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Domestic Violence against Educated Woman: Registered Cases of Kathmandu District.

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Abstract

This paper attempts to explore the severity of domestic violence experienced by educated woman of Kathmandu. The views presented in this paper are based on my research about the registered cases of domestic violence against educated women. I have taken in-depth interviews with 14 women of Kalimati Woman Cell. Here I argue that domestic violence, the most heinous act is even found in educated woman and social acceptance of domestic violence is the primary cause for its prevalence and increase. Moreover, I have taken only the registered cases and it is mostly the educated women who go to women cells to register the cases than the uneducated ones. Educated woman tolerate the pain of domestic violence due to prestige and honour of the family. Education provides knowledge and awareness and enlightens the mind of people. But women are still not awakened and have not been able to discard the perpetrators who have abused them. As violence remains within the home, it remains invisible and accepted as 'normal'. It is the most shocking truth that, no matter what the educational status of women, women from everywhere face different forms of domestic violence.

Keywords: domestic violence, education, patriarchy

Introduction

Violence against women (VAW) refers to violent acts that are primarily or exclusively committed against women. The most common type of violence against women is domestic violence perpetrated by intimate partners or ex-partners or family members. "In any patriarchal society, the most common form of domestic violence is violence by a husband against a wife

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but it can also include violence by other family members. The violence may be physical, sexual or verbal; it may take the form of continual and habitual psychological, social or financial abuse" (WOREC 2008: 8). It has been a quotidian reality of the patriarchal culture.

Due to the underlying patriarchy, it is men in a particular kind of societies who ensure, construct, reinforce and perpetuate the social structure and by virtue of this have power and control over women. The victims of domestic violence internalize some of the gendered oppression as non—negotiable if not ordained. Feminists, particularly those who held a radical position in feminism and affirmed that "personal is political", argued strongly that violence against women is necessarily neither a women's issue, nor a feminist one. It is an outcome of patriarchy; therefore, it is a men's issue (Mishra 2009: 26). The most pervasive forms of women's violence is legitimized by our patriarchal society and institutionalized by marriage. Most of the literature on domestic violence is about men controlling women in intimate relationships through the use of violence. Men feel superior to women due to the process of their socialization and the upbringing. Many restrictions are imposed on the women's activities. Violence is the outcome of the image in the family and society.

Moreover the issue of honour for the patriarchal family discourages women from speaking up about the abuses they face in their real life. Due to their social conditioning of the minds, women themselves reinforce violence because they want to preserve honour of their family. Until the notion of honour that is linked with women exists, VAW will always remain (WOREC 2006). As women have internalized the notion that "they are symbols of family and community's honour; and that they are responsible for maintaining that honour, Laws may come, may even be enforced, but as long as this internalization cannot be shaken and uprooted, VAW will remain. This notion has become so ingrained that breaking the barriers of silence becomes extremely difficult even when the social and political climates are more favourable" (WOREC 2006: 20). This is the main reason that even the educated woman are silent about the abuses they face.

Review of Literature

To become familiar with the term violence and the causes of violence, I have reviewed some literatures. Different arguments, experiences are gathered through various published material which have been acquired from different libraries. Further, it also helps to understand the issue critically and analyse whether there is different life experiences in economically dependent and independent women.

Violence against women takes various forms, which comprises not only physical violence but also the mental and emotional violence. "Violence against women includes (i) Physical, sexual, and psychological violence occurring in the family, such as the sexual abuse of girls, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, and violence-related exploitation; (ii) Physical, sexual, and

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psychological violence occurring in the community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions, and elsewhere, trafficking in women, and forced prostitution; and (iii) Physical, sexual, and psychological violence perpetrated or condoned by the state, wherever it occurs" (Bouta 2005: 34). Violence against women is mostly endorsed by certain norms or values and arises because of discriminatory attitudes which affect women throughout their lives.

