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“BALANCING VICTIM CONFIDENTIALITY AND THE RIGHT TO INFORMATION: ANALYZING THE LEGAL FRAMEWORKS IN RELATION TO DOMESTIC VIOLENCE”

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Abstract

Domestic violence is a very persistent social issue transcending multiple backgrounds as it is a huge public health and human rights issue. The act comprises physical, emotional, sexual, and psychological abuse often perpetrated in an intimate setting or by those within the family sphere. This paper explores the conflict between the right to anonymity and the right to information in the context of domestic violence. This paper investigates the current frameworks and policies in protection of victims' anonymity, taking into consideration transparency and public access to information. Scrutiny will be conducted in three main areas: judicial discretion on redactions of sensitive information, mandatory reporting laws effects, and legal duties of healthcare providers and counselors. The paper carries an intentional critical analysis of the legal and ethical implications of mandatory reporting to determine whether it balances the obligation to report suspected abuse with the protection of victims. The legal obligations imposed on healthcare providers and counselors to hold patient confidentiality while meeting requirements for mandatory reporting will be analyzed.

Keywords

Domestic abuse, victim privacy, information rights, court discretion, required reporting, legal framework.

Research Objective

The Research aims the legal doctrines and practices on victim confidentiality and public access to information when handling cases of domestic violence, the research points to the risk of accidental violations and the ethical dilemmas in this area that have befallen healthcare providers, who suggest reforms along the lines of better judicial guidelines and stronger legal obligations.

Research Methodology

This Paper uses a doctrinal legal approach to analyze domestic violence legal frameworks, case

laws, and academic literature in providing comprehensive understanding for related legal issues dealing with victim privacy and the right of public access to information in such cases. Research design incorporates an intensive perusal of statutory provisions, judicial decisions, and scholarly works, which interprets legal texts and judicial interpretations to dissect the implications of laws and policies about victim confidentiality and transparency.

INTRODUCTION

Domestic violence is perhaps one of the most frequent problems across the globe, affecting millions, especially women. Consequently, it has therefore posed great challenges to the legal system between protection for victims and democratic principle rights to access information. Victim confidentiality is a measure of utmost importance to ensure that survivors' dignity, safety, and privacy are protected from further violence, social stigma, or re-victimization upon release of identities. Ensuring confidentiality can encourage more victims to report abuse and seek help, making the environment safer for all matters of domestic violence. On the other hand, a right to information relates to openness and accountability in the justice system in support of public awareness, media reports, and scholarly research. This is a very thin line to tread between the two, with the danger of too much confidentiality obscuring openness to public scrutiny and light transparency in the administration of justice, while too open access to information may endanger victim safety and prevent reporting. Ensuring that public accountability is maintained doesn't dilute the protection of victims nor vice versa¹.

Domestic violence is a global issue affecting millions, primarily women, and poses significant challenges to legal systems. The legal system must balance the protection of victims with the right to information, a fundamental democratic principle. Victim confidentiality is crucial for protecting survivors' dignity and privacy, while the right to information promotes transparency and accountability in the justice system. Balancing these interests is a delicate task, as excessive confidentiality can obscure public scrutiny and hinder transparency, while unrestricted access can jeopardize victim safety and deter reporting. Legal systems must navigate this fine line to maintain both victim protection and public accountability².

¹ Wantu, Fence M., and Mohamad Taufiq Zulfikar Sarson. "Legal Protection of Women as Victim of Domestic Violence." *Indonesian Journal of Advocacy and Legal Services*, vol. 1, no. 2, Jan. 2020, pp. 243–58. DOI.org (Crossref), <https://doi.org/10.15294/ijals.v1i2.36093>.

² Agnes, F., & D'Mello, A. (2015). Protection of Women from Domestic Violence. *Economic and Political Weekly*, 50(44), 76-84.

