

LEGAL FRAMEWORK OF DOMESTIC VIOLENCE AMONG WOMEN

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ABSTRACT

One of the most pressing social issues of our time is violence against women, and specifically domestic violence against women. A violent act against a woman, whether in public or in private, is defined by the United Nations as "any act of gender-based violence that results or is likely to result in physical or sexual harm or mental suffering for women, including threats of such acts, coercion or arbitrary deprivation of liberties" (VAW). Discrimination and oppression against women is one of the most common abuses of human rights in the world today. An intimate partner or other members of the family might commit domestic violence against a woman, which is known as domestic violence against women (DVAW). Domestic violence can involve rape, abuse, and even murder perpetrated by a romantic relationship's intimate partner. Forcible pregnancies, abortions, and sterilizations are further forms of violence against women, as are detrimental traditional practices such dowry abuse and honour killings. At home, where they should feel safe and protected, women are at risk.

KEYWORDS: *Violence, Domestic Violence Against women, Intimate Partner, Legal Framework*

INTRODUCTION

The issue of violence against women, particularly domestic violence, is one of the most important social concerns of our time. According to the UN, any "act of gender-based violence" that causes bodily or sexual injury or mental anguish for women, including threats, coercion, or arbitrary denial of rights, qualifies as violence against women (VAW). One of the most widespread violations of human rights that we see today is gender-based discrimination and oppression. This type of domestic violence against women is committed by an intimate partner or other members of the family (DVAW). Rape, abuse, and even murder are all forms of domestic violence committed by a person in a romantic relationship. Other types of violence against women include forced pregnancies, abortions, and sterilisations, as well as harmful traditional practises like dowry abuse and honour killings. Women are at risk in their own homes, where they are supposed to feel safe and secure.

LITERATURE REVIEW

M. Gayathri (2018) In recent years, the issue of violence against women has risen to prominence in India. The problem has been given a lot of attention by politicians and the media because of the rising number of incidents of violence against women. A pattern of behaviour is what is meant by the term "domestic violence." One individual uses violence or abuse against another within the context of one's own home. At 65 percent, Indian men feel that women should put up with physical and sexual abuse in order to maintain a healthy family unit and that women sometimes deserve to be battered, according to a national family and health study conducted in 2005. Women in India's Buddhist and Jain communities were the least likely to be assaulted, while Muslim women were the most likely to be assaulted. A variety of forms of domestic violence exist, from physical to verbal to emotional to economic to religious to spiritual, and they can all be categorised as domestic violence. Stonings, bride burnings, honour killings, and dowry killings are all examples of domestic violence homicides. Domestic violence is overwhelmingly a problem for women around the world, and women tend to suffer more severe kinds of violence than males.

Megersa Dugasa Fite (2014) IN feminist studies, it has been proven that girls and women all over the world are subjected to resource deprivation as well as physical and sexual abuse of various kinds. Even if domestic abuse victims are protected by a well-established system of legislation, enforcement remains poor due to court and police structures that are often corrupt. The social status of Ethiopian women should be taken into account when assessing their vulnerability to domestic violence. In both the public and private areas of their lives, women are subjected to a high degree of violence. This article states that, in order for Ethiopia to meet its national and international duties to gender equality, additional policy measures must be made by the Ethiopian government. This includes rethinking society's views on women; reassessing existing laws; establishing a comprehensive legal framework for domestic violence victims; and signing the Maputo Protocol to the African Charter on Human and Peoples' Rights, better known as the African Charter on Human and Peoples' Rights on the Rights of African Women. These can assist protect people who are still vulnerable to domestic violence and abuse, and they can also support Ethiopia's efforts to achieve gender equality.

Akshaya Krishnakumar & Shankey Verma(2021) During the lockdown imposed to stop the spread of COVID-19, the problem of domestic violence, which is already widespread in India, worsened. Using the routine activity theory (RAT) framework, this paper examines the factors that contributed to an increase in domestic violence incidences during COVID-19. Domestic abuse

occurrences reported in the media were used as a source of information. A content analysis of the data revealed three main themes, including the motivated criminal, the suitable target, and the absence of a capable guardian, the three main components of RAT. Results show that domestic violence perpetrators were motivated by alcohol and unemployment during the lockdown. Violence against women was made easier because of the low inertia, visibility and accessibility of the perpetrators, which made women ideal victims. There was also a lack of guardians due to a lack of police force as well as travel limitations on both formal and informal sources. We've come to the conclusion that the COVID-19 lockdown gave greater opportunity for domestic violence perpetrators because it altered people's normal routines.

