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### RESEARCH ARTICLE

#### A STUDY ON HUMAN RIGHTS VIOLATIONS AND DOMESTIC VIOLENCE

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#### Abstract

Domestic violence, a grave issue that spreads geographic, cultural, and socioeconomic boundaries, is a problem that has existed for centuries. It involves a range of abusive behaviour within intimate relationships, often causing physical, emotional, and psychological harm to victims. As a grave violation of human rights, domestic abuse is examined in-depth in this article. The definitions, prevalence, and various forms of domestic violence, bringing to light the significant effects and challenges it has on victims and the community at large are being dealt into.

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#### Introduction:-

Domestic violence is a global problem. It deprives a woman of her human dignity and reduces her value as a distinctive being. A pattern of aggressive behaviour that prevents women from participating in both the public and private spheres is known as domestic violence. There is a negative impact on a woman's physical, emotional, psychological, and sexual well-being. The right to life, the ban on cruel or degrading treatment, the right to privacy and family life, and other rights are among them, it seriously violates people's rights. The article primarily focuses on numerous aspects of domestic abuse, and human rights instruments made available by the United Nations. The examination of domestic violence as a global human rights concern. By analyzing international human rights instruments that support women's rights as well as opposition to effectively complying with their commitments on the other, the paper examines the discrepancy between the objectives of international law and violations of human rights.

The concept of domestic violence is "a pattern of abusive behaviour used by one partner to gain or maintain power and control over another intimate partner in any relationship." Threats or acts that are physical, sexual, emotional, financial, or psychological directed at another individual can be considered domestic abuse. Abuse of power takes the form of domestic violence. When someone tries to physically or mentally dominate and control another, it can lead to domestic violence.

Everybody has the right to life, which the state has an obligation to vigorously protect. When state authorities ought to know or are aware that a person's life is at grave risk, they have an obligation to 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 life right and transgress fundamental human rights.

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### Literature Review:-

Dr. Mashkooor Ahmad Lone and Dr. Javaid Ahmad Rather<sup>1</sup>(2019) Domestic Violence against Women in India: A Human Rights Perspective, Journal of Emerging Technologies and Innovative Research. One of the biggest obstacles to women's equality and their ability to exercise their basic rights is violence against them. This can be characterized as a woman being threatened and coerced into submission by her spouse, lover, or family members using aggression or threats of physical assault. The acts of violence may involve burning, stabbing, kicking, pushing, choking, or slapping. Globally, women's fundamental human rights are violated by the epidemic of violence against them. Specifically, domestic violence is a pervasive issue in every nation where it has been researched. The majority of domestic violence cases are not limited by culture, class, wealth, or education.

### Duluth Model<sup>2</sup>:

The Duluth Model, developed in the United States, is a well-known approach for addressing domestic violence. Although not a single case law, it has influenced many legal decisions and policies. It emphasizes holding abusers accountable and coordinating community responses to domestic violence. The principles of the Duluth Model have influenced various court cases and legal reforms.

### Opuz v. Turkey<sup>3</sup>:

In this European Court of Human Rights case, the court held that Her rights were violated by Turkey's disregard for the European Convention on Human Rights, which ultimately resulted in her death. The case set an important precedent for recognizing states' responsibilities in preventing and addressing domestic abuse under human rights law.

### Jessica Gonzales v. United States<sup>4</sup>:

This landmark case in the United States, also known as Gonzales v. Castle Rock, addressed a mother's legal battle against law enforcement for neglecting to uphold a protective order, leading to the abduction and murder of her three children by her estranged husband. The case raised concerns regarding the duty of law enforcement agencies to safeguard individuals against domestic violence.

### Sakshi v. Union of India (2004)<sup>5</sup>:

This Indian case recognized the right to be free from domestic violence as a fundamental right. It led to the enactment of the Protection of Women from Domestic Violence Act in India, which provides legal protections for survivors of domestic violence. Recognizing domestic violence as a human rights violation is an essential first step in dealing with this widespread problem and holding perpetrators accountable. Using significant international texts as a guide, this section examines the basis of domestic abuse as an infringement of human rights.

### Universal Declaration of Human Rights

A Foundational text in the field of human rights is the 1948 Universal Declaration of Human Rights, which was ratified by the UN General Assembly. It articulates the principles and values that everyone is entitled to, irrespective of their circumstances, race, or ethnicity.

