

Domestic Violence and Human Rights

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ABSTRACT

Domestic abuse is a worldwide issue. It diminishes a woman's worth as an individual and denies her the dignity of a human being. As a result, it is a major violation of human rights. Domestic violence is a pattern of aggressive behaviour that interferes with women's engagement in public and private realms. It also has a negative impact on a woman's physical, emotional, psychological, and sexual well-being. Domestic abuse can result in a violation of one's human rights. Among these are the right to life, the prohibition against harsh or humiliating treatment, the right to privacy and family life, and others. Based on theoretical study, the paper begins by introducing the notions of human rights, domestic abuse, and key people participating in it. The article primarily focuses on numerous aspects of domestic abuse, human rights instruments made available by the United Nations, and legal measures developed by chosen countries to combat domestic violence. The analysis of domestic abuse as an international human rights issue highlights the limitations of this method in dealing with the substantial disparity between international law benchmarks and local realities. The chapter examines the gap between international law aspirations and human rights outrages by examining international human rights instruments for women's rights on the one hand, and signatories' resistance to comply with their obligations and adequately implement treaty provisions in domestic legal systems on the other. It also recognises the ongoing contradiction between universal norms and local arrangements. Domestic Violence and Human Rights will be discussed in this article.

Keywords: *Human Rights, Domestic Violence, Physical, Mental, Psychological, Sexual Wellbeing, Emotional, Economic, Intimate Partner Violence, Financial Control.*

INTRODUCTION

Domestic violence is defined as violence in the household. It is characterised as aggression against

another person in a close connection, such as dating or marriage.

Human Rights: These are the fundamental rights and liberties that all people should have, such as the right to life and liberty, freedom of opinion and expression, and equality before the law.

Abuse is defined as unjust, corrupt, or wrongful treatment or usage; application to a wrong or evil goal; or an unjust, corrupt, or wicked practise or custom. [1]

Violence, in whatever form, is inhuman. Domestic abuse is a severe human rights violation since it diminishes a woman's worth as an individual. Domestic violence is frequently associated with physical abuse such as beating, hurling items, or abusing.

Domestic violence is a pattern of violent behaviour done by one spouse in any relationship to obtain or retain power and control over another intimate partner. Domestic violence can be defined as physical, sexual, emotional, economic, psychological, or technological actions or threats of actions, as well as other patterns of coercive behaviour that impact another person within an intimate partner relationship. Any actions that intimidate, manipulate, humiliate, isolate, terrify, terrorise, compel, threaten, blame, hurt, injure, or wound someone are included. [2]

Domestic violence is defined as "a pattern of abusive behaviour used by one partner to gain or maintain power and control over another intimate partner in any relationship." Domestic abuse can take the form of physical, sexual, emotional, economic, or psychological actions or threats to another person."

Domestic violence can affect both men and women and is defined as "victimisations committed by intimate partners (current or former spouses, boyfriends or girlfriends), immediate family members (parents, children, or siblings), and other relatives." While most people refer to this sort of abuse as "domestic violence," it is not always limited to the

house and can also affect people who are in relationships but do not live together. Thus, the terms "relationship violence" and "intimate partner violence" are likewise classified as "domestic violence." [3]

Right to life

Everyone has the right to life, and the government must aggressively safeguard it. Where state authorities know, or should know, that someone's life is in genuine and immediate danger, they must take all necessary and reasonable steps to avoid that danger, including both first response and structural aid. It is also required to examine any case of unnatural death and take appropriate action. If a person's life is threatened as a result of domestic abuse, but the relevant authorities, such as the police or the courts, refuse to take adequate action, these conditions may constitute a breach of the right to life.

Domestic violence is a form of power abuse. Domestic violence happens when one person strives to dominate and control another person physically or psychologically. [4]

Domestic violence takes many forms. It can include:

- Physical abuse
- Sexual abuse
- Threats and intimidation
- Emotional and psychological abuse
- Put-downs
- Isolating someone from friends and family and
- Financial control.

Being safe from domestic violence is a human right:

Human rights are the fundamental rights and liberties to which all people worldwide are entitled, regardless of gender, religion, nationality, race, or language. Many international treaties, such as the Universal Declaration of Human Rights, include human rights norms and customs agreed upon by the world's states. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) advocates for women's protection against violence.