A. Vieroa G.BarbarabM. Montiscia K.Kustermann C.Cattaneo (2021) It was the goal of this study to perform a rapid critical evaluation of the literature about the link between violence against women (VAW) and the present COVID-19 pandemic. A total of 42 articles made it beyond the initial screening stage. Because of this "shadow pandemic within the pandemic," as described by the United Nations, the "stay at home" rules implemented in the wake of the epidemic have actually worsened the problem of VAW. As a result, there is a lack of scientifically rigorous research on the link between VAW and the COVID-19 epidemic; much of the published data is derived from social media, internet, anecdotal evidence and helpline reports. Research studying the link between VAW and COVID-19 should be encouraged by health care systems, in order to find creative solutions for sufferers of VAW.

Eunice Jethá (2021) there were two methods used in this qualitative investigation. DV care recommendations and protocols were examined in the first phase of the study. Secondly, in-depth interviews were conducted with representatives from several institutions' gender-related departments (Professionals with experience in dealing with aspects related to DV). International institutions (PAHO and UN) have provided frameworks for developing DV policies and strategies, and this framework was used to analyse the document's content. The information gathered from the in-depth interviews was analysed in light of the study's goals. We found and analysed eleven care standards and protocols, as well as countless brochures and pamphlets. Forms for police and health care workers have fields, but not for non-governmental organisations (NGOs). A national DV database does not exist, however. However, several of the seventeen focus points who were interviewed acknowledged the importance of the examined materials, but expressed concerns about how they would be implemented. This has to do with the inadequacies of the punishment meted out to the criminal, as well as the scarcity of health care practitioners with the necessary credentials. Socio-cultural issues have a negative impact on the focus points' performance, as well.

METHODOLOGY

Study Design and Data Collection:

This paper's research issue is whether or not the country's current laws are sufficient to protect women from sexual violence.

Qualitative and quantitative methods are used in the research.

Secondary sources provide the necessary information. It is from these sources that the secondary data is derived.

A comparative legal analysis of two countries' legislation aimed at eliminating DVAW was conducted in this study by the authors; however, this study may not have taken into account other social aspects of DVAW, which may have contributed to the failure of the legal framework. Only Bangladesh and Sri Lanka were examined in this research. Additionally, this study examined the legislation and legal systems in Bangladesh and Sri Lanka that protect domestic abuse victims. Other organs' roles in addressing or correcting these problems are not addressed in this study. An intimate partner's use of violence or abuse against a woman is considered domestic violence. There will be no discussion of all forms of domestic violence in this forum.

This paper's goal was to identify any inconsistencies in the legislation (a process known as gap analysis).

Definitions in the legislations, as well as the jurisdiction of a certain court and so forth are examples of this.

Consequences of domestic violence against women:

(There are a wide range of implications for DVAW, from physical to mental to social and economic, according to the World Health Organization (WHO, 2012). Victims of violence typically suffer from anxiety and melancholy as a result of their ordeals (Kumara et al., 2013). In addition, it has the potential to severely restrict their capacity and motivation to participate in society and the economy. Individuals, families, and even the nation as a whole are nevertheless making poor progress in decreasing the number of young females who are injured as a result of violence.

DVAW affects children:

In many respects, as Campbell and Lewandowski (1997) note, domestic violence distresses children. They are terrified when they witness their father hitting their mother or when they witness their father harassing and abusing their mother. Survivors of childhood trauma including malnutrition, assault, and other forms of humiliation and abuse frequently grow up to be troubled, depressed adults who follow the same patterns of survival throughout their adult life.

DVAW creates physical and psychological problem:

Women's health is also impacted by violence. According to the WHO's Department of Reproductive Health and Research (2013), DVAW's most serious health outcomes include death and a wide range of injuries. Multiple physical and psychological symptoms and even serious illnesses are linked to violence: pelvic infections, abortions, infertility and evidence of post-traumatic stress syndrome, such as depression and suicide attempts (World Health Organization, Department of Reproductive Health and Research) (2013). Bruises and welts were the most common kind of physical injuries women sustained, and they healed quickly without the assistance of a doctor (Sheridan & Nash, 2007). However, the psychological impact was far more severe and long-lasting (WHO, 2012). Victims who have been beaten repeatedly over time experience fear, anguish, embarrassment, weakness, and anger against the abuser (WHO, 2012).