The paper hence critiques the inconsistencies between the advocacy for victim confidentiality and information rights in cases of domestic violence. The paper identifies some shortcomings as very scarce judicial practices, absence of guidelines for protection, lack of adequate professional training, and failure on the part of society.

The paper also alludes to the problems related to new digital technologies and social media. It compares the Indian and international frameworks that propose reforms in legal structures properly balancing confidentiality with public access to information. The paper contributes to current legal discourse and policy development toward a fairer, more transparent, and victim-centric approach in dealing with domestic violence cases. It contains recommendations for improving the current legal structure in an attempt to give more protection to survivors with justice and transparency.

LEGAL FRAMEWORKS AND JUDICIAL DISCRETION (RIGHT TO INFORMATION AND RIGHT TO PRIVACY) ON DOMESTIC VIOLENCE AND VICTIM CONFIDENTIALITY

Domestic violence is a large human rights issue that crosses all socioeconomic levels to touch the lives of everyone. Legal structures at every national and international level aim to protect, safeguard, and preserve victims' rights. Critical analysis of the legal provisions of India, specifically under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), besides international legal frameworks such as the Istanbul Convention, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The PWDVA provides women victims of domestic abuse with full civil remedies to emphasize protection, particularly confidentiality measures. Among the central provisions in regard to victim confidentiality are in-camera proceedings that protect their identity and privacy during the court hearing and monetary relief, which grants victims the right to file any kind of relief from the perpetrator. However, the strength of these provisions has been questionable because they have depended on the discretion of the courts and the willingness to order in-camera trials.

Uniform application of this right across different jurisdictions remains challenging since some courts may miss the requirement of holding in-camera proceedings due to procedural oversight or inadequate informed consent from the victim. Furthermore, the absence of guidance in terms

of specific directives on what would serve to protect the confidentiality of victims with a complaint of monetary relief can also lead to inadvertent violations, such as when victims apply for monetary relief, their personal and financial details would become part of the public court records unless some measures are taken to redact sensitive information.

International legal frameworks, such as the Istanbul Convention and Convention on the Elimination of All Forms of Discrimination Against Women, further care for the confidentiality of the victims. This formulates an inclusive and effective protection throughout the legal process for the victims.

The judiciary has to navigate the difficult balance between victim confidentiality and the right to information in the case of domestic violence. Interference made by judges with regard to their discretion to apply their understanding of the law falls relevant while negotiating this delicate interplay.

A significant case in point is *State of Karnataka v. K. Y. Radhika*³, wherein the Supreme Court of India held that public exposure of a victim's identity may lead to grave consequences, including social rejection and stigmatization, and even further violence. Here, the judiciary exercised their judicial discretion by directing in-camera proceedings to avoid the release of personal sensitive information regarding victims, thereby protecting their privacy. Demonstrated the discretion by judges in dealing with cases of domestic violence, directing an in-camera trial and appreciating privacy as a right of the victim.

However, the exercise of judicial discretion is not uniform in various courts. In certain cases, subordinate courts fail to always appreciate the need for confidentiality safeguards, so the treatment of confidential information varies amongst courts. Such inconsistency lowers the level of security intended to be offered by the law framework and contributes to unpredictability in judicial rulings.

Perhaps one of the reasons judicial discretion remains challenging is that court records lack standardized guidelines for redactions of information, making the otherwise challenging nature of the information sensitive to privacy concerns within those records. In fact, this lack of clarity

³ *State of Karnataka v. K. Y. Radhika*, (2019) 8 SCC 418.

tends to lead to differing actions by judges as they protect victims' privacy. The disparities just described are further compounded with the lack of training of judicial officers on the specific needs and vulnerabilities of domestic violence survivors, which can lead to inconsistent application of privacy measures⁴.

