ISSN: 2638-1575

Madridge Journal of Women's Health and Emancipation

Review Article

Open Access

Considerations Regarding the Duty of Victims to Report their Domestic Violence

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Article Info

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Received: June 2, 2020
Accepted: September 29, 2020
Published: October 7, 2020

Citation: Lala V. Considerations Regarding the Duty of Victims to Report their Domestic Violence. *Madridge J Womens Health Emancipation*. 2020; 4(1): 60-64. doi: 10.18689/mjwh-1000113

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Published by Madridge Publishers

Abstract

Domestic violence is pervasive throughout the world with no culture immune from its presence. However, over 50% of cases are not reported, giving a falsely low depiction of its actual prevalence. Given this dilemma one may consider the following question: should a victim of domestic violence have a greater moral obligation to report than to not report? And if it is determined that reporting domestic violence is circumstantially moral, which situations, if any, should obligate individuals to disclose their abuse? Overall, recognizing the extent of the selflessness of the act and overall contribution to eliminating the occurrence of domestic violence, reporting of domestic violence cases may seem to have a larger moral basis, but it might not be applicable to every situation.

Keywords: Domestic violence; Intimate partner violence; National intimate partner and sexual violence survey; Emotional violence.

Introduction

Globally, domestic violence (DV) is often undisclosed to the public and unaddressed by the judicial system. The World Health Organization (WHO) states approximately 30% of women experience intimate partner violence (IPV) globally [1], similarly the Center of Disease Control and Prevention (CDC) states about one-third of men and women in the United States (U.S.) experienced IPV based on data from its National Intimate Partner and Sexual Violence Survey (NISVS) [2]. Furthermore, the NISVS demonstrates that in the U.S. 25% of women and 10% of men report incidents related to IPV. However, the National Coalition against Domestic Violence (NCADV) estimates that only 1% of DV incidents are actually reported [3].

Intimate partner violence is a broad term that refers to physical, sexual and emotional violence within a relationship, typically within couples that are married or dating, while domestic violence, a subcategory, usually pertains to abuse within a lawful marriage [2]. This paper will mostly focus on DV due to the contextual implications associated with marriage and will also largely revolve around the experiences of female victims in heterosexual relationships since these cases are the more pervasive worldwide; however, recognizing that IPV does not discriminate and the diversity of incidences leads to unique challenges faced by different populations, other forms of IPV will be discussed briefly.

As noted earlier, there is significant portion of male victims, but majority of these cases are unreported, which may be secondary to cultural gender roles and the socially-constructed concept of masculinity. Female victims are about eight times more likely to experience fatal violence than their male counterparts, with about 40% of female homicides attributed to IPV [4] and 5% of male homicides resulting from IPV [5].

Approximately 80% of men who identify as gay or bisexual experience partner violence and about 50% of women who are lesbian will experience violence within their relationships [6]. Statistics regarding the violence experienced by transgender individuals are scarce, but the incidence of abuse towards transgender individuals is likely greater than that experienced by lesbian, gay and bisexual (LGB) members, often involving both verbal and physical assaults [7]. It is apparent that the limited available data regarding IPV among lesbian, gay, bisexual, transgender and queer (LGBTQ) community members is mostly secondary to lack of reporting, not low prevalence, which can be attributed to fear due to the vast prevalence of homophobia and transphobia within society, paired with the general stigma associated with domestic violence [8]. Resources and shelters available to victims of partner violence are limited, particularly among groups with falsely low prevalence secondary to low rates of reporting.

Establishing the Immorality of Domestic Violence

Before discussing the duty of reporting domestic violence, the morality of the act in itself should be considered. Morals are based upon one's values and are directly influenced by individual perspectives. They guide both public and private behaviors especially during ethical dilemmas and situations without universally accepted resolutions. When considering the morality of an action the means and intentions must be evaluated in conjunction with the ultimate outcome. Historically ethics was governed by a universal approach; however, nowadays philosophies regarding morality prefer a relative approach, factoring in both the perspectives and circumstances of individuals.

DV results as a means of expressing and redirecting unwanted feelings and emotions, such as anger, fear and mistrust, through inflicting pain on another in order to regain a semblance of perceived loss of power or control [2]. Although the act intends to gain power and respect, which are honorable qualities in itself, the means by which this is executed is through intimidation and inflicting harm on someone else. Nevertheless, according to the World Values Survey, globally about one-third of men and over one-third of women in nineteen countries justify domestic abuse [8]. In fact, in countries such as Rwanda, India and South Africa over two-thirds of women support domestic violence, which may be secondary to cultural beliefs surrounding a women's duty as a housewife and subsequent consequences of neglecting these obligations [8].

