

DOMESTIC AND SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN

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ABSTRACT

Violent activities can be seen everywhere. Whether we are at home, school, club, church, college, university or any other place. Men and women are the pivot of domestic life. Women are considered the creator, protector and educator of the family. Indian constitution and preamble of India promise to secure to all citizens justice, social, political, economic, liberty of thought, expression, belief, faith and worship; equality of status and of opportunity and promote among them all ; fraternity assuring the dignity of the individual and the unity of all the national. For this, constitution guarantees certain rights and liberties in the form of fundamental rights. Women are benefited from these rights equally with men. In Punjab a recent report, The Tribune 2008 has highlighted the fact that women continue to be unsafe in Punjab. State women commissioner reported that at least one rape and kidnapping of two women are reported in Punjab. A woman murdered every day and at least one case of molestation is registered everyday. At least 12 women commit suicide every month and the same number killed for dowry. Rape is very often an act of violence that uses sex as a weapon. Rape is motivated by the aggression and the desire to exert power and humiliate in United States America and United Kingdom, there are many rape crisis centers to advise the rape victims. But most are known in some way. It can happen anywhere in the household/family, workplace, public spaces, sexual settings, during war/conflict situations. Sexual exploitation includes exploitative situations, contexts and relationships where someone receives 'something' (e.g. alcohol, drugs, cigarettes, affection, etc.) as a result of them performing and/or another or others performing on them, sexual activities, violence. Coercion and intimidation are common, involvement in exploitative relationships being characterized in the main by the person's limited availability of choice resulting from this social, eco/emotional vulnerability. Children should never receive less protection than adults. They must be given proper care. At international level, in conjunction with United Nations for International Cultural Educational Fund, an effort has been done to remove this evil.

Domestic, sexual violence and abuses are interlinked with each other. The majority of the women have experienced multiple forms of violence. 54% of rapes reported to the police took place within the context of domestic violence that is they are committed by husband / partners/ boyfriend/ or former husband / partners/ boyfriend. Men and women are the pivot of domestic life. Women are considered the creator, protector and educator of the family. Indian constitution and preamble of India promise to secure to all citizen justice, social, political, economic, liberty of thought, expression, belief, faith and worship; equality of status and of opportunity and promote among them all ; fraternity assuring the dignity of the individual and the unity of all the national. For this, constitution guarantees certain rights and liberties in the form of fundamental rights. Women are benefited from these rights equally with men. Despite the legal safeguards, violence against women includes rape, molestation, stripping, eve-teasing, and kidnapping and abduction, domestic violence includes wife-beating, dowry harassment, dowry death, cruelty to women driving them to commit suicide or other forms of murder like female feticides, female infanticide and sati. Although violence against women is a universal phenomenon yet it is considered an issue of human rights abuse. 'women have a history; women are in history,' says Gerds Lerner an American pioneer in the field of women history and the first person to hold a chair in women's history. A new way of thinking about gender emerged. The United Nations Organization played a significant role as 1975 was declared International Women's Year and 1975-85, as Women's Decade. Violence and abuse affect women from all kinds of backgrounds everyday. Some women are attacked by strangers but most often they are hurt by people who are close to them. Violence and abuse can cause terrible physical and emotional pain. The world health organization in its research on violence against women categorized it as occurring through five stages of the life cycle (1) Pre birth (2) infancy (3) girlhood (4) adolescence and adulthood (5) elderly. Violence against women is a worldwide yet still it is a hidden problem. . Violence against women is woven into the fabric of our society to such an extent that many who are victimized feel that we are at fault. Many of those who perpetrate violence feel justified by strong societal message. They say that rape, battering,

sexual harassment; child abuse and other forms of violence are acceptable. In broader sense, Violence against women is any violation of a woman's personhood, mental/physical integrity/freedom of movement through individual acts and societal oppression. Violence against women ranges from sterilization abuse, prescription drug abuse, pornography, stalking battering and rape. It includes the sexual and physical abuse of young girls and the abuse of elders.

