



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B 204

Semester II

SUBJECT: SOCIOLOGY-II

DR.INDERJEET KAUR

Lecture- 30



LECTURE 30:

Forced marriage and child marriage Poster against child and forced marriage Main articles: Forced marriage and Child marriage Early marriage, child marriage or forced marriage is prevalent in parts of Asia and Africa. The majority of victims seeking advice are female and aged between 18 and 23. [76] Such marriages can have harmful effects on a girl's education and development, and may expose girls to social isolation or abuse.[77][87][88] The 2013 UN Resolution on Child, Early and Forced Marriage calls for an end to the practice, and states that "Recognizing that child, early and forced marriage is a harmful practice that violates abuses, or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations, that these violations have a disproportionately negative impact on women and girls [...]".[89] Despite a near-universal commitment by governments to end child marriage, "one in three girls in developing countries (excluding China) will probably be married before they are 18."[90] UNFPA states that, "over 67 million women 20–24 year old in 2010 had been married as girls. Half were in Asia, one-fifth in Africa. In the next decade 14.2 million girls under 18 will be married every year; this translates into 39,000 girls married each day. This will rise to an average of 15.1 million girls a year, starting in 2021 until 2030, if present trends continue."[90] Bride price Bride price (also called bridewealth or bride token) is money, property, or other form of wealth paid by a groom or his family to the parents of the bride. This custom often leads to women having reduced ability to control their fertility. For instance, in northern Ghana, the payment of bride price signifies a woman's requirement to bear children, and women using birth control face threats, violence and reprisals.[91] The custom of bride price has been criticized as contributing to the mistreatment of women in marriage, and preventing them from leaving abusive marriages. UN Women recommended its abolition, and stated that: "Legislation should [...] State that divorce shall not be contingent upon the return of bride price but such provisions shall not be interpreted to limit women's right to divorce; State that a perpetrator of domestic violence, including marital rape, cannot use the fact that he paid bride price as a defence to a domestic violence charge."[54] The custom of bride price can also curtail the free movement of women: if a wife wants to leave her husband, he may demand back the bride price that he had paid to the woman's family; and the woman's family often cannot or does not want to pay it back, making it difficult for women to move out of violent husbands' homes.[92][93][94] Economy and public policy Promoting gender equality is seen as an encouragement to greater economic prosperity.[18][xxviii] Female economic activity is a common measure of gender equality in an economy.[xxix] Gender discrimination often results in women obtaining low-wage jobs and being disproportionately affected by poverty, discrimination and exploitation.[96][xxx] A growing body of research documents what works to economically empower women, from providing access to formal financial services to training on agricultural and business management practices, though more research is needed across a variety of contexts to confirm the effectiveness of these interventions.[97] Gender biases also exist in product and service provision.[98] The term "Women's Tax", also known as "Pink Tax", refers to gendered pricing in which products or services marketed to women are more expensive than similar products marketed to men. Gender-based price discrimination involves companies selling almost identical units of the same product or service at comparatively different prices, as determined by the target market. Studies have found that women pay about \$1,400 a year more than men due to gendered discriminatory pricing. Although the "pink tax" of different goods and services is not uniform, overall women pay more for commodities that result in visual evidence of feminine body image.[99][xxxi] Gendered arrangements of work and care Since the 1950s, social scientists as well as feminists have increasingly criticized gendered arrangements of work and care and the male breadwinner role. Policies are increasingly targeting men as fathers as a tool of changing gender relations.[100] Shared earning/shared parenting marriage, that is, a relationship where the partners collaborate at sharing their responsibilities inside and outside of the home, is often encouraged in Western countries.[101] Western countries with a strong emphasis on women fulfilling the role of homemakers, rather than a professional role, include parts of German speaking Europe (i.e. parts of

