

Protection of Women's Rights in Cases of Domestic Violence in Developing Countries

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Abstract: Domestic violence, a pervasive and deeply concerning issue, continues to cast a long shadow over societies worldwide, with developing countries facing unique challenges in addressing this problem. This paper delves into the complex landscape of domestic violence in developing nations, aiming to scrutinize its current state, summarize research findings, and explore various theoretical perspectives to better comprehend the underlying dynamics. The multifaceted examination encompasses an elucidation of fundamental concepts related to domestic violence, a delineation of the specific human rights infringed upon by this scourge, a comprehensive evaluation of the existing situation in developing nations, and a discussion of viable solutions to mitigate this crisis. Ultimately, this research aims to create a comprehensive framework for understanding and addressing domestic violence in developing countries. By thoroughly exploring its various facets, we hope to provide insights that will contribute to the development of more effective intervention strategies and the safeguarding of the rights and well-being of women who are disproportionately affected by this issue, particularly in developing nations where unique challenges demand special attention and action.

Keywords: Feminism, Domestic Violence, Legislation

1. Introduction

Domestic violence is an urgent global concern that transcends geographical boundaries and socioeconomic disparities. It is a pervasive problem that continues to plague societies, with women disproportionately bearing its physical, emotional, and psychological burdens. This research seeks to shed light on the pressing issue of domestic violence, particularly within the context of developing countries, where it often remains underreported and insufficiently addressed.

Throughout the history of feminism movement, one of the major goals is always to fight for “space” for woman, in which the right to have an available and safe of private space is included. However, the truth is that domestic violence still exists across the globe, leading to increasing deaths, public crimes, and psychological issues. As per the World Health Organization's data, worldwide, one out of every three women experiences domestic violence. However, there is a scarcity of current and comprehensive research on domestic violence in developing nations [1]. However, there have been indications that domestic violence may be more prevailed in specific global south countries.

The primary objective of this research is to shed light on the severity of domestic violence in developing countries. By investigating its causes and consequences, the research seeks to not only

raise awareness but also provide evidence-based insights into possible solutions. In the subsequent sections, the research will delve into the theoretical foundations of women's rights, the unique impact of domestic violence on women, the prevailing theories regarding domestic violence in developing countries, and potential solutions to safeguard women's rights and dignity. Through this comprehensive analysis, the research aims to contribute meaningfully to the ongoing global efforts to combat domestic violence and promote gender equality.

2. Definition of Women's Rights

The right of women has come across a long period of suppression throughout history. Feminism efforts have been made to address the issue. Since the industrial revolution, more job opportunities are provided for women, empowering women to play a more active role in education, legislation, and economics. Yet, despite the rigorous efforts, women's rights continue to be marginalized.

Today, women's rights often refer to human rights. In principle, women should obtain the same rights as men and thus be protected against violence of all sorts. However, unlike violence against men, violence against women often take place in private situations, making it harder to be determined. While there is no denying that domestic violence happens to all gender across all ages, the neglecting of domestic violence does concern women's rights in many ways.

Though the definition of Women's rights has changed through different periods of human society and varies through cultures and religions, the idea that remain unchanged is the wish for freedom, equality, and inclusion.

2.1. Concepts of Women's Rights

2.1.1. The Development of Women's Rights

Inspired by the enlighten movement in French, the liberal approach believe that all men are created equal. The long-standing influence on women is a tool created by men to demonstrate their own sense of superiority in the current social power structure. American feminist author Betty Friedan pointed out in her book "The Feminine Mystique" that women should have the right to employment, safety, freedom, and various equal rights, just like men, without any conditions, for their survival and development. Simone de Beauvoir, in her "The Second Sex", believes that women's rights are inherent and require special protection in terms of education opportunities and the abilities women share with men. She distinguishes women's rights from other rights in her book "The Second Sex." French feminist scholar Olympe de Gouges, during the French Revolution, also advocated for 'women's rights' and the idea that 'all men are born equal' and possess 'natural rights,' which is a fundamental concept in modern democratic theory [2]."

Betty Friedan, an American feminist theorist, astutely argued in her seminal work, 'The Feminine Mystique,' that the prevailing social power structure has been intentionally designed by men to assert their own dominance and superiority. This prolonged submersion and indoctrination of women have progressively eroded their capacity for resistance, resulting in a collective erosion of self-worth among females. Over time, the concept of women's rights has evolved into a multifaceted framework encompassing economic, political, cultural, and educational dimensions, designed to provide social care and protection vital for the survival and development of women [3].