Human rights also include the following:

- Safe housing,
- Access to social, health, and legal services
- Social Security benefits [5]

The Domestic Violence Act (or the Protection of Women from Domestic Violence Act) is a commendable piece of law that was enacted in 2005

to address this issue. In theory, the Act goes a great way towards protecting women in the home. It is the first significant step towards eliminating the dubious public/private divide customarily preserved in the law, which has been repeatedly challenged by feminists. Women could previously approach courts under the Indian Penal Code (IPC) in incidents of domestic violence. However, the types of domestic abuse foreseen by this Act, as well as the victims recognised by it, give it a broader reach than the IPC.

The phrase "domestic violence" was never used by the IPC to describe this heinous practise. In reality, the IPC's sole analogous class of offences dealt with cruelty to married women. All other instances of domestic violence within the home had to be dealt with under the IPC crimes that the different acts of violence represented, regardless of the victim's gender.

This was especially problematic when the victims were children or women who were reliant on the offender. In reality, even if the victim was the assailant's wife and could seek justice through the courts under Section 498A of the IPC, she would probably have to leave her matrimonial home to protect her safety or face more violence in reprisal. There was no provision in place to let her to remain in her married home while speaking out against the violence directed at her. This, along with a slew of other issues confronting women in the home, motivated the legislation. [6]

Domestic Violence as a Human Rights Issue:

Violence against women, particularly domestic violence, is a violation of human rights. It is prevalent in every country and culture, and it is disproportionately committed against women. The irony is that such violence is prohibited and condemned by international human rights conventions and many domestic laws.

Violence against women is on the rise in non-conflict settings. According to population-based surveys from a variety of nations, 10 to 50% of women have experienced physical abuse in an intimate relationship. 33 to 50% of these women also describe sexual assault or coercion. Furthermore, violations of the right to gender equality include discrimination in the administration of justice, denial of equal opportunity in education and employment, exclusion of women from political representation, and the use of physical and psychological violence to intimidate and subordinate women in public spheres.

Such brutality has a catastrophic consequence. It not only damages women, but it also destroys families, inhibits a community's workforce, and maintains a culture of fear, insecurity, and impunity. It is also linked to other heinous human rights violations, such as the repression of the right to free expression, association, and, most significantly, liberty. Violence against women has a substantial influence on both the woman's and the community's health. Violence against women, for example, is now recognised as a major contributor to the transmission of the Human Immunodeficiency Virus (HIV), which always leads in Acquired Immune Deficiency Syndrome (AIDS). To make progress against HIV, women must be able to defend themselves against all sorts of violence, including domestic violence, rape, and sexual assault. The sickness has also increased the danger of subsequent assault for many women.

The unequal power balance between men and women is at the foundation of violence against women. The low value some societies place on women and girls, as well as gender-based norms, contribute to violence and inhibit women from defending themselves. The key effects of gender inequality include unequal access by women and girls to education, economic resources, and decision-making authority, and this limited access undermines women's ability to negotiate both public and private acts of violence. In general, denying women equal rights through cultural and societal norms and practises fosters and encourages violence against women. [7]

Review of Literature:

Domestic abuse affects a large number of women in every country throughout the world. Although it appears clear that domestic violence violates internationally recognised rights such as the right to be free from torture and inhuman or degrading treatment; the right to private and family life; and, in some circumstances, the right to life itself, domestic violence has only recently been examined through the lens of human rights law. 2014 Istanbul Convention [8]

Domestic violence is a broad term that refers to a general occurrence within the home that includes aggression against parents and children as well as violent acts between family members. Although both men and women can be mistreated - women can also conduct violence against men or other women - the majority of victims are women (WHO 2013). As a

result, my presentation will address the issue of violence by men against their female partners as the most common type of gender-based domestic abuse. Women's organisations around the world have long called attention to violence against women, particularly intimate partner abuse. Through their efforts, this social illness, which was previously considered primarily as a human rights issue, has now become a matter of worldwide concern, increasingly recognised as a public health and development issue with serious ramifications for economic growth (WHO, 2013). [9]

According to Hines (2007, p. 7) "this societal power structure is reflected in interpersonal relationships, and men misuse the power they have in their relationships because they have been socialised to believe they have the right to control women, even though violent means,". This school of thought has made it difficult to believe that females are capable of perpetrating intimate partner violence and that females are acting in self-defense against their attackers (Hines, Brown, & Dunning, 2007). Domestic violence victims are frequently married men. Home-based violence against men is common, yet typically goes unreported. Violence is wrong, and no man deserves to be beaten, sexually assaulted, or emotionally abused. Our society has created a climate in which the abuser is tolerated but the victim is not. However, because domestic abuse is such a sensitive subject, there is little information available. [10]

Objectives:

- Research on domestic violence and human rights.
- To identify any socio-demographic correlates of domestic violence.
- To learn about females' perceptions about how to cope with and overcome acts of violence.

