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Historical background of human rights of women and domestic violence in India and Tanzania: Critical Appraisal.

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Abstract

Women's domestic violence in India and Tanzania is deeply entrenched, influenced by historical, cultural, and socio-economic factors. In ancient India, diverse roles for women coexisted, but gender hierarchies were institutionalized in legal texts. Regional variations added complexity. In Tanzania, traditional gender roles and colonial impacts contributed to societal acceptance of domestic violence. Causes include traditional beliefs, gender inequality, substance abuse, and lack of education. Economic dependence and historical practices, like the dowry system in India, contribute to the persistence of domestic violence. Legal reforms, education, economic empowerment, and community engagement are recommended. The study, employing a descriptive design and the documentary method, underscores the need for holistic interventions that challenge ingrained societal attitudes and celebrate women's human rights in both countries.

Keywords: Women's domestic violence, India, Tanzania, historical background, gender inequality, legal reforms, community engagement, human rights.

Introduction

Background of the study

Women's Domestic violence is a widespread and entrenched issue that affects communities all around the world, including Tanzania and India. It describes any type of abuse that women endure in their homes or intimate relationships, including physical, sexual, psychological, and financial abuse. Women in Tanzania and India continue to experience substantial problems connected to domestic violence despite numerous attempts to address this issue, which has negative effects on their general development, safety, and well-being (Easteal, 2015).

Fundamental human rights and UN values include achieving gender equality and banning all forms of discrimination against women. Women's human rights are frequently violated throughout the world, and it hasn't always been a top priority to recognize these rights (UN, 2014). There is still no civilization where women and men are treated equally, despite the fact that women make up the majority of the world's population. Women are frequently economically disadvantaged and experience discrimination, even in nations that provide legal equality for both genders (Dickstein, 2010).

According to statistics from 2018, 13 percent of women between the ages of 15 and 49 reported having suffered physical or sexual abuse from a spouse or intimate partner in the previous year. These figures do not take into account how the COVID-19 epidemic has affected the risk factors for violence against women, which have increased (UNODC, 2021). Low- and lower-middle-income nations and areas are disproportionately affected by violence against women. 37 percent of women between the ages of 15 and 49 who reside in nations that fall under the category of "least developed" according to the Sustainable Development Goals have experienced physical or sexual intimate partner abuse at some point in their lives. In the last year, 22 percent of women in "least developed countries" experienced intimate partner violence, which is significantly higher than the global average of 13 percent (UNWOMEN, 2021).

Additionally, according to global statistics 81,000 women and girls died in 2020, with 47,000 of them (58 percent) dying at the hands of a spouse or other relative. This equates to one woman or girl dying in her house every 11 minutes. The victim was a woman or a girl in 58 percent of all murders committed by romantic partners or other family members (Haarr, 2021).

India has a large domestic abuse problem that affects women of all ages, social classes, and educational levels. The National Family Health Survey (NFHS), which was carried out between 2015 and 2016, found that 30 percent of Indian women who have ever been married have been subjected to physical, sexual, or emotional abuse by their spouses. However, this number is probably understated because many women refrain from reporting instances of domestic abuse out of fear of retaliation, social stigma, or lack of confidence in the justice system.

The study by Babu (2019) shows that Women reported suffering physical forms of domestic abuse at a rate of 16 percent, sexual forms at a rate of 25 percent, psychological forms at a rate of 53 percent, and any forms at a rate of 56 percent. Men admitted to being the perpetrators of domestic violence, with 22 percent admitting physical assault, 17% sexual abuse, 59 percent psychological abuse, and 59 percent any type of domestic abuse. The bulk of the time, the spouse or, in rare circumstances the husband's parents were the ones who committed acts of physical, sexual, or psychological abuse against their partners. Moreover, the odds of domestic violence were elevated by low income and low education.

Various efforts have been done by government of India to ensure domestic women violence are abolished. According to Nadeem (2022), prior to the inception of the Indian Constitution, the Indian Society was unaware of the concept of gender equality including Domestic Violence. The Indian Constitution, which serves as the supreme law of the land, promotes social, economic, and political justice, as well as freedom of thought, expression, religion, belief, and worship. It also works to foster fraternity, which protects people's dignity.

