

Violence Against Women : An Analysis

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Received
03 April 2020

Reviewed
14 April 2020

Accepted
21 April 2020

What is Violence against women? The United Nations defines violence against women as “any act of gender- based violence that results in, or is, likely to result in physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” Violence is a violation of women’s fundamental rights, often with devastating consequences. In countries where there is no law against domestic violence, as is the case in 46 countries, women’s average life expectancy is typically shorter than men’s.

Keywords: coercion, gender inequality, non-consensual sex, marital rape, stereotypes, sexual harassment, feminism, gender- based violence.

Women constitute 50 percent of the Indian population. Although the constitution has conferred on them equal rights and the law has banned any discrimination against them, women in India, like their sisters in other parts of the world, do not really enjoy this legal equality in status. This is due to various factors. Historically, they had been subjected to various kinds of exploitation. Educationally they are still quite backward. Economic independence, for a majority of them is still a dream, which constantly eludes them.¹

Realising the fact that the country cannot really progress if half of its population is allowed to remain in servitude and is denied avenues of progress in practical terms. Thus the economic and social emancipation of women has ranked high in the agenda of our country. The totality of their welfare, equal access to education, equal

wages, maternity and child benefits, special health care, the ending of socially discriminatory practices, all this will claim our attention and resources, will raise their social status.²

A number of non health related influences affect the availability of, and access to, sexual and reproductive health services. Of these, gender based inequalities are the most formidable barrier. As the feminist movement has always highlighted, control over women’s sexuality and fertility affect women’s vulnerability to sexual and reproductive health problems. Early marriages, frequent child bearing, cultural or familial/ spousal opposition to use of contraception by women, female genital mutilation, non consensual sex within marriage and sexual and physical violence against women by their intimate partners are only a few examples of which women’s sexual reproductive

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health is affected by gender based norms and patriarchal control over women's lives.³

Patriarchal control over women's sexuality and reproduction also operates at a policy and programmatic level. Access to abortion services is still restricted by laws and regulations in many countries. Although there is a global trend towards liberalisation of abortion laws as late as 1997, 25% of world's women lived in countries where abortion was generally prohibited. Religious influences, population control ideology or Pro-natalism, all manifesting gender biases that placed women at a greater disadvantage than men. They can affect access to condoms, sterilisation services or infertility treatment. Even when services are made available, deep rooted attitudes to sexuality and to the issue of who should or should not bear children may prevent service providers from providing youth and unmarried woman and men with contraceptive and abortion services.⁴

In *Women in nineteenth century* in 1844, Margaret Fuller criticised the French Revolution for being concerned only with the external obstacles to happiness. She stressed the need for internal psychological and cultural change. Inequality was not a matter of institutions, it also involved attitudes. She compared men's contempt for women and children to acceptance of slavery.⁵

Fuller was influenced by Fourier and by European Romanticism and nationalism. She visited France and Italy in 1847-50 When both countries were seething with revolution. The first organised movement for women's right thus came from the movement to abolish slavery. The movements were inspired by the universalist case for equal human rights. True, the abstract principles of equality were not the daily lived reality of relations within these movements. Nonetheless, abolition and women's rights organisers broke down many conventional barriers to the public participation of black people

and women both movements had international impact.⁶

The number of violent crimes in India especially those against women including rape data reported in official statistics are increasing with each passing year. This violence thrives with the milieu of steady economic growth an increasing inequality between the rich and the poor in Indian society. In 2012, the crime against women reported by official statistics increased by 24.7% compared to those reported in 2008. Ranging from the so called Eve teasing an outright sexual harassment on the street or workplace, harassment for dowry, molestation in public transport vehicles and The often reported rape, these crimes against women reflect the vulnerability and deep rooted problems related to the position of women in Indian society.⁷

Marital rape, for example is still not considered a criminal offence. Rape by armed personnel (military and police) although under the purview of the law is excluded if it occurs in several states of India (North eastern states, Jharkhand, Jammu and Kashmir) where the draconian Armed Forces Special Powers Act (AFSPA) deprives women from seeking legal recourse in such circumstances.⁸

In a democracy, it is said that the politicians are only as good as the people. The deep rooted patriarchy of Indian society lay exposed when several people, including senior politicians, type casted the victims of sexual violence, as possibly having contributed to the perpetration of the crime. Some of the typical characterization of victims included women who dressed 'provocatively', 'was out late in the night or was behaving in a suggestive way that invited trouble'. Others suggested in an apparent gesture of sympathy that the rape victim becomes a living corpse indicating the life of shame that the victims of sexual abuse will be subjected to in the country.⁹

