

DOMESTIC VIOLENCE AGAINST MEN: WHEN THE STRONGER SEX BECOMES THE VICTIM

Written by Soumya Chaturvedi & Srishti Chaturvedi***

**2nd Year BA LLB Student, National Law University Odisha*

***Associate professor, Jagaran Lake City University, Bhopal*

ABSTRACT

Domestic Violence, which is also known as intimate partner violence, occurs when two persons are in an intimate relationship and one person abuses the other whether it is physical, mental or emotional. Mostly when we discuss domestic violence, we automatically picture women being the victims and men being the perpetrators of the act. Domestic violence against men, where men are the victims and the sufferers, is a rarely talked about but a grave issue. While there are many laws, provisions, responses and a number of non-governmental forums to help women and hold the offenders responsible if any sexual or domestic violence is committed against the women, a large number of men are also being subjected to sexual and domestic violence. But due to gender specific obstructions in the societal and legal framework to access justice, the issue of Domestic violence against men remains more or less shrouded. This paper will analyze the scope and types of domestic violence committed against men. It will compare India's legal and societal position with that of the international legal and societal position regarding Domestic Violence against men. It will also suggest ways and measures to remove the social stigma related to the topic and provide practical ways and measures, outlining how security sector institutions can help respond to domestic violence against men.

INTRODUCTION

“Sat in a chair and beaten by his wife as their help watched — this is what former James Bond stuntman Eddie Kidd endured for years at the hands of his wife Samantha.” After his wife was jailed, he told a British newspaper, “She had started drinking heavily and would slap me, punch me, strangle me and say horrible things. As a man, to be beaten by your wife is desperately humiliating and, in a way, shameful.”¹

Michael Flood, a sociologist who specializes in gender and interpersonal violence defines Domestic violence as, “a systematic pattern of power and control exerted by one person against another, involving a variety of physical and non-physical tactics of abuse and coercion, in the context of a current or former intimate relationship”² In simple terms domestic violence is the infliction of any kind of violence on one intimate partner from the other. Whereas women who are the victims of domestic violence are actively encouraged to report and take actions against the offenders, men are often pressurized by the cultural structure and the social stigmatization of domestic violence only being a crime specific to women being the victims to not report any kind of acts in which men themselves are the victims of domestic violence so as not to appear less masculine. Domestic violence thus has a false presumption of being a crime against women as society ridicules the idea that men could be the victims of domestic violence as well thereby increasing such cases as the perpetrators then won’t have any fear of any action being taken against them.

Violence against men is not a new phenomenon, just a phenomenon which is rarely reported. Domestic violence against men going unreported and unrecognized by the societal structures of most countries around the world is a strong example of how gender stereotypes can negatively affect men too, just as they affect women. The presumption of men being strong enough to defend themselves undermines the notions of ‘masculinity’ of the male victims thereby making them feel like they have ‘failed’ at being men if they accept that they are victims of domestic violence. The inefficiency of the legal structure in the fact that the laws

¹ When husbands are victims of domestic violence - Times of India The Times of India, <http://timesofindia.indiatimes.com/life-style/relationships/love-sex/when-husbands-are-victims-of-domestic-violence/articleshow/26031858.cms> (last visited Jul 31, 2017)

²Michael Flood, He hits, She hits Seminar (2017), <http://www.xyonline.net/sites/default/files/Flood,%20He%20hits%20she%20hits%20Seminar%20Summary%202012.pdf> (last visited Jul 28, 2017)

relating to domestic violence are usually gender specific also affects how these acts are perceived by the society.

PERPETRATORS AND VICTIMS

“As a man, it’s very difficult to say you’ve been beaten up. It seems like you’re the big brute and she’s the daffodil, but sometimes it’s not like that.”-Dave, British domestic violence victim.

An inch under six feet tall, Dave, a gardener with a deep, gravelly voice is not most people's idea of a domestic violence victim. But he suffered two years of abuse at the hands of his girlfriend and was too embarrassed to report her to the police.³ He was given a place to live in men’s refuge after being abused for two years by his girlfriend which included one incident in which she smashed a bottle of whiskey on his head.

