

Intimate partner Violence and Psychological Attributes during Pandemic - Violation of Right to Live with Dignity

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Abstract

Human Rights are inalienable. As stated by the UN Charter, gender equality is the fundamental right of every human being. As stated by the Vienna Declaration, women's and girls' rights are inalienable, integral, and form an indivisible part of universal human rights. The entire world has raised its voice and has reached its peak in the 1990s. India, precariously being a male-dominated society, has always looked down on a woman as a vulnerable group, to be dependent, owing to certain sociological, political, and biological conditions. Gender-based violence, as stated by the UN declaration, includes violence against women. It brings within it the broader framework of gender-based discrimination.

In every nook and corner, we see and hear about violence against a girl child/ women irrespective of their age, caste, creed, social and economic conditions, and the happenings that shackle all humanity with ignominy. These instances profigately eliminate their basic human rights. Intimate Partner Violence is such a kind of violence, which is distinct from domestic violence and is most common among couples. It is a behavior prevailing in an intimate relationship that leads to physical, psychological, or sexual harm. It is restricted to marital status and extends to non-marital, extramarital relationships, dating couples, live-in relationships, and non-discriminatory. There are instances where women also abuse men in intimate relations. In cases of self-defense, women can be more violent against men. However, overwhelming instances illustrate women as victims in the hands of their male partners, existing or ex-partners. Though attached a social stigma to these relationships, the abuse meted in the hands of their perpetrators affects the physical and psychological traits.

This paper mainly emphasizes the nature of Intimate Partner Violence, its instincts, the psychological disorders, and its effects on their right to live with dignity during covid-19 and concludes with possible suggestions and recommendations.

Keywords

Intimate Partner Violence, Psychological traits, Human Rights, Right to Dignity, Domestic Violence

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1. Introduction

As the term resonates, violence includes various offenses, most commonly against women, young girls, and children who are considered to be the vulnerable group of society. According to the Universal Declaration of Human Rights and Fundamental Rights Charter of the European Union (EU, 2000), violation of fundamental freedoms and rights includes the right to liberty and security, which in turn ensures the right to life and personal liberty guaranteed under Article 21 of the Constitution of India [1]. There is a shift of focus from women as victims of violence to gender inequalities in the recent past. Gender equality has been proclaimed as a fundamental right by the United Nations Charter of 1945 to uplift the respect and dignity of women all over the world. Today, in the modern era of women empowerment and protection of girl child, women and girls are given equal opportunities on par with their counterparts. Women are breaking the hedges of family barriers and prospering in their respective fields [2]. They are provided with constitutional safeguards and beneficial legislation, with various organizations who are constantly working for the cause of protection of women and children. Despite being provided with these safeguards, there is a pandemic rise in violence cases against women and young girls, irrespective of age, caste, creed, position held, literacy levels, etc. For decades, violence against women has been recognized as a legal and social justice problem. In most cases of violence, it is the strangers who

commit the crime and the persons who are known to them. Whenever there is news of offense committed against them in any part of the country, the pointer is towards inadequacy of protection by the government or towards paucity of law enforcement machinery [3]. It is understood that it is the deep-rooted, gender-based discrimination, the predominant course to the Indian society.

Gender-based violence, which includes rape, domestic violence, mutilation, murder, and sexual abuse, has a profound impact on women's physical and mental health across the globe. India is a patriarchal society where man has always considered man controls the strongest person and woman. A woman who sacrifices her life for the cause of a family is ill-treated and has to face constant threats and humiliation. There may be instances of a woman controlling and abusing a man. However, in intimate partner violence or domestic violence, women are victimized [4].