Crimes against women increased nearly 50% in 2019 with a total of 41,155 cases being registered, which are 13,561 more than the previous year. The maximum rise in the crimes against women was in molestation (68%) while rape cases too increased by 38.34% as compared to the cases registered in 2018. The cases of rape committed against minors also registered an increase of 22%. Last year a total of 41,155 cases of crimes against women were registered which is 49.14% more than 2018 and 61.01 more than 2017. A total of 8,802 FIRs of molestation were registered in 2019, which is 67.69% more than 2018 and 80.26% more than 2017.¹⁰

In recent decades, legal and traditional definitions of rape have undergone many revisions. According to traditional common law definitions, rape was regarded as an act committed by a man “who engages in intercourse with the woman, not by his wife, by force or threat of force, against her will, and without her consent”. The Federal Bureau of investigation (FBI) has defined it as “the carnal knowledge of a female forcibly against her will”. But reforms and rape clause instituted by various states in the 1980s no longer require the victim to prove her non-consent and also now legally recognise that some men raped the woman to whom they are married. The Model Penal Code is one such example, rape there is defined as a “sexual intercourse where the man compels a woman to submit by force or by threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted on anyone”. Thus there are several types of rape— marital rape, acquaintance rape, male-male rape, female-perpetrated rape of males, female-perpetrated rape of females— are recognised by the legal system.¹¹

The legal, psychological, and social issues regarding rape are complex. Contrary to popular stereotypes, the typical rape occurs between typical men and women, under typical

circumstances. In the minds of attorneys, officers, rapists, the general public, and victims, the least common form of rape— sexual intercourse forced by a stranger with a weapon— is held as standard against which all other rapes are judged. Definitions of force and consent remains coloured by traditional assumptions regarding the nature of male-female relationships. Because definitions of rape vary, statistics regarding the incidence and prevalence of this crime are difficult to interpret. Correspondingly, scientific knowledge regarding the characteristics of represent victims have been limited by assumptions about the nature of “real rape”, although recent evidence suggests that the characteristics of rapists and victims differ little from the characteristics of the typical man or woman. Because the social situational factors that contribute to rape appear related to those factors that maintain male dominance at the social- structural level, a comprehensive analysis of rape requires further attention to social as well as psychological processes. Accordingly, changes are required at the societal as well as the interpersonal levels to decrease the prevalence of rape.¹²

Definitions of sexual harassment are important because they educate people, stimulate discussions, and encourage judgments of behaviour. But no definition of the many that exists is complete or acceptable to anyone. The American Psychological Association’s definition of sexual harassment refers to “deliberate or repeated comments, gestures, or physical contact of a sexual nature that are unwanted by the recipient”. That of the National Advisory Council on Women’s Educational Programmes defines sexual harassment as “the use of authority to emphasise the sexuality or sexual identity of a student in a manner which prevents or impairs that student’s full enjoyment of educational benefits, climate or opportunity”. The definitions, however, use ambiguous terminology and words

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(for example full enjoyment, unwelcome, authority) that may minimise the seriousness of the behaviour. Sexual harassment in workplaces defined as “deliberate or repeated unsolicited verbal comments, gestures, or physical contact of sexual nature that is considered to be unwelcome by the recipient”. Although the definitions vary, most include one or more of the following characteristics: the behaviour is unwanted as perceived by the victim and/or repeated and/or deliberate, there is some negative harm or outcome of the victim, a wide range of behaviours is included, and the offender has more power than the victim.¹³

Sexual harassment affects at least a substantial minority of individuals, particularly women, in academia and the workplace. The victims suffer a variety of negative (physical, emotional, and performative) consequences from their experience with harassment. There is some consensus among the many definitions of sexual harassment, with a focus of unwanted behaviour, harm and abuse of power. Legal remedies for sexual harassment exist under both Title VII and Title IX, yet most victims ignore them or use informal means to deal with sexual harassment rather than evoke formal means such as filing lawsuits.¹⁴

Definitions of sexual harassment used in academia and the workplace, as well as by social science researchers, usually view harassment from the perception of the victim. Similarly, legal definitions required that the (sexual) conduct be unwelcome— that is, not consensual or encouraged by the victim. All definitions also require that the victim incur some type of harm.¹⁵

