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## PROHIBITION OF DOMESTIC VIOLENCE: A COMPARATIVE ANALYSIS OF LAWS OF INDIA AND ETHIOPIA

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### Abstract

With the world becoming more interconnected domestic abuse stands as a pervasive issue transcending geographical and social boundaries, impacting individuals across the globe. This research paper delves into the multifaceted aspects of domestic violence, with a specific focus on the regulatory actions and initiatives implemented by the governments of India and Ethiopia. It conducts a comparative assessment of the scope and effectiveness of domestic abuse laws in these two nations, drawing attention to both the differences and commonalities in their approaches. India has established a panoramic legal framework, exemplified by the Protection of Women from DVA, while Ethiopia has similarly introduced legislation such as the Criminal Code of the Federal Democratic Republic of Ethiopia. This paper rigorously evaluates the impact of these regulations in both countries and analysis the progress made in addressing domestic abuse, including support services, committee reports and surveys etc. By comparing these legal frameworks and practical measures, this research contributes valuable insights to the global fight against domestic violence, deepening our understanding and paving the way for more effective strategies to protect individuals from domestic abuse on a global scale.

### HYPOTHESIS

**Despite of so much laws made by both country's government to prevent domestic abuse are these laws are sufficient to stop domestic abuse?**

### INTRODUCTION

Abusive behaviour at home has arisen as a squeezing worldwide concern, rising above limits of culture, religion, and cultural designs. Notwithstanding its unavoidable nature, especially obvious in nations like India and Ethiopia, the peculiarity remained generally unnoticed before the 20th century. During this period, winning perspectives frequently considered abusive behaviour at home an acknowledged piece of a lady's life. The end of 20th century saw a huge change in cultural discernments. Perceiving the innate infringement of key privileges, especially the option to live with individual freedom, organizations overall started revealing insight into aggressive behaviour at home. This examination paper digs into a far reaching investigation, separated into two key parts. The initial segment centres around explaining the idea of abusive behaviour at home, revealing its worldwide commonness, and offering explicit bits of knowledge into its event in India and Ethiopia. This investigation consolidates interviews and logical information to give a nuanced comprehension of the diverse idea of aggressive behaviour at home. The second piece of the paper dives into the legitimate

structures of India and Ethiopia intended to check aggressive behaviour at home. In India, authoritative measures, for example, Area 498A of the Indian Penal Code and the Domestic violence act 2005 have been urgent. In the interim, Ethiopia has changed its major authoritative report, the Criminal Code of the Federal democratic Republic of Ethiopia, consolidating and refining arrangements tending to aggressive behaviour at home. The examination closes by incorporating the accumulated information and offering bits of knowledge into the viability of legitimate intercessions and their arrangement with worldwide endeavours like the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1981). The overall objective is to add to an all encompassing comprehension of aggressive behaviour at home, encourage mindfulness, and backer for proceeded with headways in lawful structures and cultural perspectives to kill this unavoidable issue.

- **RESEARCH QUESTIONS**

The researcher have the intention to find the answers of the following question:-

Q. Is the law governing domestic violence in Ethiopia and India effective in addressing domestic violence?

- **DEFINITION OF DOMESTIC VIOLENCE**

**In Laymen's language** – domestic violence refers to a kind of abusive behaviour by one partner with another partner it can be an intimate partner and this abuse can be physical or mental.

**Definition of domestic violence as per Indian laws-** *In India, domestic violence is legally defined under the "Protection of Women from Domestic Violence Act, 2005<sup>1</sup>. According to this law, domestic violence includes any act, omission, or conduct that harms or injures the well-being, safety, or health of a woman by a family member for the purpose of coercing her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security. The Act recognizes various forms of abuse, including physical, verbal, emotional, sexual, and economic abuse, as constituting domestic violence." It aims to provide legal remedies and protection for women facing such abuse within a domestic relationship.*

