

## VIOLENCE AGAINST WOMEN: A PERSISTENT CRISIS IN SOCIETAL AND LEGAL FRAMEWORKS

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### ABSTRACT

*Violence against women remains a pervasive global issue, affecting millions of women across all socio-economic, cultural, and geographic boundaries. This crisis manifests in various forms, including physical, sexual, emotional, and economic abuse, severely undermining women's fundamental human rights. Despite advances in legal frameworks, such as the adoption of international conventions and national legislation aimed at preventing and addressing violence against women, significant gaps persist in enforcement, protection, and societal change. Cultural norms, patriarchal structures, and gender inequalities continue to perpetuate the cycle of violence, limiting the effectiveness of legal and policy measures. In both peacetime and times of conflict, violence against women has long been an issue. This violence occurs everywhere—at homes, on the streets, at workplaces, in jails, and even in very modest testing situations. It can also involve rape and murder. Not many crimes against women are recorded, not many are still prosecuted, and not enough people are held accountable for their actions. It is challenging to come up with ideas to lessen if not completely eradicate, such violence in the lack of comprehensive studies on occurrences. Further research on this violence is desperately needed to understand its psychology better. It is necessary to look into violent incidents in great detail and devise strategies to lessen their occurrence. The accused must receive swift and harsh punishment, which will also serve as a deterrent. Any civilization that cannot guarantee the protection of half of its members needs to reevaluate its peaceful, civilized lifestyle. This paper explores the complex intersection of societal attitudes and legal systems in perpetuating or alleviating violence against women. It highlights the need for a comprehensive, multidimensional approach that involves not only legal reforms but also social, educational, and economic initiatives to shift deeply ingrained attitudes and power dynamics. Addressing this persistent crisis requires a global commitment to ensuring justice, support, and safety for all women.*

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**Keywords:** Women, Violence, Gender Inequality, Domestic Violence, Legal Frameworks, & Human Rights.

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### Introduction

“Where women are honored, there, verily the gods dwell”- Manusamriti.

Violence against women is defined by the United Nations as any act of gender-based violence that results in or is likely to result in, physical, sexual, or psychological harm to women. The issue spans both private and public life, manifesting as domestic violence, sexual assault, human trafficking, honor killings, female genital mutilation, and workplace harassment. According to the World Health Organization (WHO), approximately 1 in 3 women globally experience some form of physical or sexual violence in their lifetime. These staggering statistics demonstrate the urgent need for effective intervention.

This ancient wisdom highlights the disparity between women's theoretical and practical status in society. While women are revered in literature and religious texts, their real-world treatment is starkly different. They face subjugation, discrimination, and violence, relegated to secondary status. This paper examines the gap between the legislative promises of gender equality and the harsh reality of women's

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lives, exploring the multifaceted violence they endure and the systemic failures that perpetuate it. It aims to identify the root causes of this violence and suggest comprehensive measures to ensure women's safety and equality in all spheres of life.

Humanity is divided into two halves: males and women. Without the other's assistance, neither can achieve its maximum level of creative excellence. Legislation, laws, treaties, and conventions that have unquestionably established equal rights for men and women globally are not the main cause of discrimination, and discrimination persists despite this.

Since the declaration of The Universal Declaration of Human Rights, in 1948, several International Conventions have been passed to bridge the gap between law and women and India is a signatory to these Conventions. The UN Committee on the Elimination of Discrimination against Women has recommended that India "widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception of marital rape from the definition of rape." To prevent and remedy the occurrence of dowry and domestic violence in Indian society, for instance, the country passed the Protection of Women from Domestic Violence Act of 2005 and the Dowry Prohibitions Act of 1961. However, the status of women in our nation continues to deteriorate. Various forms of violence due to gender inequality are prevalent in society affecting women in all spheres at various stages.