Furthermore, another American scholar, DeVorkin, has underscored the importance of treating and regulating individual rights without discrimination, as this principle fundamentally upholds the ideals of liberty. Consequently, the United States must broaden the scope of rights protection, emphasizing the principle of equal treatment. This approach necessitates that elite groups, when devising societal systems, treat, comprehend, and respect each individual under their governance impartially.

On a related note, German scholar Mill introduced the notion that the true nature of both men and women is known only to a higher power, and that our understanding of female nature has been significantly shaped by the pervasive oppression imposed by men, which has served to advantage men's resources. Mill's perspective contends that segregating legal justifications based on factors such as dignity, hierarchy, and group distinctions due to physiological differences between men and women is an artificial and unjust practice.

Hegel bluntly stated that all the various theories the research currently possess are based on a male perspective. The research invisibly applies this perspective to women as well, so the conclusions are often biased. Who knows what the real nature of women is? The research has no data to search for." In the long run, the research believe that women right refer to the protection of the social protection that women deserve in order to live a life with equality, freedom, and inclusion that they deserve. Major concepts on women's rights derived from different critiques on feminism, including the liberal feminism, radical feminism, and environmental feminism. Liberal feminism is the earliest feminism movement, calling upon the right of every individual to peruse their own happiness. However, liberal feminism fails to put gender repression into consideration and thus failed to make a major impact. Radical feminism recognized that gender repression exists ever since the existence of human society and recognized patriarchy as the cause of such power imbalance. Environmental feminism sought to consider the lack of resources a reason for the oppression. Environmental feminism put the connection between people and nature into consideration.

2.1.2. Women's Rights Concerning to Space

Where instead of being locked inside their rooms, women can use their specialties to serve public use. Rokeya argued against purdah and the veil under her Islam religion, claiming that what they need is "neither mercy nor relief, but just the restoration of the right endowed one thousand three hundred years ago by the Islamic doctrine." Similarly, in *Herland*, Charlotte Perkins Gilman established a world in which women and the social role of "mother" is centralized, 3 men in attempt to change it are ultimately executed from the land [4]. Both examples show a primary dream where the non-violence form of female power are applied and praised, asserting women's rights to be given as something naturally. In 1921, Virginia Woolf published her work "A Room of One's Own" where, as the title shows, she highlighted the importance that a women have her private space where she is free to think of herself at the first place.

The struggling for space, especially private space has always been a major concern throughout the history of feminism fighting for their rights.

2.2. Core Principles of Gender Equality

As mentioned earlier, here are some core principles that are the focus of gender equality. First, Equal Rights. Gender equality is based on the principle that all individuals have equal rights in all areas of life. Second, Nondiscrimination. Gender equality promotes the idea that discrimination based on gender should be eliminated. This includes not only overt discrimination but also subtle biases and stereotypes that can limit opportunities for individuals based on their gender. Third, Equal Access to Resources and Opportunities, it emphasizes ensuring that women and men have equal access to resources, such as education, healthcare, economic opportunities, and decision-making positions. This includes addressing systemic barriers that may disproportionately affect one gender. Forth, Empowerment. Gender equality involves empowering individuals to make choices about their lives, bodies, and futures. This includes the right to control one's reproductive health, access to information, and freedom from violence and coercion. Fifth, Participation and Representation. It is essential to ensure that both women and men have an equal voice and representation in political, economic, and

social decision-making processes. This includes increasing the number of women in leadership positions and promoting their active participation in all spheres of society. Sixth, Questioning Stereotypes and Norms. Gender equality boldly questions damaging gender stereotypes and the constraints of traditional gender roles that curtail individual potential. It promotes a broader, more all-encompassing comprehension of gender identities and expressions. Seventh, Embracing Intersectionality. Gender equality acknowledges the existence of intersecting inequalities that individuals may encounter, stemming from factors such as race, ethnicity, social class, sexual orientation, and disability. It is committed to rectifying these intertwined forms of discrimination and disadvantage.

2.3. The Relevance of International Law to Women's Rights

After the cold war, international law has experienced a new period of uprising, which is applied also to women. The protection of women's rights within the realm of international law is notably emphasized in global events such as the Vienna Conference on Human Rights, the Cairo Conference on Population and Development, and the Fourth World Conference on Women in Beijing. A pivotal moment occurred in 2000 when the UN General Assembly ratified a protocol to CEDAW, signifying a significant step in the recognition of violence against women as a matter of international concern by international institutions [5].

However, it is concerned that the international law cannot adequately protect women's rights even with such advancement. The truth is gender equality still widely exist through the globe, from discrimination to violence and sexual harassment.