Germany, Austria and Switzerland); as well as the Netherlands and Ireland.[xxxii][xxxiii][xxxiv][xxxv] In the computer technology world of Silicon Valley in the United States, New York Times reporter Nellie Bowles has covered harassment and bias against women as well as a backlash against female equality.[102][103] A key issue towards insuring gender equality in the workplace is the respecting of maternity rights and reproductive rights of women.[104] Different countries have different rules regarding maternity leave, paternity leave and parental leave.[xxxvi] Another important issue is ensuring that employed women are not de jure or de facto prevented from having a child.[xxxvii] In some countries, employers ask women to sign formal or informal documents stipulating that they will not get pregnant or face legal punishment.[105] Women often face severe violations of their reproductive rights at the hands of their employers; and the International Labour Organization classifies forced abortion coerced by the employer as labour exploitation.[106][xxxviii] Other abuses include routine virginity tests of unmarried employed women.[107][108] Freedom of movement Women in Afghanistan wearing burqas. Some clothes that women are required to wear, by law or The degree to which women can participate (in law and in practice) in public life varies by culture and socioeconomic characteristics. Seclusion of women within the home was a common practice among the upper classes of many societies, and this still remains the case today in some societies. Before the 20th century it was also common in parts of Southern Europe, such as much of Spain.[109] Women's freedom of movement continues to be legally restricted in some parts of the world. This restriction is often due to marriage laws.[xxxix] In some countries, women must legally be accompanied by their male guardians (such as the husband or male relative) when they leave home.[110] The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) states at Article 15 (4) that: 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.[111] In addition to laws, women's freedom of movement is also restricted by social and religious norms.[xl] Restrictions on freedom of movement also exist due to traditional practices such as baad, swara, or vani.[xli] Girls' access to education In many parts of the world, girls' access to education is very restricted. In developing parts of the world women are often denied opportunities for education as girls and women face many obstacles. These include: early and forced marriages; early pregnancy; prejudice based on gender stereotypes at home, at school and in the community; violence on the way to school, or in and around schools; long distances to schools; vulnerability to the HIV epidemic; school fees, which often lead to parents sending only their sons to school; lack of gender sensitive approaches and materials in classrooms.[113][114][115] According to OHCHR, there have been multiple attacks on schools worldwide during the period 2009–2014 with "a number of these attacks being specifically directed at girls, parents and teachers advocating for gender equality in education".[116] The United Nations Population Fund says:[117] About two thirds of the world's illiterate adults are women. Lack of an education severely restricts a woman's access to information and opportunities. Conversely, increasing women's and girls' educational attainment benefits both individuals and future generations. Higher levels of women's education are strongly associated with lower infant mortality and lower fertility, as well as better outcomes for their children. LECTURE-36 Political participation of women Map showing countries which since independence have had (counting Governors-General as heads of state, but excluding monarchs): Female head of government[b] Female head of state[c] Female head of state/government (combined) Female head of state and female head of government Three former sovereign states (East Germany, Tannu Tuva, and Yugoslavia) have also had a female Head of State or Head of Government A world map showing countries governmental participation by women, 2010. Women are underrepresented in most countries' National Parliaments.[118] The 2011 UN General Assembly resolution on women's political participation called for female participation in politics, and expressed concern about the fact that "women in every part of the world continue to be largely marginalized from the political sphere". [119][xlii] Only 22 percent of parliamentarians globally are women and therefore, men continue to occupy most positions of political and legal authority.[2] As of November 2014, women accounted for 28% of members of the single or lower houses of parliaments in the European Union member states.[XLVII] In some Western countries women have only recently obtained the right to vote.[xliii] In 2015, 61.3% of Rwanda's Lower House of Parliament were women, the highest proportion

