



NUMUN

Northwestern University Model United Nations

United Nations Human Rights Council

Topic C: Discrimination Against Women in

South Asia

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Introduction

According to Oxfam International, the globally accepted definition of violence against women is “any act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” This violence is an inevitable reality of everyday life in South Asia and is supported by social customs and attitudes in the home, as well as by the state. Fifty million women in this region have died because of their sex, whether through sex-selective abortions or physical violence and neglect. Millions of living women and girls face severe discrimination; they have less to eat than their male counterparts, are denied educational opportunities and access to health services, are forced into dowry marriages, and suffer violence. In fact, one in every two women in this region faces violence within the home.

Discrimination against women is a critical issue in South Asia particularly because there exists a culture in which gender-based violence is not just accepted but expected. Women are frequently denied the rights to health, political participation, work, and even food. According to the United Nations Development Programme (UNDP) Human Development Report of 2003, indicators for women’s literacy, health, economic activities, work burden, empowerment, and political participation in South Asia are some of the lowest in the world. 56 percent of women in this region are illiterate, which means that their employment opportunities are extremely limited; for this reason, many women are trapped inside the home.

In recent years, some gains have been made in improving girls’ access to healthcare, adequate nutrition, and nutrition; however, many forms of discrimination are still omnipresent, including extreme violence and sex-selective abortion. In some regions of India, there are only 79



girls born for every 100 boys, compared to the worldwide average of 95. This unbalanced ratio only produces instability and furthers discrimination.



Background

Discrimination against women is supported by various historical practices and traditions in South Asia. In India, traditions such as sati, jauhar, purdah, and devadasi have been banned and are defunct for the most part; however, in some remote parts they are still alive and contribute to violence and discrimination against women. Sati, a custom in which a widow was immolated alive on her husband's funeral pyre, was often forced on the woman. This practice was abolished by the British in 1829; however, there have been forty reported cases since independence, leading to the Commission of Sati Prevention Act.



Jauhar is a similar practice—it involves the voluntary immolation of all the wives and daughters of defeated warriors to avoid capture by the conquering enemy. Devadasi, established in the 10th century, is a tradition by which women were married to a deity or temple that often involved illegitimate sexual exploitation. Purdah refers to the requirement that women cover their bodies and live in seclusion from men, serving both as a restriction on movement and a visible symbol of subordination. Cultural practices like these lend legitimacy to discrimination and violence against women.

Historically, girls in South Asia have been married at ages as young as eight. They were not allowed access to education and were treated instead as a material possession. One writer compared women and those of lower caste to animals and suggested that all three should be beaten. Young marriage leads to further concerns for women, including high birth rates and poor health due to



repeated child bearing. Widows were frequently not permitted to marry after their husbands died; instead, they were expected to live pious lives and were not allowed to participate in celebrations or festivals. Because living as a widow was considered a type of curse, many women committed sati. Girls were generally not educated in the same way that boys were. Instead of being formally educated, girls were trained in the ways of being a wife and mother. According to the Indian philosopher Vatsyayana, women were supposed to be accomplished in sixty-four arts, which included cooking, spinning, grinding, knowledge of medicine, and recitation.

When Britain began in earnest to take control of India in the 1750s, Western laws and customs were introduced. By the 1850s, Britain controlled most of the Indian sub-continent, including Pakistan and Bangladesh. Practices like sati were legally banned, but were not completely eradicated, especially in rural areas. After independence, India's new constitution gave equal rights to women under civil law, but, at the same time, Muslims and Hindus were guaranteed the right to adhere to personal law in marriage, divorce, and other family matters. Since then, the Indian government has worked to abolish the various types of Hindu personal law in favor of a uniform civil code. The Special Marriage Act of 1954 provided that any couple, irrespective of community, could marry in a civil ceremony.

Although women under Indian law have the right to bring legal cases before a court, Muslim women in rural India rarely do so. It would be perceived as a shame to her community if she were unable to settle the case in a private setting, rather than in a public space. If a woman is required to go to court, she will generally be represented and spoken for by a male relative.