Research Methodology:

This study's overall design was exploratory. Theoretical research methodology was used in the paper's preparation. Important terms and concepts relating to domestic abuse have been explored using original sources and published records such as books, journals, magazines, newspaper articles, reports, and internet resources. Because domestic violence is a significant socio-legal issue affecting women, research has been conducted to better comprehend the words and related concerns from a human rights standpoint. [11]

Result and Discussion:**Domestic violence on Children:**

Domestic violence affects a large number of people worldwide. However, because of this prevalent condition, children demand the most care. Because violent families are unable to train their children, they will experience a lack of warmth, caring, love, unity, and trust for one another. This type of family will be unable to function normally in society. Domestic violence has a variety of effects on children, including physical, emotional, and family ties, as well as awareness and education. These consequences might cause youngsters to exhibit unusual and unexpected behaviour, such as violent behaviour in society.

1. Physical Effects:
2. Psychological effects
3. Relationship effects
4. Education effects

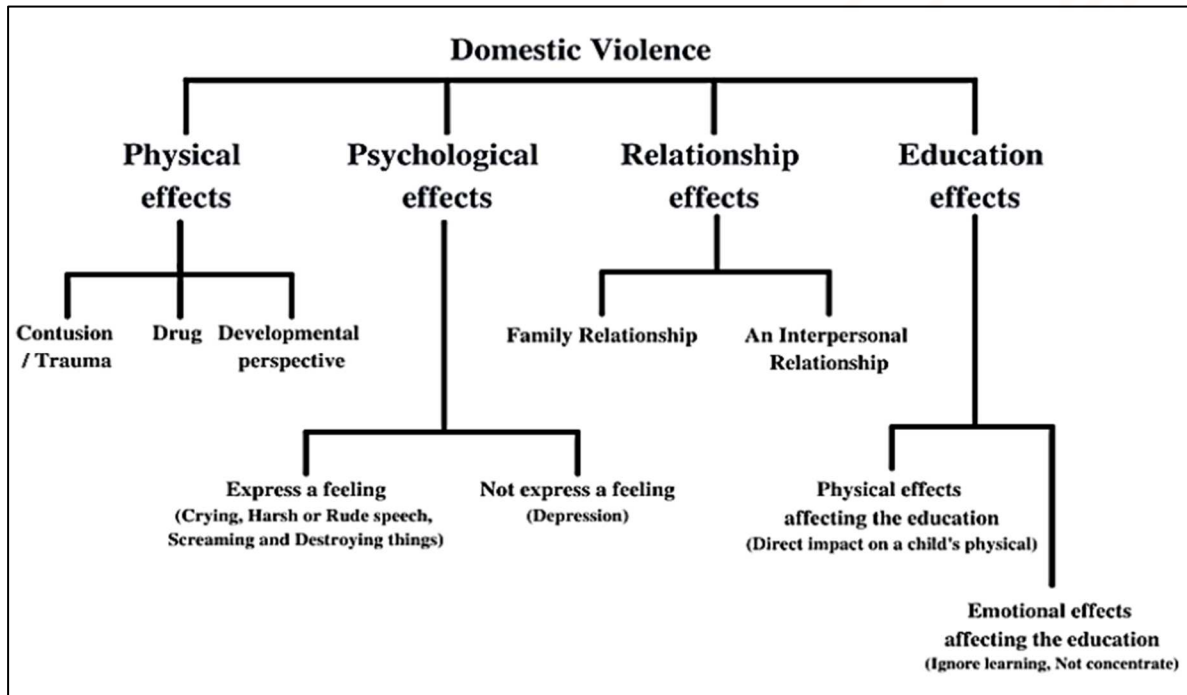


Figure 1: Flow Chart representing impacts of domestic violence on children [12]

Domestic Violence:

The women were asked about their experiences with abuse in the previous 12 months (current abuse) and prior to the age of 18. A bar graph in class illustrates the percentage of students who reported having experienced the sort of abuse in each time period.