However, the inciting circumstances seem disproportionate to the consequences, ultimately making DV immoral. Punishment via physical and mental harm, as well as financial dependence and isolation, generated by the perpetuator seems excessive when considering that the victim's wrong doing is usually perceived disobedience or unfulfilled duties, or may even be nothing, which at the most may cause temporary psychological stress and discomfort. Furthermore, applying the definition of morality from the earlier discussion, DV can be determined an immoral act due to the abusive nature of this action stemming from malevolent intentions. Even though the goals of perpetrators may often align with societal values, the means of obtaining the outcome is malicious, therefore, DV cannot be considered morally justified.

Consideration of Duty in Reporting

Working under the premise that *DV* is in itself morally wrong, it would seem logical that reporting this act, which works in opposition by promoting awareness about DV incidents and providing opportunities to advocate for victims, should be the duty of those affected by the abuse. However, if this is true, why do majority of the victims choose to endure in silence? Can there be a moral justification to not report DV?

Before considering the roles of victims, a common understanding of duty must be established. A strict form of the definition, supported by Kant, describes duty as obligation to the act itself without influence of personal satisfactions or desires, emphasizing that tasks are completed for the sake of its completion [9]. However, recognizing that humans are often unconsciously motivated by internal and external factors, another definition was created, influenced by Socrates, demonstrating that virtuous people are motivated by selfless intentions to improve the circumstances of others [10].

Justifications for not reporting

Using these definitions of duty as a framework, DV victims may cite duty towards her family as reasons to not report. Given the nature of hetero normative patriarchal societies, which underlie many cultures, married women are expected to fulfill certain obligations as a wife to her husband and mother to her children.

A married woman may remain silent about domestic abuse in the household in order to remain loyal to her husband. The perception of a functional, intact family unit has the potential to be undermined by alerting outside authorities of violence within the home, as reported harassment or assault can lead to arrests, furthering the husband's dissatisfaction with his wife. Furthermore, it can disrupt family units, if the husband is sentenced to prison or if a divorce is subsequently filed, which can result in societal sanctions for the family.

Additionally, her duty to support and nurture her children may prevent her from speaking. As already mentioned, reporting DV can lead to separation of families, which can sometimes result in loss of child custody by one or both parents. This can have immediate effects on the child's sense of stability, as well as significant lifetime psychological implications. Additionally, the societal backlash towards the family also implicates the lives of the children. Furthermore, the victim may be fulfilling her duties of providing the best resources for her children by remaining silent, since many women who are victims of DV are financially dependent upon

their husbands, even when they earn their own money, and without the income of her husband, the children might not be equipped with the adequate resources for survival and success.

Perhaps the most common reason for underreporting of DV cases is concern about safety and security risks associated with the process of reporting, especially if the perpetrator is found not guilty, as the humiliation and betrayal perceived by the perpetrator can lead to retaliation and consequential harm towards the victim and her children. Instead of thinking about the benefits that reporting might provide for her, the victim may choose to endure the violence in order to allow her children to have a seemingly stable lifestyle in a dysfunctional, but intact, family home.

Justifications for reporting

On the other hand, victims may justify reporting domestic violence cases by upholding the same principles of duty from a different perspective. Morals are often reinforced at a young age based on societal values with the emphasis that immoral behaviors should not be conducted, and if witnessed should be addressed to prevent their recurrence. Under this premise, why would the victim of domestic violence, an immoral action, who is clearly observing this immorality, be exempt from this duty?

By speaking up about the abuse experienced firsthand, the victim is able to create awareness about the realities of DV. This can ultimately contribute to the elimination of future cases as it can lead to a cultural shift of understanding and intolerance of such violent acts. This was demonstrated in India by the 2013 Criminal Law (Amendment) Act (Nirbhaya Act), which gave broader definitions about what constitutes sexual violence and implemented harsher sentences for perpetrators of such acts, in reaction to a woman who was gang raped on a bus in New Delhi in 2012 and died days later from her injuries prior to her trial [11]. Victims courageously discuss their experiences with DV are able to support others who have similar experiences and inspire them to report their abuse and seek help to process their trauma.

Spreading the word ultimately increases the number of cases officially documented, enabling the exploitation of DV as a global issue transcending race, ethnicity, culture and even gender and sexual orientation. Additionally, by informing the public of the realities of DV and early risk factors of unhealthy relationships, more actions can be taken to prevent its occurrence and reduce potential fatalities. Furthermore, acknowledging the pervasiveness of the problem would directly demonstrate the need for constructing more resources and shelters for victims and enacting safety measures, especially among men and members of the LGBTQ community who have particularly limited resources.

Although responsibilities to her family, such as loyalty to her husband and immediate stability for her children, may seem to be initially disregarded in the process of reporting, the victim will contribute to advocacy for family safety by demonstrating the need for shelters for women with their children, support groups for children growing up in DV homes, and the need for safety measures for the family throughout the reporting process. Over fifteen million children live homes with domestic violence, which is associated with a higher propensity to attempt suicide, develop substance abuse, runaway, engage in prostitution and sexual exploitation, and become abusers of partners as adults [12]. Furthermore, Dr. Sandra Graham-Bermann, a Professor of Psychology and Psychiatry at the University of Michigan notes "the impact of childhood domestic violence can be lifelong in terms of physical and mental health problems, such as anxiety, depression, and traumatic stress, difficulty in relationships with others, academic and employment failures, and trouble parenting [13]," all of which emphasizes the need to reduce the exposure of DV to children at home.