- **Pre-Natal:** Coerced pregnancy, forced abortions, Sex-determination
- **Infancy:** Feticide, Deprivation of care necessary for proper growth, physical and emotional abuse, neglect of basic medical facilities.
- **Childhood:** Genital mutilation, incest, sexual abuse in the workplace, economically coerced sex, rape, sexual harassment, forced sex work, differential access to food and medical care.
- **Reproductive/Adulthood:** Abuse of women by intimate partners, marital rape, dowry abuse and murders, partner homicide, psychological abuse, sexual abuse in the workplace, sexual harassment, rape, abuse of women with disabilities, differential access to food and medical care, coerced pregnancy, forced sterilization.
- **Old Age:** Abuse of widows, elder abuse (which affects mostly women), differential access to food and medical care.

Women fear violence in both public and private spheres of life at any stage of life. Violence against women often keeps them from wholly contributing to the social, economic, and political development of their communities. Many females due to the threat of violence hesitate to exercise their human rights and the contribution of women to the social, and economic growth of the state has been minimized to a greater extent.

The World Health Organization reports that violence against women puts an undue burden on health care services, as those who have suffered violence are more likely to need health services and at a higher cost, compared to women who have not suffered violence. In addition, Discrimination toward women can also be treated as Violence against Human Rights, which are guaranteed to be basic and necessary for survival. This violence immensely affects women's capability to enjoy freedom on a basis of equality at par with men. Susceptibility to violence is presumed as a condition created by the denial of Rights.

### **Status of Women**

- **Religious Attitude**

Religious attitude probably springs from much deeper regions of the human psyche than social values, and such in the complexity of the Hindu mind that while systematically nurturing these crude ideas about the women in capabilities, it at the same time peopled the heavenly abodes with goddesses with totally different qualities. Mother goddesses might have held sway over the minds of men in many ancient civilizations, but they lost their importance in all the developed religions except *Brahmanism*. In Islam, Jainism, and Christianity the supreme godhead is a father figure. Mother Mary probably represents a leftover of the mother cult but in an extremely weakened form.

- **Women's Struggles**

The history of women's struggles in India around rights in relationships has revolved across communities, on entitlement to domestic resources and the right to domestic space irrespective of title and ownership. Indira Jaising chronicles the passage of the *Protection of Women from Domestic*

*Violence Act, 2005* which redefines the domestic in very important and far-reaching ways, setting out a vision of whether or not ownership is shared space. The problem however remains where conflict in marriage leads to divorce or dissolution in a patriarchal society in which women within marriage are in a state of economic dependency.

- **Position in Present Scenario**

The new social order known as gender jurisprudence strives to free women from the constraints of outdated laws, traditions, and practices while advancing their new demands, interests, and rights. readjusted through law with men folks on a footing of equality, dignity, and non-exploitation. The female gender is the victim of ancient law and modern law, of mythology and all religions. For equality and dignity of Indian sisterhood and in support *Robert Ingersoll* said, “*There will never be generations of great men until there has been a generation of free women- of free mothers.*” Perhaps no constitution is so much soaked with gender sensitivity and gender justice as the Indian Constitution in conformity with Gandhian ethos and ideal of social and political reforms to uplift women. It aims at gender legality by removing gender inequality as enshrined in Articles 14, 15, and 16.

### **What is Violence against Women?**

Gender-based violence is a very complex, widespread issue and constitutes one of the most serious forms of violation of women's human rights. In 2002, the *Council of Europe* adopted a definition of violence against women and in particular domestic violence, similar to that used in the *United Nations Assembly Declaration on the Elimination of Violence against Women in 1993*.

Violence against Women may be defined as:

“An act of gender-based violence which results in, or is likely to result in physical; sexual and psychological harm or suffering to women, including threats of such acts; coercion or arbitrary deprivation of liberty. Whether occurring in public or private life.”

The Council of Europe Convention on Violence Against Women emphasizes the gender perspective on violence and states that violence against women can't be addressed without looking at gender equality issues and domestic violence is highlighted as affecting women disproportionately.