This graph, shown in Figure 2, exposes some fascinating facts about violence against women. Students immediately notice that emotional/verbal abuse is the most common form in our study, both before the age of 18 and during the last 12 months. Students also notice the big disparity in the heights of the bars in the graph's sexual abuse segment.

This usually sparks a conversation about the surprisingly high percentage of sexual abuse before the age of 18. The large disparity between the percentages of people who have experienced sexual abuse now and before the age of 18 provides an opportunity to discuss the concept of duration of risk exposure in this study and other situations such as the number of traffic fatalities over long holiday weekends versus a traditional two-day weekend travel period.

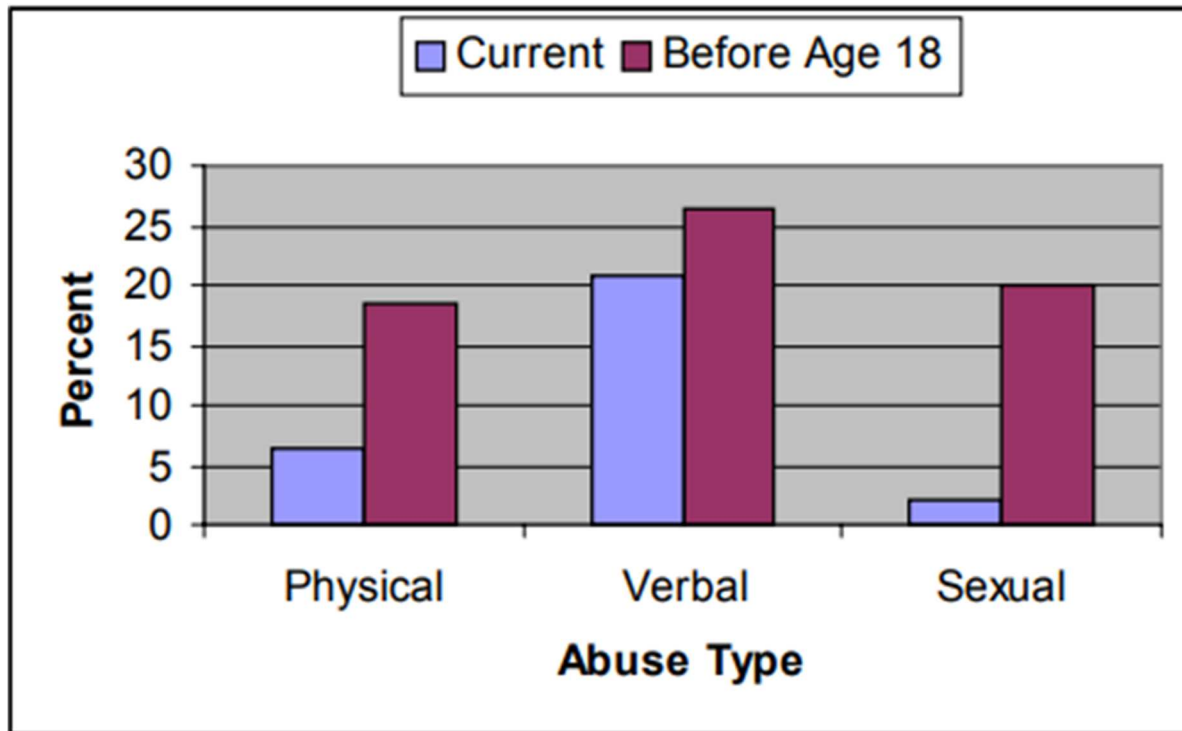


Figure 2. Bar Graph of Domestic Violence Data

Another method to use this domestic violence data is to explore confounding or hiding variables. The association between annual income and any sort of present abuse demonstrates that as annual income declines, the percentage of people who abuse rises. However, after controlling for important characteristics such as age, the link between income and abuse is no longer visible.

These findings provide one another illustration of why we should be concerned about possibly confounding variables. The example also serves as a useful vehicle for promoting advanced statistics courses that teach these types of correction approaches. [13]

Causes of Domestic Violence:

Domestic abuse affects women all around the world, regardless of their class, age, religion, or social status. Battery, beatings, torture, acid baths, rape, and even death are examples of such situations. Unfortunately, domestic violence is so pervasive in our society that victims tolerate such abuses of their rights in the sake of upholding the sanctity of marriage.