THE IMPACT OF MANDATORY REPORTING LAWS AND THE ROLE OF HEALTHCARE PROVIDERS IN MAINTAINING VICTIM CONFIDENTIALITY

The intersection of mandatory reporting laws and victim confidentiality in domestic violence cases raises large ethical and legal questions. These laws require certain professionals, such as healthcare providers, social workers, and law enforcement officers, to report suspected cases of domestic violence. Although the main purpose of such laws was basically to ensure that the victim would be subjected to timely intervention and protection, the requirement to report may often undermine confidentiality, discourage victims from seeking help, and create an ethical dilemma for mandated reporters.

1. Legal Responsibilities vs. Ethical Conflicts of Mandated Reporters

Healthcare professionals are mandated reporters of suspected cases of domestic violence to law enforcement agencies. This legal responsibility contradicts their ethical obligation of maintaining confidentiality in patient information. Maintaining confidentiality is what makes a patient feel safe enough to share sensitive information with the provider. Confidence is the core of patient care where such patients are assured and feel safe in giving out sensitive information about their experiences. However, when the law requires reporting the case without the consent of a victim, it reduces such confidence because it may scare people from disclosing abuse in case they fear unwanted legal involvement or even retaliation from abusers.

The ethical dilemma lies in balancing the need to prevent further harm to the victim against the duty to respect privacy and autonomy. The WHO and other organizations demand a victim-centered approach by which a victim should be informed and exercise their right to decide whether she wants the authorities concerned to be involved in the rehabilitation process. However, mandatory reporting law often supersedes this approach, which might compromise

⁴ Billings, Beth. "Book Review: Protecting Children From Domestic Violence: Strategies for Community Intervention." *Journal of Interpersonal Violence*, vol. 20, no. 9, Sept. 2005, pp. 1151–52. DOI.org (Crossref), <https://doi.org/10.1177/0886260505278291>.

the victim's safety and autonomy, thereby making it challenging for healthcare providers to sail through their responsibility without breaching confidentiality⁵.

2. Empirical Evidence and Case Studies on Mandatory Reporting

By this consideration, it follows that empirical evidence from the various jurisdictions cited makes the impact of mandatory reporting laws ambiguous. For example, according to recent studies, domestic violence cases have recently increased in the United States because of these laws. Such findings are, however, refuted by research conducted in Australia and other countries where fears of losing control over personal information is said to deter victims from seeking medical care and disclosing abuse.

One example is Doe v. California Medical Board⁶, in which a victim instituted an action against her health care professional who was held to have disclosed her abuse without her consent. The victim alleged that this violation of confidentiality worsened her condition, lowered her confidence in health services, and would discourage her from seeking medical services in the future. Such cases highlight the fine line between coming in early and the potential damage inflicted by breaching patient confidentiality. This means that victims fear a legal process that will eventually lead to public exposure of their private experiences, unwanted legal involvement, or further abuse from their perpetrators, thereby complicating their path towards recovery⁷.

3. Challenges Faced by Healthcare Providers

However, it is very challenging for healthcare providers to navigate their roles as caregivers and as mandated reporters. Many have to decide whether they should report suspected abuse, particularly when reporting could further harm a victim or discourage a victim from seeking services that they may need. Victims are often fearful of retaliation by abusers; loss of privacy; or being involved in proceedings they do not want, thus discouraging them from reporting their experiences.

⁵ Jagadeesh N, Padma Bhate-Deosthali & Sangeeta Rege, Ethical Concerns Related to Mandatory Reporting of Sexual Violence, IJME (2017), <http://ijme.in/articles/ethical-concerns-related-to-mandatory-reporting-of-sexual-violence/?galley=html>.

⁶ Doe v. California Med. Bd., 112 Cal. Rptr. 3d 456 (Cal. App. 2005).

⁷ Minana G, Stephens J. A physician's duty to warn others. Mo Med. 2013 May-Jun;110(3):184-7. PMID: 23829094; PMCID: PMC6179857.

