

# Domestic Violence and its Impact on the Children of the Abused Living in Institutional Care

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**ABSTRACT:** : Violence occurs in 35% of women globally in their lifetime (World Health Organization, 2013). Violence against women is a worldwide concern which exists in all types of societies; it affects women of all age- groups and present in every socio-economic groups of the society. The Declaration on the Elimination of Violence against Women, United Nations defined the term 'violence against women' as any act which is based on gender which results or likely to results into physical, psychological and sexual harm. The Protection of Women against Domestic Violence Act (abbreviated as PWDVA) 2005 has defined different types of abuses which are covered under- physical, sexual, verbal, emotional, sexual and economic abuse. The National Crime Record Bureau (NCRB) in a recent statistics found that a crime against women is recorded in every three minutes. The key factors include male dominancy exists in patriarchal society which assumes that men are superior and women are inferior. This gender stratification leads to exploitation of women rights in all over the world. The act of Violence does not only affect women but it has a very serious effect on children who witness such incidents which may hinder to their development. The present paper discusses the meaning, causes, prevalence of domestic violence and its effects on the abused and their children. The paper includes life experiences of victims and their children in the form of case studies. The objectives of the proposed study are: (a) To understand the issue of domestic violence and its prevalence in India, (b) To identify the effects of domestic violence on the children of the abused living in institutional care; (d) To understand the existing legal framework in India.

**Key Words:** Abuse, Children, Domestic-Violence, Gender discrimination

## Introduction

Violence against women is a worldwide phenomenon and concern which exists in all types of societies; it affects women of all age- groups and present in all socio-economic groups of the society. Violence occurs in 35% of women globally in their lifetime<sup>1</sup>. The Declaration on the Elimination of Violence against Women, United Nations defined the term 'violence against women' as any act which is based on gender which results or likely to results into physical, psychological and sexual harm. The National Crime Record Bureau (NCRB) in a recent statistics found that a crime against women is recorded in every three minutes. The Protection of Women against Domestic Violence Act (abbreviated as PWDVA) 2005 under section-3 provides definition of domestic violence which says- any harm which is dangerous to health, life and wellbeing is known as domestic violence. Further the Act has defined different types of abuses which are covered under- physical, sexual, verbal, emotional, sexual and economic abuse. The term domestic refers to a place called home; and violence within home is a serious threat to familial relationships and has negative consequences. Domestic violence refers to assaultive and coercive behavior that adult use against their intimate partners<sup>2</sup>. Domestic violence is known to be a patriarchal system which is used to control women; it is based on the stratification system which assumes that men are superior and women are inferior. This gender stratification leads to exploitation of women rights in all over the world. Lenore Walker (1979) has defined three stages of domestic violence which are- In first stage, the tension builds between the couple which results into explosion of violence. The second stage is the explosion which includes abuse- physical, sexual, emotional or verbal. The third stage is known as reconciliation phase which may include apologies from the abuser for the incident. The objectives of the proposed study are: (a) To understand the issue of domestic violence and

<sup>1</sup> World Health Organization. (2013). Retrieved March 2019, from <http://www.who.int/mediacentre/factsheets/fs239/en/>

<sup>2</sup> Holden, G. W. (2003). Children Exposed to Domestic Violence and Child Abuse: Terminology and Taxonomy. *Clinical Child and Family Psychology Review*, 151-160.

its prevalence in India, (b) To identify the effects of domestic violence on the children of the abused living in institutional care; (d) To assess the existing legal framework in India.

### Methodology

The present research paper is an attempt to analytically examine the issue of domestic violence and its impact on children of the abused who are living in institutional care. The researcher has adopted descriptive research design. The present study is based on secondary sources: international and national publications, official publication of central and state government, journals, research studies, news paper and scholarly articles for the collection of the data. The results of the study are gathered from comprehensive literature survey.

Some case studies of victims and children who have witnessed/ faced domestic violence and at present living in institutional care have been included in this study.

### Prevalence of domestic violence in India

Domestic violence can be classified into five categories: physical, sexual, verbal, emotional and economic. Physical abuse include any act which harm victims physically such as slapping, pulling, punching, kicking, beating, threatening etc. which cause injury or harm. Sexual abuse is any conduct which is sexual in nature which violates women's dignity. Emotional and verbal abuse includes humiliation, insult and threats which cause mental stress and torture. Economic abuse is when victim is deprived of financial resources which she is entitled to. Despite the existence of laws and policies women are facing discrimination and violence. The burning issues relating to violence against women are: worse sex ratio and feticide, physical assault, rape, torture for dowry and dowry deaths. These areas need special concentration to secure and promote the rights of the women.

