



## **Victim blaming explained**

When serious things happen to people, it can happen that other people name behaviors that in their eyes have contributed to these people being harmed (Davies, Matthews, & Read, 2014; Valor-Segura, Expósito, & Moya, 2011). For example, when a woman is raped, people sometimes wonder why this woman was in a quiet place in the evening and why she was wearing clothes that they see as provocative. If one blames victims partially or completely, we call this 'victim blaming' (Epstein, & Goodman, 2019; Valor-Segura, e.a., 2011).

You could also ask the opposite questions, like:

- Is a man allowed to rape a woman when she walks alone in a quiet place at night?
- Should there be an evening ban in certain areas for women who go out in the evening without company?
- Does a woman deserve to be raped if she wears a short skirt?

In this case, someone would probably answer in the negative. So it doesn't really seem to be the case that we think that someone with certain behaviour is right to be harmed under these circumstances. Then why do people practice victim blaming?

The main reason seems to be that people think it's a terrible idea that something as nasty as this can happen to them or a loved one without any guilt and/or that they are part of a society in which dishonest things happen and there are innocent victims (Davies, Matthews, & Read, 2014; Valor-Segura, Expósito, & Moya, 2011). If such things happen, they hope that it is rare, that it can only happen to people from another group, that they deserve it, and/or that they could at least prevent something like that from happening to themselves (Davies, Matthews, & Read, 2014; Valor-Segura, Expósito, & Moya, 2011).

## **Victim blaming leads to wrong thoughts**

In the case of domestic violence, there is a lot of victim blaming (Gracia & Lila, 2015). In general, people quickly think: if domestic violence happens to you, you should leave someone immediately. Not only is this not always easy and safe for a victim, but if a victim with children actually leaves a

partner who commits domestic violence, victim blaming also occurs. (Hester, 2011; Tierolf, Lünemann, & Stekete, 2014). Thoughts that people can have and/or express are:

- She's decided to have kids with this guy herself, hasn't she?
- If anything really happened, the police would act...
- After a divorce, accusations of domestic violence are almost always false.
- He's got a new partner, so it was apparently due to her after all.
- Why does she still allow these children in contact with their father after what he did to them?

These are problematic thoughts because the assumptions are wrong and reflect victim blaming. It's not the victim who caused the situation, it's the perpetrator of domestic violence. Domestic violence can arise or worsen due to the arrival of children (Walby, & Allen, 2004). The police do not always intervene because of a lack of knowledge about domestic violence, not being able to do enough investigation and/or because domestic violence is difficult to prove (Jernbro, e.a., 2017; Trocmé, & Bala, 2005; Vink, Van den Broek, Van Harten, Lenting, Elzinga, 2015). Domestic violence is often a reason why separations run into difficulties (Catalano, 2012; Dobash, Dobash, Cavanagh, & Lewis, 2004; Hirst, 2002; Jaffe, Crooks, & Poisson, 2003; Johnston, Lee, Olesen, & Walters, 2005; Trinder, Connolly, Kellet, Notley, & Swift, 2006). Perpetrators of domestic violence often start or exacerbate their behaviour and in particular their desire to be able to control their ex and the children (Douglas, e.a., 2008; Ornstein, & Rickne, 2013; Toews, McKenry, & Catlett, 2003; Walby, & Allen, 2004). Accusations of domestic violence following divorce are very rarely false and are almost never made by the parent with whom the children live, contrary to what is often thought (Penfold, 1995; Trocmé, & Bala, 2005). The question of whether there can be contact is usually not only in the hands of the victims (Harrison, 2008). However, it is not always clear to the professionals involved what has happened, and judges and child protectors can also have prejudices and make wrong decisions (Schakenraad, Den Hoed, & Hens, 2018; Van Eijkern, & Rus, 2014). What we know is that many perpetrators who commit domestic violence towards a partner also use violence towards and/or in the presence of their children, with damaging consequences. (Heward-Belle, 2016). Contact with children is often used to continue

psychological and sometimes even physical violence towards the ex (Hardesty, & Ganong, 2006; Holt, 2015). If an offender has a new partner, it can happen that the children are again exposed to violence between the offender and their stepparent (Hardesty, & Ganong, 2006).

Domestic violence is very harmful and the relationship between a child and a perpetrator of domestic violence can cause fear, low self-esteem and a negative self-image on the part of the child, with long-term consequences (Callaghan, Alexander, Sixsmith, & Fellin, 2015; Gilbert, e.a., 2009; Kimball, 2016; Swanston, e.a., 2014; Tierolf, e.a., 2014). Children therefore deserve to be protected against this by providing help if necessary in coping with traumas they have suffered and by not having contact with perpetrators if they do not wish this and/or if this is not possible in safety (Harrison, 2008; Council of Europe, 2007; 2011; United Nations, 1989; 2006;). For each situation, it should be possible to make a good consideration and to give priority to what the victims want and think is safe.

### **Advice to protect victims**

It should be a priority to protect the victims of domestic violence and the children. This requires stopping victim blaming and increasing knowledge about domestic violence and divorce.