The relationship between gender and violence is very complex. The roles and behaviors of males and females are shaped and reinforced by gender norms within society. Both these are social expectations that define appropriate behavior for women and men. Having a different gender role and behavior creates inequality where one gender is empowered by the other at its disadvantage. Gender inequality has a large and wide range of impacts on society. They contribute to gender inequality in health and access to health care, opportunity for employment and promotion, levels of income, Political participation and representation and education.

### **Reasons for Violence**

Radhika Coomaraswamy points out that women are vulnerable to various forms of violence, for several reasons, all based on gender. Some of the reasons identified by her are as follows.

- Because of being female, a woman is subject to rape, acid attacks, eve teasing, female circumcision/genital mutilation, female infanticide and sex-related crimes. This reason is related to society's construction of female sexuality and its role in the social hierarchy.
- Because of her relationship with men, a woman is vulnerable to domestic violence, sati, dowry murder, and marital rape. The idea that women are property and reliant on their male guardian, father, husband, and son is the basis behind this.
- A woman may be raped and brutalized as a way to degrade the community she belongs to because of the social group she belongs to during times of war, rioting, or ethnic, caste, or class violence. Male views of female sexuality and women as men's property are also connected to this.

### **Societal Frameworks contribute to violence against women**

- **Cultural Norms and Patriarchy:** In many societies, cultural practices and deeply embedded patriarchal values contribute to the persistence of VAW. Honor-based violence, dowry-related violence, and forced marriages are examples where societal norms justify and perpetuate violence.
- **Gender Roles and Stereotypes:** Traditional gender roles, where men are seen as dominant and women as submissive, further contribute to the normalization of violence. Stereotypes often

blame the victim, with society frequently questioning the behavior or character of the woman rather than condemning the violence.

- **Media Influence:** The media plays a dual role, both in perpetuating harmful stereotypes about women and in raising awareness about VAW. However, the prevalence of victim-blaming narratives and the objectification of women in entertainment and news can trivialize or sensationalize violence rather than offer meaningful engagement.
- **Economic and Educational Barriers:** Women who lack economic independence or educational opportunities are often trapped in violent situations with fewer avenues for escape. Societies that do not prioritize gender equality in education and employment may inadvertently perpetuate the cycles of abuse.

### Women Oriented Laws

To improve the status of women in India, the legislature passed numerous laws, many of which were passed during the colonial era. These laws include the following:

- 1829, Abolition of Sati;
- In 1856, Widow Remarriage was made legal;
- 1870 Female infanticide banned;
- In 1872, inter-caste, inter-community marriages were made legal;
- In 1891, the age of consent was raised to 12 years for girls;
- In 1921 women got the right to vote in Madras province;
- 1929 Child Marriage Restraint Act was passed;
- 1937 women get special right to property;
- 1954 Special Marriage Act was passed;
- 1955 Hindu Marriage Act was passed;
- 1956 Suppression of Immoral Traffic in Women and Girls Act was passed;
- 1961 Dowry Prohibition Act was passed;
- 1981 Criminal Law Amendment Act was passed;
- 1986 The Indecent Representation of Women Act was passed;
- 1987 Commission of Sati Act was passed.

The Workmen Compensation Act of 1921, the Payment of Wages Act of 1936, the Factories Act of 1948, the Maternity Benefit Act of 1961, the Minimum Wages Act of 1948, the Employees State Insurance Act of 1948, and the Pensions Act of 1987 are just a few of the industry-related laws that include special provisions for women. In addition, women are granted certain safeguards by the Indian constitution, which is considered to be the ultimate law of the land. Then, the Indian Constitution contains clauses on women's rights. Additionally, the Indian Evidence Act, Criminal Procedure Code, and Indian Penal Code all contain clauses that give women security and protection. A statute protecting women from domestic violence was recently enacted, marking a significant advancement in the government's patchwork approach to women's protection. The National Commission for Women and the creation of State and National Human Rights Commissions have increased awareness of gender issues.

Concurrent with the recent international attention to violence against women, including the adoption of a declaration on the elimination and prevention of violence against women and girls, the Indian Parliament passed the Criminal Law Amendment Act of 2013.

