



How Women effecting from different customs: Customs effecting Women: A general perspective

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ABSTRACT

The purpose of this study is to explore the fact that how customs effect the women in various cultures. An overall viewpoint has been established from all over the world to check-out the impact of different customs on females. The UN Fourth World Conference provided the plate form for the women to describe rights on Women realized by states to "take urgent action to combat and eliminate violence against women, which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism." Some customs from the different countries in all over the world which show that women are tortured physically, psychology, socially as well as in some countries religiously. In some countries we find the discrimination in legal prospective. The women get less right as compare to men even in some developed countries the women are deprived of form their legal rights. In middle East countries which are governed religiously, in these countries men are consider superior and it is easy for them to divorce even orally and women have face many problems. Any program established by ignoring woman will definitely be incomplete and defective. No one imagines a society comprised only of men or women. Both are dependent on each other. Requirement of their combination is social, psychological and sexual. Social life demands from man and woman to step forward collectively for national progress. In eighteenth century, question arose that how discriminatory

behavior on the basis of physical strength can be eliminated. For this purpose, struggle in the shape of movements initiated. Basic purpose of these movements was to empower both man and woman in decision making factors. With the beginning of disciplined civil life perception of right is developed. For a better civic society, rights and duties of man and woman should be well determined. Nature imposed some rights and duties upon both of them. Some rights of man applicable upon woman.

Introduction

Many attempts are made by the international community but women and girls from all over the world are still victim of forced labour, slavery and other crimes even they are rejected from the rights to education as well as in political activities. It is a very severe situation when women are used as a weapon of war in form of rape. Even the women have not their personal liking in their personal lives.

Discrimination of the women throughout the world is a major issue. Women have no right to purchase their own property, vote, even wear what they want. If we talk about the discrimination throughout we find still FGM (Female genital mutilation)¹ and trafficking in many countries approximately seven lack (700,000/-) people are traffic annually.² Definitely women are also including in it and these women are trafficking for sexual exploitation. In Middle East honor killing is still found which is the sever form of discrimination.

Legal Development of Women's right in the history

In the ancient period humans were strongly based on hunting, which was done by the man and biological role of a woman was the role of a wife and mother. A woman performed activities nearby the home. After time being, the supremacy of men over women has been shown everywhere, in the household as well as the public sphere. Magna Carta was the first written document for the human rights on 15 June 1215 but sixteenth, seventeenth, and eighteenth centuries were challenged women for expressing themselves in a male-controlled system. Women were progressively able to speak against injustices in the last part of the eighteenth century. The movements for the development of women status were started from the different regions such as

European Region

The bright step in New York by the Troy Female Seminary in 1821, she opened an institution for the women's education and start demand for Women's Suffrage and right of women to vote. In 1840 American Anti-Slavery Society was established in which white as well as black women had participated and in London declare the World Anti-Slavery Convention. The Seneca Falls Women's Rights Convention in 1848 was a chief step for female rights which promote "the social, civil, and religious rights of women." And the radical abolition movement from 1830s until 1870 had the greatest encouragement on women's rights. In 14th amendment of American constitution granted permission and defined women as eligible voter. In 1890 an organization the new National American Woman Suffrage Association (NAWSA) established, which work for the civil right of the women and the state Mississippi. In 1913 granted women for the vote and in the same era women play a part in Congress and The Equal Rights Amendment (ERA) was firstly introduced by Congress. In 1920 the Women's Bureau of the Department of Labor was established to collect information about condition of women at work and make changes for its betterment. Women had taken part in Olympics first time in 1928 and the first National Commission on the Status of Women was established by President Kennedy in 1961 and for the eliminate the employment discrimination established Equal Pay Act 1963 and for prohibition of discrimination on basis of sex. The Civil Rights Act of 1964 was established and Congress approved in March 22, 1972, the Equal Rights Amendment providing, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal assistance." and National Organization for Women (NOW) Founded in 1966. Women have given the rights of property and economic as men in most of the countries at the end of the 20th century.

Middle Eastern Countries

In the Middle East countries still lack legal rights to own land and mostly land is still officially owned by men. In Iran, 1950s-1960s, Shah (King) Pahlavi banned the hijab in public and supported women's education. In 1923, Ataturk (the king of turkey) introduced laws for the equality of women in all phases of society and cast vote first time in 1930.

Asian Countries

In Asian region women up to 20th century women have no legal rights and had no any written documents and local customs create discrimination and some customs like *satti* (burning widow) and *davdasi* was common in Indian subcontinent but during British takeover in 17th and 18th century effected positively on women's rights and British government banned the *satti* custom in 1829. Sayajirao Gaekwad's wife Chimmabai, Maharaja of Baroda since 1875 to 1939, was an untiring activist for the privileges of Indian women.³ The Commission of Sati (Prevention) Act 1987 and other legislation made for the development of women right and elimination of inhuman customs. Further will discuss below in detail

Customs affected Women: A General Perspective

Some customs from the different countries in all over the world which show that women are tortured physically, psychology, socially as well as in some countries religiously. In some countries we find the discrimination in legal prospective. The women get less right as compare to men even in some developed countries the women are deprived of form their legal rights. In middle East countries which are governed religiously, In these countries men are consider superior and it is easy for them to divorce even orally and women have face many problems for divorce e.g.

Finger Cutting Custom

In Indonesia the tradition of '*dani*' tribe is a strange and unusual. If any member of the family passes away, women that aggrieved family have to cut off a part of finger more than half. this terrible custom effects on every women of the family even on younger babies of that family and many of babies have been dead due to wastage of blood through finger and they have no any medical facility and they treated it by using plants leaves to stop blood and many disease and infection take palace, which can be dangerous for community. So they suffer emotional. By doing this, their ancestral ghost satisfies but this tradition is infrequently practice now. The *Dani* tribe was discovered in 1930s and makes the proper link with the world in 1950s and the peoples of the *dani* tribe are live like the Stone Age and live in their self-made rules but now Indonesia treat as a tribe and try to eliminate the ritual of cutting and killing of persons.

The UN Declaration on the Elimination of Violence Against Women, Article 1 says that “the term ‘violence against women’ means 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 in private life.”⁴ CEDAW General Reference Article 19⁵ explains that traditional public and private attitudes that regard women “as subordinate to men and seek to justify genderbased violence as a form of protection or control” deprived women to psychological and corporal integrity. The UN Fourth World Conference provided the platform for the women’s to describe rights on Women realized by states to “take urgent action to combat and eliminate violence against women, which is a human rights violation resulting from harmful traditional or customary practices, cultural prejudices and extremism.”