Domestic violence in our society is caused by a variety of factors, including stress, anxiety, illiteracy, economic difficulty, sadness, rage, drunkenness, cultural views, a lack of institutional support, and an individual's need to show authority or demonstrate masculinity. Aside from this, research has identified four primary factors as the causes of domestic violence, which are depicted in this table for clarity.

Table 1: Factors that Perpetuate Domestic Violence

Cultural	Gender specific socialization, cultural definition of appropriate sex roles, expectations of roles within relationship, belief in the inherent superiority of males. Values that give men proprietary rights over women. Noions of the family as private/under male control. Customs of marriage (Bride price/dowiy/ exogamy). Acceptability/glorification of violence as a means of conflict resolution.
Economic	Women's economic dependence on men. Limited access to cash and credit. Discriminatory laws regarding inheritance, proprietary rights and use of commercial lands and maintenance after divorce. Limited access to employment in the formal and informal sector. Limited access to education and training for women.
Legal	Plural systems of law in place: customary and religious, lesser legal status of women. Laws regarding divorce, child custody, maintenance and inheritance. Legal definitions of legal literacy among women. Insensitive treatment of women by the police and judiciary.
political	Under representation of women in power, political and in medical and legal professions. Domestic violence not taken seriously. Notion of family being "private" and beyond the control of state. Risk of challenge to status quo/religious laws. Limited organization of women as a political force (eg. through autonomous women organization). Limited participation of women in organized/formal political systems ²⁸ .

It is apparent that a variety of social and cultural variables contribute to women's vulnerability. According to research, there is a clear link between domestic violence and a woman's lack of economic independence, which causes her to accept being in an abusive relationship. Domestic violence can occur even when the woman is economically strong and her male partner is unemployed because the man feels undermined at home, leading to more violence.

Economic insecurity in society has resulted in an increase in poverty, unemployment, alcohol misuse, income inequality, and stress, which has led to an increase in domestic violence, which now appears to be the man's final recourse in order to stamp his authority in the family. [14]

According to the table below, the majority of respondents (92%) feel that domestic violence entails fighting between couples, especially when it involves physical assault on one's spouse (95.3%). A few respondents (8.6%) define domestic violence as a recurrent conflict between spouses, while the remaining 2% define it as yelling, insulting, or intimidating one's spouse.

According to the results below, the majority of respondents defined domestic violence as physical assault on one's spouse, particularly wives. Furthermore, the chart shows the various types of domestic violence witnessed by respondents.

The first response demonstrates that physical assault on the wife is the most common form of violence. This was the most common sort of abuse (94%). Following this is another sort of violence in which the male partner or husband damages or throws out the wife's possessions. Approximately 82% of respondents claim to have witnessed this type of violence. According to the data presented above, more than 65% of respondents have witnessed situations of domestic violence in which the male partner inflicted bodily harm on the woman. Only 2% of those polled said they had observed husband beating.

Table 2. Distribution of respondents by meanings of domestic violence, the types of domestic violence they have mostly witnessed their perceptions of the events and who was the perpetrator [15]

Variables	Responses	Frequency (150)	Percentage (%)
Respondents' meanings of domestic violence	• Persistent argument between spouses	13	8.6
	• Husband and wife fighting	138	92
	• Physical attack of one's spouse	143	95.3
	• others (specified)	3	2
The types of domestic violence mostly witnessed by respondents	• Physical attack of wife	141	94
	• Damaging or throwing out wife's property	123	82
	• Causing physical injury on wife	98	65.3
	• Husband's battering	22	4
How respondents view domestic violence	• Inhuman	123	82
	• Very bad	146	97.3
	• An act of hatred for one's spouse	113	75.3
	• Self-defense	24	16
	• Corrective measure	2	1.3

Source: Researcher's survey, 2014.

Conclusion:

To summarise, domestic violence can take many forms, including physical aggressiveness such as kicking and biting, as well as sexual or emotional abuse. States should seek to ensure that domestic abuse legislation is strictly enforced, and any violations should be punished severely. Women will be assured of an effective and immediate cure if they do so. People's awareness of domestic violence is increasingly growing. Education, legal aid, counselling, rehabilitation, and self-regulation rules will all benefit the cause greatly. By addressing the issue effectively, it will aid in the restoration of women's self-esteem in society. They can expect a more tranquil, prosperous, and empowered life.

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