Women have long been taught to see marriage as the key to happy life. Some Feminists however argue with the fact that marriage often means a life time sentence to unpaid domestic labor thus bringing more violence. Marriages in Hinduism promises continuity in patriarchal family lines, thus directing towards women's violence. Women's actual social and ritual acts are related to their strongly embedded beliefs and religious ideologies reflected in the myths and scores of religious text. For instance, both the terrible and gentle aspects of the Devi, are linked with pollution and affinal women on the one hand (e.g.; Parvati's erotic nature and her status as wife, Durga's association with blood and destruction) and with purity and consanguineal women on the other (e.g.; Parvati's ascetic austerities before her marriage, Durga's virginity and her birth from ascetic heat generated by the austerities of the gods). The parallel opposition between pollution and purity assumes central symbolic importance in Hinduism. Even the formal period of menstruation, birth and pregnancy is perceived as polluting and there are various functions to be performed for the purity. Though women give birth to the baby, her participation is less in name-giving(nuharan), first-rice(pasne), clan transplant during *nuharan*, initiation into caste, sacred-thread(*brataman*), marriage and death ceremonies. There are various socio-cultural ceremonies creating gender inequalities in Hindu society and further more all of these practices, attitudes and perceptions are socialized to new generations by various means (Bennett 1983).

A Woman is thus nurtured in such a way so as to enclose her within certain limits and observations. Right from when a baby girl is born, she is directed towards a particular way of living and abiding by certain societal norms. So there are certain things which are intrinsic in her childhood and that which is very difficult to part with

The International Scenario of VAW

VAW has come to be recognized internationally as an important issue and has become the subject of a substantial amount of research in recent decades. "Violence against women is global and widespread and is tolerated as a social phenomenon, in institution and custom and, to some degree, in law.

Even as late as the 1980's, there were few discussions on VAW in international forums. It was only after the CEDAW was adopted by the UN in 1979 and was subsequently awaiting ratifications by its member countries, that VAW became worthy of international attention. It

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was in this context that the Vienna Convention in 1993 established that women's rights are human rights (WOREC 2008).

In 1993 the UN General Assembly passed the Declaration on the Elimination of Violence against Women. United Nation Commission on Status of Women Declaration, article one has boldly delineated, Violence against women as, "Any act of gender - based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life...." (Saathi 1997: 2). This declaration outlines the international legal instruments that protect a woman's right to be free from violence and sets out the responsibilities of individual governments to ensure that these protections are enforced.

The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) further described discrimination against women as any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of women, irrespective of their mental status on a basis of quality of men and women, of human rights, and fundamental freedom in political economic, social, cultural, civil or any other field. The Beijing Declaration made at the Fourth World Conference on Women in Beijing, and the International Conference on Population and Development (ICPD) re-affirmed these conventions and commitments to eliminate 'gender-based discrimination and violence' (WOREC 2008).

In 1994, the United Nations commissions on Human Rights appointed a special Rapporteur on Violence Against Women to collect comprehensive data and to recommend measures at the national, regional and international levels to eliminate VAW. Similarly, in September 1995, at the United Nations there was Fourth World Conference on Women, in Beijing, elimination of violence against women was one of the primary unifying themes among women from countries all over the world. The Beijing declaration and Platform for Action adopted at this conference recognizes that violence against women is a violation of human rights and suggests strategies for eliminating it (WOREC 2008).

It has been thus established that VAW is a major human right, peace and development hurdle and it should not be ignored.

Domestic Violence against Women in Nepal

South Asia has recorded the highest incidence of VAW in the world. Being part of south Asia, Nepal is no different. Silence around the issue has been a characteristic feature of VAW. Although women did raise their voice against violation of women's rights, it was only after the first people's movement of democracy in1991 that VAW came on to public. The 1991 constitution of Nepal conceptualized men and women in equal terms and assured legal equality between women and men. First and foremost, voices against VAW linked it with human

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trafficking of girls into the sex trade. Although activism started out with this narrow scope, it soon expanded to include domestic violence. There has since been no turning back (WOREC 2008).

There were no specific policies on gender based violence before the introduction of the ninth five year plan. The national plans have largely developed policies in accordance with the commitment at global conferences on women. The ninth five-year plan (1992/93-1996/97), armed with right based approach, initiated policy to mainstream gender into national development. Gender mainstreaming at the national level was also the key commitment of nation-states at fourth global conference on women (1995). Nepal as a signatory state translated such commitment into a national agenda in the ninth five-year plan (1997-2002).