Thrown for Good Luck

In India, mostly in Karnataka where the new born babies are thrown for good luck from the height of 50-feet of *srisanteswar* temple and they speared a cloth to catch the babies. The couples taking vow (solemn promises) after blessed with a baby follow this 500-year old tradition at the temple. They suppose that it may bring good luck in babies’ future lives. The Indian Constitution also protect the right of life under Article 9 and in fundamental rights Article 37 (d) in which the state insured for ensure inexpensive and speedy justice.⁶

The International Covenant on Civil and Political Rights (ICCPR) declares that “every human kind has the inherent right to life” in addition to “the right to liberty and security of person.” In this favor, the International Covenant on Civil and Political Rights encloses it in three key statements:

- 1) “Every human being has the inherent right to life.”
- 2) “This right shall be protected by law.”
- 3) “No, one shall be arbitrarily deprived of his life.”⁷

Wearing rings to have a Giraffe’s Neck

In Thailand’s Karen tribe, there is strong attraction towards long neck and for a long time it is taken to achieve long neck of women. They wear metal ring around their neck to make their neck long because they believe

that long neck is a sign of beauty and for that purpose the girls wear the rings at the age of 5 and they increase as they grow up.⁸

Blubbing Brides

In china's fuji living wuling mountains an injury made in brides month so they can blubbing for about a month and the people include this custom in wedding preparations.⁹

The Convention on the Elimination of All Forms of Discrimination against Women, 1979 (December 3, 1981 approved by China), International Covenant on Economic, Social and Cultural Rights 1966 (China approved on June 27, 2001).¹⁰

Force-Feeding Young Girls:

Another example of physically torture in North Africa's Mavritania is found in which young girls are forced fed with high calories food to make them high attractive for their suitors. This practice is called 'leblouh' or 'gavage.' This practice calibrated in the drought proves country. At the age of approximately 6 year and sent to the fating camp. The diet includes 20 litter of milk, about 2kg millet and 2 cups of butter in a single day and I f these girls don't take this diet, they are punished. They have to take 16 thousand calories per day to achieve this target and these girls have to use drugs, steroids and animal growth hormones to fatal up themself.

In Ethiopia, the tribes of 'Mursi' and 'surma' are famous for wearing large discs in ears and lips of ves.¹¹

Lip Plating

Women to symbolise the beauty, In fact the customs are cause of pain and suffering for these women while fixing the wooden and clay made discs in lips and even 2 teeth of women might be broken during fixing these discs and make a whole in the skin which is lower side of discs. It mean these discs have weight enough which is unbearable for the women and these discs are worn in different part of age like in youth or in puberty or even at the time of marriage. EGLDAM (the Ethiopian National Committee on traditional Practices) is an Organization work in Ethiopia against discrimination and elimination of FGM and harmful practices in Ethiopia.¹²

Bizarre

In Scotland, there is a 'Bizarre' custom and they take it as a fun but for the bride it seems an irritating. In this custom the bride take a complete round of the town on an open vehicle and during this round people through spilt milk, eggs and other things like this and this custom called 'blackening the bride.' Purpose of this custom is to indicate for the tough life and that bride might have to bear after marriage.¹³

Breast Ironing

One of the uncanny practice, which can also be defined as destruction of pubertal girl's breasts and make it flatten in this process developing breasts of 8-9 year old young girls pounding and rubbing approximately eight years with hot stones, hot metal and other objects usually heated on fire to try to make their growth more slowly or disappear totally.¹⁴ History of breast ironing is not clear due to the absence of literature, so it is not clear it belongs to specific culture or whether related to an old practice but it is similar to the female genital mutilation which by practice become a part of culture. It is also believed that initially it was adopted for the mother's breast milk but the thought has changed with the passage of time. Now 24% Cameroonian young girls as the age of 9 has inflicted and the practice is performed by their close family members and 58% by the mother of their young girls and all ten of Cameroon's provinces are affected by this damaging practice.¹⁵ The reasons behind this practice are to protect girls from rape, sexual harassment, supposed to no-longer seem sexually attractive to the men. Trend of polygamy is common and the marriage fix as early as they got puberty so mother do this for avoiding child marriage and it is also done for delaying pregnancy. This practice can cause to damages girl physically as well as emotionally and even mentally. It can make swelling, tissue damage, cysts, itching, dangerous cancer infections and through this practice disable the breast from feeding.¹⁶

Yet no legislation has made for this harmful practice but the African Constitution 1996 in Article 65 contained all fundamental rights that are defined by 'the Universal Declaration of Human Rights. The 1924 and 1959 Declaration of the Rights of the Child: The first international instrument was "The 1924 Declaration of the Rights of the Child" to be accepted affecting to the rights of the child.¹⁷ Article 1,2(1) of CAT(United Nations Convention against Torture (UNCAT)), Article 2,

5(b) and 16(1)(d) of CEDAW,¹⁸ Article 2,3,6,12 of the CRC,¹⁹ Article 5,16,18(3) of ACHPR,²⁰ Article 4. 4(2) (b) of Women's Protocol, Article 1 (1) and (3), 21(1) of ACRWC²¹ are the some of the most vital documents on the health and right of the child but this practice is still continued there.

Child Marriage

Child marriage is a universal and common practice and causes to increase the population growth rate in the world. United nation reported that in the countries of South Asia and sub Saharan Africa, almost 40% of young women are married still the age of 18 year. The results of child marriage enhance the complications of giving birth which is also against the fundamental rights, Domestic violence, forced sexual relations, more at risk to transmitted sexually infections, abuse, ill treatment, early death and also effect on the reproductive health development, less personal freedom and educational chances. Moreover, psychological distress is also suffered with the physical suffering. Even they have no right in cherry-picking their partnership.

In Pakistani society the women are enforced for arrange marriages and if they deny the Horner killing evil is produced. The main reasons for early marriages are in the consequences of maintenance of the traditions by people, the people think the early marriage is way to save the honour and risk of any involved in any activity cause the dishonour and in this parents put pressure on their daughters and waive off them self from burden of protection. Deficiency of economic opportunities is also the most articulated reasons for early age marriages and in different parts the people make the shelter of their act on the based on religious factors. Many efforts are made to prohibiting harmful practices but still may countries legally determination of age is also need to modify and abolishment existing laws, rule and customary practices such as in Yemen the age for enter in to marriage is 8 year and in Yemen laws the age factor is not discussed and in most of the American states the age for marriage is mention 18 year but still some states are need to systemize, in Massachusetts the age of marriage for boys is 14 year and for girl is 12 year which is mention in Massachusetts General Laws (MGL) Chapter207 Section 25²² and also mentioned that less than that age can be enter in to the contract of marriage with the permission of their parents but age for getting permission is still answer able and has not mention in law and permission is required only when parents are mentally ill or because of

any other reason which are mention MGL chapter 201 section 5 than permission is not obligatory.²³

