



# VIOLENCE AGAINST WOMEN:

RECOGNIZE, RESPOND, PREVENT AND CHANGE

## INTRODUCTION

**G**lobally, COVID-19 and related containment measures have been posing substantial challenges to women, increase in violence directed towards women being one of them. Since the mandatory lockdown was imposed, early data showed that violence against women had risen exponentially throughout India. For instance, domestic violence complaints had increased by 131% in May 2020, highest in last 10 years as per the data from National Commission of Women (NCW).

Even prior to that, India has been experiencing rise in violence against women. India was also declared one of the most dangerous countries in the world for women due to the high risk of violence, according to a 2018 survey by the Thompson Reuters Foundation.

This grim situation calls for a thorough understanding of what exactly does the term 'Violence against Women (VaW)' mean and what are its various forms? What are the factors that make women vulnerable to violence in India? Why is elimination of VaW important for achieving gender equality and development of society as a whole? What steps have been taken in India to deal with the issue of violence against women and What should be done to holistically tackle Violence against women in India? In this edition, we will be dealing with all these questions.

## WHAT DOES VIOLENCE AGAINST WOMEN MEAN?



➔ Violence against women (VaW) is defined 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 and girls**, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

🌐 Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender.

➔ It covers **specific acts or behaviours as well as a continuum of deprivations and discrimination** that are rooted in gender inequality, which includes **Crimes against women and girls** i.e., legally recognised acts of violence like rape, molestation, physical abuse by husband etc. as well as social and economic violations not captured by legal enactments.

➔ VaW occurs **throughout the life cycle** from pre-birth, infancy, childhood, adolescence, adulthood to senescence.



## Types of violence against women



➔ **Domestic violence (domestic abuse or intimate partner violence):** Any pattern of behaviour that is used to gain or maintain power and control over an intimate partner. It encompasses all physical, sexual, emotional, economic, and psychological actions or even the threats of such actions.

➔ **Femicide:** Intentional murder of women because they are women but may be defined more broadly to include any killings of women or girls. It includes rape-murder, intimate-partner violence escalating into murder, dowry deaths, crimes committed in the name of honour and deaths arising from harmful practices or neglect.

➔ **Sexual violence:** Any sexual act committed against the will of another person, either when this person does not give consent or when consent cannot be given because the person is a child, has a mental disability, or is severely intoxicated or unconscious as a result of alcohol or drugs. It includes sexual harassment, rape, corrective rape (a hate crime perpetrated by straight men against lesbians in order to "correct" or "cure" their homosexuality) etc.

➔ **Human trafficking:** Acquisition and exploitation of women, through means such as force, fraud, coercion, or deception.

➔ **Female genital mutilation (FGM):** Includes procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons.

➔ **Child marriage:** Any marriage where one or both of the spouses are below the age of 18.

➔ **Online or digital violence:** Any act of violence that is committed, assisted or aggravated by the use of information and communication technology (mobile phones, the Internet, social media, etc) against a woman because she is a woman. It includes Cyberbullying, Doxing, physical threats, sexual harassment, indecent exposure, unsolicited pornographic images, stalking etc.



Pre Birth

- ➔ Sex selective abortion
- ➔ Effects of battering during pregnancy in the outcome of delivery.



Infancy

- ➔ Female infanticide
- ➔ Emotional, sexual and physical abuse
- ➔ Differential access to care, nutrition, education and health care



- ✦ Child Marriage
- ✦ Sexual abuse and psychological abuse by family, relatives and strangers
- ✦ Child prostitution and pornography
- ✦ Differential access to care, nutrition, education and health care



- ✦ Economic persuasion for sex, Forced prostitution and pornography
- ✦ Sexual harassment at workplace
- ✦ Molestation and eve teasing at public place
- ✦ Rape
- ✦ Kidnapping and abduction
- ✦ Violence associated with pre-marital pregnancy, Abortion
- ✦ Trafficking
- ✦ Differential access to care, nutrition, health care, education



- ✦ Domestic violence
- ✦ Marital rape
- ✦ Dowry violence
- ✦ Coerced pregnancy
- ✦ Desertion
- ✦ Partner homicide
- ✦ Acid Attacks
- ✦ Sexual Harassment at the workplace
- ✦ Rape
- ✦ Forced for prostitution and pornography and trafficking



- ✦ Abuse of the elderly (forms affecting women more than men)
- ✦ Abuse of widows
- ✦ Threat of sexual violence
- ✦ Lack of access to care, nutrition and medical facilities

## Prevalence of Violence against women across the globe and in India

### Global Statistics

- ✦ Globally, as many as 38% of murders of women are committed by an intimate partner.
- ✦ In 2019, one in five women, aged 20–24 years, was married before the age of 18.
- ✦ Women and girls together account for 71% of all human trafficking victims detected globally, with girls representing nearly three out of every four trafficked children.

### Indian Statistics

- ✦ A total of more than 4 lakh cases of crime against women were registered during 2019, showing an increase of 7.3% over 2018.
  - ⊙ The crime rate registered per lakh women population is 62.4 in 2019 in comparison with 58.8 in 2018.
- ✦ Majority of cases under crime against women under IPC were registered under 'Cruelty by Husband or His Relatives' (30.9%) followed by 'Assault on Women with Intent to Outrage her Modesty' (21.8%), 'Kidnapping & Abduction of Women' (17.9%) and 'Rape' (7.9%).