The challenge is a bit tough when trying to obtain informed consent from victims. Such situations are also difficult, as they make providers weigh their legal obligations with the risks of jeopardizing the safety and well-being of the victim, usually when she is traumatized or afraid of the consequences of reporting. Such fear of deciding wrongly, either by reporting and breaching confidentiality or by failing to report and allowing further harm, creates a significant ethical burden on healthcare professionals⁸.

4. Best Practices for Healthcare Providers

To walk around these challenges, healthcare providers are encouraged to engage in trauma-informed care practices that are likely to assert patient safety, empowerment, and autonomy. It involves listening to a victim, giving them clear information with respect to options and resources they can rely on, and supporting the choices of the patient. Confidential documentation practices like using coded words or limiting access to sensitive information often help protect the victim's privacy at a lower risk of mandatory reporting.

A trauma-informed care approach would focus on making a safe and supportive environment for the victims. Through such understanding of the effects of trauma and focusing on empowering the victim, service providers can navigate the complexities of mandatory reporting while still being committed to confidentiality for the patient. With the complexities introduced in mandatory reporting and undermining victim anonymity, some reforms could help to strike a balance between these often competing needs⁹.

5. Provisions for Informed Consent:

Informed consent under the mandatory reporting law would empower the victim regarding the disclosure they are to be subjected to. The healthcare provider would therefore have an opportunity to explain to the victim the effects of reporting including the legal consequences and procedures that may follow. This approach is commensurate with the victim-centered model in operation by WHO and similar organizations that place autonomy and the right to choose in and for themselves at the heart of the exercise.

⁸ Bhatia, M. 2012: "Domestic Violence in India: Cases under the Protection of Women from Domestic Violence Act, 2005". South Asia Research, Vol. 32, No. 2, pp. 103–122.

⁹ Ashworth H, Lewis-O'Connor A, Grossman S, Brown T, Elisseou S, Stoklosa H. Trauma-informed care (TIC) best practices for improving patient care in the emergency department. Int J Emerg Med. 2023 May 19;16(1):38. doi: 10.1186/s12245-023-00509-w. PMID: 37208640; PMCID: PMC10197231.

6. Exemptions for Adult Victims Not in Immediate Danger:

Legal provision for exclusion for the adult victim not in an imminent danger of harm may prevent unnecessary confidentiality breach from healthcare providers. Such a true regard to the risk level and discourse involving the victim in such could also avert automatic reporting in such cases. This can well be depicted as making it more refined by taking cognizance of each case in isolation and placing more importance to the wishes and safety of the victim¹⁰.

7. Upgrade Mandated Reporter Training:

Provide the mandated reporters to give them a complete training that will aware them with the indicators of domestic violence, their legal obligation to report, as well as the ethical challenges they are bound to face. The training program must encompass the components of trauma-informed care practices with an emphasis on the principles of empowerment, safety, and confidentiality at all times. By equipping the mandated reporter with the necessary information and skills, the quality of care rendered to the victim would be improved in handling such incidents¹¹.

8. Interrelation with Legal and Support Services:

Cooperation between the deliverers of health care, the legal aid organizations, and the groups assisting victims of domestic violence will create a holistic approach to delivering care to the victim. This collaboration would ensure that the victims are given holistic support, including legal assistance, counseling, and safety planning, all while keeping them confidential and respecting their wishes. Also, such partnerships can provide the health care providers with additional knowledge and guidance to better navigate the complexities of mandatory reporting and victim care. Mandatory reporting laws are aimed at enhancing protection for victims and encouraging early intervention in domestic violence cases. But such laws also pose obstacles toward keeping confidentiality, which may potentially discourage victims from seeking medical help and coming forward about abuse. Healthcare providers act as primary mandated reporters; thus, they pose an ethical dilemma on how to fulfill the obligation of reporting versus respecting confidentiality and patient autonomy¹².