National action plan on violence against women as one of the critical areas of concern of Beijing conference was formulated. The major programs of tenth plan (2002-2007) includes; mainstreaming; empowerment; gender equality. The primary objective of the tenth plan is to create egalitarian society based upon women's rights by improving GDI (the gender development index), and by abolishing all sorts of discriminations against women for the realization of economic growth and poverty eradication goals (Tenth plan 2002).

With the enactment of the 2006 gender equality act, sexual violence has been considered as a crime. Constituent assembly has passed the bill on domestic violence. The success of the constituent assembly election in 2008 further reinforces the notion that women's agency was indeed being recognized. The constituent assembly that today sees 33% participation of women was a major indicator of the changing times. Nepal witnessed a positive start. This created a space where women-specific issues could be addressed politically through the new constitution that is in the process of being drafted (WOREC 2008).

The government on September nine, 2009 revealed in media with the declaration of 2010 as the year against GBV. In the backdrop of the sixteen day national campaign against GBV and as a follow up action, an inter-ministerial steering committee was also formed. The campaign aims to be an antidote to GBV by raising awareness, changing attitudes and behaviours, and facilitating enactment of the legislation against GBV. This was followed by the announcement of the national plan of action by the prime minister on November, twenty five. The plan has it's foundation on the three Ps: prosecution, protection and prevention, and focuses on better understanding of the magnitude and nature of all types of GBV(Mishra, 2009).

Although Nepal's constitution provides for equality for all, there is much gender discrimination that allows various forms of violence against women. The National Collaboration against 'Gender Violence against Women', in 2006 demanded that legal provisions be made to end all forms of violence against women. The Present Constitution of Nepal both recognized women and men to be equal citizens. Article thirty eight of the presnt constitution recognizes any act

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of violence against women to be a crime which should be addressed legally. It ststes that" No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or or any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law." (The Constitution of Nepal 2016;22)

Though violence against women is taken as a crime, the victim women's rights to compensation, justice, rehabilitation and legal supports have not been ensured. Violence against women in Nepal is pervasive and can be attributed to the cultural, religious, legislative and economic practices that conspire to keep women in a position of inferiority.

Theories

There are various theories which talk about violence against women. Economic independence theories suggest that as women's education and earnings increase they will be less reliant on marriage for economic support and that women with greater economic independence will delay marriage. The availability of possible spouses and how that influences marriage timing are the basis for marriage market explanations of marital timing (McLaughlin and Lichter 1997). Kalmuss and Straus (1990) found that men were more likely to engage in severe domestic assaults under the condition of wives' objective dependency.

A consensus is emerging that personal, economic, social, and cultural factors combine to cause abuse. Despite this consensus, Ruchira T. Naved and Lars A. Persson in the research article, 'Factors Associated with Spousal Physical Violence against Women in Bangladesh' explore Variables related to the larger society, to the immediate social context, to the immediate family context, to spousal relational factors, and to individual factors concerning both partners that combine to cause abuse. Naved and Persson 2005).

Similarly, Feminist scholars contend that violence (perpetrated primarily by men) is rooted in gender inequality and in the construction of the family as a site of male dominance and control (Dobash & Dobash 1979).

Feminist theory emphasizes how batterers use techniques, both physical and nonphysical, to establish control over, generate fear in, or intimidate their partners. Destroying a partner's belongings, threatening to physically assault a partner, or insulting a partner in front of others are examples of psychological aggression that might be used to obtain power over a partner. Radical feminism stresses on sexuality and its underlying violence. Radical feminism is primarily a revolutionary movement for the emancipation of women. Its exponents argue that no area of society is free from male definition and consequently every aspect of women's lives currently accepted as 'natural' has to be questioned and new ways of doing things found (Abbott and Wallace 1997).

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Socialist Feminist tries to theoretically combine "class" and "gender" or "capitalism" and "patriarchy". Zillah Eisenstein, a socialist feminist depicts society as comprising on the one hand, the capitalist labour process in which the exploitation occurs, and on the other, the patriarchal sexual hierarchy, in which the women is mother, domestic labour and consumer and in which the oppression of women occurs (Abbott and Wallace 1997).