In Sudan the Marriage Laws are more relevant to religion and according to The Personal Status Law of Muslims, 1991. Girls can entered into the contract of marriage as she attain the puberty and after 10 years of age she can be entered into the contract of marriage with the guardians as well as judge's permission.²⁴ The age for Non-Muslims is 15 for boys and 13 for girls according to the Marriage of Non-Muslims Act of 1926.²⁵ In japan age of consent is 13 and marriage's age is 16 for girl and 18 for boys with their parent's permission but after 20 for girl and 22 for male, they don't need permission (Hun Yin Fa [Marriage Law]).²⁶ Efforts had done through "corruption of minors" and "obscenity" statutes to increase the age of consent 16 for girl and 18 boy. Recently Bangladesh's legislation section 4 of The Child Marriage Restraint (Amendment) ordinance, 1984 has been amended. In previously, age for marriage was 18 for girl and 21 for boy but after amendment on 27 February, 2017. This new law allow the parents to make a contract of marriage with the permission of court before the minimum age of marriage on their best interests but best interests has not define anywhere in it. According to their legislation committee, though this step rape, accidental pregnancy and such other sexual unlawful offences can be controlled but these steps has also many side effects including force marriage and marry to their rapists. UNICEF's State of the World's Children report 2016 clearly mention that 52% of girls in Bangladesh are married before the minimum age.²⁷ In Saudi Arabia there is no law to mention the minimum age for marriage contract and after different divorce case of 8 and 9 year old girls the kingdom's Shoura Council had made some effort for mention the minimum age 15 years for marriage but on 22 december, 2014.²⁸ Early childhood and children's achievement and behaviour over time. Journal of Perspectives on Sexual and Reproductive Health 34(1), 41-49.) Sheikh Abdulaziz Al Asheikh the grand mufthi of Saudi Arabia rejected that proposal in his interview recoded by the Al Riyadh. Even the Saudi Arabia is a member of United Nations Convention on the Rights of a Child, in which 18 year age is mention for the child. According to Lithuania law the age for the consent of child is mentioned 14 and 16 when partner is above than 18 but the age of marriage is mention for both partners is 18 years²⁹ and pregnant girl is allowed to get marry at the age of 15 year³⁰ and Chilean have also the same situation as Lithuania the age of consent is 14 and for marriage is

18 year. In Canada the age of consent from 1892 to 2008 has been increase from 14 to 16 and this Bill C-22 submitted in parliament in 2006 but enforced from January 1, 2008 as Tackling Violent Crime Act S.C. 2008. The United Nations General Assembly approved a resolution (A/RES/66/170) on 17 November 2011, in which entitling 11 October and mention the theme as the first International Day of the Girl Child choosing ending child marriages. On 65th Conference of the World Health Organization (May 2012), in which thirty countries legislatures have been participated and in this assembly the child marriages are considered as the violation of girl rights.³¹ The most comprehensive international document for the rights of women was “The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” and after this resolution minimum age for the marriage for both gender should be 18 which is mention in a General Recommendation 21 and in Article 16(2).

According to “The World Health Organization” the possibilities of death in teen ages girls is 50 percent more as compare to the 20 to 24 year.³² The right of free consent related to marriage is documented in the 1948 Universal Declaration of Human Rights (UDHR).³³

International and local rights instruments concerning to child marriage are

- 1) Convention on the Rights of the Child.
- 2) The Universal Declaration of Human Rights (1948).
- 3) The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964).
- 4) The Convention on the Elimination of All Forms of Discrimination of Women (1979).
- 5) The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institution and Practices Similar to Slavery (1956).
- 6) Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children.
- 7) The African Charter on Human and People’s Rights.
- 8) The African Charter on the Rights and Welfare of the Child (1990)

Divorce Right

In Libnan, abused women cannot file a divorce without an eye witness. Shia, Sunni, and Druze laws are working Under Lebanon’s legislation in

which men can claim a divorce at any stage but the woman's aptitude to access divorce is limited without reason and frequently at excessive cost and after prolonged court proceedings.³⁴ Shia women may also dismiss their marriages by a "sovereign divorce," which necessitates a woman to take an order from her husband to Shia religious authority to divorce and she must require certified issued by the Jafari court and in these cases wife relinquish all of her legal rights regarding to payment of Mahr and other maintenance rights, also in some cases pays a amount of money to the spouse by law to acquire a severance. "The Family Law in force is the Personal Status Law of 1976" Article 87 and Article 132 show the unlimited rights about divorce her wife through certain conditions which are mention in Article (113-116, 120, 123, 125, 126, 127, 131, 132) but for the wife, she must prove hurt, abuse and ill-treatment in court and even after all of this the decision will dependents on judge. Lebanon's legislature passed the Law on "the Protection of Women and Family Members from Domestic Violence." This was established regarding to protection actions and related supervising and court improvements. The 1936 decree, which recognized the elementary individual status order in Lebanon³⁵ and still operational today. Amend the Code of Civil Procedure, article 95 to provide the entire assembly of the Court; if human rights will violate human rights than judgments delivered by the religious courts Excluding Israel.

According to Jewish law, women have not right of divorce. The husband only can initiate the divorce and send it to the wives and the females have not such right. During this time period men can make new marriage but female cant marry or even the children by new relation will be consider illegitimate until she taking the get from his husband. There is no curb on power of husband to divorce her wife, even to judge to release her from an unhappy union. Women are not allowed to enter into second marriage.³⁶

In Judaism the women is responsible for all the evil because she is the only cause of fall from race. Therefore the women are well-thought-out under divine curse and husband rules in excess of women. The belief of Jewish is that the commencement of sin is only because of women. It is considered in Judaism that woman was created from the rib of the men, the creation of man was in his own image and woman was created after the men.³⁷ Woman was inferior because was the only cause of fall and she replied in Bible that she was beguiled by serpent.³⁸ The Old Testament

shows that woman tempted Adam and she should be punished in the form of domination by men in excess of women. A tremendously vivid example of discrimination conflicting to women seems in the Fourth Book of Moses called, Numbers. Which prove that women are under the shadow of men, a woman is not independent even in her thinking because of having incapacity of thinking. The Jewish traditions indicate supremacy of male in excess of the female even in communication with God is subject to sanction and consent of her father and spouse as situation may be.

The Jewish women have no right of inheritance in case of any male heir and have the right only in case of absence of any male heir. Marriages were perpetually decided by parents' male heirs and unrestricted polygamy was run through among all the classes. Response to female parents with honour as well as she must be recognised equally and she rewarded and protected by law. Women in reference of book "proverbs portray the women as a teacher" in this book the female mother is equally ranked as the father and she instructed her son. In Judith Hauptman's essay entitled "Image of women in the Talmud" and it was 63 volume of *torah* which was studied by 1500 years and it encourage the women. Rabbi Akiba's wife, Rachel had first recognized Abika's knowledgeable ability. She married against her father will, on the condition to continue the study and Rachel live 12 year alone.³⁹ The Bruria is also one progressive example as bright women and was singled out in Talmud for scholarship and daily she learned three hundred new laws and over the opinion of a Rabbi, her legal decisions were recognised by her opinion.^{58???} The other prominent women in history who contempt the traditions were Jazebel, Mirian and Huldah. The Judaism laws show that there is the inequality for the Jewish women. The Jewish women have done many attempts to cope but sill women have been facing this kind of problem.