Relevant articles within this declaration that apply to domestic violence include:

Article 3: The right to life, liberty, and security of person.

Article 5: Freedom from torture, cruel, inhuman, or degrading treatment or punishment.

Article 16: The right to marry and find a family, and no one shall be subjected to arbitrary interference with their privacy.

### International Human Rights Agreements

In addition to the Universal Declaration of Human Rights, there are various international human rights agreements and conventions that address the issue of domestic violence. A noteworthy instance is the 1979-adopted Convention

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1. Domestic Violence against Women in India. A Human Rights Perspective, Journal of emerging Technologies and Innovative Research.

2. Domestic Abuse Intervention Project (1981)

3. 2019 ECHR 33401/02

4. 545 US 748 (2005)

5. 1999 AIR SCW 4827

on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW categorically states that gender-based violence, which includes domestic abuse, is discrimination against women and a violation of their human rights.

The rights of humans are the fundamental freedoms and rights to which every individual on the planet is entitled, irrespective of their sexual orientation, religion, race, nationality, or language. 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: Social Security income, safe housing, and easy access to health, social, and legal services. An excellent piece of legislation that was passed in 2005 to address this issue is the Domestic Violence Act, often known as the Protection of Women from Domestic Violence Act. The Act, in theory, does a great deal to safeguard women in home environments. It is an early big step toward doing away with the shaky public/private barrier that the law often preserves, which feminists have frequently contested. Previously victims of Domestic Abuse may file court cases under the Indian Penal Code (IPC). However, this Act has a wider scope than the IPC due to the varieties of domestic abuse it foresees and the victims it recognizes. The Indian Penal Code never utilized the term "Domestic violence" to refer to this horrible deed. The only truly comparable class of offenses in the IPC pertained to cruelty inflicted upon married women. Irrespective of the victim's gender, all other cases of domestic violence in the home were to be handled in accordance with the IPC offenses that the various acts of violence constituted.

Domestic violence takes on multiple insidious forms, each contributing to the suffering of its victims. It is imperative to understand the various ways in which abuse manifests within intimate relationships.

### **1. Physical Abuse**

The use of force against a spouse or family member is referred to as physical abuse. It covers actions like pushing, choking, slapping, and any other bodily damage that causes pain or injury. Physical abuse is often the most visible form of domestic violence and can lead to both short-term and long-term psychological and physical effects on victims.

### **2. Emotional and Psychological Abuse**

Emotional and psychological abuse is a more covert but equally damaging form of domestic violence. It encompasses behaviours that aim to undermine a person's self-esteem and mental well-being. Examples include constant belittling, verbal threats, intimidation, isolation from friends and family, and gaslighting – a manipulation tactic that causes the victim to doubt their own reality. This form of abuse erodes a victim's self-worth and can leave lasting emotional scars.

### **3. Economic Abuse**

Economic abuse occurs when one partner exerts control over the financial resources within the relationship, effectively making the other financially dependent and vulnerable. Tactics may include preventing access to money, interfering with employment or education, and exploiting the victim's economic situation to maintain power and control. Economic abuse can trap victims in abusive relationships, as they may lack the means to escape.

### **4. Sexual Abuse**

Coercion or non-consensual sexual actions in a close relationship are considered forms of sexual abuse. It can be rape, objectionable sexual advances, forced sexual acts, or even the exploitation of sexually graphic content to degrade or subjugate the victim. Victims of sexual abuse often suffer profound emotional and physical trauma, and the violation of their autonomy can have long-lasting consequences.

Understanding these various forms of domestic violence is essential for recognizing and addressing the issue. Domestic violence is not limited restricted to bodily harm; It includes a broad spectrum of negative actions that compromise people's well-being and sense of dignity. It is crucial to advocate for the rights and safety of survivors and to work towards preventing these forms of abuse within our society.

### **Consequences of Domestic Violence**

Domestic abuse has serious and wide-ranging repercussions for society as a whole in addition to the direct survivors. Gaining an understanding of the effects of domestic abuse is crucial to realizing how urgent it is to solve this widespread problem.

