

Domestic Violence Subjected to Legal and Cultural Pressure

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Abstract:

A society based on patriarchal structure brings lots of discriminations against females in family and society, so different violent relationships appear mainly targeting women as the victims. The domestic violence imposed by the partner of the woman tortures her verbally and physically, captures her to live in a suffering environment or enforces her to leave the original city/country and accepts the condition of being a refugee with all of its risks. In order to reduce the immigration troubles, it is important to consider the origins of violence causing these conditions. There are different sources of domestic violence including cultural, social and legal factors. In this study, three important factors are considered as early-child marriage, gender inequality and insufficient legal and protective systems. In child marriage, the girl undergoes a marital status under her father's pressure. Gender inequalities increase the rate of violence against women, because they have lower financial, educational and social positions and have to be more dependent on their partners. On the other hand, insufficient protective systems constrain women providing conditions to develop domestic violence. Conducting interview sessions with victims of violence, the abovementioned cases are considered and the data analyzed using a qualitative approach. The output of this study helps counselors in healing process of the victims, highlights the necessity of improving skills for controlling violence and notices the importance of modification of supportive legal systems to prevent committing violence against women. So people are encouraged to make a free-violence society based on human values.

Keywords: Psychology, Counseling, Domestic violence, Abusive relationship, Early-child marriage, Gender inequality, Qualitative analysis

I. INTRODUCTION

Violence against women is a serious threat to health and right of women [1]. Domestic violence is one of the common types of violence that usually happen by women's partner [2]. Investigating this concept and the developing the prevention methods have attracted great attention of many researchers in social science and related fields during recent decades [3]. According to the Department of Justice of the United States, domestic violence is defined as a pattern of abusive behavior that used to take power, control or authority over another intimate partner. The definition divided domestic violence to physical, sexual emotional, economic domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone [4].

To have a complete understanding of domestic violence in a society, different factors and conditions that may cause domestic violence need to be taken into account. Although there are many cultural, financial, psychological, social and religious factors enhancing the violence against women, in this study we focus on three important and less discussed issues regarding as early-child-marriage, gender inequality and insufficient laws and protection systems is considered in Persian society (Iranians and Afghans). The UN General

Assembly secretary in 2015, Ahmad Shahid reported 66 percent of Iranian women have experienced domestic violence and the result of the study shows that even during pregnancy, 14.1 percent of women was abused by their partners [5].

Early-child-marriage is an important human right violation with an increasing rate in Iran recently. The early marriage of children especially young girls discriminates their right on various areas include education, health, equality and to live without violence [6]. According to the International Convention on the Right of the Child, Article 1, every one under 18 is considered as a minor and they are not able to make informed decision included marriage due to not having a clear perspective about the nature and the consequences of these kinds of acts [6]. In addition, the Convention on the Rights of the Child (CRC) Article 1 defines a 'Child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18 [7].

In comparison, based on the article 1041 of Iranian law, age of marriage for girls is 13 and for boys is 15 years old. However, child's guardians have the authority to request for their child marriage even earlier than mentioned ages and by getting

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approval of a court, the child is considered adult enough to get married legally. Furthermore, in 2013, Iranian parliament approved a bill about the marriage of the adopted child to the men who is considered being her father and rose by him [6]. Iranian authorities also confirmed that there is no legal prohibition regarding marriage of children who are less than ten years old and Advisor of the Minister of Justice mentioned that “the marriage is a personal issue and state and government may not intervene in it” [8]. According to the National Organization for Civil Registration Statistics of Iran, more than 40,400 girls and more than 32,500 boys under the age of 20 have registered their marriages in 2014 [9]; while the total number of the registered marriage exceeds more than 790,000 cases in that year [10]. According to the most recent statistics [9], more than 420,000 girls under the age of 15 and 485,000 boys under the age of 20 got married between 2004 and 2014.

Being in a teenage age, naturally brings lots of stresses for individuals. If the girl is forced to experience an early-marriage, she may face with extra challenges and stresses in her marital life [11]. Early-child marriage exposures children to a higher level of stress regarding early pregnancy, playing parenting role without having enough parenting skills and etc. So early-marriage is considered as a threat to the well-being and health of children and causes depression [12]. All mentioned challenges can have very negative effects on children marital relationships with the spouse and will end up with domestic violence. Their husbands usually are very elder than them and therefore, teenage girls may face with sever domestic violence compared with the other teenagers [13].