Current Status

Women in South Asia face a variety of problems due to discrimination, including:

- Malnutrition—women living in rural areas or slums in major cities eat last and least in the family; often their food intake does not contain the nutritional value required to maintain full health.
- Maternal mortality—the maternal mortality rate is among the highest in the world, especially if there is an early pregnancy when the body is not yet ready to bear a child.
- Lack of education—women from low socioeconomic backgrounds rarely receive sufficient education, and in rural areas, the idea that women should be trained to take care of a house and family persists.
- Mistreatment—women are frequently subjected to physical and mental violence, and conviction rates for offenders are low, especially within marriage.
- Female infanticide/foeticide—families that do not have the resources to care for many children will opt to abort a female fetus or kill a female baby in order to increase the chances of having healthy male children.

Social Indicator	India	World
Infant mortality rate, per 1,000 live births	73	60
Maternal mortality rate, per 100,000 live births	570	430
Female literacy, %	58	77.6
Female school enrollment	47	62
Income earned by females	26	58
Underweight children, %	53	30
Total fertility rate	3.2	2.9
Women in government, %	6	7
Contraception usage, %	44	56
Low birth weight babies, %	33	17



According to the National Family Health Survey (NFHS) from 2006, one in three Indian women between the ages of 15 and 49 has experienced physical violence and one in ten women has experienced sexual violence; 35% have suffered at least one such type of violence, but only one in four affected women has ever sought help for the violence they have experienced. The results of a South Asian regional campaign indicate that more than half of both men and women in South Asia believe that it is acceptable for men to beat women within the context of marriage. Sex selection in children is also a major concern in India, as son preference is strong in South Asia. A study of amniocentesis procedures in a Mumbai hospital found that 95% of aborted fetuses were identified as female. Some clinics advertised the abortion of female babies, saying that it is better to spend \$38 now on an abortion than \$3,800 later on a dowry.

In Bangladesh, violence against women is practically a societal norm. The International Center for Diarrhoeal Disease Research—Bangladesh says that 60 per cent of Bangladeshi women face violence. The WHO Multi-country Study on Women's Health and Domestic Violence against

Women indicates that acid attacks are a relatively common occurrence in Bangladesh; in 2005, 267 women were victims of acid attacks. These incidents of violence are often the result of dowry disputes,



Victims of acid attack speak at a conference



and lead to blindness, disfigurement, and even death. A study by NGO Odhikar shows that between 2001 and 2007 a total of 5,816 cases of rape were reported against women and children. Out of these cases, 636 women were killed after being raped and 69 committed suicide after the incident. More than half of Bangladeshi women marry before age fifteen—this is the highest rate of early marriage in Asia—leading to limited educational opportunities for women and an increase of violence within the context of marriage.

However, the government of Bangladesh has made some attempts to protect women. Although Bangladesh has one of the largest Muslim populations in the world, its constitution is secular. Legal protections for women include the 1980 Antidowry Prohibition Act and the 1983 Cruelty to Women Law. Further laws prohibit husbands from arbitrarily divorcing their wives or taking additional wives without the consent of the first one. But these laws are not complete—they only apply to registered marriages, and in rural areas, few marriages are actually registered. In these villages, traditional arbitration courts are the main judicial bodies and frequently base their decisions on tradition and local custom rather than state legal codes. In some communities, mullahs rule on disputes according to strict Shari'a law.

Amnesty International, Human Rights Watch, the European Union, and the United States Department of State have expressed serious concerns about the state of human rights overall in Sri Lanka, especially for women. Police statistics indicate that there are between 8,000 and 10,000 cases of violence against women per month. Like in other South Asian countries, women tend to react in a submissive manner; according a study in the British Journal of Psychiatry, 79% of those abused stay in their marriages for more than ten years. The same study's results indicate that in 31% of cases, children of the victim witness the abuse. Because emotional abuse in childhood has a huge



impact on adult mental health and future patterns of behavior, these occurrences create cycles of behavior that result in the continuing abuse of women.