### **1. Physical and Mental Health Consequences**

Domestic violence can lead to a myriad of physical and mental health problems for survivors. Victims often experience physical injuries, including bruises, broken bones, and long-term health issues. In addition to physical trauma, survivors often struggle with emotional and psychological trauma, which can show up as despair, anxiety, PTSD, and a variety of other mental health conditions. The cumulative toll on their overall well-being is staggering.

### **2. Effects on Children and Families**

Children within households where domestic violence occurs are also deeply impacted. Anxiety, Despair, and behavioral problems are just a few of the emotional and psychological conditions that can arise from observing violence between parents or other caregivers. The trauma can affect their ability to form healthy relationships and can perpetuate a cycle of violence into the next generation. Families are torn apart by domestic violence, with strained relationships, separations, or divorces often resulting.

### **3. Socioeconomic Repercussions**

The economic toll of domestic violence is substantial, both for survivors and society. Victims may face job loss or reduced income due to the abuse or may struggle to maintain stable employment because of their physical and emotional trauma. The financial impact is exacerbated by the economic abuse that many victims endure, which can leave them financially dependent on their abusers.

On a broader scale, the societal costs of domestic violence are significant. These include healthcare expenses, legal and law enforcement costs, and social services to support survivors. Moreover, domestic violence can undermine economic productivity and community well-being, as the effects ripple through workplaces and neighbourhoods.

### **Preventive and Supportive Measures**

Understanding the comprehensive impact of domestic violence is pivotal in recognizing the urgency of addressing this issue. It affects not only individual victims but also the fabric of society, contributing to inequality and infringing on human rights. To combat domestic violence effectively, it is crucial to provide support for survivors and implement preventive measures to break the abuse cycle. Across the globe, numerous countries have enacted laws and policies to address domestic violence. These measures typically include:

#### **Protection Orders:**

Issuing restraining orders that restrict contact between the perpetrator and the survivor.

#### **Criminalisation:**

Defining domestic violence as a criminal offence and instituting penalties for abusers.

#### **Support Services:**

Establishing support systems for survivors, including shelters, counselling, and hotlines.

#### **Education and Awareness:**

Promoting public awareness campaigns and educational programs to prevent domestic violence.

#### **Healthcare Protocols:**

Implementing protocols for healthcare professionals to identify and assist victims of domestic violence.

#### **Support Functions**

##### **Counselling and Support for Survivors**

Counselling and support services play a crucial role in helping survivors recover from the physical and psychological trauma of domestic violence. These services encompass:

##### **Crisis Hotlines:**

24/7 hotlines for immediate assistance and counselling.

##### **Shelters and Safe Houses:**

Providing safe accommodation for survivors seeking refuge from abusive environments.

**Therapeutic Counselling:**

Offering individual or group therapy to address emotional and psychological wounds.

**Legal Assistance:**

Guiding survivors through legal processes such as restraining orders or divorce proceedings.

**Economic Empowerment:**

Programmes that help survivors regain financial independence.

Such support systems create a safety net for survivors, empowering them to escape abusive situations and rebuild their lives.

**Community and NGO Initiatives**

Non-Governmental Organizations (NGOs) and community initiatives are instrumental in raising awareness and providing support. These organizations often:

**Educate Communities:**

Organize awareness campaigns to inform people about the resources that are available and the warning indicators of domestic abuse.

**Advocate for Change:**

Lobby for policy reforms and legal protections for survivors.

**Run Helplines and Shelters:**

Provide direct support, counselling, and refuge for survivors.

**Offer Training:**

Train healthcare professionals, educators, and law enforcement on identifying and responding to domestic violence.

Community and NGO initiatives complement government efforts and can fill gaps in services, particularly in underserved areas.

**Role of Healthcare Professionals and Law Enforcement**

Healthcare professionals and law enforcement play a pivotal role in identifying and addressing domestic violence. Their roles include:

**Screening and Assessment:**

Healthcare providers can screen patients for signs of abuse and offer resources and support to those in need.

**Reporting:**

Mandated reporting requirements for healthcare professionals ensure that cases of domestic social services and enforcement agencies are alerted to cases of violence.

**Intervention:**

Law enforcement responds to emergency calls and can initiate legal proceedings, such as obtaining restraining orders or making arrests when necessary.