Gender inequality, also known as sex inequality or inequality of the genders is attributed to the situations that both men and women cannot receive equal treatments and undergo discrimination based on their gender [14]. In contrast, world bodies have defined gender equality in terms of human rights, especially women's rights which leads to social and economic development [15]. According to UNICEF [16], gender equality is described as “means that women and men, and girls and boys, enjoy the same rights, resources, opportunities and protections. It does not require that girls and boys, or women and men, be the same, or that they be treated exactly alike”. According to this principle, empowerment of women in every country can be very beneficial for the society of that country in many aspects.

Promoting gender equality, specifically women equality in Persian society as a Muslim and a patriarchal society is not without challenges and difficulties. Islam believes in gender complementarity, so the men and women are not same, but these differences help them to complete each other. This role is applying in every aspect of a Muslim such as marriage, family life, social life and elsewhere. This view toward gender may be caused opposition in accepting equal gender right for a strict religious or traditional person or society. In Persian society, women inequality can be observed in areas of family legislation, women employment, women and education and etc. [17]. For example, more than 100 fields of studies, out of a total 430, at the universities are prohibited for women. The government's justification is that, in accordance with the sharia (Islamic law), those courses are only

appropriate for men [17]. As another example, Article 1043 of The Civil Rights Act of Islamic Republic of Iran makes it clear that the marriage of a girl is dependent upon the consent of her father or grandfather. Articles 1117 and 54 declare that married women can only accept jobs that are not incompatible with their responsibilities as a wife. Otherwise, they need permission from their husband. Article 1133, states that a man can divorce at any time he wishes, while a woman can request divorce only for exceptional reasons.

In this study, the domestic violence against females was investigated and the effective themes intensifying the domestic violence were introduced. Among these themes, three different issues are discussed mainly as early-child marriage, gender inequality and insufficient legal and protective systems. Through conducting interview sessions with Persian refugees and asylum seekers in Malaysia, the interview data was analyzed based on a qualitative method, and their main reasons for immigration to escape from violence was sought. The output of this study is helpful for counselors in healing process of the victims of violence. It also introduces the necessity to present applied courses for enhancing skills for controlling violence. On the other hand, it highlights the importance of modification of supportive legal systems to prevent committing violence against women.

II. PROBLEM DEFINITION AND ANALYSIS APPROACH

Problem Statement

This study explored the phenomenology of domestic violence among Persian women refugees residing in Malaysia. The aim of this study was to capture the essence of the informants' experiences and their view toward violence. Domestic violence has a wide range of effects on individual, their family members and their society in terms of social and financial costs. Abuse recovery even by receiving professional and emotional support is very difficult and ideologically requires to match with the needs of victims. The culture plays a very important role in understanding the victim's perceptions of the domestic violence and abusive relationship. In addition, it provides the victims of violence with the possibilities to recover themselves by using their own experiences.

Considering different reasons of immigration between the women (especially the refugees and asylum seekers), it was observed the scape from patriarchal structure of their society is one of the main factors. For example, some women have to immigrate to have the custody of their children, especially when the father is recognized as the legal guardian of the children according to law. In other words, the women had to leave their family, get separated, leave their original country and accept all the upcoming risks, stresses and fears just to run away the atmosphere of their traditional based society and its mental and physical pressures; hoping to get some relief to breathe freely in a new atmosphere. The importance of this topic encouraged the researcher to consider the problem source for these women (i.e. immigrant especially refugees).

The service and treatment of the abusive relationship are based on Eurocentric approaches, so it cannot meet the needs

of the other society victims. In order to explore this concept culturally from the view of the victims, it needs to do more in-depth qualitative research to overcome the racial blindness of organization that are providing services for multicultural groups especially refugees. The outcoming results bring more culturally awareness about the victims and their needs from their own view point.

Among different cultural factors inducing domestic violence, considering patriarchal structure that dominates over the girls and women life, affecting issues such as arranged marriage for children is considered. On the other hand, gender inequality and insufficient legal and protective systems are also investigated through conducting interview sessions with victims.