No ability to pass Citizenship

The females have no ability to pass citizenship even for her children but the men have right not only pass citizenship to their children even they have right to pass citizenship to their non-national wives. Tunisia, Iran and some other parts of the Egypt including the United Arab Emirates, Libya, Saudi Arabia, Jordan, Brunei and Qatar the right of citizenship is unequally divided between male and female. In Saudi Arabia, women are prohibited of citizenship of their children from non-citizens husband and even she needs government permission before marring non-citizens

persons but men only required the permission for marry non-citizen which are outside the Gulf Cooperation Council member states but can transfer the citizenship. For example in Egypt under the Law No 26 for the Year 1975 Concerning Egyptian Nationality as Amended by Law No 154/2004—the Article 7 and Article 14 prohibits women from transfer of nationality.⁴⁰

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has radically reformed for the healthier since the acceptance in 1979. In 2013 and in 2014 many countries change their legislation to eliminate the discrimination and give the right to women to transfer the right of citizenship like Senegal, Bahamas, Austria, Jordan, Suriname, Niger, Vanuatu and Denmark. 189 governments promised in the Beijing Podium for Action to “revoke any remaining laws that discriminate on the basis of sex’ in the United Nations Fourth World Conference on Women in 1995. In 2000, the UN General Assembly documented aim date of 2005 for termination of all sex-discriminatory laws. The Convention on the Elimination of All Forms of Discrimination against Women discourses both the transference of nationality to partners and children which are providing Article 9 of this convention. The Human Rights Council on July 2012 passed a resolution on “The Right to a Nationality Women and Children.” The UN Committee on the Elimination of Discrimination Against Women” (CEDAW) approved General Recommendation No. 32 in November 2014, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.⁴¹ The International Covenant on Civil and Political Rights (ICCPR), in a General Statement on the explanation of ICCPR Article 24 which provides every child the “right to acquire a nationality.” Even after the lot of efforts still 27 countries in which women have no right to pass their Nationality.

Children Custody

Child custody is major dispute raised in different regions for the female. In Bahrain and in some other countries the family laws need to be rectified and courts grant the right of custody to their father and refuse mothers from the custody of children and left females without any monetarily support. “The Hague Convention on the Civil Aspects of International Child Abduction” in 1980 was passed by United States which is a universal treaty to promulgated the retort to the problem and issues of

international child abduction. There are two distinct courts for Shia and Sunni Muslims. According Sharia law, the children's guardianship is considered to be the father. According to Shia Muslims, female children before the age of nine and male children before the age of seven the custody considered to be the mother. The Bahrain Centre for Human Rights (BCHR) a non-governmental and non-profit organization which is registered in July 2002 through the Bahraini Ministry of Labor and Social Services. Even to close it though an order by the governmental authorities in November 2004, the BCHR is still operational after gaining extensive external and internal support for the promotion of human rights in Bahrain. U.N. Convention of the Elimination of all Forms of Discrimination against Women (CEDAW) was participant by Bahrain in 1979. Bahrain has five protections in the articles 2, 9, 15, 16 and 29 of the optional protocol of the CEDAW. In 2002, the convention by "reservations" approved and in Article 9 of this about the state is responsible for granting women equal rights with men to attain and about their nationality as well as transfer of nationality to their spouses and children. Bahrain passed a family law code in May 2009 (Law No. 19).in which Sunni men need only orally proclaim for purpose of divorce but Shia men have necessity to record it in writing. The boy aged upto 10 to 12 year must be in the custody of father according to Sharia law.

Female Genital Mutilation (FGM)

Female Genital Mutilation (FGM) is also known as the female genital cutting (FGC), Female circumcision, The Cutting Tradition, female circumcision and in northern Sudan it is famous as pharaonic circumcision or pharaonic purification. The circumcision of girls is a harm full custom and it includes in violence against women and considered as one of the painful custom. The World Health Organisation (WHO) define it as, "violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."⁴² In FGM the apparent female genitalia removed partially or completely for non-medical reasons and the origin of this practice has not only just established, it is also found in ancient Rome and in that times the women were worn metal belts by their husbands to prevent them from promiscuity.⁴³ In different regions this tradition preformed in different ways so it can be categories in

different four main kinds. The World Health Organization has established international standards for FGM and the different types of FGM in 2008.

- 1) Exposing the clitoris and separate the hymen from the labia.
- 2) Clitoridectomy: Partial or complete removal of clitoris.
- 3) Excision: Labium minor is also removed with the removal of the clitoris.
- 4) Infibulation: Labia major and Labia miner as well as clitoris is also removed in it and it is also known as covering seal and this is most pain full tradition. If this is performed the child legs are bound together up to 40 days and in case of complications and wastage of blood the child can also be dead.⁴⁴

The age at which mostly FGM performed in different countries is seven to ten year and in some cases adult women are also undergo this tradition at the time of marriage. In most of the countries it is performed traditionally method by women (excisors) and in case of any damage she is not responsible for that it attributed to fate and evil spirits and it is a vital source of income for them. These excisors use unsterilized and crude instruments and they used bamboo knife, razor-blade, a piece of glass and even the places where FGM preformed is also unhygienic and due to these facts increase the threat of blood-transmitted diseases even HIV and AIDS. Laura Guarenti, A medical officer working for World Health Organization for child health in Jakarta and she said “The fact is there is absolutely no medical value in circumcising girls and it is 100% the wrong thing to be doing.”⁴⁵

FGM strongly effects on female life. It is not only make a physically change as well as psychological complication are also later affected on her entire life and some medical problems also effecting on her life such as chronic pelvic infections, kidney impairment and abnormal periods and destruction to the reproductive system are major issues, even during pregnancy and delivery tissues damaged again and start bleeding, new surgery made compulsory after every child birth.

Reasons to perform such painful tradition in various societies are a way to help women control their sexuality. Some societies believe that genitalia are impure and ugly and some societies use their religious doctrine to defend it but non religion allow these traditions, in Indonesia some religious communities related this to Islam and there the practice of FGM is also

performed by medical staff. In Africa 28 countries are involve in this traditions and some Yemen's communities on the Red Sea are famous for such practice. Limited occurrence of this practec is found in Jordan, Oman, Gaza and Kurdish societies in Iraq. The practice has also been informed among certain populations in India, Indonesia, and Malaysia.⁴⁶

Iranian law criminalizes FGM. The Islamic Penal Code Article 663 states, "Cutting or removing each of the two sides of the female genitalia leads to diya (a financial penalty) equal to half of the full amount of diya for a woman's life. With respect to this provision, there is no distinction between adults and children or virgin or non-virgin [. . .] women."⁴⁷ In 2012 by the International Federation of Obstetricians and Gynaecologists (FIGO) and established by an assembly called Safe Hands for Mothers. They were campaigning against FGM, which increase the risk for women death during pregnancy and childbirth.⁴⁸

Universal Declaration of Human Rights (1948) the Article 2: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex" and Article 3: "Everyone has the right to life, liberty and security of person" and Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" and Article 25 (1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including . . . medical care."⁴⁹

International Covenant on Civil and Political Rights (1966) in the Article 9(1): "Everyone has the right to liberty and security of person." The United Nations policy of zero tolerance, established in 1998 Convention on the Elimination of all Forms of Discrimination against Women (1979) in The Article 1: "Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, of contracting HIV/AIDS and other sexually transmitted diseases."