In 2004, the National Family Health Survey (NFHS) has found that about 1.8% or an estimated 60 lakh women have perpetrated physical violence against husbands without any provocation. It is estimated that in 100 cases of domestic violence in India, atleast 40 of them are cases of domestic violence against men.⁴ Figures relating to how many of the perpetrators are female and how many male, vary according the cultural compositions and relationship patterns of different communities. The changing power dynamics in the society, hugely affect the interpersonal relations between domestic partners. While there clearly lies a link between the dominant position that men hold in a lot of communities and the fact of them being the perpetrators of violence against women, one cannot generalize the position that men hold in individual households which doesn’t necessarily have to be that of utmost power. Apart from gender being a factor in determining power relations between two people, other factors like nationality, wealth, age, caste and status in society also play important roles. For instance, a 28-year-old man living financially dependent on his 40 year old working wife in US will have

³ Domestic violence: 'As a man, it's very difficult to say I've been The Independent, <http://www.independent.co.uk/life-style/health-and-families/health-news/domestic-violence-as-a-man-its-very-difficult-to-say-ive-been-beaten-up-8572143.html> (last visited Jul 31, 2017)

⁴ Domestic Violence - A Cruel Reality Of Modern India YourDOST Blog, <http://yourdost.com/blog/2016/12/domestic-violence-a-cruel-reality-of-modern-india.html> (last visited Jul 31, 2017)

different power dynamics in their relationship as compared to a younger wife of a working husband of a higher caste in the rural areas of India.

While domestic violence seems to be present in all arenas of society irrespective of the social identity or social status, the usual age of men who are the victims of domestic violence lies between mid 20 years to late 40's. A lot of times in cases of domestic violence, physical abuse is used as a source of causing momentary pain and not absolute physical domination. Therefore how strong the perpetrator or the victim physically is almost of no consequence.

Philip Cook's Book – 'THE ABUSED MEN' talks about how men are being abused and how they don't get any recognition in the society.⁵ Further, it also talks about different organizations like National Coalition for Free Men, which works for the upliftment of men. It has also introduced the term the 'battered Husband Syndrome'⁶ which refers to the physical and psychological condition of men after they have suffered domestic violence.

MANNERS IN WHICH MEN ARE HARASSED BY WOMEN

Physical violence is only one aspect of this multi faced violence by women against men. The women in India specially, usually resort to mental and emotional violence against their male counterparts, rather than physical violence.

A lot of the Indian wives, when husband come home from work, deliberately delay food, not serving on time as a mechanism to exert pressure. They withhold sex without reason and use it as a bargaining tool to get things done from husband. Even if he is not having sex, he can be charged with Rape, If not charged with impotence with one word of wife. Some women also raise their children against their own father, especially boys. They also force the man to send out his parents to orphanage or old age Home, thus causing them mental anguish. Many men are threatened by their in laws, to act as his wife says. The wife also takes all his earning / salary, refuse to entertain the husband's family for no specific reason, meanwhile forcing the man to pay for her Family, but stopping all monetary help to his Family. When things go wrong or when husband is not following what the wife demands, her family, in laws start to threaten to load him with false cases like anti dowry (498a) or Domestic Violence Act. Thus, the acts

⁵ Philip W Cook, *Abused men* (Praeger) (2009)

⁶ Veronicah Kaindi Kalayu, *Consequences, Management Strategies of Gender Based Domestic Violence*, (2007)

which were enacted for putting women on equal pedestal with men have actually created a false empowerment and is dragging men down instead of uplifting the women.

Symptoms and Impact of Domestic Violence on men

Long term and short-term injuries such as cuts, bruises, broken teeth, wounds etc and physical effects of psychological injuries such as stress like poor diet and lack of proper physical exercise are the physical symptoms of Domestic violence against men. There are a lot of emotional or psychological symptoms of domestic abuse against men such as

- Depression and low self esteem
- Fear and panic attacks
- Stress
- Infliction of harm on self
- Misuse of harmful substances

IMPACT

Financial: Loss of income due to work absences caused by injuries themselves or attempts to hide them • Perpetrator limits access to funds • Cost of medical treatment • Cost of relocating/coping mechanisms

Social: Forced or self-imposed isolation from friends • Difficulties trusting people (including new partners) • Isolation from family, alienation from children⁷

Domestic violence can leave men feeling ashamed of themselves. Just like domestic violence affects women, it also affects men the same way making them feeling depressed and anxious always. They're always unsure what action will their partner take next and are always afraid of being abused in some way or other. It can also lead to alcoholism and addiction as a coping mechanism for the daily abuse and in extreme cases especially when a man is not able to find any means of escape from the abuse can also lead to the man committing suicide.

