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