

Challenges to domestic violence prevention and intervention



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What are some of the key challenges to understanding the nature and extent of domestic violence?

This paper will explore the nature and the extent of domestic violence, In order to understand domestic violence and how still today this type of abuse is still perpetrated against women we need to look at the history of how women was treated before and what has changed now. Then will continue by exploring of what is domestic violence by looking at the definition from the government and other organisations. We will look that who is affected by domestic violence how this affects the victims and are they protected by law.

Domestic violence “ exists in many cultures throughout the world and it was socially accepted until recently in the 20th century, especially in places that with male are dominants”. (Heise, 1995) Historically, women and in particular married women have had no protection in law against violence at home. Until the end of nineteenth century, the legal position in England with regards of violence against women was not whether a man had beaten his wife, but how severe that beating was. A man could legally beat his wife providing he used a stick that is no thicker than his thumb (Abbot and Wallace, 1997) It was not until the late 1960s that this type of violence began to be a matter of an open debate, as until 1940s was still accepted that many man would hit their wives. Not only this violence wasn't condemn by law but women were expected to suffer in silence and had no resources to law, as only men could institute divorce proceedings. (Abbot and Wallace, 1997) Hence, the feminists were challenged throughout the history for trying to bring this problem out in the open as this was regarded as a private matter. (Heise, 1995) EU-Wide Survey defined the problem of violence <https://assignbuster.com/challenges-to-domestic-violence-prevention-and-intervention/>

against women, as a fundamental rights abuse although the violence against women has always existed it is only in the last two decades that the international community has highlighted the problem and it is increasingly addressed as “ gender-based violence”. (Violence against women: an EU-Wide Survey, p-9)

A definition, used by the UK government for domestic violence, is: “ any incident of controlling, coercive or threatening behaviour, violence or abuse (physical, psychological, sexual, financial or emotional) between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality”. (Home Office 2013) Home office also explained the meaning of coercive control, where controlling is recognised as an behaviour to make a person subordinate, dependant by means of isolating them from sources of support, exploiting their resources and capacities for personal gain and regulating their everyday behaviour. And Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim. (Home Office 2013) Considering that domestic violence it is still a ‘ hidden’ issue in our society Home Office has widened their definition of domestic violence and included the young adults as well, where in the past years the 2011-12 Crime Survey found that young people aged 16-19 are more likely to suffer domestic violence than any other age range and was found that they are more likely to hide this form of behaviour than adults. Young adults are more resistant to disclosure of this behaviour as NSPCC report suggests that they feel that adults do not take them seriously also they can underestimate abuse or minimise the effects of emotional

abuse due to the lack of visible harm. (Home Office 2013) Where domestic violence is often equated with physical force that leaves some obvious marks or injury on the person. (McKie, 2006) A wider recognition by researchers that domestic violence is about Perpetrators power and control over women and involves not only physical and sexual violence, but can include a number of behaviours such as intimidation and threats, isolation and humiliation, behaviour often named as psychological coercion violence. (Henrs, Hill, 2008) Women's Aid included verbal abuse, coercion, isolation, threats and intimidation. Women's Aid view on domestic violence is physical, sexual, psychological or financial violence that takes place within an intimate or family-type relationship and that forms a pattern of coercive and controlling behaviour. Women's Aid have made a poster of what one can go through domestic violence, where they listed some of the facts that have been or one might go through. The poster "Imagine" 'we know what the bully is' Women's Aid Federation of England (2002) The abusers desire for power and control over the family members and partners it is mainly the cause, the Crime statistics show that domestic violence is gender-specific such as most commonly experienced by women and perpetrated by men, regardless of race, ethnicity or religious group, class disability or lifestyle. (Women's Aid, 2005)

Most cases of domestic violence involve female victims but some cases involve men too and it can occur in a range of relationships. However, whilst both women and man can experience domestic violence, women are more likely to be repetitive victims and sustain psychological or emotional impact or physical injuries or even death. (Women's Aid, 2005) The figures show

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that one in four women and one in six men will experience domestic violence at some point in their lives. (Council of Europe 2002). Where around 750,000 children in UK witnesses domestic violence (Department of Health 2002: 16) and the majority of children happen to be either in the same room or next room where the incident happens. (Hughes 1992: 9-11).