In recent years, there has been a trend of approaching violence against women at an international level through instruments such as conventions or in the European Union through directive against human trafficking. The United Nations General Assembly in its resolution on the declaration on the elimination of violence against women defines, violence against women as an 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 arbitrarily deprivation of liberty whether occurring in public or private life.²

The violence against women act was the first main law to help government agencies and victim advocates work together to fight domestic violence, sexual assault and other types of violence against women. It created new punishment for certain crimes and started programs to prevent violence and help victims. Over years the law has been expanded to provide more programs and services. The family violence prevention and services act provides the main federal funding to help victims of domestic violence and their departments. (Such as children) programs funded family violence prevention and services act provide shelter and related help. They also offer violence prevention activities and try to improve how service agencies work together in communities. It works as follows; formula grants this money helps states territories and tribes create and support programs that work to help victims and prevent family violence. The amount of money is determined by a formula based partly on population. The states, territories and tribes distribute the money to thousands of domestic violence shelters programmes. The national domestic violence hotline is a 24 hour confidential toll free hotline. Hotline staff connect the caller to a local service provider .trained advocates provide support, information referrals, safety planning and crisis intervention in no more than 170 languages to hundreds of thousands of domestic violence victims each year. The protection of women from Domestic violence act was brought into force by Indian government from october26, 2006. It has been ratified by four of twenty nine states in India namely; Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Odisha. In Punjab only, 172 cases were registered. According to this act section 498A of the Indian Penal Code it defines for the purpose of this act, any conduct of the respondent shall constitute domestic violence if he – (a) habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physically ill-treatment (b) forces the aggrieved person to lead an immoral life. (c) Otherwise injures or harms the aggrieved person. Primarily it is for protection to the wife or female live-in- partner from domestic violence at the hands of the husband or male live-in-partner or his relatives, the law also extends its protection to women living in a household such as sisters, widows or mothers. It includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic harassment by way of unlawful dowry demands to the woman. violence against women means any act of gender based violence that results in physical, sexual or psychological harm/ suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public/in private life. Female genital mutilation /cutting –involves the complete / partial removal of alteration of external genitalia for non-medical reason. It is mostly carried out on young girls at some time between literacy and the age of 15.

Forced marriage – a marriage conducted without valid consent of one / both parties where duress is a factor. 'honour based violence' – a violence committed to protect / defend the honour of a family / community. Women especially the young women are the most common target. Often where they have acted outside community boundaries of perceived acceptable feminine/ sexual behaviour. In extreme cases, women may have killed.³

Prostitution and trafficking women and girls are forced, coerced or deceived to enter into prostitution and to keep them there. Trafficking involves the recruitment, transportation and exploitation of women and children for the purposes of prostitution and domestic servitude across international borders and within countries (internal trafficking).⁴

The domestic violence act provides leadership through alliance program. Domestic violence in India is popular and increasing day by day. About 70% of Indian women are victim of domestic violence. Sexual violence is particularly insidious because sexual acts are ordinarily and rightly a source of pleasure and communication. It is often unclear to a woman who has been victimized and to society as a whole whether a sexual violation was done out of sexual desire/ violent intent or whether these violations are even distinguishable because violence itself has come to be seen as sexual erotic. In domestic violence act, after receiving the application, the magistrate shall be nearly possible to the formats prescribed under this act and rules. After receiving the application, the magistrate shall fix the date of first hearing within 3 days and the magistrate shall endeavor to dispose of every

application be within a period of 60 days. The notice of the date of hearing shall be given by the magistrate to the protection officer who shall get it served to the respondent. At any stage of the application, the magistrate may order, counseling of the respondent or aggrieved person either singly or jointly with any member of service provider. The magistrate may secure the service of suitable person preferably a woman including a person engaged in the welfare of woman. On December 16, 2012 a 23 years old woman was gang raped and brutalized by six men on a bus in India's capital New Delhi; Jyoti Singh Pandey died as a result of the injuries she sustained during the attack 13 days later. many protestors protested against this inhuman treatment in different parts of India. The question is why violence against women in India is so serious? Why Indian laws are so helpless to control the situation? On september13, 2013 a Delhi court sentenced to death four of the six men accused of the gang rape and murder of Pandey. The case of Damini is also a spot on humanity .Thirty years ago; most forms of violence against women were hidden under a cloak of silence or acceptance. But now the wave for change has been started in the form of movement. Over the past thirty years, women have mobilized to offer direct services to those who have encountered violence to educate people about the range and nature of male violence against women and to develop strategies for change.