### GLOBALLY



**1 IN 3 WOMEN HAVE EXPERIENCED SOME FORM OF PHYSICAL OR SEXUAL VIOLENCE IN THEIR LIFETIMES**

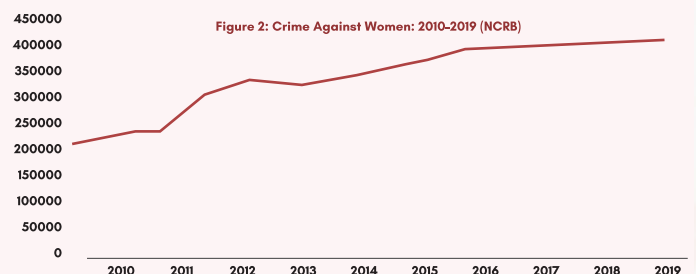


Figure 3: Violence Against Women (NCRB 2020)



**1** Woman died per hour in India because of dowry in **2019**

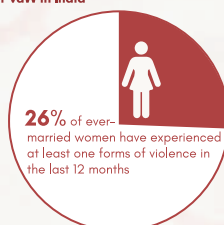
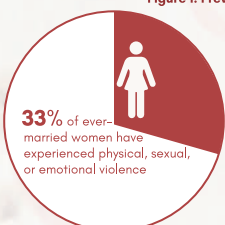


In **2019, 4** Women were raped every hour in India



**14** cases have been registered under "Cruelty by Husband" every hour in India

Figure 1: Prevalence of VaW in India



## WHAT ARE THE FACTORS THAT MAKE WOMEN VULNERABLE TO VIOLENCE?



VaW is primarily a product of **power and control**, stemming from inequality between men and women. It is rooted in **discrimination and inequality** that are upheld by- individual attitudes, beliefs and practices; broader social norms around gender and violence; and systems and structures that replicate and even codify this inequality and discrimination. In addition to these root causes, there are several risk factors that make it more likely to occur.

## VIOLENCE AGAINST WOMEN RISK FACTORS



### COMMUNITY FACTORS

- + Rigid **patriarchal gender norms** that uphold male privilege and limit women's autonomy and their economic independence.
- + High levels of **poverty** and unemployment.
- + Low presence of **women in public space**.
- + **Popular culture** in cinema, television etc. that promotes toxic masculinity that equates with sexual aggression and encourages men and boys to bully and harass women.
- + **Marginalisation**: Women and girls from socially excluded and stigmatized groups (indigenous, transgender, migrants, those living with disability, displaced women and girls, etc.) are at greater risk of violence.

### SOCIETAL FACTORS

- + **Traditional and cultural practices** can directly cause violence (e.g. FGM, child marriage, etc.) or indirectly lead to violence (e.g. Dowry is one of the factors which have encouraged the practice of Female Feticide).
- + **Honour Killings**.
- + **Discriminatory laws** on property ownership, marriage, divorce and child custody.
- + **Low levels of women's access to education** and employment.
- + **Absence or lack of enforcement of laws** addressing violence against women.
- + **Gender discrimination in institutions** (e.g. police, health, etc.).
- + **Early marriage**: Married teenage girls with low levels of education suffer greater risk of social isolation and domestic violence than more educated women who marry as adults.

### INDIVIDUAL FACTORS

- + High levels of **inequality in relationships/** male-controlled relationships/ dependence on partner.
- + **Men's use of drugs and harmful use of alcohol** resulting in aggressive behaviours.
- + Factors such as **internalised misogyny** perpetuating violence in families even among women.