African Union: Solemn Declaration on Gender Equality in Africa (2004) in Paragraph 6: "The States Parties hereby agree towards: 'Ensure the active promotion and protection of all human rights for women and girls

including the right to development by raising awareness or by legislation where necessary.”

African Charter on Human and Peoples’ Rights, Protocol on the Rights of Women in Africa (2003) in The Article 1(f): “Discrimination against women means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, or human rights and fundamental freedoms in all spheres of life” and in Article 1(j): “Violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological and economic harm”

The Article 5: “States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including . . . (b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them.”

The Article 14(1): “States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted.” Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) The Article 16: “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture . . . when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Ownership of the Land

The ownership of the land and supervision specifically for the male head. The women are neglected by the land ownership in different countries customary; Seventy-five percent population of Tanzanians lived in rural areas, and maximum are involved in the agricultural sector. In rural areas patriarchal effects are dominate and man have more rights than women and considered as a head of the house as well as family head. In these areas

inheritance rights are strictly against women and women's inheritance laws are still feeble and weak.

Legislation and the constitution of both recognized the equal women right for example as the Law of Marriage Act of 1971, (Law of Marriage Act (1971), Article 56, 65, 114). the Land Act of 1999 (Land Act (1999), Article 3(2)) are creating "The right of every woman to acquire, hold, use and deal with, land shall to the same extent and subject to the same restrictions be treated as a right of any man." The Village Land Act of 1999 (Village Land Act 1999, Article 3(2)) and the Mortgage Financing (Special Provisions) Act of 2008.

The Constitution of 1977, amended as "guarantees every person the equal right to own property and declares deprivation of property unlawful, unless it is authorized by law providing for fair and adequate compensation" in Article 24. Sex-based discrimination is also clearly prohibits in Article 13. However, there is an example of clash between customary laws and statutory laws in respect to women's land rights. These laws deny the right of ownership of females. It is irrespective their constitution give them equal rights.

Satti

In India, in which windows die with their husbands; they are burnt alive with the dead body of their husbands.⁵⁰ After the death of husband it was considered that the wife would be symbol of bad luck even she was not permitted to go the events and she touching the things was considered impure and she is barred from eating food after the death to funeral pyre. The pivotal factor was to possession of widow property which is delegated to husband's family by her death in India it is considered the devotion of wife for her dead husband.⁵¹ Sati is firstly declared in 510 CCE, when a memorializing incident was raised at Eran, an antique city in the contemporary state of Madhya Pradesh. The custom prompted to propagate in acceptance as evidenced of satis, for the most part in southern India and in the middle of the higher castes of Indian civilization, even further circumstance show that the Brahmins finally find guilty the practice.⁵² It is an ancient custom in India and British government banned it in 1829.

The fresh horrible incident appeared on 13th October 2008, when old woman of seventy one year executed sati in Chattisgarh. The practice of

sati is considered a part of Indian culture from the Gupta era. However sati is prohibited and is extremely condemned in Indian culture.^{42???}

Roop Kanwar, 18 year young widow how was married just before 8 months, in September 1987 was forced to commit sati in Rajasthan. Her brother in-law forcefully drag her and bunch of cooking oil put on her and burnt her on her husband's funeral pyre and in the eye of world they shows as a suicide case even 400 people was there But Roop Kanwar is admired and has achieved the status of an immortal and temple was constructed for her.

In October 1996, the Indian Court supports the suicide and called as a social tradition and acquitted all 38 offenders who abetted Roop Kanwar. Kanwar's sati focussed to the establishment of state laws to avoid the incidence and active the central Indian government for The Commission of Sati (Prevention) Act 1987. Even 56 people were charged of her murder and participation in murder by two discrete investigations, all were successively acquitted.⁵³ The superior court of Jaipur acquitted the eleven accused and four from these 22 cases was on sati which were trailed 16 years ago in 1987.⁵⁴

Another experience was in August 2002, the case of 65 year old widow Kuttu Bai and 40 year old Janakrani burnt on August 2006 in funeral pyre of her husband in sager; both incidences was in Madhya Pradesh. Utter Pradesh was highlighted in 2006 for a 35 year old Vidyawati, who jump in her husband funeral pyre and very a moment ago one Lalmati o widow of 71 years old from Chatisgarh, in October 2008 has committed sati.

Struggles to elimination of sati by formal resources occurred flush earlier the Moghul monarchs came to influence. In Delhi Sultanates consent had to be required for commencement of sati. Sati instigated to deterioration in 19th Century but continued in different parts of India, for the most part of Rajasthan. Sayajirao Gaekwad's wife Chimnabai, Maharaja of Baroda since 1875 to 1939, was a untiring activist for the privileges of Indian women.⁵⁵ All-India Women's Conference in 1927a speech was called sati a swearword. The practice of burning was abolished by Raja Ram Mohan Roy in 1829. In the history between 1815 to 1825, the number had approximately doubled to 639 deaths due to sati custom.⁵⁶ The Sati Regulation, XVII was accepted on 4 December, 1827 by Lord William Bentinck after presumptuous the administration of Bengal. The

rule was clear, brief and plain in its censure of Sati, announcing it unlawful and will be punishable in criminal courts.⁵⁷ In 1861 this practice was prohibited by Queen Victoria and it was officially banned in Nepal in 1920 even BANGAL SATI PEGULATION, 1829 was passed by east India company as per the order of Lord William Bentinck.

The Commission of Sati (Prevention) Act 1987, this Act makes a sati as a crime, same to murder and the abetment for sati or encouragement the offender of a Sati or for tried to Sati. As the Emendment in this Act suggested by The Ministry of women and Child Dovolpment (WCD) to make this offence of satti non-bailable and increase the punishment from 3 years to 10 years and fine has been enhanced from Rs.10,000 to Rs.50,000. The Commission of sati (prevention) Rules, 1988 also was in abolishment of sati and against the abetting and aiding related to satti in international law the Convention on the Elimination of Discrimination Against Women (CEDAW) in Article 1 defines “the Discrimination Against Women and mention that women have all rights as men entitled.” And in Article 2 is about “eradicate the discrimination against women and create legal protection of her rights and abstain from engaging in any action or practice.”⁵⁸ A Committee on the Removal of Discrimination against Women was recognized in the year 1981 and the Convention come into force which is based on the inspection of reports and evidences received from the State Events (Article 18 CEDAW). Optional Protocol to Convention on Women as CEDAW did not deliver for a singular complaint system. On October 7, 1999 in order to achieve this deficiency the General Assembly accepted the Optional Protocol to the Convention on the Abolition of All Forms of Discrimination against Women.