**Definition of domestic violence as per Ethiopian laws-** *"The Ethiopian Criminal Code criminalizes<sup>2</sup> most forms of violence against women and girls including physical violence within marriage or cohabitation (Article 564), Female Genital Mutilation/ Circumcision (Articles 565-6), trafficking women (Article 597), rape (Articles 620-28), prostitution/exploitation of another for financial gain (Article 634), and early marriage (Article 648). The Criminal Code outlaws abortion, except in cases of rape or incest, risk to the life of the mother or fetus, severe or incurable disease or birth defect, a mother who is mentally or physically incapable of raising a child, or "grave and imminent danger" that can only be addressed by terminating the pregnancy."*

As we can analyse the above definitions there is no proper definition has been given by the Ethiopia laws as compare to the India and if we compare both the definition we can see the the definition given by Ethiopia is much narrower than the concept of India many of the things have been omitted in the Ethiopian definition like mental health, psychological, verbal, economic abuse effects its definition talks about more physical violence here.

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<sup>1</sup> Section 3 of domestic violence act 2005

<sup>2</sup> <https://www.law.cornell.edu/women-and-justice/location/ethiopia#:~:text=The%20Ethiopian%20Criminal%20Code%20criminalizes,prostitution%2Fexploitation%20of%20another%20for>

- **Domestic Violence in India**

Meanwhile, according to a recent study featured in the Journal of Epidemiology & Community Health<sup>3</sup>, domestic violence against women is one particularly serious problem for India. According to the National Family Health Survey (NFHS) Wave 4, conducted in 2015-16, there is a possibility that one third of Indian women may suffer from domestic violence. Fewer than ten per cent report these cases formally. Moreover, alarmingly a large number of complainants are in the 25 to 29 age group, which highlights a running undercurrent of partner violence. Compounding the problem are regional imbalances, with older women and widows as well as those of low education especially hit. Progress in society aside, traces of a historically male-dominated culture linger. When women lose their independence or get polished up just so they can be sold off along with the goods from some major wedding markets, it brings to mind an era where any life decision made by females needed permission first. Educational differences also aggravate the problem. When women have poor educational opportunities, not only are they in a weaker position domestically and as intimate partners than men; but domestic violence becomes easier to perpetrate upon them by males. Legislative steps signals important milestones in this fight, particularly the Protection of Women from Domestic Violence Act (PWDVA) 2005 and Sections 498A of Indian Penal Code 1860 and Section 1253B County., showing a turnabout within society that domestic violence is now seen as one offence among others. But all these things still take a lot of hard work, you have to break through established norms and educate women, working for the day when there's never any question that such violence is unacceptable.

- **Domestic Violence in Ethiopia**

It puts Ethiopia among the 50 or so countries facing this particularly stark challenge of domestic violence, a disturbing everyday reality for every woman. This is a dispiriting cultural practice. Men feel that they should dominate their wives, and even beat them when needed; in the case of victims crying out like this one, it's merely proof to men themselves about just who holds onto power here-it matters not at all what happens between husband and wife afterwards The United Nations says that a staggering 70.9 % of Ethiopian women experience any number of these and other varieties of emotional, physical, sexually or economic abuse within the home environment.

It is most alarming in GUMUZ, where women are considered property and can even be used to settle debts with rival groups. When families cannot pay, rival groups take the wife or daughter in payment for what they have received. The cycle of violence and oppression continues unabated when others lose their wives to your husband's group . Another astounding custom in the Somali region is that if a male family member dies due to an accident, his loss is considered worth 100 camels--but when a female accidentally loses her life, she only costs half as much. This yawning gap, highlights the systemic biases buried deep within cultural norms. Systematic change is imperative! . The roots of domestic violence in Ethiopia are full meshed up with cultural differences and a nearly universal attitude shared by both men and women that the husband has an 'inbuilt right' to beat his wife. With this acceptance combined with a cultural normalization of such behaviour, the appalling increase in domestic violence cases is truly alarming. The Criminal Code of Ethiopia and the Revised Family Code exist after all. It is now a choice point for Ethiopia. Cultural transformations, consciousness-raising efforts and strict implementation of existing laws seem the prerequisites to breaking this cycle of violence that victimizes every individual in society.