However, there are some ways in which women have overcome discrimination in South Asian society. Upper-class women participate in political life more vigorously in South Asia than in many other parts of the world. Even in Sri Lanka, women have voted in equal proportion to men since 1931. In fact, Sri Lanka made history in 1960 when it became the first state in the world to elect a female head of state. Women have also been elected head of state in India, Bangladesh, and Pakistan. In 1988, the Draft National Perspective Plan for Women proposed reserving 30% of all seats in local government for women. Nevertheless, purdah is still strictly enforced in rural areas—this makes it extremely difficult for rural women to engage in public, political, or economic systems that involve contact with unrelated men.

The United Nations has also made attempts to eradicate discrimination against women throughout the world. 161 countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women; however, 44 of these states have said explicitly that they will not implement certain provisions of the treaty on political, constitutional, cultural or religious grounds. India is one of these countries—the Indian government indicates that although it agrees with the principle of compulsory registration of marriages, putting this principle into practice is not viable in a nation with so much variety in customs, religion, and level of literacy.

This Convention points out that “extensive discrimination against women continues to exist” and that this discrimination “violates the principles of equality of rights and respect for human dignity.” According to the Convention, discrimination is defined as “any distinction, exclusion, or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field.” Even though this convention is an extensive document aimed at putting an end to



discrimination against women, it cannot be effective unless the countries signing it actually put its principles into effect.

The United Nations Development Fund for Women's mission statement says that it "provides financial and technical assistance to innovate programs and strategies to foster women's empowerment and gender equality." It focuses on enhancing women's rights, ending violence against women, and reducing the prevalence of HIV and AIDs among women and girls. Since its establishment in 1976, this organization has done a great deal to promote the end of discrimination and violence against women as well as providing medical assistance to women in rural areas. However, the problem has not yet been completely solved and many women in rural areas or city slums continue to live without basic healthcare or opportunities for education.



Bloc Positions

Western Bloc: The United States signed the Convention on the Elimination of All Forms of Discrimination against Women in 1980, but still has not ratified it due to opposition from right-wing members of Congress. States of the European Union have also expressed objections to certain clauses of the Convention; however, a representative of the EU itself pointed out that according to the Convention, these reservations are not permitted and should be withdrawn.

Middle Eastern Bloc: Several Middle Eastern countries have neither signed nor ratified the Convention, instead choosing to completely ignore it. These opponents of the treaty cite ethnic, cultural, and religious reasons for their objections. Other nations with Muslim majority populations have said that they are only willing to comply with certain sections of the Convention provided that such compliance does not contradict Islamic Shari'a laws.

Asian Bloc: Singapore has indicated that because its society includes a variety of ethnicities and religions, it must protect the freedom of minorities to practice their specific religious and personal laws. Thus, the Singaporean government reserves the right not to apply certain provisions of the Convention where compliance with said stipulations would be contrary to those laws. India has similarly stated that the implementation of some articles of the Convention will be impractical due to the religious and ethnic diversity of the nation.

African Bloc: Violations against the rights of women have frequently occurred in Africa as a side effect of civil unrest, including in countries like Somalia, Sudan, and Cote D'Ivoire. While some governments have committed violations against the human rights of women, others simply do not have control of their territory and cannot prevent abuses from occurring.



Question to Consider

- Which of the problems that face South Asian women must be addressed most urgently?
- How can South Asian women be educated about health issues?
- How should the issues faced by urban and rural communities be addressed differently by a resolution?
- To what extent should traditions and religious laws be taken into account?
- In what ways have previous UN resolutions succeeded? How have they failed?
- How does discrimination against women contribute to other problems faced by the region, including health and economic issues?
- How can a resolution be effective without violating the sovereignty of a state?



Recommended Sources

- The United Nations website: <http://www.un.org/>
- The United Nations Office of the High Commissioner for Human Rights website: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
- UNIFEM website: <http://www.unifem.org/>
- The Convention for the Elimination of All Forms of Discrimination against Women
- South Asian Forum for Human Rights website: <http://www.safhr.org/>
- Human Rights Watch: <http://www.hrw.org/>
- Amnesty International website: <http://www.amnestyusa.org/all-countries/somalia/page.do?id=1011237>
- Various news sources, such as *The New York Times*, *The Economist*, Bloomberg, etc.



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