Methodology

Qualitative methodology, in particular a phenomenological approach was used for this study. The interview questions were semi structure questions included five main questions, each one was followed by some sub-questions. The concept of the interview focuses on domestic violence experiences of Persian women refugees and challenges that they already encountered. Materials such as study setting and participant's characteristics involved in these researches beside the sampling phase and data collection process are described as follow:

Study Setting and Participants

The setting of this study was included refugee clinics located in Kuala Lumpur, the capital city of Malaysia. Researcher worked as a volunteer for three years in UNHCR to have some observations in refugee field and diagnoses one the most challenging issues that Persian refugees women are dealing with. Later on, for finding suitable informants, more than 60 individual sessions were conducted at those clinics. Finally, 15 informants took part in this study including 7 divorced women, 3 widow women and 5 women migrated with their children to Malaysia without getting divorced. All of informants were Persian women (Iranian or Afghan) who were residence of Iran or Afghanistan before immigration and currently as a refugee / asylum seeker in Malaysia.

Sampling and Data Collection

Purposeful sampling was used as a sampling method. Fifteen Persian women accepted to take part in this study. Fifty five individual, face to face interviews were conducted at clinics. Researcher is a native Persian speaker and all interviews conducted in the Persian language and then translated into English for the purpose of expert checking. Interviews were recorded and transcribed verbatim to ensure accuracy of the data. Because of the sensitivity of the concept, the research did not start the interview with direct questions. Therefore, at the beginning of each interview, informants were asked to explain a history of their life and their immigration process. After they felt more comfortable, at the second session more deep and direct questions were asked.

Data Analysis

Data analysis started with transcribing the recorded interviews and thematic analysis was used for qualitative analysis of the data. The most common method of analyzing

the data in qualitative research is thematic analysis [18]. The emphasis of this method is on finding, testing and recording the themes within the data [19]. Themes are important in describing the phenomenon and are related to specific research questions [20]. Six phases of thematic analysis are included: becoming familiar with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, producing the report [20]. In addition, field notes were made on each interview regarding mannerisms, body language of any sort and general comments regarding the interviews.

III. RESULTS

This study generated themes based on the perceptions and the experiences of Persian refugee women about domestic violence. Among different themes were identified in data analyzing process, three major themes are presented. These themes are focused about early-child marriage, gender inequality imposed by the society and insufficient legal and protective systems. First, some observations from the analyzed data are presented and then some discussions are concluded.

Observations

In patriarchal societies, the right of women for decision making in their life has been limited in many ways which is classified under violence category. For example, choosing a partner for marital life is one of the issues that girls have to obey their father/family decisions. It can be happened even if the girl is a teenager and so she is not matured enough to be ready to accept the responsibilities of a wife/mother. Most of the informants of this study have experienced arranged marriage. Two following quotations are sample cases represented by domestic violence victims who experienced arranged marriage in Persian patriarchal society.

"I remembered that I was only 13 years old. My father arranged a marriage for me. The groom was 65 years old and had three other wives. He was our tribal chief, and he promised my father to give him a farm as a dowry, so my father forced me to marry him. I was like a servant at his house. His wives were very jealous of me because I was very young and beautiful. I was even younger than their children. They complained about me to my ex-husband and provoked him to beat me almost every day." (Women X9, 11)

"I was 11 years old when I became the Stop-Blooding-Bride (Khoon-Bas). My brother killed a guy and I had to get married to the victim's brother to save my brother's life. From the first day of my marriage, I remember I got beaten very badly by my ex-husband. He always mentioned to me that: "I do not want to see you around and whenever I see you, you remind me my brother death". I did not have any other option; I had to tolerate whatever he did to me, because I was a stop-blooding-bride without any right." (Women X3, 18)

Gender inequality is one of the other challenges that women deal with in a patriarchal society. These inequalities are observed in different conditions in terms of education, work positions, pay gap, social life, religious affairs, legal rights, political participation and so on. Legal system of these societies usually takes some advantages into account for men compared with women. One of the gender unequal rights is

related to the marriage contract and divorce. Conditions of Iranian marriage contract are in favor of men including rights regarding divorce, choosing the place to live, controlling their wife's travels, education, children custody and etc.