Intimate Partner Violence is common among couples and is defined as "any behavior that causes physical, psychological, or sexual harm to those in an intimate relationship." It is restricted to marital status and extends to non-marital, extramarital relationships, dating couples, and live-in relationships. Indian society is known worldwide for its rich traditions and cultures. Values deep-rooted in the family system disrespects and derecognizes extramarital or non-marital status. However, it is a completely private affair of any particular individual [5]. In most Indian societies, women's sexuality is considered a Family Honor and is given due to pride. Any such instance is intolerable for an Indian family, with many glimpses of honor killings, which took place in the recent past. Very less is known and spoken about Intimate Partner Violence [6]. Women and young girls are more prone to psychological disorders due to abusive behavior meted by their intimate partners. It affects their physical and mental health, and sometimes they suffer and yell in isolation. They constantly live in a state of fear and do not have proper support to share their agony. If they try to share with any of the family members to whom they are close or to a close friend, they are demeaned, degraded, defamed, and abused. They are deprived of their most precious basic human rights and fundamental right to live with Dignity [7].

Further, several factors go unaddressed regarding the issues related to women, young girls, and children. These factors not only instigate the offenders but also

drive them to be susceptible to such issues. They are the offenders and wounded by certain traits and social practices, which govern the social behavior, who, in turn, persecute the vulnerable group [8].

This paper addresses the nature of violence, basic instincts of Intimate Partner Violence, the psychological disorders to which the victims are more prone, with live incidents, and how it affects the right to live with dignity and concludes with possible suggestions and recommendations.

2. Research Objectives

1. To understand the concept of Intimate Partner Violence and its impact on women.
2. To analyze the magnitude of violence in Intimate relationships.
3. To dwell into the psychological traits of victimized women in intimate relationships.
4. To evaluate the possibility of deprivation of the basic human right of right to life and right to live with dignity.

2.1. Research Questions

1. Whether Intimate Partner Violence affects the psychological behavior of victimized women
2. Whether violence in abusive intimate relationships deprives women of their basic human right to live with Dignity.

3. Research Methodology

The topic for the research study is the impact of Intimate partner violence on women. The nature of the study is theoretical and explanatory. The methodology used for this research study is doctrinal research. Data has been collected from primary and secondary sources to meet the purpose of this study. Primary data is collected from victims, and secondary data is from online journals and books accessible on websites [9].

4. Literature Review

Review of Literature is an essential prerequisite for the actual planning of the paper. Various articles have been reviewed from secondary sources such as Psychology, Domestic violence, Intimate Partner Violence, and online databases SAGE, Google Scholar, and SCOPUS [10].

Indira Sharma, in her article on "Violence against women: Where are the solutions?" said that in the era of globalization and digitalization, the patriarchal so-

ciety of India continues to oppress and discriminate against women in every sphere of life as she is considered to be dependant and weak. The dignity and well-being of women are threatened by gender-based violence, encompassing social, cultural, economic, and regional boundaries [11].

Ellsberg tried to explain Intimate partner violence as violence occurring between two persons in a close relationship. According to him, this form of relationship is found not only in India but also in other parts of the world. The perpetrators could be any gender without restriction to marital, extramarital, or live-in relationships [12].

P. Patra, Jyoti Prakash, B Patra, and Puneet Khanna highlighted the typological aspects of Intimate Partner Violence and how it influences a woman's life and well-being.

Preethi Krishnan & Mangala Subramaniam stated that in most cases, a woman herself does not wish to pursue the criminal case and request for compromise. They also highlighted that the factors responsible for such violence and the law enforcement machinery fails to address the infringement of the basic fundamental right, the right to live with dignity [13].

Eva Gerino, Angela M. Caldarera, Lorenzo Curti, Piera Brustia, and Luca Rollè, in their study on "Intimate Partner Violence in the Golden Age: Systematic Review of Risk and Protective Factors," stated that Intimate Partner Violence harms the health of the persons involved. Intimate Partner Violence is distinguishable from Domestic Violence. It is qualitatively classified into different types: violent resistance, situational couple violence (SCV), separation-instigated violence, mutual violent control violence, and coercive controlling violence (CCV) [14].