⁷ Watson, Callum. Preventing and Responding to Sexual and Domestic Violence against Men: A Guidance Note for Security Sector Institutions. Geneva: DCAF, 2014

BARRIERS TO REPORTING

The various barriers to reporting domestic violence stop men who have suffered the crime to ask for assistance from the society or the police. Reporting rates of Domestic violence against men in India are almost negligible and are low even across the world.

A lot of barriers to reporting are *social*. For example, Fear of the fact that the police itself comprising mostly of men will be unsympathetic towards them and ridicule them and consider them less masculine if they approach them to report the act being committed against them. Or the fear of social consequences like being looked down upon by their family, friends and society. Most important reason of under reporting of all is our social system and the cultural values attached to being a man, which stop a man from being unafraid and report the abuse that they are suffering.

Legal barriers also stop men from reporting what they are going through. In India, as like in some other countries as well, domestic violence against men is not treated as a crime. Domestic Violence Act (2005) itself treats Domestic Violence as a gender specific crime.

The fact that there remains *no remedy* for men even if they gather the courage to report the violence being committed against is the biggest factor of why cases of domestic violence against men go unreported. They thus by reporting risk of making their situation worse.

Social Barriers

The stigma attached to a person being a victim, specifically being a man is the biggest barrier in reporting cases of domestic violence. In our society men are taught to be 'strong and independent' from a very tender age. The fear of being tagged as victims, and 'soft and weak' deters the male victims from reporting cases. In very extreme cases men may even blame themselves for provoking the attackers. Often when some of the male victims reports cases, they claim to have been intoxicated or high on drugs in order to give themselves a reason of why they were not able to defend themselves against their attackers which consequently weakens their claims.

Legal Barriers

In many instances law does not criminalize domestic violence against men. Indian judiciary has failed to recognize that men can also be victims of domestic violence. The laws dealing

with domestic violence in India are covered under The Protection of Women from Domestic Violence Act 2005 which is defined as “An Act to provide for more effective protection of the rights of *women* guaranteed under the Constitution who are victims of violence of any kind occurring within the family and formatters connected therewith or incidental thereto.⁸” As it can be clearly observed that the act deals explicitly only with women and no reference to any domestic violence has been made in the act. The Act needs to be changed from a gender biased act to a gender-neutral Act which provides remedies and relief to everyone regardless of their gender.

Due to the laws being women centric, they are often being misused also. The Supreme Court has said in a recent order that IPC Section 498A has “dubious place of pride amongst the provisions that are used as a weapon rather than a shield by disgruntled wives”.⁹ It is important to have a look on the results of Suicide, Depression and Divorce in the Indian society. A survey conducted by the National Family Health Survey which throws light on unprovoked violence against men by women is evidence in this reference. Notwithstanding the fact that double the numbers of men commit suicide as compared to women. It should not be a surprise to go for a law to protect men as such a law for women already exists. In fact, it would be preposterous in this age of gender equality, not to have such a law. Such a law to protect men from domestic violence would act as preventive relief to millions of those men who feel victimized and left out. It would also provide them with a legal platform to come forward and share their pain and get some semblance of relief.¹⁰

Practical Barriers

Common barriers like the victim and the people dependant on him like children, elderly people etc being required to leave the house the perpetrator lives in to avoid violent retribution because of the reporting of the act. Dependent men having no other accommodation also worry about the loss of custody of their children if they leave or are themselves being wrongly assumed and

⁸ The Protection of Women from Domestic Violence Act, 2005 (National Commission for Women) (2005), <http://ncw.nic.in/acts/TheProtectionofWomenfromDomesticViolenceAct2005.pdf> (last visited Jul 31, 2017)

⁹ News18.com: CNN News18 Latest News, Breaking News, Current News Headlines News18, <http://www.ibnlive.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html> (last visited Jul 31, 2017)

¹⁰ Jyoti Diwakar, *Domestic Violence against Men: A Legal Aspect*, 2 Legal Express An International Journal Of Law (2016), <http://legalexpress.co.in/downloads/jyoti-diwakar--domestic-violence-against-men1.pdf> (last visited Jul 31, 2017)

accused as perpetrators of violence, it being the general presumption that men are the perpetrators of domestic violence.