The concept of power emerges as crucial to the understanding of the sexual harassment. Authors and researchers in this area, however, have not yet dealt with the complexities of the concept of power. Based on some of the research, it can no longer be assumed that only former or position power is relevant to sexual

harassment. Different types and sources of power (formal versus informal, position or achieve versus diffuse or ascribed) need to be distinguished, and the role of these different types in the process of sexual harassment must be investigated.¹⁶

The one issue that has inflamed feminists more than any other is that of violence against women. According to one estimate, as many as 30 specific forms of violence against women have been identified. These range from sterilisation abuse, through pornography to outright murder. Violence against women is often seen as an assault against her body but more importantly it is a negation of her integrity and personhood. The fear of sexual violence has been a powerful factor in restricting women’s behaviour and sense of freedom. In one of the most ironical dichotomies of the modern era, it is indeed deplorable that, antithetical to the process of progress and modernisation, the liberated women of today subjected to growing acts of criminal violence, a terrible violation not only of a body and being, which the Hindu religious texts endowed with such sanctity, but also a desecration of her individuality, her hard won emancipation and her well deserved status as man’s equal in every sphere of life.¹⁷

Gender bias, economic disparity, unequal power equations between men and women, all are predisposing factors of the perpetuation of crimes against women. *Rehana Ghadially* aptly summed up in her arresting exposition in *Women in Indian society*, that the struggle against violence is a struggle against the unequal distribution of power- both physical and economic between the sexes. The challenges lies not only in the redefining hierarchal relationship between the sexes but hierarchical interactions in all aspects of interpersonal relationship. People in position of power- upper caste men, police, labour contractors, military personnel- dismiss violence done to lower cast

and class women as insignificant. Women accept the male view of what is important and in violent encounters, end up blaming themselves, the victims, rather than castigate the perpetrators.¹⁸

The women's liberation movement in India has rallied around the retrogressive issue of rape and brought together diverse women's group from different parts of the country urging for a constant update and modernisation of rape laws. However another deplorable form of cruelty towards women i.e., wife beating, seems to get camouflaged under the broad term dowry deaths. The deaths which occur within the home are the ultimate manifestation of the violence suffered by most Indian women in varying degrees. "The term 'dowry deaths' is an oversimplification of a far more complex social phenomenon of power relationship within the family. We prefer to call them plain 'wife murderers'. Most of these women are harassed for a long time before they are murdered or driven to suicide and for every woman who dies in a home, there must be a million more who are beaten and harassed, economically deprived and mentally humiliated".¹⁹

This form of violence, which seems to imbue men with a peculiar sadistic pleasure and provide a suitable vent for frustration and rage, wrongly suppressed over a period of time, is perhaps, the most widespread and common form of abuse against women. While there seems to be a reluctance on the part of most group working towards social change, to specifically venture into the relatively private area of domestic violence, social pressures force women to maintain a status quo. Social workers prefer to view the problem of marital disharmony more cautiously, classifying the phenomena of domestic violence and the subsequent degeneration of a matrimonial alliance under the somewhat deceptive terminology 'domestic discord'. The implications are much deeper and more complex and the ramifications of such abuse are far more physically and emotionally

debilitating than can be imagined. Social workers are, perhaps understandably, reluctant to interfere with personal power relationship though it is imperative that they change their approach now, if this degenerative process is to be checked and further immediate immeasurable harm prevented.²⁰

Conclusion- Gender-based violence, in particular brutal crime like rape, is a multifaceted problem. In order to address this, it is necessary to tackle numerous other parallel issues that act as contributing elements and play an equally crucial role. An example for this is the women's portrayal in Indian movies. This showcases the deep-rooted prejudices of society towards women, and other cavernous societal issues that contribute to these crimes.

The enactment of stringent laws, stricter punishments and fast trials are important to deter people from committing such crimes, but the solution to this is much more than mere promulgation. Though the improvement in criminal law addresses some of these problems, it still fails short in many aspects. It is important to acknowledge that judicial reform is only one aspect; there is a more humane side to this whole issue.

In a country with gender discrimination operating in so many levels and ways, the dedicated and combined efforts of multiple agencies is required to bring the much needed change. However, in such a situation health workers could play a major role in applying a gender perspective to their work as healthcare providers, researchers and policy makers. While public health professionals may not be able to contribute directly in empowering women by means of education, they can help in facilitating improved access and coverage of women in the services that we plan, execute and evaluate. Doctors, nurses and other healthcare providers can be flag bearers in responding to this social predicament and engage with this problem in their own families, office and society as a whole.

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