The literature reviewed speaks about the repercussions of violence. However, it does not address the infringement of basic human rights, which is the main crux of this research paper.

5. Violence

Violence for what? Under this umbrella term, let us see what it means psychologically. By definition, violence is a physical force to hurt, damage, or kill someone or something with good, bad, ugly sides. Can violence have a purpose? Are you capable of being violent? We have always lived in a culture where there has been an oppressor and an oppressed. A hierarchy of power has always been established. At the societal lev-

el (caste system), it serves to maintain balance in society. Humans have always tried to climb up the ladder of social status and gain power. To balance power, we always ended up in a war at the national and regional levels. Men and women, in order to balance power, end up in violence and divorce [15]. If you think you are not violent, wait till someone scratches your baby's eyeball. The animal in you wakes up to save your baby. It is our need to protect our children. Nobody can dare touch anything that is attached to your identity. Whatever is 'mine' or 'ours' - it can be family, our culture, our nation, our region, our group, our religion, our tradition, our profession, money, the list is endless. The minute you attach your identity to anything and at stake, we are prone to get aggressive. Brain distinguishes between them and us in a fraction of a second, leading to aggression. You are attached to an 'in group' and threatened by an 'out-group.' It is interesting that this changes dynamically and is subjective. A person's mind can become their enemy, as stated by Radhika Reddy's suicide note, "My mind is my enemy." A very recent incident of a software techie committing suicide and her suicide note says that she was madly in love with her husband and trusted him blindly. However, due to the physical cruelty and mental torture associated with the illicit relations of her husband, she is ending her life, and that the person when and how he would be punished is left to destiny. A wife, husband, child, anyone can become an outsider when their needs are threatened. Abraham Maslow, an American Psychologist, created a hierarchy of needs. Basic needs like food, water, sleep, and air¹. Safety needs like security. Psychological needs like belongingness and love. Self-actualizing needs like to bloom to one's full potential. To reach one full potential is always not that easy. We are threatened by people and the environment constantly only to be told, "you are not good enough." Life is not fair, yet we have to live. As humans, we are quite capable of twisting violence to suit our needs. Defensive violence and offensive violence. The same people who say peace as their values can very well applaud when a rapist gets killed [16].

Research (Jerome Frank D, (1967) has shown that aggression is a learned behavior. Imitation is a very rapid and effective learning method, which may be another reason children of parents with estranged relationships or who use corporal punishment may be

¹ <http://journalpsyche.org/tag/maslow-hierarchy-of-needs/>

more aggressive than children of those who do not. Identification with the aggressor, to be precise.

Children imitate violence; they learn to express themselves in a way that has been learned. To learn a new pattern again, they recognize it as faulty and try to unlearn and re-learn a new expression method. Yes, it is possible. For now, let us conclude, we are all capable of violence but not all kill their wives, or husbands, or children. Not all nuclear weapons are being used, thankfully, for now. However, why not all are violent is when people know how, when, and are allowed to express themselves violently. It all boils down to tame the tiger in you. Emotional Intelligence is not to suppress but express your emotions to the right degree and right place and what it takes to fulfill human needs. Socio-economic status, education, gender, group strength, and alcohol directly correlate with domestic violence. Men who grew up seeing women abused with violence are more prone to continue the violence. Violence can be direct, indirect, or emotional.

A person who lacks empathy lacks sensitivity to punishment. Impulsive can find inflicting violence rewarding, basically called a psychopath. Alcohol intoxication leads to lowered empathy and lack of concern about consequences; this can explain why more crimes are committed when drunk.

Movies and media expose children to thousands of acts of justified violence, from fistfights to murders. Studies have shown that children, especially boys who watch aggressive television shows, are more aggressive towards other children. We have managed to glamorize violence in media and failed to distinguish between on-screen and off-screen consequences of life. Research suggests that violent video games like PubG, for example, where there are live incidents of children inculcating violent attitudes, can be more rewarding and can desensitize players to the pain of others. Not all, but some people are prone to find violence pleasurable.