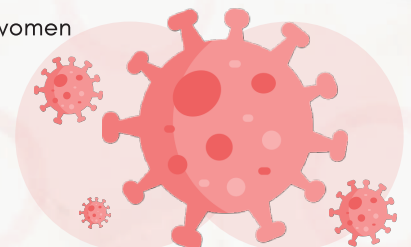
### INTERPERSONAL FACTORS

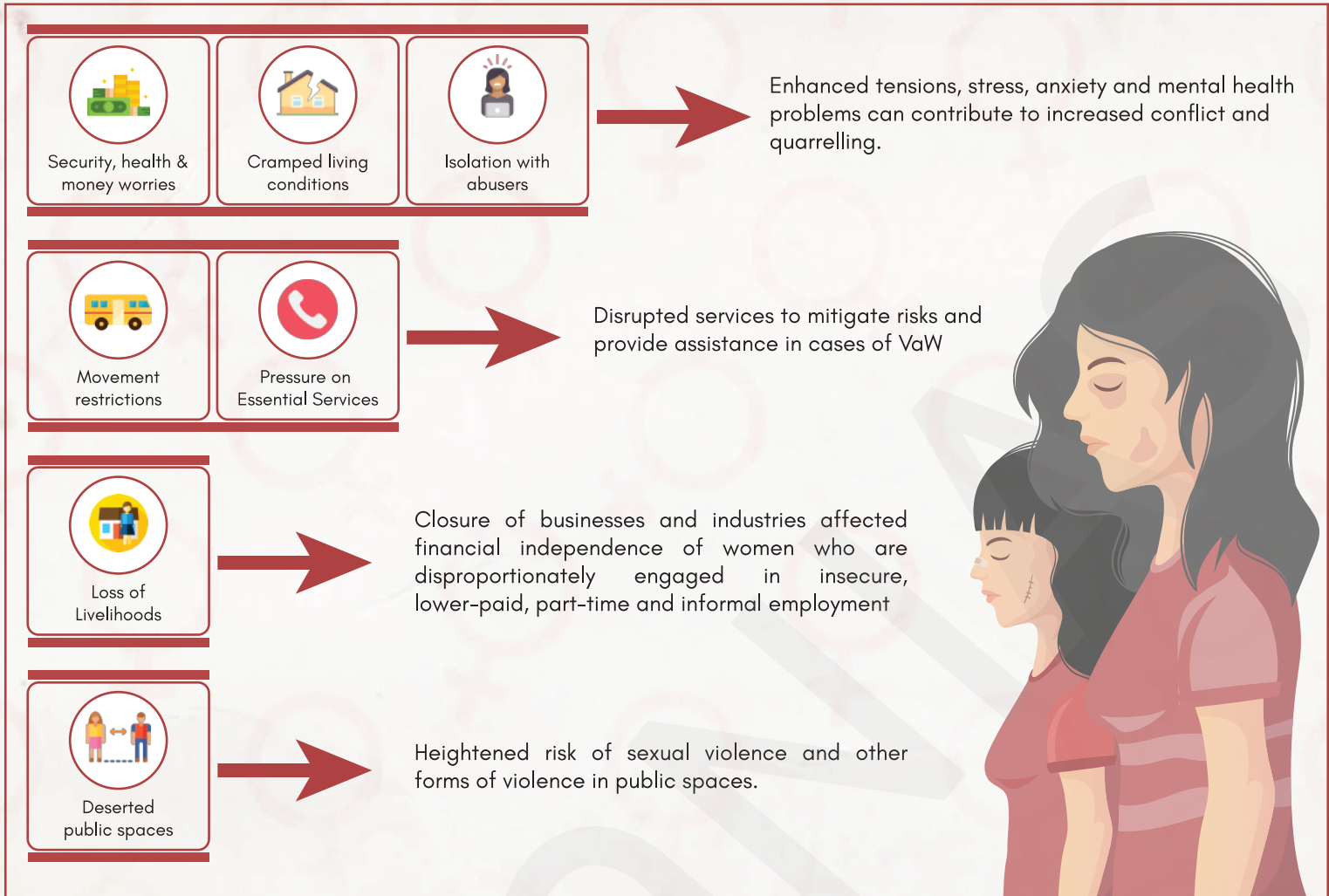
- + **Childhood experience of violence** and/or exposure to violence in the family.
- + **Mental disorders**.
- + **Attitudes** (influenced by factors such as patriarchal setup, rape culture and cultural traditions/customs) condoning or justifying violence as normal or acceptable.

## THE SHADOW PANDEMIC: VIOLENCE AGAINST WOMEN DURING COVID-19



- + Emerging data shows that since the outbreak of COVID-19, violence against women and girls (VaWG), and particularly domestic violence, has intensified.
- + **Exacerbating factors include:**





## WHY IS ELIMINATION OF VAW IMPORTANT FOR ACHIEVING GENDER EQUALITY AND DEVELOPMENT OF SOCIETY AS WHOLE?

The significance of eliminating VaW can be understood by how it negatively impacts women, the society, and the country. The impacts of VaW can be both direct and indirect and are incurred by women and their families, by the offenders and their families and by the state and non-state institutions.

- + Human rights violation:** Violence against women in its various forms is at its core a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms.
  - ⌚ It threatens her physical and psychological integrity and undermines her sense of self-worth and self-esteem.
  - ⌚ Any form of Violence against women hinders their realization of fundamental rights under article 14, 21, 19 and 32 of the Indian constitution.
- + Perpetuation of Gender Inequality:** VaW acts as both a consequence and a cause of gender inequality. VaW is not only deeply rooted in harmful stereotypes and prejudices against women, but it also reinforces the traditional gender norms and perpetuates the power of men.
- + Impact on children:**
  - ⌚ **Inter-generational psychological impact:** Children who grow up in families where there is violence may suffer a range of behavioural and emotional disturbances. These can also be associated with perpetrating or experiencing violence later in life.
  - ⌚ Intimate partner violence has also been associated with **higher rates of infant and child mortality and morbidity** (through, for example diarrhoeal disease or malnutrition and lower immunization rates).
    - 👤 For instance, a WHO report showed that women who have been physically and sexually abused by their partners had 16% more chance of having low birth weight babies.
- + Economic cost:** In some countries, violence against women is estimated to cost countries up to 3.7 percent of their GDP due to loss of income and productivity, health care and housing costs and costs of social services.
- + Hurdle to achieving Sustainable Development Goals (SDGs):** The broad spectrum of indirect and direct impact of VaW on women and society can be understood through how it acts as a hindrance to achievement of Sustainable Development Goals (SDGs).