The extend of domestic violence Researches show that despite the attempts to estimate its true extent this issue goes under-reported and under-prosecuted. Coercive and control abuse is seem to be far more “ damaging form of abuse” (Nate, Women’s Aid) Especially when it comes to reporting an incident, as when reporting an incident there needs to be some sort of evidence to prove that domestic violence is present, but proving that, one is being coerced or controlled it is almost impossible to do so. (Nate, Women’s Aid) A person can be isolated from her family and friends and being emotionally or financially abused, they can be deceived and brainwashed by her partner, and it will take long until the victim discloses this kind of abuse and difficult to prove it. Further more, it takes time until they realize that they are being abused as the perpetrator makes sure that the victim believes them what ever they say its true, they isolate them by limiting their access to resources for help, or threatening them. (Nate, Woman’s Aid, Karen McVeigh, 2014) Victims of this kind of abuse tend not to report the incident, as they fear that the Police wouldn’t believe them and not be able to prove until they had physical injury. (Nate, Women’s Aid) Therefore, as the case of Abby Horne where she sought the help of police twice, but the experience of reporting to the police about her partner allegedly assaulting one of her children was so poor it stopped her from reporting the incidents

when he assaulted her'. She was told: " you are just a middle-class housewife. You need your heads banging together". (Karen McVeigh, 2014) an experience like Abby Horn's puts many other victims off to seek for help. In order to prevent someone being at risk of domestic violence, a disclosure scheme has been implemented since March 2014 across England and Wales. This scheme includes ' the right to ask' and ' the right to know' such as if one needs to ask the Police about their existing or new partners past regarding domestic violence, they have a right to do so. The police will disclose the information if the records show that an individual might be at risk of domestic violence, a disclosure can be made if its legal, proportionate and necessary to do so. (Home Office 2013)

In many cases the dominance over the victim develops and escalates over the years until the perpetrator has complete control', and the abuse continues long after the victim escapes the perpetrator. (May, Alan Travis, The Guardian, 2014) Home office has created an action plan in order to prevent violence; this plan contributes to change the attitudes, behaviours and practises towards violence. Also to increase the public understanding of the violence by looking at the causes, hidden nature and economic cost society. The prime risk indicator was found, is being ' female' but not excluding age, ethnicity disability, religion, and sexual orientation and also the social culture plays role. The economy also plays a vital part in contributing towards Domestic violence where women in household with an income of less that £10. 000 were three and a half times more likely to suffer Domestic Violence more than those living in household income over £20. 000. In 2003 the governments strategy to address domestic violence was to

prevent the DV from happening, bring the perpetrators to justice and support the victim, providing adequate housing and financial support to help the victims and their families to rebuild their lives. (Home Office 2003: 58)

Domestic violence can cause physical and mental injuries, and many further impacts on the lives of victims. Women are more likely to be a repeat victimisation when it comes to domestic violence and are subject to multiple incidents of the same type of event. They also are more likely to be a victim of the repeat victimisation by the same perpetrator of the same incident where as men were not subject to more than one occurrence 89% of all those who suffered four or more incident were women. (Home Office 2003: 58) The extent of the violence it depends on the nature of the violent action, frequency, gender of the perpetrator and victim, the effects can be very damaging and have wider repercussions. These injuries are reported as the worst experienced and women are more likely than men to sustain some form of physical or mental injuries. (Home office, Walby, Allen, 2004)

According Home office reports in 2013-14 the prosecution for domestic violence has improved and risen in volumes, such as the police reports rose to 103, 569, which mean that a rise of 15, 459 cases from 2012-12 and 70. 4% of these referrals were charged. Women's Aid found that 88% of the victims said that criminal justice system did not take psychological harm into account. (Karen McVeigh, 2014)

Recently domestic violence has been on the headline with the changes that were made to the law as announced by the government that the domestic abuse covers coercive and controlling behaviour as well as physical harm, but at the same time there has been reports of how Police fail in handling <https://assignbuster.com/challenges-to-domestic-violence-prevention-and-intervention/>

cases to the closure of specialist refuges because of the cuts that has been made for private family law cases. (Mary O'Hara, 2014) Statistics show that Police in the UK receive a call a minute from the public or victims of domestic violence or 1.300 calls every day and two women are killed by her partner or ex-partner every week. (Karen McVeigh, 2014) By cutting legal aid budget it is making difficult for domestic abuse victims to survive and putting them at a greater risk, domestic violence was named as an exception to be founded by the legal aid, but only under specific circumstance such as strict 'evidential' eligibility. By putting these conditions on the legal aid and making it tougher to get access to it, it means that fewer experts for victims to turn to. (Mary O'Hara, 2014)