¹⁰ Beniwal, A., Sondhi, V., & Banik, N. D. (2024). A Qualitative Study of Domestic Violence in India and Perspectives of Victims. *IAHRW International Journal of Social Sciences Review*, 12(2), 223-230.

¹¹ Suvarna V. Menon & Nicole E. Allen, Empowering Practices With Domestic Violence Survivors in India, 28 *Violence Against Women* 1008 (2022), <https://journals.sagepub.com/doi/10.1177/10778012211008994>.

¹² Rajesh Kumar Singh, Barriers to Accessing Legal Aid for Domestic Violence Victims in Rural India: A Study

Through revamping reporting laws such that reporters would need to obtain informed consent, there should be exceptions with the victims who appear not to pose a threat, and providing reporters with more and highly significant education, the victim of domestic violence would feel accommodated. They would be treated to the proper care they require without any infringement on their personal information, hence improving the general recovery for victims¹³.

POLICY RECOMMENDATIONS AND LEGAL REFORMS FOR BALANCING VICTIM CONFIDENTIALITY AND THE RIGHT TO INFORMATION.

This tension between ensuring the confidentiality of victims and upholding a right to public information calls for careful action in reforming legislation. Personal particulars involved in domestic violence cases, like most sensitive information, deserve privacy weighed against openness, both for the protection of the victim and the integrity of the justice mechanism. Four basic areas focus on reconciling the balance: uniform legal standards, amendments to mandatory reporting laws, judicial and professional training enhancement, and the strengthening of support services within the institutions¹⁴.

Uniform standards should be established in order to ensure uniformity among jurisdictions, so as to avoid uneven implementation. It should also define for its part what sensitive information is, which may be concerned with the name of the victim, those of his relatives or associates or where he lives among others and how the courts and the media should treat it. Special considerations would have to be made for vulnerable groups, such as minors and rape victims, whose exposure could have severe social and psychological consequences¹⁵.

Changing compulsory reporting laws would also serve to balance autonomy by victim and prevent individuals from reporting if they fear that their privacy is going to be violated. Mandatory reporting laws ought to be changed to accommodate the realization that victims should be given full control over disclosure of their abuse, including informed consent

of Uttar Pradesh, 3 Studies in Social Science & Humanities 31 (2024), <https://www.paradigmpress.org/SSSH/article/view/1329>.

¹³ Joy D. Osofsky, *Children Who Witness Domestic Violence: The Invisible Victims*, 9 SOCIAL POLICY REPORT 1 (1995), <https://srcd.onlinelibrary.wiley.com/doi/10.1002/j.2379-3988.1995.tb00035>.

¹⁴ Adele Harrell, The Urban Institute, Family Violence: A Guide to Research (1993), citing L.S. Feld & M.A. Straus, Escalation and Distance of Wife Assault in Marriage, 27 CRIMINOLOGY 141 (1989).

¹⁵ Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 30001-03 (to be codified at 18 U.S.C. 2721-25).

provisions, and exempted when not an immediate threat. This means empowering the victim, placing them in the driver's seat as in controlling who knows about their abuse, but the report still goes out if it needs to save them from further harm. More victims will come out than to be afraid of exposition or further harm as the processes will be able to afford greater autonomy¹⁶.

Victim confidentiality should be balanced with the right to information in the case of domestic violence. It would also be proper to give proper training for the judges, healthcare providers, and legal professionals about the psychological impact of domestic violence and why victim's identities must be protected. All professionals in the case of domestic violence should be offered comprehensive training programs geared towards confidentiality, ethical considerations, and the best practices of victim protection. Judges should be trained on how to balance the public interest in publicity with the requirement of protecting the victims, particularly if the release of personal information leads to harm¹⁷.

Trauma-informed care should also form part of the training where psychological and emotional issues related to victims' concerns brought about by domestic violence problems are highlighted. Professionals should be trained on how to handle sensitive information with care and respect as they create a safer and more supportive environment for those navigating the legal process¹⁸.

