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## Domestic Violence against Women

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### ABSTRACT

*Domestic violence is one of the social issues that is being in Sri Lankan Society. Therefore, it is important to discuss domestic violence in Sri Lanka to identify the current situation and its nature to make the solutions for stopping domestic violence. When it is considered the figures of domestic violence in Sri Lankan society, there cannot be seen a satisfactory picture because the many cases are being reported day by day, this circumstance has been created a severe social issue in Sri Lankan society. Especially, during the COVID-19 which has brought many social and economic issues all over the world. Among many social issues, family crises have been gradually rose during this period. Especially domestic violence and child abuses have been increased in this period because all the family members got together for a long time period in this meeting some family members had faced different mental confusion because most of them were not able to manage the family responsibility also accountability, therefore, many emotional backwards arose. This article has focused to identify the situation of domestic violence, its impact on society and examining the legal provision for women against violence in Sri Lanka. Accordingly, empirical research studies and secondary data have been used and the qualitative systematic review method has been applied to achieve the prime objective of this article.*

**Keywords:** Domestic Violence, Intimate Partner Violence, Legal provision

### Introduction

Domestic violence is a form of misconduct in any relationship that a spouse uses to benefit or retain others, regardless of race, age, caste, religion, or gender. It is a pattern of actions that abuse the influence of one person and usually make promises against someone who is in a premarital relationship or blood relationship. Domestic violence (DV) is lawful, safe, Physical, academic, and above all the Problem of Civil

Rights(Vadysighe, et.al. 2005). Domestic violence (DV) is described as “any act of violence“Angering conduct or harassment events psychological, physical, sexual, financial between adults who are, or have Intimate friends or members of the family, regardless of sexuality or gender (A Handbook for Health Professionals,2006).

The United Nations describes violence against women as "any act of gender-based violence that results in, or is likely to result in physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (Declaration on the elimination of violence against women,1993). The United Nations Resolution on the Abolition of Violence against Women (1993) describes violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological damage or distress to women, including threats to such acts, intimidation or unreasonable deprivation of liberty, whether in public or in private life (General Assembly Resolution, 1993) "

Violence against women shall be understood as encompassing, but not limited to:

(a) physical, sexual and psychological violence in the home, including beatings, sexual harassment of female children in the household, dowry-related violence, marital rape, female genital mutilation and other cultural activities detrimental to women;

((b) non-marital violence and exploitation-related crime;

(c) physical, sexual and psychological brutality in the general population, including rape, sexual assault, sexual exploitation and coercion at work, in educational institutions and elsewhere;

(d) trafficking in women and forced prostitution; and

(e) physical, sexual and psychological abuse committed or condoned by the State anywhere it exists (data Measuring prevalence of Violence against Women, 2016)

According to the Sri Lanka Prevention of Domestic Violence Act (No. 34 of 2005), “domestic violence” means:

“an act which constitutes an offence specified in Schedule; any emotional abuse, committed or caused by a relevant person within the environment of the home or outside and arising out of the personal relationship between the aggrieved person and the relevant person” (Prevention of Domestic Violence Act, No.34 Of 2005)

### **Factors associated with Domestic Violence**

Violence towards women is a global epidemic that includes a range of physical, sexual and psychological acts of control, threat, hostility, rape and harassment.

Discrimination toward women is taking many forms, such as female infanticide, child trafficking, incest, rape, sexual harassment, intimate partner violence (IPV) (Guruge, et.al. 2012) There should be given attention to reveal the factors associated with Domestic Violence in order to identify the reality of this issue and to what extent this issue has been affected by the women in the world. According to the World Health Organization which has indicated the risk factors for both intimate partner and sexual violence are as follows.

1. Lower levels of education (perpetration of sexual violence and experience of sexual violence);
2. A history of exposure to child maltreatment (perpetration and experience);
3. Witnessing family violence (perpetration and experience);
4. Antisocial personality disorder (perpetration);
5. Harmful use of alcohol (perpetration and experience);
6. Harmful masculine behaviours, including having multiple partners or attitudes that condone violence (perpetration);
7. Community norms that privilege or ascribe higher status to men and lower status to women;
8. Low levels of women's access to paid employment; and
9. Low level of gender equality (discriminatory laws, etc.).

The above-mentioned factors are considered as the common status to have been caused to violence against women worldwide.

### **Global status of Violence against Women**

It is imperative that knowledge of the global current status of violence against women in order to get a real picture of this global phenomenon. A study of the prevalence statistics from 2000 to 2018 across 161 countries and regions, undertaken by the WHO on behalf of the UN Interagency Working Group on Violence against Women, found that almost 1 in 3 or 30% of women worldwide have been exposed to physical and/or sexual violence by an intimate partner or non-partner sexual violence, or both (Violence against women Prevalence Estimates, 2018).