Another challenge for the victims of domestic violence is that the evidence that they need to produce 'evidence' that they have been domestically abused, such as a letter from the GP, time spent at a refuge place, a verification that her partner has a conviction or is on bail. (Caplen, Mary O'Hara, 2014) This restriction, points out that due to the toughness on the evidential requirements, the victims fail to get access to legal aid; as most victims fail to have this evidence as most of the time they do not report their incidents due to shame or fear. According to Women's Aid report 43% of the victims do not have the required evidence to apply for legal aid and also almost impossible to get psychological abuse evidence. (Mary O'Hara, 2014) Another obstacle is that they must prove to meet the criteria that they have a condition or injuries of a domestic violence victim within 24 months of making a legal aid application. (Women's Aid) As result of these conditions put on the legal aid, most 'women are staying in the abusive relationship'.

Where 46% of the cases took no actions, as they weren't able to have apply for legal aid and 25% represented themselves to the court and some either paid out of their money or borrowed money. (Mary O'Hara, 2014)

After all the obstacles that they have to go through to get the legal aid in order to prosecute the domestic abuser, there is a risk that Judiciary might undervalue the impact of the domestic violence on women and this leads to the perpetrator being under prosecuted. (Jamie Doward, The Observer, 2014)

In some cases the judge tends to be more lenient to domestic abusers, such as Moorhouse's sentencing history that rose " an issue of misconduct through neglect of duty" and that Judge Moorhouse " wholly disregarded sentencing guidelines on domestic violence" as result of this, the crime commissioner claims that Judge Moorhouse " failed to deliver justice for the public". (Jamie Doward, The Observer, 2014) If judges fail to follow the guidelines of sentencing on domestic abuse even after determining that there was a pattern of abuse, it results on an imbalanced prosecution as Harry Fletcher added, " the sentencing of domestic violence cases is a postcode lottery." (Jamie Doward, The Observer, 2014)

Looking at the problem of Violence Against Women other crimes related to gender specific where the majority of the victims are women, such as honour crimes, FGM, forced marriage, ' death by culture' Home Office Guidelines specifically recognize forced marriage as an example of gender-specific persecution, and acknowledge that " the fact that violence against women is common.., does not mean that protection on an individual basis is

inappropriate." Despite the promulgation of gender guidelines, there

continues to be a regular failure by decision-makers to take a gender

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sensitive approach to refugee law interpretation. This may also contribute on Domestic Violence as many women may be subject to immigration and their status depends on perpetrator. (Burman & Chantier, 2004)

To improve the accuracy for the unsuccessful outcomes the recording of the reasons were changed, where previously reasons may have been recorded as 'essential legal element missing' or 'unreliable witness'. Also the reason for 'evidence of victim does not support the case' has fallen from 14.5% against a rise on victim retraction and victim non-attendance. By these changes it is hoped that the outcome may accurately reflect the issues to be addressed, as one of the main issues is that the victim retracts for the reason of a close intimate relationship between the victim and the defendant. In this case the majority of the defendant are men 92% of the defendant in 2013-14 were men and the majority of the victims are women, the number of the victims has risen to 84% in 2013-14. (Home Office, 2004)

Conclusion

All in all, it is shocking, in the true sense of the expression, that the abuse of the human rights on women continues today in the UK. The work of the government in the last two decades and particularly since 2007 has helped to reduce the abuse, however, there is yet more to be done. The non-exhaustive list of actions which need to be taken should be required reading by all those interested in eradicating this abhorrent and heinous practice.

Nevertheless, in the UK, the courts have to come to the rescue of many such individuals who have been abused within their family home or relationships of any nature and granted them legal protection by way of recognising

Domestic violence as a form of abuse. by deferring a criminal status to domestic violence it should widened the scope of protection to individuals.

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