The Protection of Women from Domestic Violence Act (PWDVA), which was passed in 2005, marked the first time in India that domestic violence was acknowledged as a crime. In India, dowry-related harassment has received a lot of attention in the context of domestic violence against women. Originally intended to give money to women who were unable to inherit family property, a dower is the transfer of commodities, money, and property from the bride's family to the groom or his family at the time of marriage (Dandona, 2022). In India, dowry is quite common, and it has encouraged domestic violence as a way to take money or property away from the bride and her family. The PWDVA expanded legal options for domestic violence beyond dowry harassment to more effectively protect the rights of women guaranteed by the Constitution who are victims of violence of any kind occurring within the family, whereas earlier

sections of the Indian Penal Code (IPC) only criminalized dowry-related domestic violence (Nadeem, 2022).

According to URT (2011), the overall prevalence of domestic abuse among women aged 15 to 49 was 45 percent; of this, 25 percent involved physical violence, 7 percent involved sexual violence, and 14 percent involved both types of violence. Furthermore, statistics show that 9 percent of pregnant women experienced physical violence. According to the Tanzania Demographic and Household Survey (2011), 60 percent of women reported experiencing controlling behavior from their spouse or partner.

In Tanzania, many women appear to accept domestic abuse as part of their societies' social and cultural standards. According to the normative context, violent behavior is frequently and widely accepted as a necessary component of married partnerships or the societal roles of men and women. Additionally, women said that they accept this violence because it is considered a normal aspect (Immigration and Refugee Board of Canada, 2015).

The study of Emmagloria (2019) demonstrates that the situations are tied to cultural norms as they are regarded as the source of domestic violence and are part of marriage. Domestic violence is pervasive and has been attributed to both men and women. Furthermore, it was said that accepting physical violence as long as it was light and did not cause harm was rejecting reality. Even the police would choose to pursue prosecution primarily depending on the seriousness of the offense and would choose reconciliation for otherwise minor offenses. This may also be seen in Tanzania, namely in the Mara region, where some still believe that beating a wife is a symbol of love.

The prevalence of physical violence varies significantly by region; it is highest in Dodoma which is 71 percent and lowest in Tanga which is 16 percent. In terms of sexual violence, Shinyanga had the lowest prevalence which is 5 percent, while Rukwa had the worst which is 32%. Current husbands/partners has 48% percent, former husbands/partners 21 percent, and current/former boyfriends has 7 percent were the sexual abusers of ever-married women. Furthermore, 27 percent of the offenders in the case of never-married women were boyfriends, either current or previous (Emmagloria, 2019).

Due to cultural, social, and familial pressures, female domestic abuse victims rarely report incidents to the police, according to Amnesty International (2015). Married women are often expected to consult with their husband's families before reporting domestic abuse to the authorities. Only when family or close friends are unable to fix the problem is it socially acceptable to go for outside help. Women also cite the desire to protect their children and the fear of retaliation from their husbands as additional justifications for not reporting instances of domestic abuse (Immigration and Refugee Board of Canada, 2015).

The Government of Tanzania has been doing remarkable efforts to eliminate domestic violence and empower women. However, According to the Immigration and Refugee Board of Canada (2015), Domestic Violence is not specifically covered by Tanzanian law; instead, the Law of Marriage Act of 2002 addresses violence against married women. The phrase "for the avoidance of doubt, it is hereby declared that, notwithstanding any custom to the contrary, no person has any right to inflict corporal punishment on his or her spouse" is taken from Article 66. The law does not recognize marital rape, does not offer legal protection for unmarried women against violence, fully excludes some types of economic abuse, and is also "not specific on the penalty for non-compliance," The Sexual Offenses Special Provisions Act (1998), which was mentioned in the study, "criminalizes various forms of GBV, including rape, sexual assault and harassment, female genital cutting (for girls ages 18 and younger), and sex trafficking.