Strengthening victim support services is a gateway towards ensuring that victims can navigate the legal system without losing their right to privacy. Legal aid, counseling, and advocacy programs are given an essential role in helping victims to understand their rights, access necessary services, and make informed decisions about their cases. Coordination between organizations providing victim support, law enforcement, and healthcare providers is important as a coordinated approach towards a safety and privacy regime.

Comprehensive reform of the approach to confidential treatment of victims and public rights

¹⁶ Geiderman JM, Marco CA. Mandatory and permissive reporting laws: obligations, challenges, moral dilemmas, and opportunities. *J Am Coll Emerg Physicians Open*. 2020 Jan 21;1(1):38-45. doi: 10.1002/emp2.12011. PMID: 33000012; PMCID: PMC7493571.

¹⁷ Jagadeesh N, Padma Bhate-Deosthali & Sangeeta Rege, Ethical Concerns Related to Mandatory Reporting of Sexual Violence, *IJME* (2017), <http://ijme.in/articles/ethical-concerns-related-to-mandatory-reporting-of-sexual-violence/?galley=html>.

¹⁸ Center for Substance Abuse Treatment (US), A Review of the Literature, in Trauma-Informed Care in Behavioral Health Services (2014), <https://www.ncbi.nlm.nih.gov/books/NBK207192/>.

of information in cases of domestic violence calls for uniform legal standards; redaction of sensitive information; awareness of mandating reporting requirements to victims' autonomy; training for judges and professionals; and better victim support services.

CONCLUSION

The right of the victim to confidentiality should, therefore, be balanced with the public's right to information, especially in cases of domestic violence. The current legal framework has huge gaps that compromise the sensitivity of information, which threatens the safety of victims and discourages others from coming forward for fear of exposure and stigma. Victims' rights to privacy should be balanced with no infringement on the right of the public to access openness. Judicial discretion must be guided by uniform legal standards that include provision for in-camera trials, redaction of sensitive information, and appropriate measures to protect the victims. Finally, policy reforms are needed: in the sense that mandatory reporting laws need to be revised and modified to accommodate victim autonomy and informed consent, judicial and professional training in matters of confidentiality and trauma-informed care, and support services to the victims. The research argues for an all-inclusive reform agenda that rectifies the gaps recognized in victim confidentiality while maintaining the public's right to information. Implementing such reforms would help the judicial system to protect the victims better, provide transparency, and enable accountability in making a safer environment for all the victims of domestic violence.

BIBLIOGRAPHY

1. Sanjaya Bhatia & Nidhi Shukla, *Integrating Traditional Knowledge and Cultural Heritage with Climate Adaptation and Disaster Risk Reduction: The Role of Training and Tools*, JCHMSD (2024), <https://www.emerald.com/insight/content/doi/10.1108/JCHMSD-05-2024-0095/full/html> (last visited Sep 5, 2024).
2. Clyde Muropa, *Personnel Files, Confidentiality and the Right to Privacy*, 25 ECCLES. LAW J. 314 (2023), https://www.cambridge.org/core/product/identifier/S0956618X23000042/type/journal_article (last visited Sep 12, 2024).
3. Violence against women, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (last visited Nov 17, 2024).