### Legal Frameworks Addressing VAW

- **International Conventions and Agreements:** Global efforts to address VAW have resulted in several landmark conventions, such as:
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):** A 1979 international treaty aimed at promoting gender equality.
- **Istanbul Convention:** The first legally binding European framework designed to prevent and combat violence against women, adopted in 2011.

Despite these international agreements, enforcement at the national level is inconsistent, and many countries still lack comprehensive laws to protect women.

- **National Laws and their Shortcomings:** While many countries have implemented laws against domestic violence, sexual harassment, and other forms of abuse, enforcement remains a significant issue. For instance, in many nations, cultural stigmas prevent women from reporting abuse, and judicial systems often fail to hold perpetrators accountable.
- **Systemic Barriers in the Legal System:** Even where laws exist, women face significant barriers when seeking justice, such as:
- **Insufficient law enforcement training:** Police and judicial officials often lack training on handling VAW cases, leading to underreporting or inadequate responses.
- **Victim-blaming in the courtroom:** Legal processes may subject victims to re-traumatization by forcing them to relive the violence or face aggressive questioning about their credibility.

#### Comparative Case Studies

- **India:** India has made significant strides in combating VAW with laws like the Domestic Violence Act (2005) and amendments to rape laws in 2013. However, deep-rooted patriarchal attitudes and the influence of traditional practices like dowry still undermine the legal protections.
- **Sweden:** Often considered a leader in gender equality, Sweden has comprehensive laws addressing VAW, including a clear legal framework on domestic violence. The country emphasizes rehabilitation for both victims and perpetrators and has one of the highest reporting rates of VAW globally.
- **South Africa:** Despite having one of the most progressive constitutions in the world, South Africa struggles with high rates of gender-based violence. The lack of effective law enforcement, coupled with socio-economic inequalities, continues to impede the protection of women.

#### Policy Recommendations

##### Legal Reforms

- Strengthen and harmonize national laws with international conventions to ensure comprehensive protection for women.
- Introduce mandatory gender-sensitivity training for law enforcement and judicial officers to prevent victim-blaming and improve case handling.

##### Societal Change through Education

- Implement educational programs that challenge gender stereotypes and promote gender equality from a young age.
- Engage communities in awareness campaigns that emphasize the harmful effects of cultural practices that perpetuate VAW.

##### Economic Empowerment and Support Systems

- Provide financial resources and employment opportunities for women, especially survivors of violence, to foster independence and reduce vulnerability.
- Expand access to shelters, counseling services, and legal aid for survivors of violence.

##### Collaboration and Advocacy

- Encourage collaboration between governments, NGOs, and civil society to create a comprehensive approach to combatting VAW.
- Involve men and boys in conversations around gender equality and the prevention of violence.

#### Conclusion

Despite all these supra efforts made by our courts, related paraphernalia, and a plethora of laws enacted by our constitution as well as by the various status the condition of Indian women is still vulnerable and miserable in our society. Despite all these promises women still suffer from various kinds of inequalities, humiliation, harassment violence, etc. in time and space, but have one thing in common and that is contempt for women. This unequal status of women, being offensive to human dignity and human rights, emerges as a fundamental crisis in human development, worldwide.

Even if society has progressed, the status of women in our nation has not improved, as seen by the many reports of abuse against them. This essay aims to pinpoint why women continue to face discrimination despite several laws and rulings that support them. It examines the constitutional clauses

that guarantee women's welfare and charts the evolution of laws passed to safeguard them, beginning with British rule in India. The rule of court rulings that have been crucial in assisting women in obtaining their rights is also examined.

As Chief Justice Anand correctly notes, women's rights advocacy is not a battle "against men." It is a struggle against unwarranted customs and the male-constructed Laxman Rekha, which women are not encouraged to overcome. To guarantee gender justice in all areas, he promotes CAMA—Change of Attitude, Motivation, and Awareness of the Society. Even though there have been numerous laws addressing the plight of women and Supreme Court rulings safeguarding them, the impoverished and oppressed situations of women have not improved.

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