It is greatest terrible for current Indian Government has plummeted the change for a strict sati laws and under the burden of ministers. Still this murder of widows is done in traditional ceremonies of India.

Devadasi

One of the old Hindu tradition in which young women are given their entire life for the care of God ‘Yellamma’ and they are called ‘Devadasi.’ The females who are chosen as a devadasi are barred from marry, in fact they are considered as celibate dancer of temple but with the passage of time, the tradition has become corrupt and these girls have become the part of the system of prostitution.⁵⁹ The practice of this tradition is now prohibited by Article 23, Constitution of India, 1950 but still enduring in

different parts of the central India. In Bachara tribe, state of Madhya Pradesh the first daughter in the family are forced to become prostitutes when she turns 12 and these girls have more sexual health issues as compare to others girls, 90% of these teen-age girls become pregnant and 50% of them infected by sexually transmitted diseases and 14% of these girls had symptoms of HIV/AIDS.⁶⁰

The practice of prostitution is also found in Hindu's religious stories. As the god of rain 'INDRA' which considers as the king of other gods has attractive dancers and singer which is his biggest assets called 'APSARAS.' At the time when his royal seat was in danger, he sent his apsaras to seduce his enemies with their dance and beauty. One of the famous festival in India is 'NAVRATE' which is celebrated nine days function and during this festival they make 'MAA DURGA' by collecting eighteen different soils by eighteen different places and one soil must be taken from the door step of the prostitution. The Indian's believe that ancient time all kings even from Gupta till Aurangzeb have prostitutes in their courtroom, who sang and dance for entertainment. The Hindu literature also shows the practice of prostitution the most famous work is done by Vastasyayan's kama sutra and Chanakya's Arthashasatra. According to a survey over 2.5million population are prostitutions in India, A quarter of them are minors. Child prostitution is also one of the issues in India. This is cause to increase rate of the HIV virus.⁶¹

Kaushailiya v. State⁶² was a case in 1963 in which Kaushailiya challenge the High Court against section 20 of SITA and claim the fundamental right which is guaranteed in the Indian Constitution. Justice W. Broome confirmed that "if a profession or trade that is an inherently immoral activity like prostitution," then "it is open to the state to impose a total ban; and no one can claim any fundamental right to carry on such an activity." And also mention that section 20 of Constitution is not referred directly to the prostitution business and for the further limited the activities of prostitutions he supposed that:

"[additionally] woman proceeded against under this section is not given the option of ceasing to carry on prostitution if she wishes to be allowed to reside within the magistrate's jurisdiction. If the magistrate finds that she has worked as a prostitute in the past, he can expel her from the area controlled by him without further ado. Moreover, she may not only be removed from one town to another, but may be expelled from the whole district." 727777

To eliminate that evil, there have been made legislation; at first time in 1956 “The Immoral Traffic (Suppression) Act”⁶³ was passed. At first they were banned only in public but they were allowed personally. Later on, in 1986 that act was amended as “The Immoral Traffic (Prevention) Act”⁶⁴ according to this act prostitutes will be punished who are indulging in deducing and they are prohibited to public their phone numbers. If they commit such acts the imprisonment may be extend to six month with fine and, miners how involves in sexual activities they can be referred to jail for extreme period of ten years and the persons who control such activity or earn their money by prostitution they are also send to jail, an Adult who involve in prostitution unless he proves himself not a guilty, he will be referred to jail for the extreme period of ten years.

Article 19 (5) of Indian Constitution⁶⁵ provided that ‘state can impose restrictions on movement of some people for public welfare.’ To prevent AIDS the restrictions have been imposed by legal institutions

Discouraging Women from her Fundamental Rights

Saudi women are discourage for driving recently they are permitted to drive the vehicle, before this could not drive in this modern era. While passing the law there have been many attempts and struggle on the part of women. Females struggled for their rights on social media; in 2011 a group of Saudi women start a companied and they uploaded videos and speeches in the sport of driving for women. It was a great task for them which they achieved after great efforts.

Saudi Arabia, women even in this modern world are not allowed to go out alone; they cannot go out without guardian such as with his father or husband. Under this system women are forbidden from obtaining passport, marring traveling and even higher education without the approval of their male guardian. On 4 February 2016, ‘THE WEEK’ national newspaper of Saudi an article published ‘eleven things women in Saudi Arabia cannot do’ and mention or ban the women in coffee shops and the past the notice on outside the coffee shops that ‘please no entry for ladies only send your driver to order.’

Saudi women are not allow to take part in Olympic games in 2016 the Saudi participate in Olympic games without women in 2011 they send females to London first time and the head line proclaimed the women as prostitution.

Sale and Trafficking of Women in Haryana

Woman trafficking is a fundamental matter in the world and many restricted steps has made by national and international community and act of trafficking is always prohibited by law and also make inflexible punishment regarding to that act but this is still existing as a major issue in the world. Basically in trafficking the women are sale used for sexual activities it can be said the form of modern slavery in which the girl abused, ill treatment, forcedly raped and deprived from the other fundamental rights.

Haryana is a northern territory and wealthiest states of India where the girls are the victim and they are trafficked against their will for the marriage purpose. Through this custom a worst condition has been seen in the country and this is due to preference of son and old patriarchal customs in which girl consider only as a financial burdens and through this way not only dowry expenses waive off even the groom paid upon marriage.⁶⁶

According to a survey by United Nations Office in 2013, in Haryana the 10,000 households was in the fied of study in this 90% of women was trafficked from the other poor states like Assam, west Bengal, Bihar and Andhra Pradesh⁶⁷ and they called “paro” or “molki” which mean a sold girl. the age of the trafficked girls are start from 10 year and many of them have sold twice against their will and the parents of the poor states also willing to sale their daughters to Haryana as compare to anywhere else because in Haryanvi men is in the favour of “dowry-free, no expenses.”⁶⁸ For trafficked girls sale on the name of marriage which is based on their appearance and their physical structure such as beauty, age, health and virginity and their price is ranging from 5,000 Indian rupees to 40,000 Indian rupees.⁶⁹

These trafficked marriages left an unfathomable effect on girl’s life. After this they have no right to access to education and freedom of movement, habitually faced discrimination regarding to their marital status and due to younger age girls also suffer medical complications along with psychological stress. During the Pregnancy and childbirth the medical complications made as the case of teen ages mother’s death.⁷⁰

The Indian constitution forbid from trafficking under Article 23(1), “Traffic in human beings and begar [sic] and other similar forms of forced labour are prohibited and any contravention of this provision shall be an

offence punishable in accordance with the law.”⁷¹ The Immoral Traffic (Prevention) Act 1956, was also established for the elimination of trafficking but the trafficking on the name of marriage is not discussed in it and this is the fact that bride trafficking is still existing in Haryana.⁷² Even the bride trafficking is not mention in Indian law but can be controlled by The Child Marriage Restraint Act 1929 mention the legal age for girl 18 year and for boy 21 year.⁷³