Furthermore, International organizations like the United Nations provide guidelines and recommendations for addressing the subject of domestic abuse and human rights.

**Research Methodology:-**

Theoretical research methodology was used in the paper's preparation. Important terms and concepts relating to domestic abuse have been explored using sources and published records such as Articles, Books, Journals, Magazines, Newspaper Articles, Reports, and Internet Resources.

**Discussions:-**

Domestic violence encompasses a spectrum of abusive actions, including physical violence, emotional and psychological abuse, economic control, and sexual coercion, that occurs within an intimate or familial relationship. It knows no boundaries, affecting individuals of all ages, genders, and backgrounds. Recognizing the full extent of what constitutes domestic violence is crucial for understanding the complexity of the issue.

The significance of addressing domestic violence cannot be overstated. Not only does it inflict immeasurable suffering upon its victims, but it also has far-reaching consequences for families, communities, and societies. It erodes the fabric of human rights, perpetuates inequality, and poses a severe threat to individual well-being. As we explore this topic, we will uncover the deep-rooted societal norms and structures that enable domestic violence to persist.

The gender disparities within domestic violence, the challenges in the implementation and enforcement of laws, and the critical role of education, awareness, and cultural change in overcoming this deeply entrenched problem. The study aims to analyse the devastating consequences of domestic violence and inspire to join the global efforts to protect and uphold Human rights for all.

**Challenges**

Despite the existence of laws and policies, several challenges hinder their effective implementation and enforcement:

1. Underreporting: Because of anxiety, embarrassment, or ignorance, a sizable portion of domestic abuse instances remain unreported. This underreporting makes it difficult for authorities to intervene.
2. Inadequate Resources: Many governments struggle to allocate sufficient resources to support survivors and implement preventive measures effectively. This can lead to limited access to services and support for victims.
3. Cultural and Societal Norms: Deep-seated cultural norms and stereotypes about gender roles and relationships can obstruct efforts to combat domestic violence. Some societies may tolerate or normalize such behaviour.
4. Lack of Coordination: Inconsistencies in legal approaches, insufficient coordination among agencies, and gaps in service provision can create barriers to effective enforcement.
5. Economic Dependency: It can be challenging for survivors of economic abuse to break out from the cycle of abuse since it frequently leaves them financially reliant on their abusers.
6. Legal Challenges: Legal proceedings can be cumbersome and intimidating for survivors, leading to reluctance to engage with the legal system.

Addressing these challenges requires a multifaceted approach, including improved public awareness, cultural change initiatives, increased funding for support services, and comprehensive legal reforms. The ultimate goal is to create an environment where domestic violence is not only legally prohibited but also socially unacceptable, thus safeguarding the human rights of all individual

Effective responses and support systems are essential for addressing domestic violence and protecting the rights and well-being of survivors. A holistic approach involves various stakeholders working together to provide assistance and prevention.

**Conclusion:-**

Domestic abuse is a flagrant breach of various basic rights, norms, and principles. These violations include the right to life, the right to safety of the individual, the right to be free from brutality and torture, and the right to privacy, among others. Moreover, domestic violence is often rooted in gender-based discrimination, violating international human rights accords' tenets of equality and non-discrimination even more. Domestic violence is comparable to a grave illness that a society, like the present generation, has inherited from its forefathers. Torturing women in social, economic, mental, and sexual spheres has become ingrained in society.

Acknowledging Domestic abuse as a Human Rights Violations go beyond simple legislative or semantically focused concerns. It underscores the moral and ethical obligation to address this issue comprehensively, from legal frameworks and policies to education and cultural change.

The Indian government is dedicated to realizing women's human rights and has always placed a high value on their protection and advancement. National plans and strategies have always mirrored a vision of growth that places a premium on achieving everyone's freedoms, rights, and well-being rather than being restricted to raising revenue.

In summary, there are various sorts of domestic violence. Legislation against domestic abuse should be rigorously enforced by the state, and infractions should result in harsh penalties. If they do, women will be guaranteed a quick and efficient cure. The general public's knowledge of domestic abuse is rising. The cause will be substantially aided by laws governing self-regulation, counselling, education, legal assistance, and rehabilitation. Effectively resolving the problem will contribute to the recovery of women's self-worth in society. They can anticipate a life that is more peaceful, affluent, and powerful.

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