Violence comes in many forms, physical, verbal, emotional, and sexual. Unfortunately, the abused will generally turn into an abuser, and the cycle needs to be stopped. Delving more into intimate partner violence IPV, we see more atrocities towards women named as weaker sections. 70% of women have experienced some kind of physical or emotional abuse [17].

6. Intimate Partner Violence

Intimate Partner Violence can be preferably referred to as Couple violence as it is predominant among

couples. In Intimate partner violence, irrespective of age, marital status, or sexual orientation, any gender could be perpetrators. It is a broader term, as it is not restricted to couples in marital status but extends to non-marital status, extramarital, live-in relationships, dating couples, etc., to whatsoever applicable intimate relations. The World Health Organization (WHO, 2012) defined it as “any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship.” It comprises physical and sexual violence, emotional-psychological abuse, with more control behaviors (Gerino, E et al.) prevailing in all settings and among all socio-economic, religious, cultural groups. It is neither discriminatory nor restricted to one gender. Intimate partner violence (IPV) occurs. It could also be among transgender people, gays, and lesbians. There are instances where the women also abuse men in intimate (illicit) relations. In cases of self-defense, women can be more violent against men. However, overwhelming instances illustrate women as victims in the hands of their male partners, existing or ex-partners.

Intimate Partner Violence is broader than Domestic Violence. Earlier understanding of Domestic Violence was that it is a kind of abuse, recognized as a crime and mostly exist between husband and wife and their families. Domestic violence and partner violence comprises child or elder abuse or brutality by any household member. Later this traditional view has expanded, and Intimate Partner Violence came to be recognized as control and abuse in any type of personal and intimate relationships. There are many forms of intimate partner violence ranging from slapping, beating, hitting, intimidation, insulting, constant humiliation, forced sexual intercourse, constant threats of depriving them of the companionship of their partners and children, to controlling behaviors. These forms of violence have an ill effect on the personal or psychological traits of a person and impact the family well-being, with children being the worst sufferers. Family is the first to be blamed as children are exposed to violent behaviors due to estranged or abusive parents' relationships. There is a connection between emotional abuse in childhood and future adult relationships, which is an essential part of understanding the intergenerational cycle of maltreatment. A child's development is completely dependent on the relationship between the adults on which the family base is built. Several other factors, like societal impact, peer group pressure, also impact their psychological behaviors.

Real-time stories so brutal a million of them, Santhoshamma now 50 years, walks in with a swollen face, hit by her husband with a cooker lid on her face, asked when did the abuse start, she says since 12 years, when she was married, the abuse by her husband continued for several years. When she did not conceive, she was asked to roll around the temple with wet clothes and, with a bruised body, had to please the man. She was never told she had a choice to leave. The abuser is very well aware of how to keep her in the cycle of abuse. A man kills his wife because her rotis are not round.

In an eye-witnessing incident at a bus bay, a couple conversed with each other, both noticeably and audibly. The lady was reluctant to accompany the man who was forcing her to go with him. The conversation was very much evident, where the woman was requesting to let her go home, as her husband would be back from work. Her children would be waiting for her, but the man was stamping the foot and causing physical pain to the lady, intimidating and insulting with filthy language in public. It reflects the controlling behavior of a man and the helplessness of the lady in an illicit relationship.

Mrs. X, a highly qualified woman working for a government organization and occupying a higher rank, complains of physical and mental abuse and constant intimidation by her husband in frequent quarrels right in front of their children. She is controlled by her husband and leads a secluded life as she cannot speak to her neighbors or friends.

Ms. P, a young lady, is being controlled by her boyfriend, who is very obsessive and possessive of her. She is not allowed to mingle freely with any other gender.