In Tanzania, The National Gender Machinery, which is responsible for formulating, coordinating, and monitoring policy through quarterly reviews, is the Ministry of Community Development, Gender, and Children. The National Development Vision 2025, which was put in place by the government to promote gender equality, stipulates, among other things, that Tanzania should guarantee the achievement of gender equality and the empowerment of women in all socio-economic and political relations, as well as in all spheres of society, by the year 2025. In order to achieve the aims of Vision 2025, subsequent strategies have been created, such as the Poverty Reduction Strategy (PRS), which recognizes gender as a cross-cutting issue across all sectors.

In both countries, domestic violence against women has far-reaching and negative effects. They impair women's overall well-being, education, work prospects, and social integration. They

comprise physical harm, psychological trauma, reproductive health issues, economic reliance, and a continuance of the cycle of violence (UNODC, 2021).

Therefore, tackling the problem of women's domestic violence in Tanzania and India involves all-encompassing and complicated measures that include legal reforms, education, awareness campaigns, greater access to support services, and the promotion of gender equality and women's empowerment. Therefore, the study will assess historical background of human rights of women and domestic violence in India and Tanzania.

Literature Review

Domestic Violence

Domestic violence is a serious violation of human rights and is often rooted in power imbalances, societal norms, and gender inequalities. It impacts women from a variety of educational, cultural, and socioeconomic backgrounds. Legal actions, social services, education, and campaigns to question societal norms that encourage domestic abuse are some of the strategies used to combat it (Das, 2016).

Domestic violence against women encompasses various forms of abuse. Physical abuse involves the use of force leading to bodily harm, while emotional or psychological abuse entails tactics like constant criticism, manipulation, and isolation. Sexual abuse within intimate relationships includes non-consensual activities or coercion. Financial abuse involves controlling a woman's access to financial resources, restricting her independence. Furthermore, digital abuse, leveraging technology to control or intimidate, has become increasingly prevalent in the digital age (Kapiga, 2002).

Causes of Domestic violence in Tanzania and India

In both Tanzania and India, domestic violence against women is deeply rooted in a complex interplay of cultural, social, and economic factors. Traditional beliefs that endorse male dominance and control over women contribute to a culture where violence is sometimes seen as acceptable, perpetuating power imbalances within families. Gender inequality is pervasive, with discriminatory practices limiting women's access to education and employment opportunities, fostering an environment conducive to abuse. Substance abuse, particularly alcoholism, further

exacerbates tensions within households, contributing to an increased likelihood of violent incidents.

The lack of education, especially for women, compounds the issue by hindering economic independence and perpetuating gender disparities. Economic dependence on abusive partners becomes a significant barrier for women to leave harmful relationships. Legal and judicial challenges, including weak implementation of laws and gaps in the legal framework, hamper efforts to hold perpetrators accountable. Societal norms and stigma surrounding domestic violence discourage reporting and intervention, leading to a culture of silence that prevents victims from seeking help (Das, 2016).

Methodology

The research employed a descriptive design, utilizing the documentary method as the primary approach to culminate the study. In this investigative framework, the researcher sought to explore and elucidate specific facets within the chosen research domain. The documentary method, recognized for its qualitative nature, involves a systematic analysis of existing documents, records, and other written or visual sources, offering a structured means of interpreting information.

Throughout the study, the researcher meticulously selected and scrutinized diverse documents, ranging from historical records to policy papers, tailoring the choice to the nature and objectives of the investigation. This method allowed for a nuanced examination of historical, cultural, or textual materials, enabling the extraction of meaningful insights, patterns, and themes relevant to the research questions.

Historical Background of women domestic Violence in India

Ancient Period: Women's Roles in Vedic India

In the ancient Vedic period of India, women occupied multifaceted roles within the societal fabric. The Rig Veda, a revered scriptural text, presented a nuanced view of women as scholars and contributors to diverse fields. Hymns within the Rig Veda depicted women engaged in

intellectual pursuits and participating in religious rituals, emphasizing their capacity for learning and spiritual involvement (Olivelle, 2005).

However, the societal landscape was complex, and the Manusmriti, an ancient legal text, introduced a contrasting perspective. While acknowledging women's capabilities, the Manusmriti also institutionalized gender hierarchies. It prescribed specific roles for women, reinforcing traditional norms and placing them in a subordinate position. The coexistence of empowering hymns in the Rig Veda and prescriptive laws in the Manusmriti illustrates the diverse attitudes toward women during this epoch (Nadeem, 2022).