anywhere in the world, but worldwide that was one of only two such bodies where women were in the majority, the other being Bolivia's Lower House of Parliament.[121] (See also Gender equality in Rwanda). Marriage, divorce and property laws and regulations Equal rights for women in marriage, divorce, and property/land ownership and inheritance are essential for gender equality. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) has called for the end of discriminatory family laws.[122] In 2013, UN Women stated that "While at least 115 countries recognize equal land rights for women and men, effective implementation remains a major challenge".[123] The legal and social treatment of married women has been often discussed as a political issue from the 19th century onwards.[xliv][xlv] Until the 1970s, legal subordination of married women was common across European countries, through marriage laws giving legal authority to the husband, as well as through marriage bars.[xlvi][xlvii] In 1978, the Council of Europe passed the Resolution (78) 37 on equality of spouses in civil law. [124] Switzerland was one of the last countries in Europe to establish gender equality in marriage, in this country married women's rights were severely restricted until 1988, when legal reforms providing for gender equality in marriage, abolishing the legal authority of the husband, come into force (these reforms had been approved in 1985 by voters in a referendum, who narrowly voted in favor with 54.7% of voters approving).[125][126][127][26] In the Netherlands, it was only in 1984 that full legal equality between husband and wife was achieved: prior to 1984 the law stipulated that the husband's opinion prevailed over the wife's regarding issues such as decisions on children's education and the domicile of the family.[128][129][130] In the United States, a wife's legal subordination to her husband was fully ended by the case of *Kirchberg v. Feenstra*, 450 U.S. 455 (1981), a United States Supreme Court case in which the Court held a Louisiana Head and Master law, which gave sole control of marital property to the husband, unconstitutional.[131] There have been and sometimes continue to be unequal treatment of married women in various aspects of everyday life. For example, in Australia, until 1983 a husband had to authorize an application for an Australian passport for a married woman. [132] Other practices have included, and in many countries continue to include, a requirement for a husband's consent for an application for bank loans and credit cards by a married woman, as well as restrictions on the wife's reproductive rights, such as a requirement that the husband consents to the wife's acquiring contraception or having an abortion.[133][134] In some places, although the law itself no longer requires the consent of the husband for various actions taken by the wife, the practice continues de facto, with the authorization of the husband being asked in practice.[135] Although dowry is today mainly associated with South Asia, the practice has been common until the mid-20th century in parts of Southeast Europe.[xlviii] Laws regulating marriage and divorce continue to discriminate against women in many countries.[xlix] In Iraq husbands have a legal right to "punish" their wives, with paragraph 41 of the criminal code stating that there is no crime if an act is committed while exercising a legal right.[1] In the 1990s and the 21st century there has been progress in many countries in Africa: for instance in Namibia the marital power of the husband was abolished in 1996 by the Married Persons Equality Act; in Botswana it was abolished in 2004 by the Abolition of Marital Power Act; and in Lesotho it was abolished in 2006 by the Married Persons Equality Act. [136] Violence against a wife continues to be seen as legally acceptable in some countries; for instance in 2010, the United Arab Emirates Supreme Court ruled that a man has the right to physically discipline his wife and children as long as he does not leave physical marks.[137] The criminalization of adultery has been criticized as being a prohibition, which, in law or in practice, is used primarily against women; and incites violence against women (crimes of passion, honor killings).[li] Social and ideological Political gender equality Two recent movements in countries with large Kurdish populations have implemented political gender equality. One has been the Kurdish movement in southeastern Turkey led by the Democratic Regions Party (DBP) and the Peoples' Democratic Party (HDP), from 2006 or before. The mayorships of 2 metropolitan areas and 97 towns[citation needed] are led jointly by a man and a woman, both called co-mayors. Party offices are also led by a man and a woman. Local councils were formed, which also had to be co-presided over by a man and a woman together. However, in November 2016 the Turkish government cracked down on the HDP, jailing ten of its members of Parliament, including the party's male and female co-leaders.[138] A movement in northern Syria, also Kurdish, has been led by the Democratic Union