Humanist theory emphasizes the need for respect and positive regard in interpersonal relationships and emphasizes treating others as persons of inherent worth and dignity (Gonslaves 2001).

Werlhof elaborates: "The wife must serve and above all, obey the husband; he can demand this in a court of law. In short the housewife is an unpaid worker, at the disposal of her husband, round the clock, all her life; even more, her whole person is at his disposal, including her sexuality and child-bearing capacity, her psyche and feelings, She is at the same time slave and serf who is compelled to do all the work that her husband and children need, including demonstrating love even when she does not feel any. Here one works out of love and love becomes work. The situation may not always be intolerable, but it is impossible to predict that it will not become so" (Werlhof, quoted in Bhasin 2000).

As Werlhorf described, men have the capacity to exert violence against women. Women in Nepal are at risk regarding domestic violence, and if they are victims, the legal and social support systems do not provide sufficient support.

Methodology

The study adopted descriptive research design. The paper described the personal experiences of women victims who has faced domestic violence. The major tools of research were: semi-structured interviews, key informant interviews and case studies. As my research has fewer cases, I opt for qualitative methods. I have taken fourteen case studies of battered married women from Kalimati Women and child service center. My respondents are selected on the basis of accidental or convenience sampling. After I went Kalimati women and children service center to find out my respondents, I felt my choice was right on the basis of three grounds. Firstly, I could find respondents of various backgrounds, cultures and from various parts of country. Secondly I could understand my cases in multiple circumstances as the same victim was required to come at least three times during the whole process or the phase of solving the given case, i.e., to register the case in first day, to bring the perpetrator for counseling the next day and to solve the case finally the another day, depending upon the nature and severity of the case. Thirdly I could talk to several lawyers and counselors regarding the nature, complexity and the legal procedures of the given case.

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Findings

The implications of accepting the domestic violence even by the educated woman are discussed below though accepting domestic violence brings lots of serious problems in human rights record, peace and even in developmental activities.

Patriarchal Values

The most pervasive forms of women's violence is legitimized by our patriarchal society and institutionalized by marriage. Therefore women do not dare to reveal their secrets of violence. They feel that men controlling women in intimate relationships through the use of violence is natural. They think it is their fate and duty to tolerate. As discussed earlier, Men use violence to maintain control over "their women," a control to which they feel they are entitled and that is supported by a patriarchal culture. In any patriarchal society, male violence against women is taken as a normative behavior. From this perspective, patriarchal societies allow husbands to use violence to control their wives, and men to use violence to dominate women.

As Werlhof elaborated earlier; "The wife must serve and above all, obey the husband; he can demand this in a court of law. In short the housewife is an unpaid worker, at the disposal of her husband, round the clock, all her life". In every interview it can be observed that, a man is considered the head of the household and within the family he controls women's sexuality, women's productive power, women's mobility, property and economic resources. The case presented below reveals the severity of violence of a woman left behind.

Twenty-one years old Junu Adhikari is the youngest daughter of her family. She has studied up to class twelve. She dreamed of graduating from college and being independent in her life. No one knows when life makes new twist and turns. One day her father insisted her to marry a man who was financially better than Purnima's family. Till three months her married life was good. Time then took new turn. She became a house maid in her own family. When she could not complete work promptly, they misbahaved her. They said as you have not brought anything from your father's home, you should serve us.

Her husband came home only 3-4 times a week. Even she did not know where he stayed. Once When she inquired, he beat her severely and threatened to burn her alive. she was tortured to that extent that he tore out her all the cloths and beat her. At the same time her all in-laws slept woke up, furiously approached her for making noise and not letting her husband sleep.

She said that her husband beat her often even in a trifle matter. Amidst all these mounting physical tensions and tortures she did not share it with anyone. She saiddue to family prestige she did not want such issues to be out.