"Before marriage, I used to live inattentive neglecting the religious constraints. I used to wear different color clothes and attend freely with no Hijab. My fiance also accepted my conditions. But after marriage, he started to push me to follow his instructions according to Sharia Law. I would not like to wear long black clothes as Hijab, and we started to dispute. He had the right to force me what to wear, where to go, with whom I contact, etc. Upon my refusal, he started violence against me verbally and physically to force me to follow his willing." (Women X7, 63)

"I had a job when I got married with my ex-husband and he had no problem with that. After a while, he started nagging asking me to leave my job. Losing my job, I would get completely dependent on him financially, so I resisted at first. He intensified his actions against me, attending my office and insulting me in front of my colleagues. At home, I was under his pressure to leave my job or he would divorce me. My family and my friends also asked me to leave my job in order to save my children and my marital living. Finally I had to give up and follow him." (Women X12, 26)

In Persian society, family protection laws are not clear and supportive enough for women. There is much discrimination against women in Persian law. For example, women usually cannot obtain a divorce unless their husband agreed. In contrast, husbands are able to divorce a wife anytime based on divorced Sharia law.

"I had a horrible life with my husband. He threatened me several times to kill me. I was completely terrified at the moments he put his gun on my head or pushed a knife on my throat. I called police several times, but at the court I had no evidence for my words. There was only one of our neighbors who always heard our arguments and my screams. When I asked her to come with me as a witness, her husband did not allow her and mentioned that they are not looking for a trouble. I could not live with my husband, but I had to live, because I had no right to divorce." (Women X3, 45)

"My husband was very clever and he knew how to beat me with no wound or bruise on my body. Several years, he beaten me and I could not proof it to the court and apply for a divorce. One time, he was very angry and hit my head to the wall very badly. My head was broken besides my tooth. At that time, I had both of my children. The religious scholar, when saw my husband pretending to be regret, tried to convinced me to continue my marital life with him. I did not have any other choice. If I applied for a divorce, he would take the custody of my children. I could not live without my children even for a day." (Women X15, 50)

As mentioned already, other organizations have no authority and right to interfere in marital conflicts and violent relationships.

"Our house was a double story house and my in-law family lived on upstairs. It was a time, when my husband beat me and threatened me with a kitchen knife. I was just screaming asking for help from my mother in-law, but she just blamed me saying that "What did you do again that make him

angry?". He was very furious at that moment, I was scared and jumped to the street without proper clothes asking a neighbor to call the police. The policeman asked my husband and his family about the story, but they refused any threatening action and accused me for blackwashing. So the policeman left me alone with my husband and his family reasoning that he is not allowed to interfere on a family issue." (Women X10, 70)

On the other hand, even if the victims of violence in Persian society succeed to get divorced from the abusive partner, there won't be a release for them from the discrimination and inequalities. Most of the informants of this study were financially dependent on their husbands. According to Sharia law, the husband is responsible to support financially his children from the marriage permanently, but his divorced only get paid for three menstrual cycles (To ensure that she is not pregnant) and after that period, the divorce will be announced.

"After getting divorced from my husband, I tried to find a job. He did not allow me to finish even my high school, but I was learning some typing skills during my marital life. After divorce, it was impossible for me to live at the same city. All friends, family members and relatives wanted to put their nose on my life and explore why I got divorced from such a lovely husband. I took a loan from my sister and tried to find a room to rent in another city. It is almost impossible to rent a room for a divorced lady. The house owners have very negative impressions about divorced women and they suppose that renting a house to a divorced lady is equivalent with renting a room to a prostitute." (Women X7, 110)

This judgmental view of society to a divorced lady was very common among all the experiences of the informants participating in this study.

IV. DISCUSSION

The abovementioned observations provide some interesting points in investigating different cultural, social and legal factors supporting the domestic violence against females. Here, some remarks are discussed briefly about child-marriage, gender inequality and insufficient legal and protective systems.