Regional Variances and Diverse Practices

Ancient India was characterized by significant regional and cultural diversity. Different communities and regions embraced distinct social practices, leading to variations in the status and roles of women. Some communities exhibited relatively egalitarian values, affording women more agency and autonomy, while others adhered to more patriarchal norms. The roles of women in ancient India, therefore, cannot be generalized, but rather must be understood within the context of these diverse social structures (Patton, 2001).

Women in Religious Practices

A notable aspect of women's roles during the Vedic period was their active participation in religious practices. Beyond their intellectual pursuits, women played integral roles in rituals and ceremonies. Some even held positions as priestesses, indicating a level of inclusivity in spiritual matters. This recognition in religious functions highlighted the multifaceted contributions of women in the broader societal landscape (Sharma, 2005).

Varied Social Structures and Heterogeneity

The social structure of ancient India was characterized by its diversity, and the roles of women were influenced by local variations. The experiences of women were shaped by the unique social norms and practices prevalent in different regions. The inherent contradictions within the societal frameworks of the Vedic period underscore the complexity of women's roles, where empowerment and restriction coexisted within the cultural and regional diversity of ancient India (Olivelle, 2005).

Historical Background of women domestic Violence in Tanzania

The historical background of women's domestic violence in Tanzania is deeply tangled with cultural factors that have shaped societal norms and expectations. Traditional gender roles, often characterized by the assignment of specific responsibilities and expectations to men and women, have played a significant role. Prevailing cultural attitudes and beliefs regarding the status and authority of men within familial structures have contributed to power imbalances, creating an environment where domestic violence can occur.

Traditional Cultural Practices

In traditional Tanzanian societies, gender roles were often defined by cultural norms that assigned specific responsibilities to men and women. While these roles were essential for maintaining social order, they also contributed to power imbalances. The traditional patriarchal structure, where men held authority within the family, could foster conditions conducive to domestic violence (Smith, 2010). Cultural practices and norms often influenced the dynamics within households. Some communities had customary practices that, while preserving cultural heritage, might inadvertently perpetuate gender inequalities. Social expectations around the role of women as caretakers and men as providers could contribute to power imbalances that, under certain circumstances, might lead to domestic violence (Doe, 2015).

Colonial impacts

During the colonial period, Tanzania, then known as Tanganyika, experienced the influence of various European powers. The impact of colonialism on gender relations included the introduction of new norms and values. Economic changes, labor migration, and disruptions to traditional family structures during this period could have contributed to shifts in power dynamics within households (Doe, 2015).

Tanzania gained independence in the early 1960s, and the government pursued policies aimed at promoting gender equality. Efforts were made to address discriminatory practices and improve the status of women. However, changing deeply ingrained cultural attitudes takes time, and the transition towards more egalitarian gender roles has been gradual (Hodgson, 2018).

Tanzania has enacted legal reforms to address domestic violence. The enactment of the Law of Marriage Act in 1971 and subsequent amendments aimed to provide legal protection for women. The Sexual Offences Special Provisions Act of 1998 also addressed issues related to sexual violence within marriages.

Governmental Initiatives and Policies

The Tanzanian government has made efforts to address gender-based violence through various policies and initiatives. The National Gender Policy, launched in 2000, outlines strategies for promoting gender equality. Additionally, the establishment of the Ministry of Community Development, Gender, and Children reflects a commitment to addressing issues related to women and domestic violence at the national level (Immigration and Refugee Board of Canada, 2015)¹.

How historical background causes women domestic violence in India

The historical prevalence of the dowry system in some parts of India has contributed to economic pressures on families. In cases of dowry-related violence, the economic burden placed on families might lead to tensions and violence within marriages, perpetuating a cycle of abuse (Das, 2016).

Historical stigma associated with reporting domestic violence and societal pressure on women to maintain family honor may deter victims from seeking help. This culture of silence perpetuates the cycle of abuse, allowing perpetrators to act with impunity and hindering efforts to break the cycle (Dickstein, 2010).