SDG	Impact of VaW
<p>➕ <b>Target 1.2:</b> By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.</p>	<p>➕ Violence is often preceded or accompanied by withdrawal of resources for women, exacerbating their poverty and lack of opportunities to gain education and compete in the labor market.</p>
<p>➕ <b>Target 3.4:</b> By 2030, reduce by one third pre-mature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.</p> <p>➕ <b>Target 3.7:</b> By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programme.</p>	<p>➕ Violence enhances the vulnerability of women to several immediate and long-term health issues including-</p> <ul style="list-style-type: none"><li>➕ <b>Mental health disorders</b> such as depression, post-traumatic stress disorder, suicidal attempts, substance abuse etc.</li><li>➕ <b>Physical health issues</b> like injuries, murders, unwanted pregnancy, abortion, sexually transmitted infection/HIV, chronic pelvic pain, musculoskeletal disorder, urinary tract infection etc.</li></ul> <p>➕ Violence also limits women's ability to take decisions related to sexual and reproductive health.</p>
<p>➕ <b>Target 4.5:</b> By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.</p>	<p>➕ The threat or risk of violence may discourage parents from sending their daughters to school.</p> <p>➕ Drop-out levels and learning difficulties are significantly higher among victims of violence and child brides.</p>
<p>➕ <b>Target 5.5:</b> Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.</p>	<p>➕ Violence negatively affects women's general well-being and prevents women from fully participating in political, economic and public life.</p> <ul style="list-style-type: none"><li>➕ For instance, in many societies, victims of violence, especially sexual crimes, are stigmatised and isolated, which impacts not only their well-being, but also their social participation, opportunities and quality of life.</li></ul>
<p>➕ <b>Target 8.5:</b> By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.</p>	<p>➕ Threat of sexual harassment in workplace and public spaces and psychological and physical health issues caused by violence can limit women's ability to effectively participate in economic activity.</p> <p>➕ Threat of violence may also enhance the burden of unpaid work, thus limiting options to participate in paid employment.</p>
<p>➕ <b>Target 16.2:</b> End abuse, exploitation, trafficking and all forms of violence against and torture of children.</p> <p>➕ <b>Target 16.7:</b> Ensure responsive, inclusive, participatory and representative decision-making at all levels.</p>	<p>➕ Violence against women and girls undermines development efforts and the building of strong democracies and just, peaceful societies.</p> <p>➕ Women and girls together account for 71 percent of all human trafficking victims detected globally, with girls representing nearly three out of every four trafficked children.</p>
<p>➕ <b>Target 6:</b> CLEAN WATER AND SANITATION</p> <p>➕ <b>Target 11:</b> SUSTAINABLE CITIES AND COMMUNITIES</p>	<p>➕ Threat of VaW significantly impacts safety and hence accessibility to basic amenities such as drinking water, sanitation, transport systems etc. and overall public spaces for women.</p>

# WHAT STEPS HAVE BEEN TAKEN IN INDIA TO DEAL WITH THE ISSUE OF VIOLENCE AGAINST WOMEN?



The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. Besides constitutional guarantees that prevent any form of discrimination against women, several steps have been taken in India to tackle violence against women, ranging from preventative and curative measures such as building a strong legislative and institutional framework, judicial reforms to schemes centred around empowering women and raising their status in the society etc. Some steps have been listed below:



## ➤ Amendments to Criminal Law:

➤ **The Criminal Law (Amendment) Act of 2013** strengthened criminal laws related to VaW through amendments such as it provided for a wider definition of rape and for more stringent punishment, introduced several new offences such as acid attacks and prescribed action against public servants who refuse to record a FIR in cases of specified crimes against women.

➤ **The Criminal Law (Amendment) Act, 2018** was enacted to prescribe more stringent penal provisions including death penalty for rape of a girl below the age of 12 years and also mandates completion of investigation and trials within 2 months each.

➤ **New IT Rules to deal with Cyber-violence against women:** Government of India has published Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 which requires Social Media Intermediaries to remove or disable objectionable content such as morphed images etc. on complaint of women within 24 hours.

➤ **Progressive Supreme Court judgements:** The Supreme Court in Satish Chander Ahuja vs Sneha Ahuja case enlarged estranged wife's right to claim residence even in a shared household under the provisions of Protection of Women from Domestic Violence Act, 2005.

➤ **Establishment of National Commission for Women:** The National Commission for Women was set up as a statutory body in 1992 to-

- Review the Constitutional and Legal safeguards for women;
- Recommend remedial legislative measures;
- Facilitate redressal of grievances and
- Advise the Government on all policy matters affecting women.

## ➤ Schemes/Initiatives:

➤ **Mahila Police Volunteers (MPVs):** They act as a public-police interface with the mandate to report incidences of violence against women.

➤ **Cyber Police Stations and Cyber Crime Cells** have been set up in each State to tackle cyber-crimes against women.

➤ **Ujjawala Scheme** for Prevention of Trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking for Commercial Sexual Exploitation.

➤ **Fast Track Special Courts (FTSCs):** The Central Government has started a Scheme for setting up of 1023 FTSCs for time bound trial and disposal of pending cases related to rape and POCSO Act.

➤ **Nirbhaya Fund:** A dedicated non-lapsable corpus fund which can be utilized for projects specifically designed to improve the safety and security of women.

➤ **Swadhar Greh Scheme** to provide temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to a range of difficult circumstances.

➤ **Universalisation of Women Helpline** to provide 24 hours immediate and emergency response to women affected by violence.

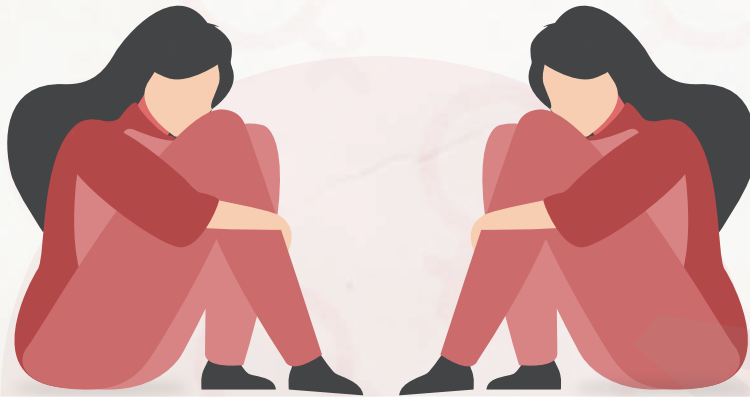
## Legislative Framework for prevention of VaW in India

➤ **The Indian Penal Code (IPC)** prescribes punishment for various crimes against women like Rape, Dowry Deaths, Kidnapping & Abduction of Women, Abetment of Suicide of Women etc.