Child-marriage is legal in Persian society and based on Sharia law, girls at the age of 13 are considered as adults to legally marry [21]. One of the main reasons leading the child-marriage is the misunderstanding of the families about their supportive roles that they may have for their daughters. They suppose that by forcing the girl to undergo a marital status, they ensure her welfare for all of her future life. The resistance of the girl in following the father's decision is attributed to her crudity and usually is oppressed harshly. They assume that early marriage is a protective tool against sexual relationship of female before marriage or prevent rape incidents. For example, in rape cases Sharia law forces the sex offender to marry with victim to protect girl and her family of being dishonored. Excluding women and denying their right to choose their partner, besides committing the basic aspect of violence leads to consequences for women in their future life with their partner intensifying the domestic violence and abusive relationship.

Gender inequality is one another important issue in amplifying domestic violence against women in family. The explicit and implicit support of the society for males against females stimulates the dominant versus sub-dominant roles in the family. Therefore, the women lose their independence and have to follow their partner. Women with no financial support have to undergo any conditions in an abusive relationship. Verbal and physical violence have been reported extensively in these cases.

On the other hand, insufficient legal and protective system makes everything worst for women. In a society that the husband's duty is restricted to the financial support of his partner, and the women have no right to travel or work without their partner's permission legally, or the law dedicates the custody of the children to father and deprives mother from guardianship of her children, or the female cannot apply for a divorce, women have to accept any conditions under any abusive relationship. The legal system does not provide sufficient protection for females, when the male accomplishes his duty by paying his wife's meal.

Before last decades, there was not official statistical data on the rate of women victims of domestic violence in Persian society. The common law dictated that what happens in the house has to stay in the house. A man's household affairs very much belong to him and other's cannot meddle in his private issues [21]. According to the results of this study, although the conditions have improved much better in recent decades, but there are many concerns still remained and need more attention. Almost all of the informants of this study encountered lots of legal and cultural obstacles to get divorce from even their abusive husbands. Legal system by making a divorce process long and difficult has been obliged women to stay in their marital life even under an abusive relationship. Fear of poverty, lack of financial support and incomes also is another barrier to end the abusive relationship, this results is in agreement of Moradian [21].

The young generation of Persian women who are more educated than their mother generation reluctant to follow restricting cultural traditions. They chose to take risks and break down these patriarchal cultural structures. Some of the domestic violence victims sought refugees despite of all difficulties and challenges in immigration process. They prefer to follow their dreams even as a refugee for having a life with less violations of their right as a woman.

In order to make living conditions much better for females to breath in a violence-free society, some suggestions may be considered. Improving legal system and considering protective tools may support women preventing them to undergo an abusive relationship. Propagating the appropriate educational program for both females and males is another important step. The more educated people, the less rate of the violence appears in the society. In addition, providing applied programs and courses teaching necessary skills, helps female/males to control the situations more deliberately. Also it is necessary that all the members of the society, both males and females, join the national movements to support any action against violence in any type to sanctified human values.

V. CONCLUSION

Patriarchal structure of Persian society has discriminative

lenses to view and judge different members of the family/society according to their gender. As the result, different violent relationships appear mainly targeting women as the victims. There are different sources including cultural, social and legal factors supporting the domestic violence against females. In most of the cases, a mixture of all the sources intensifies the abusive relationship. In this study, three factors discussed briefly about child-marriage, gender inequality and insufficient legal and protective systems. For each case, different samples presented. Patriarchal structure decides for the girl's future partner, which violate the girls' right in choosing their partner and also leads to consequences for them in their future life intensifying the domestic violence. Gender inequality decreases women's independence forces women to undergo an abusive relationship in family. Insufficient legal and protective system deprives women and constraints them to follow their husbands providing suitable condition to develop domestic violence. Finally, it was suggested that by modifying the supportive laws and by teaching the applied skills to females and males for controlling the situations, the people is encouraged to make a free-violence society based on human values.

VI. APPENDICES

Ethical Consideration

The study was approved by the Research Ethics Committee of the Faculty of Education at the University Technology Malaysia (UTM). Individual briefing sessions were hold with all Persian clients of clinics and informed written consent were signed by volunteer informants. The participation of applicants in this research was completely voluntarily and could be withdrawn anytime during the study. The demographic data notes and the interview transcripts collected by the researcher were kept strictly confidential. The informants were assigned with alias names for the purpose of anonymity though transcription and written documentation. At the end of the study, all of the recordings and transcription were destroyed.

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