3. Specific Rights of Women Affected by Domestic Violence

There are nine forms of domestic violence, which are physical abuse, emotional/psychological abuse, verbal insult, non-verbal insult, sexual/dating violence, economical/social abuse, spiritual abuse, neglect, and stalking. Domestic violence profoundly impacts women in a multitude of ways, infringing upon fundamental human rights, including the Right to Life, Liberty, and Security of Person, the Right to Equality and Freedom from Discrimination, as well as the Right to Be Free from Torture [5].

3.1. The Unique Impact of Domestic Violence on Women

While men and women can both be victims of domestic violence, women are more vulnerable under such scenarios for the following reasons.

First, the possibility of miscarriages. Statistics suggest that approximately 30% of domestic violence cases commence during pregnancy. Additionally, research indicates that a significant proportion of pregnant women, ranging from 11% to 44%, who have experienced abuse in the past, are subjected to violence while pregnant. The physical vulnerability of pregnant women, due to their unique physiological state during pregnancy and labor, places them at a higher risk of potential miscarriages and long-term disabilities for their children. The impact of domestic abuse during pregnancy is widely acknowledged as a significant contributing factor to both maternal and fetal mortality and morbidity, as highlighted in the CEMACH research of 2009 [6].

Second, the burden of bring up children. According to Laura Baena, founder of Club de Malasmadres organization that conducted a study on the guilt and social pressure in motherhood, “a prevailing model of motherhood prioritizes children over personal identity, and this experience is one shared by all mothers. It's not uncommon for mothers to label themselves negatively as a result, seeking liberation from the constraining social expectations in whatever way they can [7].” Mothers themselves, the society, as well as social conventions or other family members, may use the image of

“perfect mothers” to constrain women from escaping such poisonous environment. Being a mother is a high-energy demanding thing, and mothers tends worry about not creating a “normal” family for their children as she leaves her husband. Or that she is unable to take her children with her as she attempts to divorce. These burdens prevent women from taking actions to protect their own rights.

Third, the physical disadvantages. Based on Suzanne C. Swan's research, it's observed that women's violence often takes place within the broader context of violence directed at them by their male partners. Men tend to be the primary perpetrators of sexual abuse, coercive control, and stalking, with women more frequently sustaining injuries during domestic violence incidents. In relationships characterized by less severe "situational couple violence," both women and men are equally likely to initiate physical violence. However, in cases involving severe and highly violent "intimate terrorism," men are significantly more likely to be the aggressors, while women tend to be the victims. Considering the fact that women are more disadvantaged in intense and direct conflicts, domestic violence can be understood as something female suffered the most [8]. Since female are born with less physical strength, such situations of domestic violence influence women more greatly. In fact, it is believed that any intense situation that includes heated conflict often put females into disadvantages.

3.2. Roles of Children and Families.

Domestic violence influences the children and families in ways. Typically, they can either the supporter of the victim or the perpetrator. Within families affected by domestic violence, children often assume various roles, as outlined in the Child Safety Practice Manual provided by the Queensland Government. These roles include 'The Caretaker,' who takes on the responsibility of comforting and caring for their abused mother. 'The Victim's Confidante' role is often filled by children who are aware of their mother's feelings, concerns, and plans. In some cases, children take on 'The Perpetrator's Confidante' role, where they receive better treatment from the abuser and are convinced that the victim deserves punishment. 'Abuser's Assistant' signifies children who are coerced into participating in the abusive behavior. Some children assume 'The Perfect Child' role, striving to exhibit exceptional behavior in the hope that it will end the violence. 'The Referee' attempts to maintain peace within the family, while 'The Scapegoat' is made to believe they are the source of all family problems [9]. Each of these roles has unique implications for the psychological development of children. Research underscores that children who witness domestic violence or become victims themselves are at significant risk of experiencing long-term physical and mental health issues [10]. Nevertheless, understanding these roles offers hope that personalized guidance can be provided to minimize the emotional impact on these children.

Domestic violence exists within a specific framework that endures such relationship and accept it as a norm. Specific family structure may boost the possibilities of domestic violence from a different extent. In the novel *A Dream of Red Mansions*, two of the female characters, Xianglin and Yingchun, experienced domestic abuse with encouragement from their families. Within the specific family and power patriarchy of ancient China where families have their own “family laws” and seniors hold rights to perpetrate physical punishments to their members for misbehaviors, families unintentionally encourage such power imbalance, as the right to justify the violence behavior are hold to those who holds “power,” which is more masculine and patriarchy. Even though modern most laws forbid such rights, in places where the kinships continue to play a greater role in people’s daily life compared to modern contract-based relationships, the influence of patriarchal family structure still exists. As a result, in Turkey [11], for example, women who undergone domestic violence view it as something “normal.”