The Indian constitution in Article 14 provided the right of equality “[t]he State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”⁷⁴ Article 19 is about freedom and under 19(1)(d) and (e) “[a]ll citizens shall have the right . . . to move freely throughout the territory of India . . .” and “to reside and settle in any part of the territory of India.”⁷⁵

The government of India introduce a cash transfer schemes recognized as “Apni Beti Apni Dhan” or “Our Daughters, Our Wealth,” on the condition that government will pay to poor families on the delay of their daughter marriage until age of 18 year.⁷⁶ this scheme work in Haryana in 1994-1998 by Department of Women and Children Development and 500 Indian rupees offered to the registered families at the time of birth of girl child and a another payment of 25,000 rupees transferred on her 18th birthday on condition that if she is until unmarried.⁷⁷

India has approved the Prohibition of Child Marriage Act 2006 and Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill in June; 2016. this bill is a comprehensive by combining all the previous trafficking bills and make new anti-trafficking law. The Bill focuses on three important features of tracking—“prevention, protection and rehabilitation of victims.”⁷⁸ The Asia Foundation (<www.asiafoundation.org>) The Union Ministry of Child and Development in 2002 introduced a scheme (SWADHAR) for the protection and the welfare of women in Tough Circumstances and SWADHAR has been effected in Haryana since 2007.⁷⁹

UN Convention on the Rights of the Child signed by the India on 11 December 1992, and has afterward approved the Juvenile Justice.⁸⁰ The Act related with the children who are involved sexually abused and sexual exploitation.⁸¹ Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW) Article 16(1)(b) provided that “the same right freely to choose a spouse and to enter into

marriage only with their free and full consent.”⁸² The Convention on the Rights of the Child 1989 (CRC), Article 19 stated that “the right to protection from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse, while in the care of parents, guardian or any other person” (Convention on the Rights of the Child, article 19) article 34 which deals for “the right to protection from all forms of sexual exploitation and sexual abuse.”⁸³ The Universal Declaration of Human Rights, Article 4 provided that that “[n]o one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.”⁸⁴ Additionally, Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR) announces “the right to be free from slavery under Article 8 to be a non-derogable right.”⁸⁵ International Covenant on Civil and Political Rights (ICCPR) Article 8(1) and (2) respectively, states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited,” and that “[n]o one shall be held in servitude.”⁸⁶

In 2014 CEDAW recommended India to take suitable amendments in Immoral Traffic (Prevention) Act for the preventing of women from trafficking.⁸⁷

Honor Killing

Human Rights Watch defines “honor killings” as follows:

“Honor killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonor upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce—even from an abusive husband—or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that “dishonors” her family is sufficient to trigger an attack on her life”⁸⁸

In the year 2000, it was reported that 10 % of the crimes of murders committed in Egypt in 1999 were crimes of honor (sharaf).⁸⁹ There were cases of girls with blocked hymens, their bellies swollen with menstrual blood, killed by family members who think they have fallen pregnant through illegitimate sexual relations; or girls whose stomachs swell with tumors, or girls whose periods stop due to anemia such conditions being

revealed at the autopsy, along with the fact that the girl was a virgin.⁹⁰ Similarly, it is reported that honor killing takes place in the Palestinian Christian community in Palestine.⁹¹ It can be observed, however, that while honor killing is not a solely Muslim phenomenon, the concept has increasingly become associated with Muslim societies in general.⁹²

Article 16 of the Universal Declaration of Human Rights, 1948 define that “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution” Additional “Marriage shall be entered into only with the free and full consent of the intending spouses” and “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

Article 23 of the United Nations International Covenant on Civil and Political Rights, 1976 also recognizes the right of men and women of marriageable age to marry and have a family.⁹³

Domestic Violence

Domestic violence is a practice often committed by men on women and female suffer chronic abuse and ill treatment and it can be sexual abuse, severe hurt and cause of death by the spouses and other very close relatives of the women. It is not only the problem of any specific region but the issue of the global. The women can suffer physical injuries by abusers and continuously such behavior can developed psychosomatic illnesses and other mental health issue like “post-traumatic stress disorder” (PTSD).The children are also effected in the violent households can be suffer from emotional distress and in response of threats they Convert violent themselves or Use drugs and remain in depression and Anxiety.

Domestic violence is one of the major issues for the Saudi woman and violence at home was not traditionally seen as a criminal matter in Saudi Arabia. First time it was highlighted in 2004 by a predominant television anchor ‘Rani Al Baz,’ was saviour beating by her husband. In 2013 a government launched a major complain against it. but still fail to overcome on gender barrier. In March 2016, an English newspaper ‘AL ARABIYA’ an article ‘Domestic violence cases on the rise in Saudi Arabia’ on violence at home. Another article published in 13 may 2016 about the domestic violence ‘Saudi Arabia; women face flogging and jail

for checking husband's phone' without husband permission. This type of violence is categorized in violation of privacy and suit can be filed and taking action to catch them.

Women are victims of domestic violence even in the most devolving countries and legislation on national and international level has made to eliminate it but still a burning issue for the women. The federal law in United States "The Violence Against Women Act" of 1994 (VAWA), Violence Against Women in Australia as a Determinant of Mental Health and Wellbeing 2004, The Venezuelan Law (1998) Articles 22, 23 and 24 are related to Violence Against Women and the Family, *The Protection of Women from Domestic Violence Act, 2005* by India in January 2005 are the some examples of national laws on international level "Committee on the Elimination of Discrimination against Women" Article 24 and Human Rights Committee general, 2000 in article 3 mention the equal rights for both gender and international agreements such as CEDAW leads and major step for the right of the women.⁹⁴ The Universal Declaration of Human Rights, 1948 was the basic international foundation against violence against women.

Status of Woman with regard to different Religions and Civilizations

Man represents one part of mankind and woman represents the other part. Any program established by ignoring woman will definitely be incomplete and defective. No one imagine a society comprised only of men or women. Both are dependent on each other. Requirement of their combination is social, psychological and sexual. Social life demands from man and woman to step forward collectively for national progress. Life attains prosperity when they have proper and true social, political and sexual relations. If they have no proper and true relation it will be called unbalanced relations. Unbalanced relations will lead the society towards decline. In such situation some corners of life will become desolate while other corners consume more unnecessary power. These factors ruin civic society.⁹⁵

Women being human are entitled to basic rights which are called Fundamental rights or the Human rights. These rights are violated and ignored all over the world. Women human rights which are continuously ignored are right to life, liberty, security, protection, equality, freedom,

health, care, politics, conscious, information, education, assembly, saving from torture and ill treatment so forth.⁹⁶

Greece

Greece is considered to be the first civilized society in the world. They acquired well progress in arts and Science. On the basis of their progress a number of new civilizations and sciences were developed later on. Though Plato claimed equality between man and woman but it was verbal only.⁹⁷

The general presumption in Greece society was that a person can be cured if he is bite by snake or burnt by fire but he cannot be cured if hunted by the wickedness of woman.