➤ Further, various forms of violence have been prohibited through enactment of **special laws** such as:

- The Immoral Traffic (Prevention) Act, 1956
- The Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- Pre-Conception and Pre-Natal Diagnostic Techniques. (Prohibition of Sex Selection) Act, 1994
- Information and Technology Act, 2000
- The Protection of Women from Domestic Violence Act, 2005
- The Prohibition of Child Marriage Act, 2006
- Protection of Children from Sexual offences (POCSO) Act, 2012
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

- ➊ **One Stop Centres (OSCs)** to support women affected by violence, in private and public spaces, within the family, community and at the workplace.
  - ➋ **Beti Bachao, Beti Padhao (BBBP) Scheme:** To prevent gender biased sex selective elimination, ensure survival, protection and education of the girl child.
  - ➌ **Sexual Harassment electronic Box (SHe-Box)** portal to facilitate the registration of complaint related to sexual harassment.
- ➍ **Ratification of International Conventions:** India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.



### State Level initiatives to combat VaW

- ➍ **Himmat app by the Delhi police:** It allows women to send a distress call along with the real time location to Police Control.
- ➎ **Samman Campaign by Madhya Pradesh Police:** A state-level women's public awareness campaign that uses interactive techniques like 'Guddi' the mascot to raise awareness about crimes against women.
- ➏ **Pink Protection project by Kerala Government:** Dedicated resources like patrol cars, trained officers have been provided to prevent dowry-related harassment, cyber bullying and atrocities in public places against women.
- ➐ **'Aparajitha Is Online' by Kerala Police:** An initiative through which women can report cybercrimes and complaints of domestic abuse.
- ➑ **Draft Shakti act by Maharashtra government:** It contains provisions of severe punishments including the death penalty, life sentence, and fine up to Rs 10 lakh on perpetrators of violence, faster investigations and quicker disposal of cases.
- ➒ **Operation Durachari in Uttar Pradesh:** It is a special drive to pin down the eve-teasers, the accused of crime against women and habitual offenders in cases of sex-related crimes through name shaming.

### International conventions to counter Violence against women

- ➓ **UN Convention on the Elimination of All Forms of Discrimination against Women (1979):** Convention makes no explicit reference to violence against women, but does address trafficking in women, the exploitation through prostitution and sexual harassment in the workplace. In a number of recommendations, the Committee on the Elimination of Discrimination against Women (CEDAW) made clear that gender-based violence falls within the meaning of discrimination.
- ➓ **Declaration on the Elimination of Violence against Women (1993):** It was adopted by the United Nations General Assembly and recognizes the right of a woman to live a life without violence.
- ➓ **The Beijing Declaration and Platform for Action (BPfA):** It was adopted in 1995 at the **UN Fourth World Conference on Women** taking up the global call to end all forms of violence against women and girls by highlighting violence against women as one of 12 critical areas of concern.
  - ➊ The **Beijing+25** marked the 25th anniversary commemoration of the BPfA in 2020 where member States reviewed their progress and identified challenges in the implementation of the Declaration.
- ➓ **International Labour Organisation's C190 - Violence and Harassment Convention, 2019:** It promotes the right of everyone to a world of work free from violence and harassment.
- ➓ **2030 Agenda for Sustainable Development:** SDG 5 seeks to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (Target 5.2) and harmful practices, such as child, early and forced marriage and female genital mutilation (Target 5.3).
- ➓ **Regional agreements:**
  - ➊ **Maputo Protocol**, adopted by the African Union in 2003 aims at upholding the rights of women and girls in Africa.
  - ➋ Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (**Convention of Belém do Pará**) was agreed by the Organisation of American States (OAS) in 1994.
  - ➌ In 2011, the Council of Europe agreed to the **Istanbul Convention** on preventing and combating violence against women and domestic violence.



# WHAT CHALLENGES DOES INDIA FACE ON ITS PATH TO ELIMINATE VAW?



## + Issues related to implementation of laws prohibiting VaW:

- ⑤ **An overburdened judiciary:** India has one of the lowest judge-to-citizen ratios in the world which has further hobbled crime prevention. As of 2018, there were 133,000 pending rape cases in the courts.
- ⑤ **Low conviction rates:** India has one of the lowest conviction rates in the world. Across India conviction rates in rape cases is as low as 27.8%.
- ⑤ **Ambiguity in law and definitions:** For instance, Domestic Violence Act, provides a broad definition of "domestic violence" which includes physical as well as emotional/verbal, sexual, and economic abuse. This gives ample scope for subjectivity while dealing with VaW cases thereby resulting in low conviction rate.
  - 👤 On the other hand, in recent times, this ambiguity and subjectivity is also leading to increased misuse of these laws by women themselves for personal motives.
- ⑤ **Apathy among police force and healthcare workers:** Officers at Police stations and hospitals often lack sensitivity to appropriately deal with survivors of violence. Awareness about the anti-rape law is also scant among cops.
- ⑤ **Few female police:** Studies show that women are more likely to report sex crimes if female police officers are available. In India, less than 8% of the police force is female and less than 1% of those women hold supervisory positions.
- ⑤ **Under-reporting:** Many women and girls do not report their experiences of sexual violence not only because of fear of reprisal, lack of confidence in authorities and lack of legislation on sexual harassment in public spaces, or its implementation, but also because of fearing humiliation, degrading treatment by the police, social stigma or having further restrictions placed on their mobility.
- ⑤ **Stereotyping and gender bias in the justice system:** Indian judiciary is predominantly male (*only 80 women judges out of the total sanctioned strength of 1,113 judges in the High Courts and the Supreme Court across India*), which can be vulnerable to misogynistic, insensitive and stereotypical perceptions related to gender behaviour and role. This also means that the women's perspective in legal ecosystem is grossly inadequate.



