
Domestic Violence And Human Rights

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Abstract

Domestic violence is a global problem. It deprives a woman of her human dignity and lowers her value as an individual. As a result, there has been a serious violation of human rights. Domestic violence is an ongoing pattern of aggressive behavior that prevents women from participating fully in both private and public life. Furthermore, it is bad for a woman's sexual, mental, emotional, and physical health. Nations all across the world are thus creating legal strategies to counter the danger, independent of their social, economic, or political circumstances. Despite being distinct concerns, domestic violence and human rights are closely related and negatively impact one another. Domestic violence was seldom studied before a few years ago, and it was only thought to be a problem when a husband and wife were experiencing marital issues. Domestic violence is now generally acknowledged as a serious issue concerning gender and human rights because of the engagement of governments and international organizations like the UN. It takes a dedicated effort to increase awareness of it among individuals and organizations. Nations should place as much focus on successful implementation as they do on creating laws and regulations in this area. The paper commences by introducing the concepts of human rights, domestic violence, and key participants. The paper largely focuses on a variety of domestic abuse issues, UN human rights resources, and legislative protections put in place by some countries to address domestic violence. The report's conclusion briefly covers the situation and the role played by Indian civil society groups.

Keywords- Domestic Violence, Human Rights, Women, Violence, Legislation.

Introduction

Violence of any type or expression is cruel. Because it devalues women as people, domestic violence is a serious human rights violation. Most frequently, physical abuse—such as striking, hurling objects, or assault—is seen as domestic violence. Despite being its most common and evident manifestation, domestic violence encompasses much more. It also manifests in ways that are normally concealed from the public eye, such as psychological and sexual violence, which may have much more negative impacts. These acts of violence demand top attention since they affect women psychologically more and persist longer than most physical injuries and anguish. When they are unaware of the serious repercussions of their behavior, violent offenders are more prone to resort to physical assault. Additionally, studies have revealed that while educated couples seldom engage in physical violence, they routinely abuse one another emotionally and sexually to overcome their obstacles and limitations. Worldwide awareness of domestic violence has progressively grown. It exists worldwide, regardless of a nation's social, economic, or political position. Numerous legislation and initiatives are being taken to prevent domestic abuse as legislators and social scientists throughout the world have started to take it seriously.¹ Surveys have consistently demonstrated that many women who encounter this trauma choose not to report it to government agencies like the police or women commissioners, primarily out of fear, a lack of legal understanding, and a lack of faith in these

institutions. Because of this, the vast majority of domestic violence incidents go unreported. Talking about the topic requires first becoming familiar with a few basic phrases connected to domestic violence. According to the American Heritage Dictionary, violence is "Physical force exerted to violate, damaging, or abuse". As a result, violence is an action carried out by a person who is unable to control their rage. The purpose of violence is to physically and emotionally traumatize the victim.²

Many ideas have been proposed to explain domestic violence. The United Nations Declaration on the Elimination of Violence Against Women from 1993 states that violence against women includes "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 private life." Domestic violence is described as "any form of physical, sexual, verbal, emotional, or economic abuse inflicted on any person in a household by a family or household member" by the Supervised Visitation Network (SVN), an American NGO that aims to protect children from violence. The human right, which is a fundamental right, held by every living thing, is the cornerstone of all other rights that exist in the world. Because they are bestowed onto a person soon after birth, human rights are inalienable. It is considered universal since it is accessible to everyone worldwide, irrespective of gender or race. It is necessary because it helps a person to live a decent and honorable life, and it is important because it fosters a person's whole growth.

Research Methodology- The paper was created using a theoretical research methodology. Various original materials, including books, journals, magazines, newspaper articles, reports, and internet resources, have been used to study key terms and concepts related to domestic abuse. Since domestic violence is a serious socio-legal issue that affects women, it has been investigated from the perspective of human rights. The importance of the roles played by civil society and the state is also emphasized in the study.

Kinds Of Domestic Violence- Domestic violence is manifested in the following forms:

(1) Physical violence:

Domestic violence of this sort is the most evident kind, as was previously stated. It is an act in which the offender knowingly employs physical force on the victim with the intent to cause great bodily damage. Physical violence includes things like pushing, throwing, pulling hair, slapping, hitting, beating, and using a weapon.³

(2) Psychological and Emotional Violence: - It has a profound and important impact on a woman's thought. Since this violence's impacts cannot be quantified, it is difficult to pinpoint its prevalence and the extent of its harm. According to the Service de police de la Ville de Montréal (SPVM), the three elements of psychological violence are intimidation, harassment, and threat.⁴ Psychological assault leads to social and mental problems including depression, suicide, and attempted suicide.