### **Create understanding and empathy**

Try to get those involved to actively imagine the situation in which the victim finds him/herself (Bal, & Van den Bos, 2015). Emphasize the characteristics, situational circumstances, possibilities and impossibilities of the victim (Ensari, Christian, Kuriyama, & Miller, 2012). If someone imagines what they would do themselves, this can encourage victim blaming (Ensari, e.a., 2012). For example, the other person might think: I would have reported it immediately, I would show more grief, I would tell more convincingly and in more detail about the events, I would never enter into a relationship with a violent person, et cetera. It is, therefore, important that the other person understands what the situation is like for the victim, who, for example, is traumatised by the events and feels different and expresses different emotions. The victim probably has the experience that the ex-partner becomes more dangerous if he doesn't get his way. She may have lost confidence in the help of others, and/or may have guilt and

feelings of shame about previous decisions. One source that may help to create more understanding is the film 'Jusqu'à la Garde' (*transl.* Custody) (2017). This film provides insight into the complex and dangerous situation in which victims of domestic violence find themselves after a divorce and how the violence from the perpetrator can escalate. A link to the trailer of this film: [https://youtu.be/UaSst0b\\_0i8](https://youtu.be/UaSst0b_0i8) and a review: <https://youtu.be/j5g0akvPeFM>



**Child holding her mother's hand. Image Pixabay**

### **Make sure the situation becomes clear**

If the situation is unclear, there is more room for victim blaming (Albaek, Kinn, & Mild, 2018). For example, it is easier to blame a mother for reporting domestic violence if the professionals may think she is exaggerating or even inventing domestic violence completely than if there is clear evidence.

Gathering more information may help. For example, by asking the professionals who have been involved with the family whether they have



seen any signs of domestic violence (in addition to the obvious professionals such as the general practitioner and the maternity nurse, think also of the dentist and the veterinarian) (Gallagher, Allen, & Jones, 2008; Van Dam, Van der Sanden, & Bruers, 2015). In addition, people often use euphemisms and revealing terms when talking or writing about domestic violence. (Albaek, e.a., 2018). Therefore, try to get the information as specific and concrete as possible, by asking for clarification and more specific information. For example, if someone reports that there have been fights between the parents, ask how the fights arose and unfolded, what behaviors the parents displayed (such as shouting, hitting, controlling the other person's behavior, destroying things), what consequences this had for each of them (such as anxiety, bruising, anger, panic), and what the children have had to endure as a result (if they were witnesses, they could hear it, they would see the consequences later) (Sharman, & Hoorne, 2015).

Clarity about the situation also means that it is clear to everyone what the exact meaning of a possible dismissal or acquittal in criminal law is. In criminal law, a person is innocent until proven guilty (Van Zanten, & Brenninkmeijer, 2011). Professionals may wrongly think that a dismissal or acquittal means that it has been proven that no domestic violence has taken place. However, the professionals involved in family law decisions will have to contribute to a decision that is in the interest of the parties and the child (Van Zanten, & Brenninkmeijer, 2011). They will have to look at the information from this point of view. They will sometimes need to be made aware of this.

This can be a difficult task for the professionals (Taylor, Beckett, & McKeigue, 2008). It can help to give them emotional support in this (Albaek, e.a., 2018). In addition, it may be useful to draw their attention to the consequences of postponing a decision and/or not believing a victim. As explained, victim blaming can occur because acknowledging domestic violence and the unfairness of the situation gives rise to negative emotions. Realising that you are wrongly failing to help victims and may even contribute to their insecurity will probably do the same. Awareness of this, if possible at the same time as emotional support, makes it possible to create more space and willingness to acknowledge domestic violence. The aforementioned film could provide insight into this.

There are also international cases that you can refer to, from which it has become clear that wrong considerations endanger victims' lives:

- Spain: <https://tinyurl.com/y32v248v>
- UK: <https://tinyurl.com/y76meago>

### **Make sure the focus is on protecting the children**

Rights of custody and access concern the care of the children. Victim blaming is mainly aimed at the adult victims and there may be a tendency to focus on parents and oblige them to communicate and cooperate (Hester, 2011). You can refer to the following treaties, which show the obligation to protect the children:

### **International Convention on the Rights of the Child**

The following Articles of the International Convention on the Rights of the Child <https://www.unicef.org/child-rights-convention/convention-text>:

Article 3.1: 1. “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”

Article 9.1: “States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.”

And article 9.3: “States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.”

## **The Council of Europe Convention on preventing and combating violence against women and domestic violence**

The Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as ‘The Istanbul Convention’) is relevant: <https://www.coe.int/web/istanbul-convention/home>. The official statement about decisions in child custody cases involving domestic violence can also be used: <https://tinyurl.com/coe-violence-custdy>.

## **The Council of Europe (2007) Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”**

Article 27.4: “Each Party may adopt other measures in relation to perpetrators, such as withdrawal of parental rights or monitoring or supervision of convicted persons”

Keep in mind that professionals, from their protocol, often have one or more conversations with the children. Talking with children requires skills, knowledge and insight. Perhaps you can help to ensure that the children in question speak to professionals who have these skills, knowledge and insight and/or you can refer to the sources from chapter 5 of our book (CSMS, 2019).

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