Certain cultural beliefs and practices, deeply rooted in history, may contribute to the acceptance of violence. Norms surrounding concepts of family honor, obedience, and marital duties can be manipulated to justify or downplay abusive behavior, creating an environment where domestic violence can persist (Easteal, 2015).

How Historical background causes women violence in Tanzania

The historical roots of women's domestic violence in Tanzania have left an indelible mark on the contemporary landscape. Cultural norms deeply embedded in Tanzanian society have traditionally relegated women to subordinate roles within the family. This historical gender

hierarchy, entrenched in cultural practices, creates an environment where power imbalances thrive, potentially normalizing domestic violence as a means of enforcing traditional values. The perpetuation of these norms contributes to a societal framework where abusive behavior can go unchallenged and where victims may feel compelled to endure such violence silently (Smith, 2010).

Furthermore, Tanzania bears the historical legacy of patriarchal social structures, where men historically held primary authority within familial domains. This power dynamic, shaped by historical practices, can play a pivotal role in perpetuating domestic violence. The dominance of men in decision-making processes and family affairs may foster attitudes that tolerate or even justify violence as a tool for maintaining control. The impact of colonialism further complicates this issue, as historical impositions of external governance systems may have contributed to complex power dynamics within households, shaping societal attitudes toward gender relations (Hodgson, 2018).

Economic factors rooted in history also significantly contribute to the persistence of women's domestic violence in Tanzania. Historical disparities in economic opportunities have rendered women economically dependent on their families and husbands. Limited access to resources has made it difficult for women to escape abusive relationships, trapping them in situations where financial constraints prevent them from seeking help or leaving violent environments. The historical connection between economic transactions, such as the dowry system in certain communities, and marital relationships adds another layer to this complex issue, potentially leading to economic pressures that exacerbate tensions within marriages. Recognizing and addressing these multifaceted historical factors is crucial for developing comprehensive interventions that can effectively combat women's domestic violence in Tanzania. Efforts should encompass challenging cultural norms, promoting economic empowerment, and fortifying legal frameworks to create an environment where domestic violence is unequivocally condemned, and survivors can seek support without fear of stigma or retaliation.

Conclusion

The examination of the historical background of human rights of women and domestic violence in India and Tanzania reveals intricate webs of cultural, social, economic, and legal factors that have contributed to the present landscape of gender relations and violence against women in

these countries. The historical roots in both nations have shaped deeply ingrained gender norms, patriarchal social structures, and economic dependencies that perpetuate domestic violence. In India, the historical burden of traditions such as the dowry system, alongside colonial legacies and persistent gender inequalities, has created an environment where women continue to face heightened vulnerability to domestic violence. Similarly, in Tanzania, historical practices and norms deeply rooted in culture, exacerbated by colonial influences, contribute to the prevalence of domestic violence against women.

Despite the unique historical trajectories of both countries, commonalities emerge, revealing shared challenges in combating domestic violence and advancing women's rights. Both nations grapple with the repercussions of historical gender hierarchies and cultural expectations that normalize violence against women. Efforts to address these issues must extend beyond legal reforms to encompass comprehensive strategies that challenge ingrained societal attitudes, promote economic empowerment, and prioritize educational initiatives that foster gender equality.

Moving forward, it is imperative for India and Tanzania to build on their historical analyses to inform targeted interventions. Emphasizing the protection of women's human rights requires collaborative efforts between governments, civil society, and international organizations. A holistic approach that addresses the multifaceted nature of domestic violence and advocates for the dismantling of historical structures perpetuating gender inequalities is essential. By understanding the historical complexities, both nations can pave the way for transformative change, fostering societies where the human rights of women are not only protected but celebrated

Recommendations

Community-based initiatives play a vital role in challenging and changing attitudes towards domestic violence. Involving local leaders, religious figures, and community influencers in dialogue can help reshape cultural norms. These efforts should encourage open discussions on the importance of gender equality, respectful relationships, and the negative consequences of domestic violence. By fostering community engagement, the stigma associated with reporting and addressing domestic violence can be reduced, creating an environment where survivors feel supported.

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