4. Fence M Wantu & Mohamad Taufiq Zulfikar Sarson, *Legal Protection of Women as Victim of Domestic Violence*, 1 *INDONESIAN J. ADVOC. LEGAL SERV.* 243 (2020), <https://journal.unnes.ac.id/sju/index.php/ijals/article/view/36093> .
5. Beth Billings, *Book Review: Protecting Children From Domestic Violence: Strategies for Community Intervention*, 20 *J INTERPERS VIOLENCE* 1151 (2005), <https://journals.sagepub.com/doi/10.1177/0886260505278291>.
6. Joel M. Geiderman & Catherine A. Marco, *Mandatory and Permissive Reporting Laws: Obligations, Challenges, Moral Dilemmas, and Opportunities*, 1 *JOURNAL OF THE AMERICAN COLLEGE OF EMERGENCY PHYSICIANS OPEN* 38 (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7493571/> (last visited Nov 17, 2024).
7. Cris M. Sullivan & Leslie A. Hagen, *Survivors' Opinions About Mandatory Reporting of Domestic Violence and Sexual Assault by Medical Professionals*, 20 *AFFILIA* 346 (2005), <https://journals.sagepub.com/doi/10.1177/0886109905277611> (last visited Nov 7, 2024).
8. Jagadeesh N, Padma Bhate-Deosthali & Sangeeta Rege, *Ethical Concerns Related to Mandatory Reporting of Sexual Violence*, *IJME* (2017), <http://ijme.in/articles/ethical-concerns-related-to-mandatory-reporting-of-sexual-violence/?galley=html> (last visited Nov 7, 2024).
9. Center for Substance Abuse Treatment (US), *A Review of the Literature*, in *TRAUMA-INFORMED CARE IN BEHAVIORAL HEALTH SERVICES* (2014), <https://www.ncbi.nlm.nih.gov/books/NBK207192/> (last visited Nov 17, 2024).
10. Manjeet Bhatia, *Domestic Violence In India: Cases Under The Protection Of Women From Domestic Violence Act, 2005*, 32 *SOUTH ASIA RESEARCH* 103 (2012), <https://journals.sagepub.com/doi/10.1177/0262728012453489> (last visited Nov 17, 2024).
11. Joy D. Osofsky, *Children Who Witness Domestic Violence: The Invisible Victims*, 9 *SOCIAL POLICY REPORT* 1 (1995), <https://srcd.onlinelibrary.wiley.com/doi/10.1002/j.2379-3988.1995.tb00035.x> (last visited Nov 7, 2024).
12. Fence M Wantu & Mohamad Taufiq Zulfikar Sarson, *Legal Protection of Women as Victim of Domestic Violence*, 1 *INDONESIAN J. ADVOC. LEGAL SERV.* 243 (2020), <https://journal.unnes.ac.id/sju/index.php/ijals/article/view/36093> (last visited Nov 7, 2024).

13. Fence M Wantu & Mohamad Taufiq Zulfikar Sarson, *Legal Protection of Women as Victim of Domestic Violence*, 1 *INDONESIAN J. ADVOC. LEGAL SERV.* 243 (2020), <https://journal.unnes.ac.id/sju/index.php/ijals/article/view/36093> (last visited Nov 10, 2024).
14. Rajesh Kumar Singh, *Barriers to Accessing Legal Aid for Domestic Violence Victims in Rural India: A Study of Uttar Pradesh*, 3 *STUDIES IN SOCIAL SCIENCE & HUMANITIES* 31 (2024), <https://www.paradigmpress.org/SSSH/article/view/1329> (last visited Nov 12, 2024).
15. Suvarna V. Menon & Nicole E. Allen, *Empowering Practices With Domestic Violence Survivors in India*, 28 *VIOLENCE AGAINST WOMEN* 1008 (2022), <https://journals.sagepub.com/doi/10.1177/10778012211008994> (last visited Nov 12, 2024).
16. Jagadeesh N, Padma Bhate-Deosthali & Sangeeta Rege, *Ethical Concerns Related to Mandatory Reporting of Sexual Violence*, *IJME* (2017), <http://ijme.in/articles/ethical-concerns-related-to-mandatory-reporting-of-sexual-violence/?galley=html> (last visited Nov 12, 2024).
17. Seth Kendler, Ira J. Kodner & Jason D. Keune, *The Role of the Poor in Medical Research and the Physician's Duty to Protect*, 153 *SURGERY* 287 (2013), <https://linkinghub.elsevier.com/retrieve/pii/S0039606012006824> (last visited Nov 12, 2024).

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