(3) Sexual violence: - It is one of the more subtle types of domestic abuse, akin to sexual harassment. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...".⁵

Sexual violence in marriages, such as marital rape and other coerced sex activities is increasingly widespread. Because victims choose to keep it a secret out of fear and the mistaken belief that being married gives a husband unrestricted access to his wife's body, sexual abuse frequently remains undetected. But now that many groups are aware of the serious repercussions of the problem, countries including Australia, Canada, Finland, Poland, Spain, the United Kingdom, and the United States have been successful in passing legislation to prohibit marital rape and other forms of sexual abuse.

Additionally, the EEOC provides a list of actions that may constitute sexual assault or harassment. These actions include actual or attempted rape or sexual assault, unwanted intentional touching, hunching over, cornering, or pinching, inappropriate sexual looks or gestures, inappropriate sexual teasing, jokes, remarks, or questions, and personal inquiries about social or sexual life.

- (4) **Economic violence:** - It often refers to keeping women out of available amenities and job opportunities. Olufunmilayo I Fawole states in her essay "Economic Violence To Women and Girls: Is It Receiving the Necessary Attention?" that economic violence has a detrimental effect on women's health, results in extreme poverty, and serves as motivation for other forms of violence.⁶

The exclusion from financial decision-making, unequal remuneration, and inability to work, and denial of property rights, according to her, are all examples of economic violence. Domestic violence is most frequently committed by members of the victim's close family. The Domestic Abuse Act of 2005 regards the husband, father-in-law, mother-in-law, and husband's siblings as "respondents" and conducts direct examinations of them in situations of domestic abuse accusations. The parents of the female child are responsible in cases of female infanticide or sex-determination testing. Domestic violence affects a woman's self-confidence, a fundamental component of her personality. Body injury, unexpected pregnancy, miscarriage, disability, depression, dread, self-destructive behaviors, and STDs are all possible outcomes for women.⁷ Women's ability to play important roles in both the public and private spheres is hampered as a result, which affects how well they can support the government and society.⁸

Domestic Violence And Human Rights- According to the United Nations, which has said this on several occasions, domestic violence is an important human rights concern. The company has taken critical decisions in this regard. The Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Declaration on the Elimination of Violence against Women, and the Beijing Conference and its "Platform of Action" for ending violence against women are among the most significant.

The Beijing conference and Platform of action (1995): - Approximately 17 to 38% of women globally experience physical assault each year, according to the survey. The platform of action consequently said, "Violence against women constitutes a violation of a fundamental human right and is a barrier to the realization of the goals of equality, development, and peace."

Special Rapporteur on violence against women (1994): - According to a global NGO named "The Advocates for Human Rights," the Special Rapporteur on Violence against Women collects and analyzes data on this subject to recommend measures that ought to be taken at the international, regional, and national levels. The rapporteur focuses on three significant aspects of violence, women's reproductive rights, and socioeconomic policy.⁹ In addition to acts of violence perpetrated or backed

by the government (including maltreatment of detainees and violence against women refugees), they also include marital rape, sexual assault, and job harassment.

Convention on the Elimination of All Forms of Discrimination against Women (1979): - Popularly referred to as CEDAW, it has played a key role in raising awareness of the issue of violence.¹⁰ The CEDAW emphasizes issues with health, education, and economic survival while also noting that everyone has the "right to protection from gender-based abuse and neglect."

The Declaration on the Elimination of Violence against Women (1993): - It works closely with the UDHR, CEDAW, and Vienna Declaration and Program of Action. In response to the declaration, November 25 was declared an "International Day for the Elimination of Violence against Women." The declaration's main objective is to educate the States about the reality that violence against women is not just a personal or private matter. Therefore, the declaration calls for immediate state action and reiterates the UN's obligation to advance and protect women's rights internationally.

Global Statutory Solutions- Following these pronouncements, nations all over the world are drafting laws that will aggressively investigate domestic abuse crimes and provide justice for the victims. Domestic Violence Act (DVA-2005) was passed in India in 2005. It was historic legislation because it criminalized domestic abuse. Both women's and children's abuse is covered. Before the creation of the Act, victims of domestic abuse had two options: file for divorce from their husbands or seek support under section 498A of the Indian Penal Code. These choices' procedural hurdles caused justice for the victims to be both delayed and denied. This resulted in the development of DVA, 2005.