In ancient Athens, women had not been given any status and were presumed to be a property headed by the male. Before marriage women were to be under control of their father or other male member of family, once they married their husband became a woman's master. Women were deprived from conducting legal proceedings, their masters would do so.⁹⁸

However, at that time woman was given the right of divorce but she could not exercise it through court because its disclosure considered against the honor of Greece society.

Roman Law

In Roman laws woman status was much inferior. Woman was presumed to be property and man (Father or Husband) was the exclusive owner of this property. Woman was declared to be servant of male members of her family. She was not eligible for any state office. No doubt in the coming years Roman society bestowed some rights to woman but she could not get the status equal to man. She was not considered to be eligible for high state offices. She always remained dependent of man.⁹⁹

Ancient Arabic Civilization

Greece and Room civilizations were considered to be the developed civilizations but, even, in these societies woman could not get the status of equality. Ancient Arabs were totally unaware about arts and science. One can easily imagine status of woman in ancient Arabic society. Arabs feel proud at birth of boy. Birth of girl bring message of sadness for them. Woman has no status in their eyes. A man has right to marry with more

than one woman at one time. Apart from married wives man has a right to keep other women in home as bond maid. (*Ibid*)

Hinduism

Hindustan is always considered to be a religious country. However, woman could not get rid of the status of slavery and subordination to her male family members.

“Woman should remain under control of her father in her childhood, husband in her youth and sons after widowing, she should never been independent.”⁹⁹

According to Jankia:-

“Never trust river, armed soldier, and animal with horn, king and woman.” (*ibid*)

Now even in modern era, according to a study India is considered to be fourth most dangerous country for woman in the world. Custom of SATTI is present in India from ancient days, according to this custom a widow has to accept death with the death of her husband. This custom attained the status of religious activity. If a widow refused to die with her died husband then she declared to be wicked and defective woman. She had no chance to re marry. (*Ibid*)

Christianity

Like other religions Christianity preached about rights of women. The most pious person in Christianity is Hazrat Maryam (A.S) but in reality women could not get status equal to men. Women were suppressed in the name of religion; there are discriminatory laws about men and women regarding sexual abuse. Women were put to death are to be burned if she is accused of immorality. (*Ibid*)

Islam

1500 years before Islam addressed the issues relating to women and bestowed all rights to women. They were encouraged to live a peaceful life. Islam declared equal rights to man and woman. Because of re-generation process she was given priority rights than man. Woman

declared shareholder of her father's, husband's and son's property. There was no discrimination in learning arts and science.

In Charter presented in his last address Hazrat Muhammad (PBUH) advised to behave women in respectful manner.

Man and women are equal in the eye of Islam as mention in Holy Quran "It is He who created you from one soul and created from its mate that he might dwell in security with her. And when he covers her, she carries a light burden and continues therein. And when it becomes heavy, they both invoke Allah, Their Lord, If you should give us a good (child), we will surely be among the grateful."¹⁰⁰

"Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward."¹⁰¹

In Sahih Bukhari;- The Holy prophet said, "It is compulsory for women and men to get education"¹⁰²

Narrated by Abu Musa-Al-Ashari "The Prophet said,, He who has a slave girl and teaches her good manner and improves her education and then marries her, will get a double reward, and any Slave who observes Allah's right and his master's right will get a double reward,,. "Whosoever supports two daughters till they mature, he and I will come in the day of judgment as this, and he pointed with his two fingers held together" ^{102???}

"And they (women) have rights similar to those (of men)over them and men are a degree above them.(from this verse of Holt Quran, many narrow minded religious scholars try to prove that man is superior to women .Here the holy Quran, however, is speaking only in term of protection. It implies no superiority or advantage before law. this does not means the husband dictatorship over his wife."¹⁰³

Islam gave women the right of their property and inheritance. In the Islamic law give her independent right about her property. She can manage her property according to her own will and she is free about all the

property matters even without her husband's consultation. Other religion of the world doesn't give such rights.

Some critics raise the objection on this division of shares, these critics says that this division of property in Islam is against the justice to give women half share of the male, the answer of this objection raised by the critics is that obtain her property from three different ways¹⁰⁴

- i) By Father
- ii) By Husband
- iii) By Son

So, she shares equal to men.

Concept of Women's Right in Modern Era

When mankind entered in industrial era then due to inventions of machines difference of physical power became meaningless. Woman started taking part in economic activities. In eighteenth century, question arose that how discriminatory behavior on the basis of physical strength can be eliminated. For this purpose struggle in the shape of movements initiated. Basic purpose of these movements was to empower both man and woman in decision making factors. With the beginning of disciplined civil life perception of right is developed. Feeling about rights continuously grown according to the development of the civic society, ultimately, necessary ingredient of social and developed life is named right.

Conclusion

For a better civic society, rights and duties of man and woman are well determined. Nature imposed some rights and duties upon both of them. Some rights of man applicable upon woman. They are declared duties of woman for man. Likewise some rights of woman are imposed upon man and they are declared duties of man for woman

The word right is declared a privilege, title, that someone may claim legally which is recognized and protected by law. Right is a scale upon basis of which standard of justice and injustice are set up in society. With the essence of disciplined civic society perception of right is developed. Rights of mankind are necessary ingredient for human life. Society accept

them, state protect them and then they are exercised equally. Inequality among the members of the society is called discriminatory behavior.¹⁰⁵

If an individual or group of people is awarded more opportunities for progress and others deprived or allowed less chances for progress upon the basis of color, race, sex, religion, language, political attachment, cultural identification, social status or economic position then discriminatory behavior prevails which brings decline for society.

“The concept of discrimination against women means a difference which restrict women participation on the basis of gender which create hurdle in recognition, enjoyment of fundamental rights bestowed to women.”¹⁰⁶

During evolutionary period when institutions of family, tribe, state and religion were not established, however human beings have attained the present shape, at that time efforts of mankind were limited till to their safety only. In those days behavior of mankind towards women were of two types, however, the practical result was the same i.e. inferior position of woman.¹⁰⁷

- 1) On one side, women were separated from the ordinary life by declaring her holy and sanctified because of the process of birth/creation. By virtue of this some customs, usages were evaluated those gradually developed in the shape of **DISCRIMINATORY BEHAVIOR**.
- 2) On the other side, some variations occurred in the physical structure of man and woman due to re-generation. For example a woman cannot move actively due to birth of children. That is why she faced difficulty to save herself from enemies and hunters. Since in early days physical strength was an important factor in the war of survival of mankind. So man stand for safety and protection of woman and woman deputed for easy labor like upbringing of children, taking care of flock of sheep & goats and growing of vegetables etc. Because of this physical power played decisive role in fixing the status of man and woman. Re-generation difference personated the shape of social discrimination.

Process of social discrimination continued. Women were restricted to take part in economic activities. Her role was eliminated in taking important decisions. Her status was fixed as second grade citizen.

Superiority of man was admitted. Because of all this male dominated culture evolved in society. Male human beings introduced customs of their choice, those oppressed women. This oppression resulted evil customs regarding women.

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