Violence during Pregnancy/Motherhood

Due to factors such as delayed access to health care, indifference, and helplessness, women who are subjected to violence during pregnancy are more likely to lose their fetuses and infants than women who do not experience this type of trauma (Silverman et al., 2007).

Violence against Women and Human Rights

Human rights law considers violence against women to be a violation of their rights. International human rights responsibilities of States may be violated if a woman has been physically or emotionally abused by an intimate partner.

- Freedom from violence based on gender (ICESCR 16 December 1966).
- For example, sexism against women (CEDAW, General Recommendation No. 12, Art 19).
- Inheritance of family life (ICCPR, 1966, Art 18, 19)
- The right to be treated humanely and to be free from torture (CAT, Recommendation No.2 and ICCPR, Art 7).

ANALYSIS

Statistical overview of domestic violence against women both in Bangladesh and Sri Lanka:

It was reported in 2015 by the Bangladesh Bureau of Statistics (BBS) that 74% of Bangladeshi women had been abused by an intimate partner or were at risk of being abused by an intimate partner in the future. Around 87% of women in Bangladesh who are married have encountered some form of abuse from their present spouse, and 77% have claimed that they have endured violence in the 12 months before the time of the study, according to a poll on violence against women conducted in

2011. (Alamgir, 2014, P 1). Psychological violence accounts for the majority of the violence women experience. In the previous year, nearly 90% of women who have been abused by their present husbands have had to deal with their issues. This indicates that domestic violence perpetrated by the spouse is on-going. As many as two-thirds of married women reported experiencing physical violence from their present husbands (Alamgir, 2014, P1).

Approximately half of married women have suffered economic violence, with a third having done so within the past year, according to the same survey. Rural locations appear to have a higher incidence than metropolitan ones. Violence against older women appears to be less common. Nearly three-quarters of women have paid a dowry for their current marriage (33.7 percent) (Alamgir, 2014).

Domestic violence against women (DVAW) takes numerous forms in Bangladesh. Examples include physical assault, dowry-related violence such as acid attacks by family members, and murder.

Comparative Frequency of different forms of violence by year

Year	Acid Throwing	Dowry	Seriously injured	Others
2015	46	6595	277	8652
2016	20	5278	145	7562
2017	5	4125	85	6999

2016 in Sri Lanka was the year of the study. Domestic violence is an issue that affects 17 percent of married women in Sri Lanka between the ages of 15 and 49, according to that report (Demographic and Health Survey, Sri Lanka 2016). Different forms of violence, such as slapping, beating, and so on, are used to inflict harm on the victim. Over seventy-five percent of the women polled reported that they had been the victims of "belittling or significantly offending the victim," followed by "slapped, beaten, or pounded the victim" (45 percent) and "pushed or shoved the victim" (33 percent) (Demographic and Health Survey, Sri Lanka 2016).

Type of Violence	Daily	Weekly	Monthly	Less often	Total

Slapped/Beaten/Thumped	3.0	4.8	22.3	15.1	45.2
Pushed/shoved	2.4	4.2	12.7	12.7	32.5
Tried to Strangulate	1.8	1.8	4.8	4.8	13.3
Dragged/Pulled	1.2	2.4	5.4	7.2	16.3
Beat with an Object	1.2	2.4	4.2	6.0	13.3
Burned	1.2	0.6	0.6	1.8	3.0
Prevented Leaving Home	-	2.4	6.6	9.6	19.9
Forced to have sex	3	3.0	3.0	6.0	15.1
Belittle/Seriously Offended	10.8	6.6	24.1	33.7	75.3
Any Type of violence	12.7	15.1	47.6	66.9	100

Every married woman aged 15-49 in Sri Lanka who has experienced some type of domestic abuse in the 12 months prior to the survey, perpetrated by their spouse.

Women in metropolitan areas have also been found to have experienced 20 percent more violence than their counterparts in other regions of the country (16 percent in rural areas and 17 percent in estates), according to the report (Demographic and Health Survey, Sri Lanka 2016).

CONCLUSION

The entire universe is at your disposal. Females from various social strata and racial backgrounds experience it. Life-threatening for individuals and a huge concern for society, it is a major issue. In every social and educational class, violence affects the lives of millions of women. As a society, we're always evolving. It will be decades before these inequities are addressed.. Men and women should be educated to improve their attitudes and perspectives of the world around them. Discrimination is hard to remove because it is rooted in long-held cultural values that are difficult to change. It is clear that men and women who believe in equal justice for all citizens, no matter their class, caste, racial, religious, or ethnic heritage, must work together to abolish gender violence as a violation of human rights.

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