Party (PYD).[139] In northern Syria all villages, towns and cities governed by the PYD were cogenerated by a man and a woman. Local councils were formed where each sex had to have 40% representation, and minorities also had to be represented.[139] Gender stereotypes 1952 portrayal of stereotypes about women drivers, based on the stereotype that women can't drive well. Features Bettie Page. Further information: Gender role Gender stereotypes arise from the socially approved roles of women and men in the private or public sphere, at home or in the workplace. In the household, women are typically seen as mother figures, which usually places them into a typical classification of being "supportive" or "nurturing". Women are expected to want to take on the role of a mother and take on primary responsibility for household needs.[140] Their male counterparts are seen as being "assertive" or "ambitious" as men are usually seen in the workplace or as the primary breadwinner for his family.[141] Due to these views and expectations, women often face discrimination in the public sphere, such as the workplace.[141] Women are stereotyped to be less productive at work because they are believed to focus more on family when they get married or have children.[142] A gender role is a set of societal norms dictating the types of behaviors which are generally considered acceptable, appropriate, or desirable for people based on their sex. Gender roles are usually centered on conceptions of femininity and masculinity, although there are exceptions and variations. Portrayal of women in the media The way women are represented in the media has been criticized as perpetuating negative gender stereotypes. The exploitation of women in mass media refers to the criticisms that are levied against the use or objectification of women in the mass media, when such use or portrayal aims at increasing the appeal of media or a product, to the detriment of, or without regard to, the interests of the women portrayed, or women in general. Concerns include the fact that all forms of media have the power to shape the population's perceptions and portray images of unrealistic stereotypical perceptions by portraying women either as submissive housewives or as sex objects.[143] The media emphasizes traditional domestic or sexual roles that normalize violence against women. The vast array of studies that have been conducted on the issue of the portrayal of women in the media have shown that women are often portrayed as irrational, fragile, not intelligent, submissive and subservient to men.[144] Research has shown that stereotyped images such as these have been shown to negatively impact on the mental health of many female viewers who feel bound by these roles, causing amongst other problems, self-esteem issues, depression and anxiety.[144] According to a study, the way women are often portrayed by the media can lead to: "Women of average or normal appearance feeling inadequate or less beautiful in comparison to the overwhelming use of extraordinarily attractive women"; "Increase in the likelihood and acceptance of sexual violence"; "Unrealistic expectations by men of how women should look or behave"; "Psychological disorders such as body dysmorphic disorder, anorexia, bulimia and so on"; "The importance of physical appearance is emphasized and reinforced early in most girls' development." Studies have found that nearly half of females ages 6–8 have stated they want to be slimmer. (Striegel-Moore & Franko, 2002)".[145][146] Statistics on women's representation in the media Women have won only a quarter of Pulitzer prizes for foreign reporting and only 17 per cent of awards of the Martha Gellhorn Prize for Journalism.[147] In 2015 the African Development Bank began sponsoring a category for Women's Rights in Africa, designed to promote gender equality through the media, as one of the prizes awarded annually by One World Media.[148] Created in 1997, the UNESCO/Guillermo Cano World Press Freedom Prize is an annual award that honors a person, organization or institution that has made a notable contribution to the defense and/or promotion of press freedom anywhere in the world. Nine out of 20 winners have been women.[149] The Poynter Institute since 2014 has been running a Leadership Academy for Women in Digital Media, expressly focused on the skills and knowledge needed to achieve success in the digital media environment. The World Association of Newspapers and News Publishers (WAN-IFRA), which represents more than 18,000 publications, 15,000 online sites and more than 3,000 companies in more than 120 countries, leads the Women in the News (WIN) campaign together with UNESCO as part of their Gender and Media Freedom Strategy. In their 2016 handbook, WINning Strategies: Creating Stronger Media Organizations by Increasing Gender Diversity, they highlight a range of positive action strategies undertaken by a number of their member organizations from Germany to Jordan to Colombia, with the intention of providing blueprints for others to follow.[150] Informing women of their rights While

in many countries, the problem lies in the lack of adequate legislation, in others the principal problem is not as much the lack of a legal framework, but the fact is that most women do not know their legal rights. This is especially the case as many of the laws dealing with women's rights are of recent date. This lack of knowledge enables to abusers to lead the victims (explicitly or implicitly) to believe that their abuse is within their rights. This may apply to a wide range of abuses, ranging from domestic violence to employment discrimination.[151][152] The United Nations Development Programme states that, in order to advance gender justice, "Women must know their rights and be able to access legal systems". [153] The 1993 UN Declaration on the Elimination of Violence Against Women states at Art. 4 (d) [...] "States should also inform women of their rights in seeking redress through such mechanisms".[154] Enacting protective legislation against violence has little effect, if women do not know how to use it: for example a study of Bedouin women in Israel found that 60% did not know what a restraining order was;[155] or if they don't know what acts are illegal: a report by Amnesty International showed in Hungary, in a public opinion poll of nearly 1,200 people in 2006, a total of 62% did not know that marital rape was an illegal (it was outlawed in 1997) and therefore the crime was rarely reported.[156][157] Ensuring women have a minim understanding of health issues is also important: lack of access to reliable medical information and available medical procedures to which they are entitled hurts women's health.[158] Gender mainstreaming Gender mainstreaming is described as the public policy of assessing the different implications for women and men of any planned policy action, including legislation and programmes, in all areas and levels, with the aim of achieving gender equality.[159][160] The concept of gender mainstreaming was first proposed at the 1985 Third World Conference on Women in Nairobi, Kenya. The idea has been developed in the United Nations development community.[161] Gender mainstreaming "involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities".[162] According to the Council of Europe definition: "Gender mainstreaming is the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making." [120] An integrated gender mainstreaming approach is "the attempt to form alliances and common platforms that bring together the power of faith and gender-equality aspirations to advance human rights." [163] For example, "in Azerbaijan, UNFPA conducted a study on gender equality by comparing the text of the Convention on the Elimination of All Forms of Discrimination against Women with some widely recognized Islamic references and resources. The results reflect the parallels between the Convention and many tenets of Islamic scripture and practice. The study showcased specific issues, including VAW, child marriage, respect for the dignity of women, and equality in the economic and political participation of women. The study was later used to produce training materials geared towards sensitizing religious leaders