One of the most common controversies concerning women is their congenital duty as mothers. Mothers are often told the importance of providing their children a intact family and “having a father”

is something that matters in terms of protecting their children. They tend to overlook the damages of a divorce on their children compared to that of constant abuse.

3.3. The Connection Between Domestic Violence and Mental Health

Victims of domestic violence often experience some mental health issues such as depression and anxiety. Victims more often are found facing social isolation and PTSD.

4. Current Status of Women Affected by Domestic Violence in Developing Countries

While domestic violence takes place in both global north and global south countries, the prevailing theories on domestic violence may suggest a greater possibility of domestic violence in global south countries.

4.1. The Prevalence of Domestic Violence in Developing Countries

Domestic violence against women enjoys broad societal acceptance in developing countries, with a substantial 36% of the population believing it is justifiable in specific circumstances [12].

According to the research paper published by Christine Arthur and Roger Clark [9], six prevailing theories on domestic violence have been summarized, including the Resource Theory, Exchange Theory, Culture of Violence Theory, The Patriarchal Theory, Modernization Theory, and Economic Dependence Theory. While the first four theories focus primarily on a family-individual level, the last two are directed on a broader perspective and could be applied to countries, which explains the reason why domestic violence prevails in developing countries.

The first one “Resource Theory,” which is about how men use domestic violence to reinforce their authority as it becomes harder for them to compete with their increasingly competent wives for limited resources as job opportunity, etc. The second one is “Exchange Theory,” which means that the more legislation and implementation there are for women, the less domestic violence cases there will be. The third one is “Culture of Violence Theory,” basically asserting that when violence becomes a consensus way to resolve conflict, it is more likely that such an approach will also be applied to household issues, where physical conflicts will occur. The fourth one is “The Patriarchal Theory,” showing that the more patriarchal the culture is, the greater amount of domestic violence occurs. The fifth one is “Modernization Theory,” indicating that the degree of modernization of a state is negatively connected to the degree of severity of their domestic violence. The sixth one is “Economic Dependence Theory,” which indicates that the more economically dependent a region is on other countries, the greater the domestic violence is there. The last two theories are especially important to understanding why exactly developing countries face greater amounts of such problems.

4.1.1. Marxism in Analyzing Domestic Violence in Developing Countries

To organize the structure of understanding the issues, the structure of Marxism can help organize it better.

Generally, the opportunity cost in developing labor-intensive industry is much lower compared to that of global north countries. While the ability to conduct intellectual activities remains similar between men and women, there is no such guarantee for a labor-oriented system, as the “masculine” image more often represents higher efficiency. Especially without adequate equipment of machinery, the opportunity cost of women taking labor outweighs that of them simply taking care of their children. As a result, women take up roles simply as housewives, lacking economic independence. This

household relationship is more likely to lead to the superstructure of patriarchy, while the general admiration of “physical power” can also promote the “Culture of Violence.”

4.1.2. Orientalism in Analyzing Domestic Violence in Developing Countries

Orientalism is a concept that originated in Edward Said's work, which explores how Western societies have historically constructed and perpetuated distorted representations of the East, often portraying it as exotic, inferior, and needing the guidance of the West, often perpetuating stereotypes and reinforcing the West's perceived superiority, as being in fact to serve the benefits of the West to perceive themselves. As current knowledge on the matter of Domestic Violence is mostly well influenced by the west, the specific elements in certain tribal cultures in Global South countries are neglected. Take Turkey as an example [13], while the modern “intimate partner violence” definition adequately concludes such scenarios under the situation of a nuclear-structured family, the preference of living in a larger family in some cultures have been neglected, as domestic violence in Turkey also includes that between sisters-in-law or other relationships of such. Besides, often legislation is neglected because they have a less influence than the culture or conventions have on guiding people's personal lives.

4.1.3. Intersectionality in Analyzing Domestic Violence in Developing Countries

Intersectionality recognizes how feminism is a movement that involves controversy between women from different class and different groups. Some women are more privileged than others. Apparently, when analyzing domestic violence in developing countries, intersectionality can be considered as one of the disadvantages women in those countries face.

During the 1970s in Australia, to protect women from their abusive spouses, shelters were provided for women. However, the problems is, in the cases of such shelters, marginalized groups of female are not considered or only few of them are accepted in the groups. Most women who occupies the shelters are white, privileged women who believes that some women, such as the indignance Indian women, are worthless saving because they “always come back to their husbands [14].”