## + Other issues-

- ⑤ **The amendments made to the criminal law are not comprehensive:** Marital rape, for example, is still not considered a criminal offence.
- ⑤ **Low awareness** among women about existing laws and legal aid.
- ⑤ **Paucity of data available** on crimes against women and rate of disposal of police cases, especially in rural and semi-urban areas.
- ⑤ **Lack of safe infrastructure** such as street lights, accessible public washrooms, transport for last mile connectivity.

## + Societal issues:

- ⑤ **Acceptance and tolerance of violence:** Deep-rooted misogyny, rigid patriarchal gender norms and rape culture often result in inculcation of violent supportive attitudes among members of the society.
  - 👤 Rape Culture is an environment in which rape is prevalent and in which sexual violence against women is normalized and excused in the media and popular culture.
  - 👤 A 2012 report by UNICEF found that 57 percent of Indian boys and 53 percent of girls between the ages of 15 and 19 think wife-beating is justified.
- ⑤ **Hard to detect violations:** While some forms of violence are direct and visible, many others are insidious and more hidden, thus making invisible both the nature and degree of the violation. For instance, child marriage enjoys cultural and social sanction in many Communities.
- ⑤ **Existence of Extrajudicial Courts like khap panchayats and jati panchayats:** These customary systems of law and governance predominate in rural areas of northern India and control many facets of community life including providing resolutions to VaW.

## Key categories of violence supportive attitudes include:

- + **Justifying violence against women**, based on the notion that it is legitimate for a man to use violence against a woman;
- + **Excusing violence by attributing it to external factors** (such as stress) or proposing that men cannot be held fully responsible for violent behaviour (for example, because of anger or sexual urges);
- + **Trivialising the impact of violence**, based on the view that the impacts of violence are not serious or are not sufficiently serious to warrant action by women themselves, the community or public agencies;
- + **Minimising violence** by denying its seriousness, denying that it occurs or denying that certain behaviours are indeed violent at all; and
- + **Shifting blame for the violence from the perpetrator to the victim** or hold women at least partially responsible for their victimisation or for preventing victimisation.



However, their judgments are often rooted in misogynistic and gender stereotypical perceptions, which **sometimes results in community sanctioned acts of VaW.**

- ⊕ **Lack of attention to multiple and intersecting forms of discrimination:** Policies and programmes for combating violence against women are not responsive to the needs and experiences of marginalized and excluded women such as lower caste women.

## WHAT SHOULD BE DONE TO HOLISTICALLY TACKLE VIOLENCE AGAINST WOMEN IN INDIA?



Eliminating all forms of violence against women and girls requires a comprehensive and coordinated set of actions in prevention and response, as well as in tackling underlying root causes. Following steps can help India deal effectively with VaW-

### Administrative, legal and judicial reforms:

- ⊕ **Increasing the number of female officers** in police departments and post female officers to decision-making roles.
- ⊕ **Improving data collection on all forms of violence** in surveys measuring prevalence and crime records systems and increase monitoring and oversight of case registration for police.
- ⊕ **Enhancing coordination:** Appropriate training programmes should be conducted for the public prosecutors and the police officers who investigate cases, so that proper coordination between them can be achieved for delivering justice to the victim.
- ⊕ **Address capacity constraints in the judiciary:** Measures may include simplifying procedural rules, hiring more judicial officers and establishing special courts to adjudicate matters pertaining to violence against women.
- ⊕ **Amend, harmonize, or enact laws protecting women and girls from all forms of violence:** Criminalizing marital rape can be a step in the right direction.
  - ⊕ There is also a need to build strong redressal mechanisms with female-friendly cyber laws against online harassment.



### Enhancing Protection, support, and assistance to complainants/-survivors:

- ⊕ **Gender sensitisation of personnel:** Training focusing on changing patriarchal mindsets and imparting skills to suitably deal with the varied forms of violence should be provided to all stakeholders—the police, investigators, forensic experts, public prosecutors, judges, lawyers, parliamentarians, health workers, education professionals, social workers and asylum and immigration authorities.
- ⊕ **Community-level platforms (like SHGs) should be strengthened** to provide awareness on legal and safety mechanisms for women.
- ⊕ **Legal and psychological support services:** Government, in collaboration with civil societies and other public health organisations, should set up helplines through which the victims have access to a network of professionals who are trained to support them in seeking care as well as legal recourse.
- ⊕ **Protecting privacy, identity and dignity** of victims by establishing robust witness and survivor protection programmes, ensuring safety during legal proceedings and establishing specialized gender units within law enforcement, penal and prosecution systems.
- ⊕ **Redressal against cyber-violence:** Internet intermediaries should set high-level and clear commitments to upholding women's safety in online spaces and provide accessible and transparent reporting and complaints procedures for online and ICT-facilitated violence against women and girls.
- ⊕ **Upholding reproductive rights as basic Human rights:** Promotion of Right to equality in reproductive decisions; sexual and reproductive security; and reproductive sexual and health services should be the fundamental basis for government and community-sponsored policies and programs.