Along with helping married women, DVA also addresses the concerns that live-in women have. This Act allows for the recording of even a single incident of harassment or assault. DVA, 2005 therefore gives all domestic abuse victims a fair opportunity that, without it, would have to live in shame for a longer period before coming forward. Women are allowed to live in a shared house even when a dispute is underway according to this liberal and progressive regulation.¹¹

As a result, the Act has attempted to protect the complainant's physical, mental, and financial well. This Act guarantees women's access to legal remedies and mandates that those in need get medical care, security, and a place to reside. The federal Violence Against Women Act (VAWA) became operative in the United States of America in 1994.¹²

It took numerous attempts before it was finally made in the early 1990s. This piece of law was established specifically to address domestic violence, and it works closely with other governmental agencies. It seeks to coordinate and place an emphasis on "coordinated community response" at the local and state levels. It provides support to "community-based organizations, tribal organizations, and organizations that provide services that are specific to a particular culture and language." The law is often reauthorized to keep itself up to date.

The 'Office on Violence against Women' (OVW), which was established in 1995, is a key institution against domestic abuse in the US. According to the Office's mission statement; it is its responsibility to "administrate financial and technical assistance to communities across the countries that are developing programs, policies, and practices aimed at ending domestic violence." To accomplish its goals, it has formed partnerships with several groups, including the police, medical specialists, prosecutors, victim advocates, and others. The organization says it has provided over \$4 billion in

grants as part of its relief efforts and works closely with the Violence Against Women's Act (VAWA). A law outlawing domestic violence was adopted in Pakistan in August 2009.¹³

The President and the Parliament both readily agreed. Those found guilty receive a six-month jail term and a 100,000 dollars fine. All political leaders praised the choice, describing it as a "milestone" and "landmark event." The Act also applies to people who work as domestic assistants and adopted women and children. A measure of this nature was much needed in Pakistan, where women face discrimination and atrocities like "honor killings." In Ghana, the legislature enacted the Domestic Violence Bill (DVB) in 2007.¹⁴

Since 1997, other NGOs have advocated for similar laws, with the "Gender and Human Rights Documentation Center" serving as their leader. The first significant accomplishment in this field was the founding of the WAJU (Women and Juvenile Unit) in 1998. After considerable discussion and thought, the DVB eventually became a reality. The bill is divided into three parts. It gives victims of domestic violence police assistance in addition to defining and explaining the characteristics of domestic abuse.

The "Victims of Domestic Abuse Support Fund" was created to help victims who are experiencing financial difficulties. The fund provides financial aid, rescue, rehabilitation, and training to the victims. With the passage of the bill, Ghana has achieved a huge milestone, but the civil society is aware of the enormous challenges that must yet be Solved Before The Legislation Can Be Put Into Effect.

Civil Society Organizations- The State apparatus must get sufficient support from Civil Society Organizations for it to operate more efficiently. Locally based civil society groups are more educated about the issues surrounding the topic. Campaigns to raise knowledge of the domestic abuse complaint processes have been launched across India by the Centre for Social Research and Women Power Connect. The Domestic Violence Act is regularly brought up in demonstrations, conferences, seminars, and other events put on by the Delhi-based group Action India. Bell Bajao! a well-known civil society organization that has been successful in raising awareness of the issue among young people. It actively promotes its efforts and ideas on social networking sites like Facebook in addition to doing tasks like driving video vans with original audio-visual screenings. Bell Bajao! also organizes street theater performances, puppet shows, interactive games, polls, and surveys to make its message. Oxfam India has been successful in raising awareness and helping to reduce the social acceptability of violence against women in both the public and private spheres through their "SWETCHA" campaign in Andhra Pradesh. The Mumbai-based non-governmental organization Centre for Enquiry into Health and Allied Themes (CEHAT) and Point of View released a brief documentary in February 2011 that follows the life of a victim of domestic violence who ends up in a hospital after being abused on several occasions.¹⁵ , Numerous Dharavi women who saw the special screening of the film were able to identify with it very well and revealed their terrible encounters with domestic violence and how they were able to overcome it.

Conclusion- Therefore, it follows that domestic violence is a serious violation of human rights that can only be eradicated from society when all pertinent parties share in the collective duty of doing something about it. States should work to pass stringent rules against domestic abuse, and anybody caught breaking them should face serious penalties. If women take this action, they will be assured of a quick and effective treatment. Every day, more people are becoming aware of domestic violence.

Changes in the fields of instruction, legal aid, counseling, rehabilitation, and self-regulatory norms will be extremely beneficial to the cause.

By appropriately addressing the issue, it will help women reclaim the lost self-esteem they formerly had in society. They could anticipate living a more contented, rich, and independent life.

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