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<sup>3</sup> Intimate Partner Violence Affects Approximately 33% of Women in India

<https://www.bmj.com/company/newsroom/1-in-3-women-in-india-is-likely-to-have-been-subjected-to-intimate-partner-violence/#:~:text=BMJ->

,1%20in%203%20women%20in%20India%20is%20likely%20to,subjected%20to%20intimate%20partner%20violence &text=One%20in%20three%20women%20in,Journal%20of%20Epidemiology%20%26%20Community%20Health.

- **LEGAL FRAMEWORK FOR DOMESTIC VIOLENCE**

1. **LAWS AGAINST DOMESTIC VIOLENCE IN INDIA**

So as we discussed that earlier government didn't interfere and didn't consider this act as an offence but after some years they did and enacted some laws on it so that victims can take support from it and can take justice .

While during the late 20th century India took a welcome step in advancing upon domestic violence with its enactment of the Protection of Women from Domestic Violence Act (PWDVA) in 2005, which has been officially operative since October last year. Being punitive, the traditional approach was a far cry from this landmark legislation. Its noteworthy restorative design is in fact civil remedy for victims. The key difference between the act and other statutes regarding domestic violence is Section 3

*"...any act or omission may constitute domestic violence if it harms or injures or endangers the health, safety or well-being, whether physical or mental of the aggrieved person".*

which defines its scope expansively. It uses sweeping language such as "any person," so that even if you've never abused a woman in your life before, this legislation can still apply to any old scoundrel who walks down the street. In contrast with the more androcentric language of Section 498A in the Indian Penal Code (IPC), we find that Domestic Violence Act serves as a broad legal weapon<sup>4</sup> which stands out for its gender-neutrality. Abuse is defined in the act to cover everything from sexual, economic and mental terrorism through physical beating to humiliation or disposal of confiscated household abuse. Thanks to this inclusiveness, it becomes a powerful weapon for victims seeking legal redress and protection. Even more importantly, the act is not limited to mere definitions. Under Sections 18, for instance, victims have recourse to seek relief. Section 19 and the following sections provide avenues for injunctions and monetary reparation respectively and India also do have the constitutional perspective as well like article 15(3) which talks about state do have the authority to make special laws for women and children . These provisions enable victims to obtain prompt and effective legal relief, so that justice is not only attainable but also speedy .In fact, the Protection of Women from Domestic Violence Act is a solid legal structure that provides broad assistance to women suffering different types of domestic violence. Its restorative properties, in turn, provide convincing proof of its effectiveness and efficiency. The broad coverage granted by the regulations is eloquent testimony to how far-reaching a problem this is for society at large--one that creates an atmosphere much safer and more equal overall for women all over China.

- **LAWS AGAINST DOMESTIC VIOLENCE IN ETHIOPIA**

In Ethiopia, the situation is such that domestic violence has become a traditional part of men's worker exploitation. It is estimated that 50-60%<sup>5</sup> of women will face its consequences at some time in their lives, ranging from psychological battering to beatings and sexual humiliation right through to maiming or even murder. This not only physically abuses those subjected Dugasa (2014) points out that cultural and historical customs promote the normalization of domestic violence, a problem created even further by an indirect standard. There were no explicit prohibitions regarding negligence or abuse in the old criminal law The old penal code did not establish this directly (i.e., there was teleological construction). Despite a provision in Ethiopia's Criminal Code that protects against domestic violence, this is defined rather

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<sup>4</sup> <https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/asia/south-korea/topics/1legal-provisions>

<sup>5</sup> <https://bmcwomenshealth.biomedcentral.com/articles/10.1186/s12905-021-01465-4>



narrowly. It only considers bodily and mental injury to be prohibited, leaving emotional and economic threats as well as sexual abuse outside the confines of its definition until legislation providing for shelter facilities becomes effective also defining offenses specific under which people are compelled into prostitution or anger. A weakness in the law is that it does not encompass all forms of violence, so those who are disregarded have limited impact.