As women are going on the path of progress, the crimes are enhancing day by day against women. As per the report of the national crime records bureau, namely crime in India 1991, a total number of 10,410 cases or rape was reported in the country. Out of these , 2,596 cases were reported in a single state vise Madhya Pradesh followed by 1,417 cases in Uttar Pradesh ,Andhra Pradesh, Bihar, Maharashtra, and Rajasthan have registered more than 5000. In Punjab a recent report, The Tribune 2008 has highlighted the fact that women continue to be unsafe in Punjab. State women commissioner reported that at least one rape and kidnapping of two women are reported in Punjab. A woman murdered every day and at least one case of molestation is registered everyday. At least 12 women commit suicide every month and the same number killed for dowry. Rape is very often an act of violence that uses sex as a weapon. Rape is motivated by the aggression and the desire to exert power and humiliate in United States America and United Kingdom, there are many rape crisis centers to advise the rape victims. On December 16, 2012 a 23 years old women was gang raped and brutalized by six men on a bus in India's capital New Delhi.Jyoti Singh Pandey died as a result of the injuries she sustained during the attack 13 days later. Many protestors protested against this inhuman treatment in different parts of India the question is why violence against women is so serious and what to do to control this evil? On September 13, 2013 a Delhi court sentenced to death four of the six men accused of the gang rape and murder of Pandey. Their function is to send experts to stay with the victims during cross examination by the police. In India, the criminal law amendment act 1983 enhances the punishment from seven to ten years. Some hard steps are required to take. The Federal Bureau of Investigation which gathers data from law enforcement officials indicated that 102,555 women were victims of rape in 1990-92. In contrast to Federal Bureau of Investigation data, the rape in America study estimates that 683,000 women are raped every year. Approximately 50% of the homeless women and children in this country are on the streets because of violence in their homes.⁵

One fifth to one half of United States women were sexually abused as children at least once. Most of them by an older male relative. Nearly two thirds of women who receive public assistance (welfare) have been abused by an intimate partner at some time in their adult lives. The Vienna Declaration and programme of action calls violence against women, a violation of the human rights of a majority of the world's population. Women are statistically safer out on the street than they are in their homes. Battering is the leading cause of injury to women aged 15-44 in the United States of America.

Sexual harassment cases in India are also on increase. Sexual harassment is bullying or coercion of a sexual nature or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In most legal contexts, Sexual harassment is illegal. As defined by the United States EFDC, 'it is unlawful to harass a person (an applicant or employee) because of that person's sex.' Harassment can include " Sexual harassment or unwelcome sexual advances requests for sexual favours and other verbal or physical harassment of a sexual nature. Sexual harassment results in violation of the fundamental rights of a woman to equally under Indian law. former supreme court judge A.K. Ganguly who quit as chairman of the West Bengal human rights commission on Monday january2, 2014 after being indicted for " Sexual harassment has said," the allegations against him in the media were "unfounded and baseless and I deny..." In Tamil Nadu (1,078), Maharashtra (808), Andhra Pradesh (769) constituting 55.8% of the total reported cases. Prevention, Prohibition and Redressal act 2013 has been passed to remove this evil. the journalist who accused her editor Tarun Tejpal of sexually assiduities her, for the first time since allegations of sexual assault were leveled against him by a female colleague, Tarun Tejpal one of India's most prestigious journalists, .the managing editor of Tehelka, the magazine shaken by a rape investigation involving its founder, has resigned. The children must have protection from domestic violence. But without legal and economic resources

countless women and children remain trapped in harmful situation. First of all there is an urgent need to change the social attitude of society. The report on the independent expert for the United Nations study on violence against children represents a crucial step towards unmarking the issue of violence against women including abuses perpetrated in the household; the report has six principles to remove this evil⁶.

Sexual violence includes rape – sexual contact without the consent of the woman/girl. Perpetrators range from total strangers to relatives and intimate partners, but most are known in some way. It can happen anywhere in the household/family, workplace, public spaces, sexual settings, during war/conflict situations.

Sexual exploitation includes exploitative situations, contexts and relationships where someone receives ‘something’ (e.g. alcohol, drugs, cigarettes, affection, etc.) as a result of them performing and/or another or others performing on them, sexual activities, violence. Coercion and intimidation are common, involvement in exploitative relationships being characterized in the main by the person’s limited availability of choice resulting from this social, eco/emotional vulnerability. ⁷

Children should never receive less protection than adults. They must be given proper care. The office on violence against women has updated the FY2014 TA solicitation to add some clarifying language under program scope and to correct a small no. of page limit of inconsistencies in the original document. The registration deadline for the FY2014 Technical Assistance program is February13, 2014 FY2014 Technical Assistance application are due on March6, 2014. Many other programs are also started like technical assistance grants programjan9, 2014 FY2014OVWPROGRAM PLAN CHART 8and many others to eliminate this evil .an ombudsman or commission for children rights should be established. At international level, in conjunction with United Nations for International Cultural Educational Fund, The World Health Organizations and Human Rights and the creation of United Nations Interagency group on violence Against Children with representation from Non Governmental Organization’s and children themselves. So laws are not enough to eradicate this evil. We must be united to uproot this evil.

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