### Harsher Punishment: An effective deterrent to VaW?

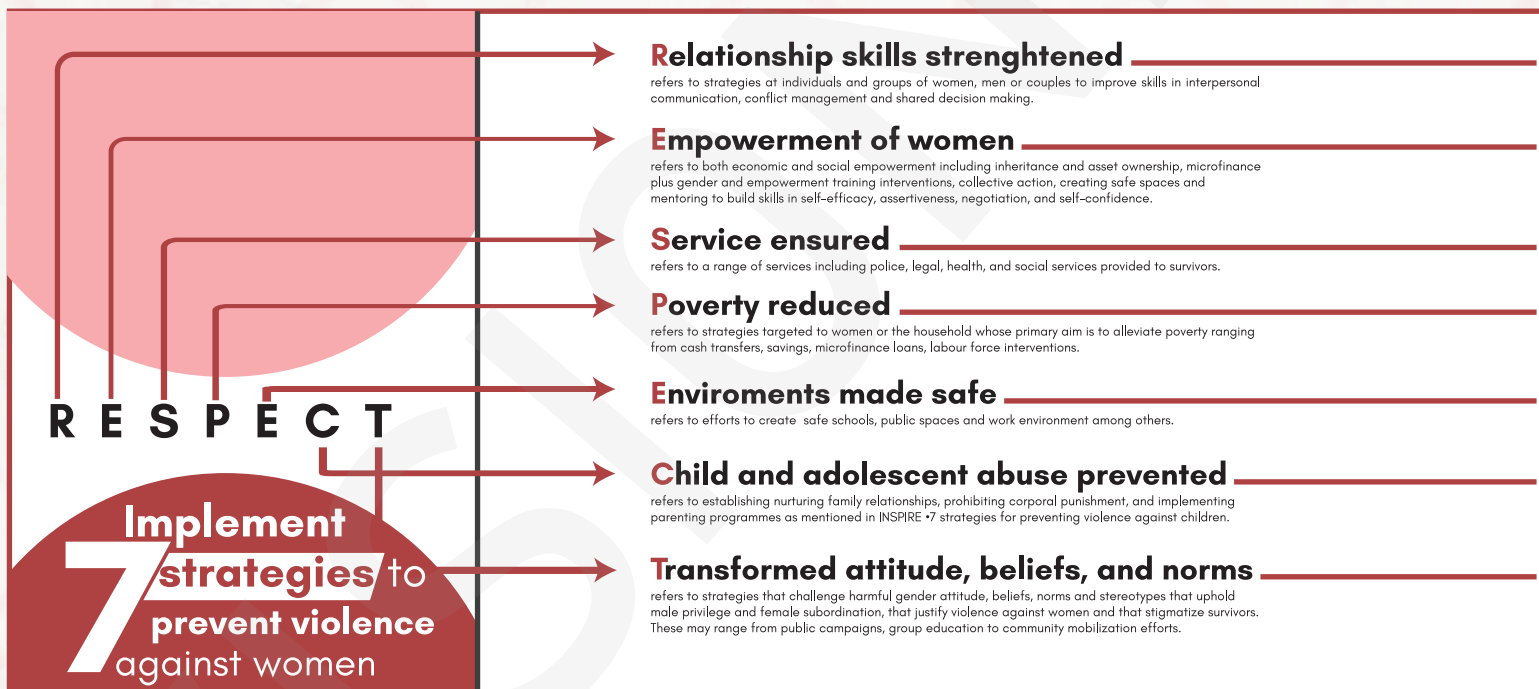


- ⊕ Given the rise of heinous crimes against women in India, there have been calls for stricter punishments such as death sentence to deter occurrence of sexual violence.
- ⊕ Stricter punishment may deter criminal activities, but several concerns have been raised against capital punishment as a solution to VaW-
  - ⊕ **May act as a perverse incentive for rapists to murder their victims** in an effort to destroy evidence. This is supported by National Crime Records Bureau (NCRB) data, which reveals a 30 percent rise in victims being murdered after rape.
  - ⊕ **May cause further judicial delay**, as judges would hesitate to give such an extreme sentence, and the legal process would become even lengthier and more complicated.
  - ⊕ **May lead to under-reporting of rape cases**, especially in cases where the perpetrators are acquaintances. According to the National Crime Records Bureau, acquaintances make up 93.1% of all POCSO cases.
- ⊕ Thus, addressing judicial delays, sensitising police officials to deal with gender-based violence, simplifying processes for reporting, and most importantly, involving men in conversations on preventing violence against women and children are some measures that need to be focused on.

## Strategies for changing the societal norms of gender inequality and raising the status of women:

- **Focus on making women financially independent:** Government should prioritise efforts for raising awareness about women's legal rights to property, land, inheritance and provision of appropriate investment, training and education to women to enhance employment and income. It can effectively allow a woman to walk out of violence at home.
  - 🕒 Such efforts can also be supplemented by civil society organisations such as **Self Employed Women's Association (SEWA)**.
- **Scaling up interventions that work with men:** Social programmes should incorporate the front-line workers (FLWs) to sensitise men and boys on gender-related issues. Also, evidence-informed mass media and communications strategies can be used to engage men and boys as part of the solution in ending VaW.
  - 🕒 Such efforts can adopt the approach of promoting Positive masculinity i.e. when men use their physical and emotional strength to champion healthy behaviours and communities.
- **Reclaiming the public spaces for women** through political and economic participation and diversifying their engagement in non-traditional sectors.
- **Use of technology and emerging concepts** such as Smart City in urban policy for ensuring safer and gender friendly infrastructures and spaces.
- **Education programmes to deconstruct and dismantle patriarchal ideologies:** Implement age-appropriate human rights education programmes in schools to sensitize young children of all sexes on the unacceptability of violence in schools and society in general.
  - 🕒 Also, the design of school textbooks must be revised to ensure that they do not perpetuate stereotyped views of women and girls.
- **Work with community and religious leaders** who possess the capacity and legitimacy to mobilize their communities for dialogue and reformation of harmful norms.