While the case of Australia is not directly related to the situation of domestic violence in developing countries, and is rather way too distant in time, it nevertheless showcased that in combating domestic violence the problem of intersectionality where misunderstanding exists to hinder cross-country cooperation. As global south countries sometimes rely on other organizations for support, resources, and programs, such intersectionality can be a problem.

4.2. The Impact of Domestic Violence on Developing Country Societies

Domestic violence can negatively impact the economy. Specifically, domestic violence can negatively impact a woman's productivity in workplace. To begin, domestic violence casts a dark cloud over women's workplace productivity. As victims grapple with the emotional and psychological trauma resulting from such violence, their capacity to perform optimally in the workplace diminishes. A recent study conducted by the International Monetary Fund (IMF) and detailed in IMF staff research [15] underscores the severity of this issue. The research found that violence against women and girls in Sub-Saharan African countries, in particular, exacts a heavy toll on the economic landscape.

In these countries, women often find it exceedingly challenging to maintain their work efficiency while grappling with the immense emotional and psychological strain that accompanies domestic violence. Consequently, productivity losses ripple through the economic fabric, affecting both individual businesses and the nation's overall economic performance.

This interplay between domestic violence and the economy in developing countries highlights the urgency of addressing this issue comprehensively. It's evident that beyond its physical and emotional toll on victims, domestic violence also exacts a substantial economic cost, jeopardizing the prospects of both women and the nations they inhabit. In the quest for gender equality and sustainable development, addressing domestic violence emerges as an imperative that extends well beyond the individual level.

5. Solutions for Protecting Women's Rights in Cases of Domestic Violence in Developing Countries

To better tackle the problem, here are some suggestions.

First, governments strengthen the legislation that aims to protect victims. Note that female rights and economic development do correlated. The more the female's right are protected, the less it is likely that such cases will happen. With less such cases, the government would spend less on repairing for the damage it cost on individual and families, making it easier for the local economy to strive. Thus, legislations should attempt to give women more space and consideration. In addition, man that violates such legislation should be punished adequately, so that such matter is not viewed as something "normal" and "acceptable". With this effort achieved, the ultimate goal for legislation is to improve the cost for domestic violence to be conducted.

Second, society should play a more active role in protecting women's rights. For example, in China, neighborhood committee can help mediate such problems and provide more support to women. People should know that domestic violence violates basic human rights and therefore is not only "their family's own business." In fact, it affects the life of everyone who lives in the community. Ultimately, the goal is to create helpful communities where such issues are paid great attention to, where public opinion supervises the potential domestic violence perpetrators. Child and victim recovery should also be taken into consideration, as the issue become something that could be openly discussed without shame or concerns.

Third, for women, more opportunities and educations should be provided so that women know what their rights are and how to protect them, can guarantee an independent finance that minimizes the doubts they hold when trying to get away from such poisonous relationships. In addition, women should realize that contrary to what it seems like, a divorce under such circumstances are better for their children's psychological development. Woman should learn to put themselves into consideration and realized that any form of domestic violence is violation against human rights.

6. Conclusion

In conclusion, the specter of domestic violence casts a dark shadow over a multitude of fundamental human rights, exerting its corrosive influence on individuals, families, and society as a whole. This pervasive problem has deep-seated roots, often intertwining with the intricate dynamics of gender inequality, financial disparities, and cultural norms. Despite the existence of legislative frameworks aimed at curbing domestic violence, the protection of women's rights in these contexts remains insufficient. Factors such as the disadvantageous socio-economic conditions many women face, their unique burden of maternity, and the overwhelming influence of culture and tradition compound the challenges they confront.

Notably, women in developing countries, particularly within the Global South, are more vulnerable to the clutches of domestic violence, often due to their marginalized status and the intersection of various forms of discrimination they experience. The prevalence of domestic violence in these regions can be linked to societal acceptance of such behavior, limited economic opportunities for women, and patriarchal structures that perpetuate inequality.

However, there is hope on the horizon. To address this deeply ingrained issue, a multi-pronged approach is essential. Government legislation and policies must be strengthened and effectively enforced to provide legal protection for women and promote their rights. At the societal level, efforts to change cultural attitudes and foster a climate of zero tolerance for domestic violence are imperative. This includes educational campaigns, awareness initiatives, and community support systems.

In sum, while the battle against domestic violence is far from over, concerted efforts at various levels can help dismantle the pervasive structures that perpetuate this issue. By safeguarding women's rights and fostering environments of equity and respect, we can strive towards a world where domestic violence becomes an aberration rather than an unfortunate reality. It is an endeavor that demands the collective commitment of governments, societies, and individuals to transform the lives of countless women and, by extension, the future of our global community.

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