**Worse sex ratio at birth:** In India women face violence which even starts before her birth and the poor sex ratio indicates the condition of women. In India pre-birth selection of child due to preference of a male child is a matter which needs serious attention. Sex ratio at birth is considered to be an important indicator which indicates the number of female children born for every 1000 male children born in a certain year. According to a report released by Niti Ayog; Gujarat state is the most deteriorated decline in sex ratio at birth which shows alarming decline. In Gujarat; sex ratio fell from 907 female children (2012-14) to 854 (2013-15) female children per 1000 male children (Healthy States, Progressive India. Report on the Ranks of States and Union Territories, 2018). Haryana state's results are worse 831 female children per 1000 male children (2013-15)<sup>3</sup>. The decline in child sex ratio indicates the condition of girl child neglect in India. Feticide and excess female mortality are important manifestation of son preference as well as health and nutritional discrimination against living girls (Rohini Pande, 2006). This gender specific imbalance is creating an unjust environment for female children.

State	2012-2014	2014-2016	Fall in sex ratio at birth
Gujarat	907	854	53
Haryana	866	831	35
Rajasthan	893	861	32
Uttarakhand	871	844	27

\*Source: Niti Aayog

**Physical, emotional and sexual abuse:** A recent survey conducted by National Health Family Survey has shown that 30% of women from the age group of 15-49 years have experienced physical violence at some point of their lives and 6% have reported sexual abuse. The data also reveals that one third of women have experienced physical, sexual, emotional and verbal abuse by their current or former husband. The most common type of physical abuse is slapping and pushing away and the most common form of sexual violence includes physical force to have sexual intercourse without their will or wish. The common forms of emotional abuse reported by women that husband insult or humiliate them in front of others. (National Family Health Survey (NFHS-4) 2015-16: India, 2017).

**Dowry harassment and death:** Dowry demand is one of the factors leading to harassment and domestic violence against women. A recent statistics of National Crime Record Bureau reveals that in 2015; 7653 women died due to dowry harassment in India.

<sup>3</sup> (Healthy States, Progressive India. Report on the Ranks of States and Union Territories, 2018)

### Effects on the victim and their children

Domestic violence affects victims in almost every aspect of their lives. It doesn't only affect the primary victims but has very negative consequences on other members residing in the family particularly on children. It's not necessary that in all cases children witness domestic violence incidents between their parents but the louder and abusive words and scream which they hear may disturb them. Children who are raised in an abusive home may tend to believe that violence is an effectual means to settle any disagreement and they may become more dominating (Roy, 2015).

**Physical injuries:** A recent survey conducted by National Health Family Survey has shown that 30% of women from the age group of 15-49 years have experienced physical abuse which results in aches, bruises, cuts, sprains, burns, dislocation, broken bones and teeth, wounds and severe injury (National Family Health Survey (NFHS-4) 2015-16: India, 2017).

One of the female participants voice *"he would beat me for no reasons over very small issues....the physical pain was intolerable, he would slap me in front of others and push me away if I argues.... I had bruises, cuts and wounds....no one helped.."*

**The negative image of family:** Children learn from their elders and when they witness such incidents they tend to develop negative feelings for abuser and feel helpless when they cannot do anything for their mother. Girls often develop hatred feelings for male members of the society.

One of the female participants voice *"Didi, I don't want to get married...my husband will beat me and I don't want to live like this..."*

Girls who witnessed domestic violence at home believe that threats and violence are norms in relationship (Roy, 2015). Boys who witness such incidents are likely to abuse their female partners. Boys who have witnessed their mothers are 10 times more likely to their female partners as adults (Vargas, 2005). This creates a mindset among children that how women should be treated.

**Trauma and stress:** Children may react to incidents to domestic violence in different ways. Some children may cope-up with the stress but some might become aggressive with peer, siblings and adults or emotionally withdraw. Sometimes they show self injurious behavior which includes cutting, drug use, unsafe sexual activity (Vargas, 2005).