Furthermore, the sector in question does not provide for civil remedies. Also Ethiopia has no legal instruments whereby victims of domestic violence can pursue a civil case against their offender. The Criminal Code only has one article-38, Article 564--dealing with domestic violence matters<sup>6</sup>. However, this does not provide for monetary remedies and provides direct relief from the court is through a protection order (court). There is nothing victims can do but rely on the police to make remedies, which are in their discretion. Although the code does not expressly define domestic violence, it utilizes articles 555-Silence transcript options on to make provisions on peace and crime against spouses or lovers. Though the Constitution of Ethiopia provides for victims of domestic violence, as does its Criminal Code and Civil Code--including such basic rights as the right to life, protection against bodily harm or ill-treatment in general (Art. 4), freedom from slavery or forced labour (A)-38) equality without discrimination before the law regardless of sex, parentage descent birth place. With regard to women's issue, Article 35 calls on the government to ban harmful customs which may lead family trouble and bodily or mental harm. The listing of such customs represents a brief summary about why Ethiopia really needs an overarching legislation reform that covers all aspects in order deal how ethical aspect faces domestic violence problem.

- **CASE LAWS AGAINST DOMESTIC VIOLENCE IN INDIA AND ETHIOPIA**

S.NO	Case laws of India	Judgements	S.NO	Case laws of Ethiopia	Judgements
<u>1.</u>	<b>Lalita Toppo v. the State of Jharkhand and Anr. (2018)</b>	This bestows greater relief on live-in partners than provided for by Section 125 of the Code of Criminal Procedure. The court pointed out that under the Domestic Violence Act, these partners enjoy a right of maintenance regardless of their legal marital status. Most important they even have protection from economic abuse.	<u>1.</u>	<b>Selected cases by 'Ethiopian Women lawyer Association', V.3,2008, p.4</b>	Birkie, a domestic abuse survivor, divorced her husband after three years of marriage, seeking legal support from a women's rights organization for bodily injury and property division. Despite losing the use of her hands due to untimely medical help, her ex-husband faced criminal charges, receiving a 7-year prison sentence and a

<sup>6</sup> <https://addisstandard.com/domestic-abuse-against-women-in-ethiopia-the-price-of-not-knowing-her-pain/>

					civil judgment to pay 29,000 Ethiopian birr for physical and moral damages.
<u>2.</u>	<b>Inder Raj Malik v. Sunita Malik, (1986)</b>	But according to the court, merely on this ground there is no contradiction at all if for any one individual both Sections 4 of Dowry Prohibition Act and Section 498A of Indian Penal Code apply. But whichever way you look at it, they define two separate legal offenses ;Section 4 regulates requests for the dowry while this one relates to treating a newlywed cruelly. As a result, prosecution under either statute is in fact possible.	<b>2.</b>	Selected Cases, by the Ethiopian Women Lawyers' Association , V. 1, 2003, pp 5-6	The perpetrator received a 15-year prison sentence for brutally severing both ears of his nursing wife, Amina Kasim, with a knife and his teeth. A victim of bride abduction and persistent physical abuse, she sought justice with the intervention of the activist organization EWLA, succeeding in prosecution after enduring years of violence and a previous abduction.

- **INTERVIEWS OF DOMESTIC VIOLENCE VICTIMS**
- **INTERVIEW OF ETHIOPIAN VICTIMS**

Interviewer<sup>7</sup>: How long have you endured domestic violence?

Participant 1: I was in domestic violence for 18 years, and couldn't find a way to leave at all!

Participant 2: When I filed<sup>8</sup> for a divorce five years later, I had already been suffering.

Interviewer: What is your educational background?

Participant 4: And a dang'i dog I myself<sup>9</sup> want to say, when my husband and the related people force-fed me--in fifth grade.