A very peculiar case is of Ms. Z, a highly qualified working woman, 35 years of age, mostly seen with bruises on her hand, face, and back. She is recurrently aggressive and depressive and remains alienated, isolated, and have poor social integration. When questioned about the reasons for her aggressive behavior and changing psychological traits, she narrated her story with weeping eyes. She said that she is constantly victimized by the man with whom she is in live-in-relationship. She said that she was in love with the man and married him and realized soon after that she lived with him in the guise of marriage as he was already a married person. It was a relationship of almost 25 years now. Within a week of marriage, she became a victim of abuse and cruelty, both physical and mental, in the man's hands. Her so-called husband constantly

beats her with a leather belt, broomstick, whatever is handy. While she was not working, there was constant abuse of not seeking a job and humiliated by words like a fit for nothing. A very meager amount was given to run the house, and lived only with two to three pairs of dress for many years. While she was pregnant, no proper care was taken. When questioned about the behavior, she was beaten up by a broomstick on her stomach, which led to miscarriage during her eighth month of pregnancy. She is intimidated and humiliated by constant threats. After seeking a job in a private company, she was exposed to another kind of abuse. She is falsely alleged to have illicit relationships with men at her workplace, which would happen in her children's presence. She is always threatened that she would be disowned and disrespected by her children. Perpetual Physical, Mental and Sexual assault triggered her health, and she is now in a state of depression and lack of care. When advised of any action to be taken against the man, she just walks away without responding. This instance is a tip of an iceberg as many such incidents are not reported in public. In intimate partner relationships, women silently experience the violence, as they are scared of the consequences of the extramarital affairs, which is unacceptable in Indian society. The Domestic Violence Act protects women with marital status but not for the women/girls with boyfriends and intimate partners. Intimate Partner Violence is considered to be purely a private matter beyond the reach of the state.

There are many legal facets and societal stigma attached to such kinds of relationships. In *D. Veluswamy v. D. Patchaiammal*² The Supreme Court enumerated that to claim benefit under living in a relationship, and five essentials need to be satisfied. It is also observed that benefit under the Domestic Violence Act shall not be afforded without proper evidence. In *Reshma Begum v. State of Maharashtra & Anr.*, the High Court opined that Section 2(f) of the Domestic Violence Act does not apply to all the live-in relationships, only that the provision governs the live-in relationship, which is qualified to be like a marriage. Therefore, in such cases, no protection is afforded to victims. They are destined to be sufferers for their faults.

There are wide reasons for getting into intimate relations. It could be an infatuation between a boy and a girl, an obsession by a man against a woman, or vice-versa. Individuals may land up in extramarital

² (2010) 10 SCC 469

relationships due to various reasons, may be unable to bear the ill-treatment by the husband/wife, lack of intimacy, proper love, care and support from the spouse, attraction or inclination towards another person of opposite sex or due to increased sexual desires, etc. Modern styles of living and rapid technological advances have also been blamed. The use of modern advanced and improved technological gadgets like Mobiles, iPads, television, access to social media like Facebook, WhatsApp, which have become the demand of the day, also encouraged such illicit relationships. Women are moving out of the houses more freely, and there is free mixing of the two genders.

Whenever a woman's needs and wants are suppressed, and her anger is turned inward, she is not well empowered with emotional, mental health, and well-being. She is susceptible to psychological problems. Studies have shown that it is more women are diagnosed with depression and anxiety than men. Constant threats and humiliation in private and public life lead to depression. It changes the thought process and forces the woman to live in isolation. She loses her confidence and mental ability to think in a better way. Domestic violence or intimate violence against women comprising threats, coercion, or arbitrary deprivation of liberty in public or private life, results in physical and mental suffering. It is detrimental to the female victims' mental health. It results in significantly higher use and cost of health care services. A woman who is degraded and deprived of her emotional, mental health due to abusive behavior and constant humiliation in an intimate partner relationship is deprived of her basic human right to life and the right to live with dignity. In the well-known case of "Munn v. Illinois," Justice Field stated that "the word 'life' is more than mere animal existence. It embraces within itself not only the physical existence but also the quality of life". Justice Bhagwati extended the concept of "right to life" to "living with dignity." In Francis Coralie Mullin v Union Territory of Delhi, [AIR 1981 SC 746 (753)], Justice P.N. Bhagwati, while describing Article 21, said that, "it embodied a constitutional value of supreme importance in a democratic society" and held: "The fundamental right to life ... is the most precious human right and, forms the arc of all other rights". Article 21 of the Constitution of India guarantees to every individual, may he be a citizen or a foreigner, that, "he shall not be deprived of his life, except according to procedure established by law." Accordingly, any form