Also, services provided to victims of Domestic violence by ministries and organizations are also women centric and due the mandate being followed by them, they are not able to help male victims. In the UK, for example, the Home Office has not historically provided funding for male domestic violence victims and the Ministry of Justice Rape Support Fund only finances organizations that have a dedicated women's service, effectively excluding organizations specializing in support to male victims.¹¹

EFFORTS BEING TAKEN

Save Family foundation is an organization working on men's rights. The study by Save Family Foundation, which interviewed 1,650 husbands between the ages of 15 and 49 years, selected through random sampling using a schedule adapted from the WHO multi-country study on husband's health and domestic violence, reports that economical violence (32.8%) is common, followed by emotional violence (22.2%), physical violence (25.2%), and sexual violence (17.7%).¹² The study shows that the probability of violence increased significantly with the duration of marriage, particularly if it was more than 7 years old. It also shows that husbands who experienced some form of violence during their first year of marriage continued to experience the same for the rest of their lives. It is not something that just goes away. The study shows that domestic violence is a public health issue with far-reaching health consequences, such as mental illness and stress disorders, which need to be addressed. The study also shows that domestic violence is perpetrated across all socioeconomic classes. The study reports that a high proportion of husbands who experienced domestic violence were well educated and earning good money.¹³

¹¹ . ManKind Initiative, "Public services challenge – Men's health", 2008, p. 4, www.mankind.org.uk/pdfs/menshealth.pdf; Martyn Sullivan, An exploration of service delivery to male survivors of sexual abuse (Winston Churchill Travelling Fellowship) (2010), http://wcmt.org.uk/reports/840_1.pdf (last visited Jul 31, 2017).

¹² Violence a home truth for India Husband - MyNation Foundation Mynation.net, <http://mynation.net/study-report-indianhusbands.htm> (last visited Jul 31, 2017)

¹³ Domestic Violence against Men in India: A Perspective Academia.edu, https://www.academia.edu/1491737/Domestic_Violence_against_Men_in_India_A_Perspective (last visited Jul 31, 2017)

RECOMMENDATIONS AND CONCLUSION

A comparable number of men and women in India commit crime against one another. But strict laws to safeguard only women have been made in India and even media only highlights crime against women just to run their shop. There is no law in India to punish women who commit such acts of domestic violence against men. These safeguards for women, instead of stopping crime are creating more hatred against them. If this is not amended soon, the family system is going to crash in India and crimes from both sides will increase to no limits till the level of destabilization of marriage as an institution.

Law enforcement agents should also accept that husband battering and other forms of domestic violence against men is a reality, from which men are to be protected. The brutality of a man by his wife should not be seen as a trivial domestic matter. The trials of women who batter or kill their husbands must be given wide publicity in order to serve as deterrence to others who may have such tendencies.

Effective practices for drafting unbiased legislation on Domestic Violence

- The legislation specifically mentions men, women, boys and girls being potential perpetrators and victims.
- Domestic violence should be defined broadly covering physical, emotional, psychological, sexual and economic abuse.
- Including language should be used while reference is made to relationships where domestic violence can occur.
- If violence is used as a way to protect oneself from domestic violence, it should be treated a defence or a mitigator.
- To treat the credibility of a male domestic violence complaint similar to that of any other crime.
- Removing provisions by which anyone can file false domestic violence cases.

Effective practices for policies for reports of Domestic Violence

- All reports are thoroughly investigated and evidence collected as soon and as effectively as possible.
- Victim advocate is provided to the victim. A victim advocate should be someone outside the report structure who has the sufficient knowledge and expertise, like an

NGO, to help out the victim in every possible way to make him aware of his rights and to guide him through the procedures of the investigation.

- Victims are given free transportation and immediate access to medical facilities if they need it after reporting.
- The police protect and provides safety to the victim and any of his dependants.
- Services should be provided for the dependents of the male victim for example necessities for children and due care to the elderly.

Effective practices for social acceptability

- Gender as a subject is included in basic as well as secondary education.
- Gender training exclusively includes men and masculinity.
- Awareness regarding men and women being equal should be spread in the society to remove the social stigma that men are the stronger sex and women the weaker sex.

Battered husbands cut across all ages, educational levels, and socioeconomic classes. Male victims of domestic violence deserve the same recognition, sympathy, support, and services as do female victims. It is the contention of this paper, that as we protect the right of women in the marriages, so also should the rights of men be protected. Also just like women, men deserve protection from intimate partner brutality and abuse, and also have a right for better living as married men.