The most frustrating part of her life is that her marriage has not been legally registered yet and her husband neither wants to register it nor provide her citizenship certificate. One night when she requested for the citizenship, he severely beat her so that she could not stretch her body properly for three days. She felt so humiliated that she often felt like doing sucide. she hhoshared this all to her cousin sister in kirtipur who felt sorry for her and brought her to women cell in Kalimati where the researcher met her

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Honour and Family Prestige

Moreover the issue of honour for the patriarchal family discourages women from speaking up about the abuses they face in their real life. Due to the social conditioning of the minds of women, women themselves reinforce violence because they want to preserve honour of their family. As discussed earlier, until the notion of honour that is linked with women exists, VAW will always remain (WOREC 2006). Women have internalized the notion that "they are symbols of family and community's honour, so they remain silent despite the violence they bear. Here is a next example which reveals that women due to the honour of family's prestige hesitate to speak the truth.

Sita who has studied upto bachelor level said that the day she got married has been the black day of her life. She got so panicked when she saw her husband. She was so frightened of her husband that her heart would throb by the sound of his footsteps. She would get nervous and would start sweating profusely. Moreover due to family prestige she did not want such issues to be out. She visited women cell to seek help only when the violence crossed its limits. Sita was tortured more for visiting women's cell and for the down fall of their prestige. She says, her in law came to her native home and hit her frequently after she sought her help from women's organisation. Unfortunately her father was reluctant to save her. Even her father scolded her for reporting her violence. He said, "Who will provide you support and protection after my death?"

Weakness in Effectiveness and Implementation of Judiciary Laws

As impunity prevails in our society, the effectiveness and implementation of judiciary laws is void. Extremely complicated and tedious legal procedures discourage women from speaking up about their situation. Expensive court processes and the complete lack of confidentiality further suppress women. Since they have no trust over the effectiveness of law, they find it better to bear the abuses alone.

The passiveness of law enforcing bodies gives enough spaces for the violent relationships. Moreover every woman does not have easy access to the law enforcing bodies. Even if they have access they feel very narrower chances of compensation and the justice. Due to the corruption prevailing in our Nepalese society, lawyers get biased and speak in favour of those who have power.

In Roshna's case, she shared with the researcher that she was tired visiting women's cell, court (district court-appellate court) for years. Finally with the numerous efforts, she won the case. The court ordered her in laws to give a space in their home but she still did not get the justice as her in-laws kicked her out of the house. She says we have no system of rechecking or finding out whether the justice the court has provided is implemented or not. The story of Roshna is really painful:

Roshna had a dream to be a doctor. So, after completing intermediate level, she started to prepare for the entrance examination. During that time she got family pressure to get married.

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Even her mother in law came and told that she will support her to study medicine. Roshna got impressed with that family and agreed to marry with Rajkumar Gupta, who is an engineer. Her father deposited Rs 5 lakhs as dowry opening a joint account of daughter and son in law. Her life happily and smoothly went on till some months of her marriage but gradually she noticed change in the environment of the family. Her husband denied to let her study medicine and told that after marriage, women's education is to make her home perfect and it is not good for her to continue her study.

Roshna with the watery eyes expressed her grievance with the researcher. Her voice was full of reproach. She said that: My husband was okay for some months after the wedding. He started an argument and demanded.... He said, "Hey, ask with your father to buy a car for me. "I need to get car at any cost." I asked him, I am just your responsibility. You can buy yourself and own the car if you like. He then said, You Bitch! He hit me and I fell down. "Since then the whole family became apathetic towards her. . Roshana then went to her natal home. She wept profusely when she got notice that, giving the fake information, Raj filed a case against her at Kathmandu district court. Her in-laws blamed that she had depression and was taking medicine of depression for twelve years. They accused her for marrying Raj just for his property.

The court only only after two years declared that the information of Raj was fake. Roshna became happy as she won the case. Again the case was taken to appellate court at Patan in Lalitpur. The same declaration that Raj's information is false was made after a year. The court proved that Roshna have no any mental disorders and requested her husband to give all the love and care she deserved.

But with the family's consent and support; Raj kumar got married to another girl in Janakpur. Roshna is staying at her native home. Now as her dreams are shattered and efforts are baffled, frustrated with all the chaos and mayhems of life, she is now taking medicines for depression. She won the case in court but became a defeated warrior in the battlefield of life

Stigma Associated with Sexual Violence

Overall, violence was seen as a manifestation of failed or poor negotiation of sex-related issues. Men often demanded sex from their spouses, even at times when the latter were not ready. Refusal could lead to violence or suspicion that the women had affairs with other men. Men, in such circumstances, used their superior strength and with support of cultural beliefs responded with violence. In case-studies, denying sex was perceived as something that might make man either seek it forcefully or become violent. Women however could not speak regarding their abuses as society has placed stigma associated with sexual violence.