**Run away and Suicidal thoughts:** Children and victims who face domestic violence may have negative thoughts and they think to run away from the situation. This thought can even be more provoking that victims may think to even commit suicide.

One of the female participant voices *"I faced violence right after my marriage which started happened almost every day. I lost my hope in life and thought of ending it because the torture was unbearable and one day I decided to leave."*

In interview one of the male child shared that he ran away from home because his father used to beat her mother and it was out of his control to save her mother and decided to ran away.

### Experiences of victims and children who have faced domestic violence

**Case 1:** Priyanshi (name changed) aged 13 years residing in a children home in Delhi. The child faced violence within her family, her father used to physically abuse her and her mother. He was an alcoholic and one day he brutally beaten up both of them. After the incident both mother and daughter ran away from home. Later the child was left somewhere by the mother. The child was found abandoned by childline staff members and then admitted to children home. The child had boils and marks when she was admitted to children home. The child has gone through very traumatic experiences at her home and still has physical scars.

**Case 2:** Jay (name changed) aged 15 years residing in a children home in Delhi. Child's mother is in legal dispute with her husband (father of the child), she has filed a case under domestic violence act against child's father. Since then child is living in children home. Child also faced violence within his family. Child wants to stay with mother but she is incapable to keep the child with her.

**Case 3:** Sunita (name changed) aged 30 years working as a residential caretaker in one of the Children homes in Delhi. Her husband used to beat her over small issues such as – when food is not tasty, when she would wake up late in morning, when she would talk to her friends on phone... she said there were very small issues which could make his husband to lose her temper which would only end after physical and verbal abuse. She decided to leave home when her in-laws and other family members did not help. She came to Delhi with her child and now is working and staying in children home.

**Case 4:** Seema (name changed) aged 32 years working as a residential caretaker in one of the Children homes in Delhi. She also faced domestic violence right after her marriage which started happened almost

every day. She even thought of committing suicide. According to her the torture was unbearable and one day she decided to leave.

### Prevention and protection from domestic violence

The constitutional safeguards for women and children in India guarantee special legal entitlements for protection of their rights which include:

- Article 14 states that every citizen of the country is equal before law.
- Article 15 and 16 designate States to make special laws and provisions for the betterment of any backward group of the society and all kind of discrimination on is prohibited.
- Article 24 prohibits child labour (below the age of 14 years).
- Article 29 (2) guarantees right to education to all citizens including the disabled and no person/citizen shall be denied admission into any educational institution maintained by the state or receiving grant from state funds.
- Article 39 guarantees right to be protected from abuse at work place.
- Article 45 directs States to provide free and compulsory education for all children till the age of 14 years.
- Article 46 protects the right of the weaker sections to be protected from any kind of exploitation.

The PWD (Protection of Women from Domestic Violence) Act 2005 is the primary legislation aimed at protecting and safeguarding the rights of the women and children from violence in domestic relationships. The Act states that any aggrieved person or woman who is subject to any form of domestic violence at home can file complaint against the respondent in any domestic relationship. The act also have provisions for protection of children below the age of 18 years includes adopted, biological, foster or step child. The provisions of the Act includes: respondent has duty to provide financial resources, counseling, aggrieved has right to reside in the shared household, protection orders which is issued to respondent, custody of children to aggrieved, penalty to respondent on not following the orders.<sup>4</sup>

The role of NGOs and voluntary organizations are vital to provide the relief to the victims of domestic violence. Section 10 of the PWD Act mandates organizations working to protect rights of women by providing legal assistance, medical and financial assistance, counseling etc must be registered and required to fulfill eligibility criterion mentioned under the act. The act has recognized the efforts of the organizations.

### Way forward

Violence against women is a worldwide phenomenon and concern which exists in all types of societies; it affects women of all age- groups and present in all socio-economic groups of the society. The focus should be given on changing social norms. Gender norms are creating specific gender differences in societies that should be addressed at the grass root level. We should also change the norm that violence should be treated as a private affair. There is a need to build environment for children so that they can disclose their experiences and seek help for their safety. In school, teachers can address these issues during events and parent teacher meeting where the effects of domestic violence should be addressed. We should also focus on teaching children to express their anger through anger management therapies so that they will be able to recognize their emotions and feelings. The laws and policies pertaining to domestic violence should focus on the protection of the children and also to diminish the impact of domestic violence.

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<sup>4</sup> The Protection of Women from Domestic Violence Act 2005