In 2019, WHO and UN Women with endorsement from 12 other UN and bilateral agencies published *RESPECT women* - a framework for preventing violence against women aimed at policy makers.



## CONCLUSION

Violence against women need to be visualized in a wider context and cannot be viewed in isolation from the status of women in the society. Legislation alone cannot by itself solve deep-rooted social problems; one has to approach them in other ways too. Therefore, what is required is not only a strong legal support network but also opportunities for economic independence, essential education and awareness, alternative accommodation and a change in attitude and mindset of society, judiciary, legislature, executive, men and the most important, woman herself. Restructuring society in terms of power and role relationship while emphasizing the egalitarian values is the need of the day.

## TOPIC AT A GLANCE

### Violence against women

Any **act of gender-based violence** that results in, or is likely to result in, **physical, sexual, or mental harm or suffering to women and girls.**

- Occurs throughout the life cycle from pre-birth (e.g. Sex selective abortion), infancy (e.g. Female infanticide), childhood (e.g. Child Marriage), adolescence (e.g. Trafficking), adulthood (e.g. Domestic violence) to senescence (e.g. Abuse of widows).
- Globally 1 in 3 women experience some form of violence in their lifetimes.

**Community Factors:** Rigid patriarchal gender norms; High levels of poverty and unemployment; Low presence of women in public space; Popular culture promoting toxic masculinity; Marginalisation etc.

**Individual Factors:** High levels of inequality in relationships; Use of drugs and harmful use of alcohol; Internalised misogyny etc.



Factors making women vulnerable to violence

**Societal Factors:** Traditional and cultural practices; Honour Killings; Low levels of women's access to education and employment; Discriminatory laws; Absence or lack of enforcement of laws; Gender discrimination in institutions; Early marriage etc.

**Interpersonal Factors:** Childhood experience of violence; Mental disorders; Violence supportive attitudes.

### Impacts of VaW

- Human rights violation.
- Perpetuates Gender Inequality.
- Inter-generational psychological and/or physical impacts on children
- Estimated to cost countries up to 3.7 percent of their GDP.
- Hurdle to achieving Sustainable Development Goals (SDGs): Impacts achievement of SDG 1 (No poverty), 3 (Good Health and well being), 4 (Quality education), 5 (Gender Equality), 6 (Clean water and sanitation), 8 (Decent work and economic growth), 11 (Sustainable cities and communities), 16 (Peace, Justice and strong institutions).

### Steps taken in India to combat VaW

- The Criminal Law (Amendment) Act of 2013 and 2018 strengthened criminal laws related to VaW and prescribed stringent punishments.
- New IT Rules to deal with Cyber-violence against women
- Progressive Supreme Court judgments
- Establishment of National Commission for Women.
- Schemes/Initiatives: Mahila Police Volunteers (MPVs); Cyber Police Stations and Cyber Crime Cells; Ujjawala Scheme; Fast Track Special Courts (FTSCs); Nirbhaya Fund; Swadhar Greh Scheme; One Stop Centres (OSCs); Beti Bachao, Beti Padhao (BBBP) Scheme; Sexual Harassment electronic Box (SHe-Box) etc.
- Ratification of International Conventions: Like Convention on Elimination of All Forms of Discrimination against Women (CEDAW).
- State level initiatives: Himmat app by the Delhi police, Samman Campaign by Madhya Pradesh Police, Pink Protection project by Kerala Government, Operation Durachari in Uttar Pradesh etc.

### Challenges in India

- Issues related to implementation of laws: Overburdened judiciary; Low conviction rates; Ambiguity in law and definitions; Apathy among police force and healthcare workers; Few female police; Under-reporting; Stereotyping and gender bias in the justice system.
- Societal issues: Acceptance and tolerance of violence in society; Hard to detect violations; Existence of Extrajudicial Courts; Lack of attention to multiple and intersecting forms of discrimination.
- Other issues: The amendments made to the criminal law are not comprehensive; Paucity of data available on crimes against women; Lack of safe infrastructure.

### Way Ahead to holistically tackle VaW in India

- Administrative, legal and judicial reforms: Increasing the number of female police officers; Improving data collection on all forms of violence; Address capacity constraints in the judiciary and enhance coordination among authorities; Amend, harmonize, or enact laws protecting women and girls from all forms of violence.
- Enhancing Protection, support, and assistance to complainants/survivors: Gender sensitisation of personnel; Strengthening Community-level platforms (like SHGs); Provision of Legal and psychological support services; Protecting privacy, identity and dignity of victims; Providing Redressal against cyber-violence; Upholding reproductive rights as basic Human rights.
- Strategies for changing the societal norms of gender inequality and raising the status of women: Focus on making women financially independent; Scaling up interventions that work with men; Reclaiming the public spaces for women; Use of technology and emerging concepts for ensuring safer and gender friendly infrastructures and spaces; Education programmes to deconstruct and dismantle patriarchal ideologies; Working with community and religious leaders.