Participant 5: \*\* I had no employment. in the past I worked, but now it's my husband who doesn't let me.

- **INTERVIEW OF INDIAN VICTIMS**

Interviewer<sup>10</sup>: How long have you been the victim of domestic violence?

Participant 1: I tolerated it for a year, and then sought court intervention. Now I live peacefully without violence.

Participant 2: I hurt for 10 years<sup>11</sup>, sought court intervention and obtained orders to stop the violence.

Interviewer: What is your educational background?

Participant 5: I studied until the end of secondary school.

Interviewer: What's your job?

Participant 8: I have no job.

Participant 9: I am a salesgirl in one of those vegetable shops, sought court protection and now live happily.

<sup>7</sup> <https://www.projectpractical.com/domestic-violence-advocate-interview-questions-answers/>

<sup>8</sup> <https://interviewquestions247.com/2013/11/domestic-violence-worker-interview-questions-answers.html>

<sup>9</sup> <https://www.bonterratech.com/blog/domestic-violence-statistics>

<sup>10</sup> <https://www.projectpractical.com/domestic-violence-advocate-interview-questions-answers/>

<sup>11</sup> <https://immigrationlawyers-london.com/blog/ilr-under-domestic-violence-abuse.php>

## • CONCLUSION AND SUGGESTION

A comparative assessment of India's laws on domestic violence with Ethiopia brings into focus the polymorphic nature of this problem and all its guises. And India, with the Protection of Women from Domestic Violence Act has established a comprehensive legal structure re filming all forms abuse. To these provisions in Ethiopia, which are narrower and lack civil remedies (principally addressing physical injuries and introducing compensatory reliefs only for mental ones), there is no direct counterpart. This research clarifies the degree to which domestic violence is a global problem, and how mighty legal weapons should be used.

Suggestions:

1. Legal Reforms in Ethiopia: Ethiopia should expand its legal regulations to include domestic violence, which is caused by emotional abuse on one hand and economic ab...see more If remedies in civil law for victims are introduced, it would empower them to seek justice on their own.

2. Awareness Campaigns: Domestic violence is a social evil of enormous proportions. Laws and remedies against it exist in both countries, but not all that needs to be done has been or can be accomplished through edicts alone; besides publicity the two sides will have to continue engaging on this issue with sustained awareness campaigns so as to educate their own people about domestic abuse laws for victims would risk persecut That means observing rights under existing legislation and eliminating cultural values that promote violence.

3. International Collaboration: On the one hand, domestic violence prevention can be carried out through collaboration between India and Ethiopia. Furthermore, according to Mr Shyamalendra Chaudhary of UNFPA Somalia's office (United Nations Population Fund or United Nations Program with segments in Group IV countries such as Nepal), there is a similar situation globally whereby international organizations are developing There can be greater effectiveness in the legal system through sharing each others 'experiences.

4. Support Services: In this area, both countries should strengthen support services for domestic violence victims. The most basic means of doing so is to make many kinds of counseling, shelters and legal advice available widely in contrast with the present situation where such facilities are few or far between. Resources for victims help reduce the financial burdens they face, guiding them through bankruptcy and domestic affairs courts.

5. Monitoring and Evaluation: Regular evaluation of the effectiveness or otherwise, and efficiency of domestic abuse legislation and support services are extremely important. Monitoring and evaluation mechanisms can point out areas of deficiencies, needs for improvement or even positive achievements that are still yet to be achieved in the future. Meanwhile, all these lead on from one another as they assist to accelerate steady progress toward women 'and children acting with dignity against domestic violence.



Therefore, dealing with domestic violence must cover the entire area, including legal changes of legislation and international exchange; awareness training among members of society; sets large-scale support systems for victims 'and their families,' provision to perpetrators through assistance or education. At any rate it is necessary that there should be relevant climate monitoring stations all over - only then can we establish a more safe field where people get prevented to be a victim of domestic abuse.