of cruelty or degrading treatment would constitute an offense depriving human dignity, affecting the right to life. In some the case, Justice Bhagwati broadened the concept of the right to life and said that 'it includes right to live with human dignity and all that goes along with it, namely, bare necessities of life. In a recent Supreme Court landmark judgment on decriminalizing homosexuality, Chief Justice of India (CJI), Diak Misra, said that "each individual has the right to life as well as the right to live with dignity. However, cases involving conflicting interest have to be dealt with in a balanced manner".

There is a threat to children growing up in such abusive relationships. Children witnessing or experiencing violence as a child become susceptible to violent attitudes become introverts, addicts to harmful alcohol and drugs, suffer from personality disorders and become acceptable to violence.

According to Lenore E. Walker, a researcher and psychologist studying the four stages of abuse, there is a never-ending cycle of abuse. The first stage is the tension-building stage. Stress builds from everyday pressures of life; just to avoid conflict, the victim tries their best to be complacent, obey, please. The second stage is acute violence; in this phase, the abuser dominates the victim, abuses physically, psychologically, verbally, and emotionally. The third stage is the reconciliation or the honeymoon phase. The victim is made to believe that it is all one's own fault. In this process, the partner abuser shows undue affection, showers the victim with apologies, and promises this will never happen again, and giving tons of hope to the victim that everything is going to be okay. The fourth stage is the calm before the storm hits again. Hope against hope it is a never-ending cycle, women in India are always told to bear, she has no choice to walk out of a relationship, it is a do or die match for her, she is told and conditioned in every possible way not to come back to her mother and that she needs to overcome everything all by herself. Jane Good all and her colleagues have studied chimpanzees for 20years in their habitat. Studies have shown that in chimpanzees at the onset of puberty, the female chimp emigrates to the male group.

In contrast, the male spends their entire life in their territory with his closely related group. However, the female leaves the in-group to a completely strange group and tries to establish herself. Are we not comparable to our close ancestors and so animal like to be

precise. A woman is left in a group where every person is entitled to dominate her and nobody to listen to her, not allowed to come back no matter what.

7. Conclusion and Suggestions

It is a known fact that women were deprived of equal rights not very long ago and were dissuaded from public work. It only meant that we were so primitive in our ways, on the way to become humans. They were victimized in all spheres of life through an Act to protect women from Domestic Violence that came into force in 2006. Every year, nearly 50,000 women are killed by intimate partners, and most of them have no remorse for their patriarchal attitudes. We managed to form groups, make laws but, we are still so far from treating women with respect. In a male-dominated society, a woman is silently suffering and working her way to be given basic rights. Is it not her right to be a human being, be her best, do her best? When it comes to interpersonal relationships, the same woman is treated differently when she is a wife, mother, daughter. Every woman needs to be taught to say no to abuse, tell what she likes, how to set borders of herself, be assertive, reach out for help, and be ensured that she is not alone in her journey. Men need to be taught how to communicate their anger and be clear that violence is not an option, and he has no choice but to be a gentleman. Women and men need to be very careful in falling into such relationships where there is every scope of violence.

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A Systematic Review of Intimate Partner Violence Interventions: State of the Field and Implications for Practitioners

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