Men have the capacity to exert violence against women and also against men. They demand sexual relations at any time. They determine how wives and daughters could and should spend their time in domestic work, in education, leisure or cultural activities. As Werlhof stressed: The wife must serve and above all, obey the husband. More than this, her whole person is at his disposal, including her sexuality and child-bearing capacity, her psyche and feelings, She has to demonstrate love even when she does not feel any. (Werlhof 1993)The case of Gitanjali supports the argument.

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Similarly Sabita shares, her husband once severely attacked and battered with a shovel till she almost died. He inflicted pain all over the body especially around her breasts. Purnima shares that, One day her husband came at twelve o'clock in the night. She asked her husband in a soft voice, where he has been. But, in reply she was tortured to that extent that he tore out her all the cloths and beat her.

My key informants told that, sexual violence was reportedly rare, but possibly underreported. Stigma associated with sexual violence, and the prevailing perception that a 'married' woman cannot be raped by her spouse since a woman is not expected to refuse his sexual advances from her spouse were offered as reasons for this.

Gitanjali panicked when her sexual experience began with marital rape. Her non cooperation led to merciless battering by her husband both before and after the sexual intercourse. Gitanjali recalled that even during her pregnancy, "he used to stand straight on my body, putting his feet on my genitals. He used to choke me, suffocate me, punch me, punch my breasts, and thus he would have sex by torturing me."

No Social Support System

Abusers typically use violence as part of a larger strategy to exercise power and control over their wives and isolate them from support networks. As a result, a victim of domestic violence will often have no access to money and no any friends or family to rely on if she flees the home. There is no social support system for women who suffer VAW. There are no mechanisms where women can escape the violence they face even for a day. Safe houses or care center that could potentially reduce the level of torture women face are non-existent in Nepal. Women then cannot turn anywhere but remain confined within their homes no matter how much the torture. Till the state recognizes the need for safe houses and proactively invests in constructing such spaces, women will continue to become victims of VAW.

The data in table show that, mostly survivors remain silent about their abuses. Some try to ensure that disputes are settled within the perpetrator family. Beyond this, however, they may seek support from the relatives and from native family. The women's organizations in charge of women's affairs were most usually approached only when injuries were serious and only then as a last resort.

Of all those experiencing violence, 57.14% reported that they remain silent when they experienced the first battering. Nobody talked with the counselor about their experience. 28.57% responded that they talked with the perpetrator to know why they were suppressed. Only 14.28% reported that they talked with the native home. The figure implies that women mostly try to hide their domestic violence experiences.

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Table: Response to the first violence experienced in home

Response	Number of female	Percentage
Silent without doing anything	8	57.14
Talked with perpetrator	4	28.57
Talked with family members	2	14.28
of native home		
Talked with counselor	0	0
Total	14	

Women survivors rarely reported the abuses possibly due to the honour of the family, except when they were severe. There was also an associated threat to inflict more severe injuries if reported. The judicial legal system was reported to be weak and biased in favour of men. Culturally and socially, men were felt to have more decision-making power than women. I feel that this factor might be associated with violence and so there is a need to change the status quo.

Conclusions

VAW is global and widespread and is tolerated as a natural social phenomenon. The social institutions permit, even encourage, the demonstration of unequal power relation between the two sexes and try to perpetuate the interests of patriarchy. Both husband and wife have equal social responsibilities though they are socialized differently and function differently. But the unequal power relation exists between them. There is no single cause of violence. Men share more benefits than women. Due to the privilege bestowed on men, they are able to constrain women's options. As society views women as weak, traditional thinking continues to play a large role in the treatment of women.

It is seen that VAW has often been justified in cultural grounds and therefore there is a high degree of official and social tolerance of violence against women. Educated women therefore choose to remain silent about the abuses they face.

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