About a quarter of women between 15 and 49 years of age who have been in a relationship have been exposed to physical and/or sexual assault by their intimate partner at least once in their lifetime (since age 15). Lifetime rates of intimate partner abuse range from 20 per cent in the Western Pacific, 22 per cent in high-income countries and Europe, and 25 per cent in the WHO Regions in America, accounting for 33% in the WHO African Region, 31% in the WHO Eastern Mediterranean Region and 33% in the WHO South-East Asia Region (<https://www.who.int/news-room/factsheets/detail/violence-against-women>). Globally, 35% of women have suffered either physical and/or sexually intimate relationship abuse or sexual non-partner violence. This does not involve sexual assault (World Health Organization, 2013)

The World Women 2020 Trends and Statistics study described intimate partner violence as the "most prevalent" type of harassment and some 18% of women have encountered such violence in the last 12 months. Women and girls are also subject to sexual assault from non-partners, including their family members. Globally, an estimated 137 women are killed every day by a family member. 152 countries (82 per cent) have not resolved domestic violence legislation worldwide, and the differences are the highest in North Africa, West Asia and sub-Saharan Africa. Less than 50% of countries have enacted such legislation (<https://www.aa.com.tr/en/life/one-third-of-women-worldwide>).

### **Domestic Violence in Sri Lanka**

The global scenario of Violence against women has been made the worst picture among whole over the world. No one can be happy with the position of women in the world because they are facing various tremendous issues day by day. Therefore, countries in the world should accentuate to strengthen the universal convention for women also the system of law to avoid violence against women. All countries in the world have more responsibilities to introduce a strong law system or restore the current law system better than the existing provision law to protect women from violence either domestic or out of domestic.

In the Sri Lankan context, violence against women has become one of the utmost social issues in society albeit the Sri Lankan government has introduced the provision of law for violence against women. Even though many research studies have been revealed that the issues of domestic violence, authorities have been unable to make a concrete solution against this social issue.

In 2019, the Department of Census and Statistics carried out a nationwide study on violence against women, known as the Women's Well-being Survey (WWS), it targeted all 25 districts in Sri Lanka and interviewed more than 2,200 women aged 15 and over. The study shows that women in Sri Lanka are more than twice as likely to have experienced physical abuse from a partner (17.4% of all women have experienced this in their lifetime) than non-partners (7.2 per cent experienced this since age 15). Partner sexual harassment is often more common than non-partner sexual violence, but the difference is not as wide as that of physical abuse, physical and/or sexual intimate partner violence or non-partner sexual violence. 18.8% of women who have been in a relationship have experienced some form of physical and/or sexual violence by their intimate partner in their lifetime (Women's well-being survey -2019). National-level data on violence against women prevalence was obtained for the first time as part of the 2016 Demographic and Health Survey. It was found that 17 per cent of married women from 15-49 years of age suffered domestic abuse from their husbands. This is likely to cover only the present relationship, although the description of the partner. Among the women confirmed to have

witnessed domestic abuse in this Demographic and Health Survey, just over one quarter (28%) had requested assistance. Among those, just 18 per cent went to the police, most of them (75 per cent) asking for support from friends, siblings or other partnerships (Demographic and Health Survey Sri Lanka, 2016).

The survey on women's well-being -2019 shows that domestic violence against women has a significant negative effect on children: Most women (60 per cent) who have endured physical abuse from a partner claim that their children have encountered or overheard violence. More women with abusive relationship encounters reported that their child (ren) had nightmares (21.2%) than women without violence (11.8 per cent). Children of women who have witnessed partner abuse are also more likely to drop out of school (4.5 per cent of women reported this compared to 1.7 per cent of women without physical or sexual violence)

### **Legal provision for violence against women in Sri Lanka**

In the present society, many people discuss equity, equality but the real situation of women are not being with protected milieu all over the world and this is really wrong precedent to the society. Without concerning women rights and protection, many of them make violence against women. Under these circumstances, there should be a strong legal background to control any noxious activities against women. In the Sri Lankan social context, many legal measurements have been provided to protect women also has been signed conventions making assure to protect women from harmful environment.

Accordingly, in 1981, Sri Lanka ratified the Convention on the Elimination of All Kinds of Discrimination against Women (CEDAW). The first State policy on women – the Women's Charter – was enacted in 1993 and the National Women's Committee was formed the following year. The first National Women's Action Plan, in accordance with the Beijing Platform for Action, was established in 1996. Sri Lanka acceded to the CEDAW Convention and the Optional Protocol in 2002. After much campaigning and facing opposition, the Domestic Violence Prevention Bill was passed in 2005 (Women's well-being survey -2019).

The umbrella programs for both government and non-government actors focusing on violence against women was set up by the then Ministry of Women and Child Affairs. It is named the National Policy Framework and Action Plan to Combat Sexual and Gender Violence (2016-2020) and has been authorized by the Cabinet (Women's well-being survey -2019). Sri Lankan constitution also provides legal background to protect women from violence (article 12 (2) and 12(4))

## Conclusion

Violence against women in the Sri Lankan context has become a social issue that has severely affected to damage of the family structure and social values. Therefore, all people have the responsibility to stop violence against women. Thereby, women awareness is the most important factor to avoid these activities but most women try to tolerate all the burdens that come from their lives. From a young age, our cultural values teach that women should be under the protection of men and also masculine gender dominance is a powerful factor in our cultural system therefore, under such kind of environment most women are afraid to take action against violence made by men. Despite all the discrimination most of the women try to continue to their family life. Under these circumstances, violence has dramatically been increased. All the authorities should take considerable strong actions and reinforcement of existing law to avoid all burden activities against women.

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#### **Web Resources:**

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<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>

<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

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