By reporting the incident of domestic violence, the victim is able to fulfill a greater duty, one that affects a widespread of people globally, as well as the health and development of future generations.

Circumstantial Considerations to Reporting

It is clear that both reporting and not reporting DV can have moral justifications, leading to the consideration regarding which circumstances, if any, should warrant reporting of DV cases. It appears as though victims who report may positively affect global populations across many generations; however, those who do not report may be able to better ensure the welfare of their immediate family. A simple solution may be to simply rely upon the quantity of people who may be impacted, which would make the duty to report ubiquitous among all victims; however, this generalize approach neglects to justify individual characteristics that may influence outcomes.

One aspect to consider is the social support surrounding the victim, which can dramatically impact outcomes after reporting due to concerns of safety and access to resources. Special populations that may be at increased risk of social isolation may be immigrants with relatives in another country, LGBTQ community members who have been disowned by their family, people with cultures or religions that do not recognize divorces or have sanctions for single mothers, and folks who grew up in orphanages and foster care systems. About thirty percent of victims of domestic violence and their families experience homelessness [14], especially among populations with minimal family support which can be further exacerbated by the inadequate quantity of shelters.

Along this same line, it is important to consider the impact of disproportionate allocation of resources. Shelters for victims who are men and members of the LGBTQ community are generally scarce especially for transgender persons due to discrimination. Additionally, although most shelters are for women, over three thousand of these victims in the United States are turned away daily simply due to limited capacity [14]. Lack of resources can make the process of reporting and

the uncertainty of life thereafter challenging, but simultaneously, in order to accurately demonstrate the need for specific resources, victims from these demographics must be represented in public reports.

Consideration should also be given for the social standing of both the victim and the perpetrator, especially when there is a discrepancy between the two, as this can largely influence the outcome of reporting. The socioeconomic status of the victim not only impacts access to care and resources, but also may determine the level of influence and credibility bestowed upon the individual by society. On the flipside, if only victims of a particular social classes report their abuse the prevalence of reported cases compared to actual cases for a given population will be inaccurately skewed upon stratification based on socioeconomic status. Furthermore, the position and accolades of the perpetrator, which can be influenced by their socioeconomic status, also influences the willingness of society to believe the victim, which might not only impact the victim's decision to speak out, but may also directly influence the verdict.

Perhaps the most important factor to recognize is safety of the victims and their families. It is difficult to predict which DV cases will lead to the death of the victim before, during, or after reporting. For victims who are forthcoming about their experiences, the history of the degree of violence may provide some insight to the potential lethality of the perpetrator and could possibly serve as an indication for the need for early intervention and increased protection after reporting. However, this is an unreliable measure, since fatalities can occur after the first physically violent event, and injuries sustained by victims are often unreported to law officials or healthcare providers. Furthermore, it may be unreasonable to universally expect victims to risk the safety of themselves and their children to file a report when they often do not receive public support or adequate protection after doing what may be considered their moral duty. Unfortunately, however, it is often those whose death is a direct result of violence from their perpetrator who persuade policymakers and government officials to make necessary changes to protect victims before, during and after reporting.

Conclusions

It is apparent that DV is immoral; however, it is deeply engrained into many cultures around the world, making it challenging to completely eradicate. Society often blames victims of IPV for remaining in violent environments, utilizing statistics about low rates of reporting to justify their claims. However, these arguments are often stated without considering the social context that may implicate the willingness and ability of these victims to report, including societal backlash, cultural implications, personal and family welfare, and available resources. Victims who decide to report and to not report both have moral standings; however, those who sacrifice their wellbeing and often their family's wellbeing too, may be able to more actively and effectively work towards ending the abuse for others, and facilitating an environment of support for victims and non tolerance for perpetrators.

Victims of DV face dangers, both associated with reporting and when remaining in homes with their perpetrator, which should not be minimalized. Through raising awareness of IPV and demonstrating a need for safety measures, future victims may have access to protections and resources that were previously not available. Furthermore, speaking up can allow bystanders to identify elements of unhealthy relationships and prevent the fatalities associated with domestic violence cases. With regards to the children in these homes, it has been demonstrated that exposure to this violence has long lasting negative implications, which may result in a myriad of mental health concerns, as well as perpetuating the cycle of partner abuse.

Individual circumstances may greatly implicate the ability for victims of IPV to file a report. Creating an environment that encourages victims to speak up about their experiences will enable more victims to disclose their truths, and it is these reports that can accurately represent characteristics of DV, which can produce necessary changes that eventually lead to intimate partner violence.

Disclaimer

The opinions and assertions expressed herein are those of the author(s) and do not necessarily reflect the official policy or position of the Uniformed Services University or the Department of Defense.

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