



"Behind Closed Doors" Disclosure of Domestic Violence against Women (DVAW) by ER Nurses: Argumentative Essay

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ABSTRACT

Some Emergency (ER) Nurses may say that Violence Against Women (VAW) by a family member should be reported immediately to the police office in order to protect the victim from the perpetrator as a mandatory decision. However, nurses forget the fact that this action will be sometimes against the victim's autonomy. Opponents of this idea claim that shared decision should be taken hand by hand with the full disclosure to the victim considering the available referral opportunities to the authorized governmental and non-governmental organizations (NGOs). The purpose of this argumentative essay is to discuss two different points of views regarding to the mandatory disclosure of domestic violence against women based on different resources and evidences. On the other hand, Jordanian perspective toward domestic violence against women also was described within the legal and cultural context.

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INTRODUCTION AND BACKGROUND

Domestic violence against women (DVAW) described in various terms and used by different national and international agencies according to ethical, cultural and legal aspects. Following are the various terms used to describe violence against women including: Domestic Violence (DV), Gender Based Violence (GBV), Sexual and Gender-Based Violence (SGBV).

Violence against Women (VAW) refers to "any act of gender-based violence that results in, or is likely to result in, physical, sexual and psychological harm to women and girls, whether occurring in private or in public"¹⁶.

Gender Based Violence (GBV) is: "violence that is directed at a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty"¹⁶.

Domestic violence (DV) can be defined as a general term for violence that occurs between intimate

partners, relatives, individuals who have a child in common, or co-habitants¹⁸.

Sexual and Gender-Based Violence (SGBV) is used by UNHCR to "recognize that, although the majority of victims/ survivors are women and children, boys and men are also targets of sexual and gender based violence"¹⁶. For the purpose of this argumentative essay; domestic violence against women (DVAW) will be used as a descriptive terminology to describe the problem.

Overall incidence and cumulative lifetime prevalence of domestic violence against women in emergency department population are 11.7% and 54.2% respectively¹.

Nurses play a major role in discovery and disclosure domestic violence against women especially in the emergency departments. According to Hugi-Wajek and her colleagues (2009); having a trained domestic advocacy coordinator may offer the advantage of higher rates of detection than other health care



professionals achieve, with the added benefit of designated training and a focus that is dedicated only to this aspect of a patient's health care.

JORDANIAN PERSPECTIVES

Status of Domestic Violence against Women in Jordan

Jordan is a small State with limited natural resources, whose relative advantage is in its citizens. Hence, Jordan has invested much in its human resources because the Jordanian human being is seen as a source of development and advancement at all levels. A scrutiny of the patterns and levels of women's advancement in Jordan reveals exceptionally distinguished accomplishments in education and health. However, the patterns and levels of women's advancement in the economic and social areas do not match the prevalent patterns in the lower middle-income states or the political roles played by women in those states¹⁵.

It is noteworthy that Jordan has signed Convention against the Elimination of all Forms of Discrimination against Women (CEDAW) on December 2, 1980 and ratified it on July 1, 1992. Jordan has also, as part of its commitments in the Convention, submitted periodic reports to the concerned committee. The first and second were in 1993 and the third and fourth were in 2005.

A situation analysis survey of violence against women in Jordan was conducted in 2008 by the National Council for Family Affairs (NCFA) in order to highlight governmental and non-governmental organizations' objectives, main programs and accomplishments. The analysis also identified the challenges facing action in this area in terms of coordination and cooperation for the benefit of women, the family and the Jordanian society at large. Furthermore, the document cited some international experiences that can be used in the planning, implementation, and evaluation phases of action in the areas of protecting and empowering Jordanian women.

Jordanian Legislations and Laws

A review of the official documents on protection and prevention of domestic violence against women has shown that Jordan has witnessed and is witnessing

continuing efforts by the governmental, non-governmental organizations, represented by the Jordanian National Committee for Women's Affairs and the National Council for Family Affairs, in order to amend the laws and regulations and abolish the practices that constitute discrimination against women. The Civil Status Law was amended to allow women to practice their rights, and provisions of the penal code that constitute discrimination against women were abolished (Jordanian Penal Code, 1960). In order to achieve gender justice, CEDAW was published in the official gazette on 1/8/2007⁴.

Most notably, the Law on Protection from Domestic Violence number (6) for the year 2008, the development of protocols and procedures for family protection and the establishment of special departments on domestic violence in the Ministry of Health, Ministry of Education, Ministry of Justice and the Ministry of Social Development.

Unfortunately, Gaps in Jordanian laws also fail to provide protections for women's rights and equality and cases of domestic violence in Jordan are prosecuted under the penal code's general laws on assault and battery. Although assault and battery are accepted as valid reasons for initiating a judicial divorce, it is often very difficult for a woman to prove such a case. Shari'a courts require the testimony of two male witnesses in these circumstances; the testimony of the wife alone is not accepted as sufficient evidence.

The law obligates members of the medical profession to report cases that may involve a possible felony or misdemeanor; however, underreporting is common. The police will not pursue cases in which the inflicted injury causes an inability to work for ten days or less without a complaint by the injured party. Women victims of violence are often discouraged from reporting their abuse to police because of the social stigma and shame associated with such crimes. A battered woman may also be pressured by her family to drop the charges¹⁴.

Although the Family Protection Department and the Ordinance of Shelters for Family Protection (No. 48



of 2004) represent major advances in services rendered to victims of domestic violence, the shortage of shelters for battered women has prevented the Family Protection Department from delivering sufficient assistance to victims of physical and spousal abuse. Only one temporary shelter for battered women is in operation; it was set up by the Jordanian Women's Union, a nongovernmental organization¹⁴.

DECISION TO DISCLOSE SHOULD BE MANDATORY OR OPTIONAL

So the raised question now about the decision of disclosing the violence by the ER nurses regardless the victim's wishes or to let the decision to be made by the victim herself without forcing and to respect her right of self-determination.

Supporter of mandatory disclosure of DVAW by ER nurses argue that disclosure must be the best solution in order to protect the victim from the perpetrator. To support this idea, a study conducted by Houry and his colleagues (1999) stated that rarely mandatory reporting laws appear to adversely affect a patient's decisions to seek medical care. And this is against the majority of people thinking that mandatory reporting jeopardized victims' safety and would deter them from seeking medical care. Moreover, six states in the USA have mandated that health care providers report Intimate partner violence (IPV) to the criminal justice system.

Actually, many studies have asked abused and non abused women about their attitudes and beliefs toward mandatory disclosure of domestic violence against them and found varying responses. Whereas a majority of women (79%-80%) are in favor of a mandatory reporting law^{3,5}. On the contrary, a case-control study included 202 abused women and 240 randomly selected non-abused women. The purpose of the study was to describe women's opinions and policy preferences concerning domestic violence screening and mandatory reporting. The authors found that the majority of the interviewed women (Two thirds) prefer less likely to tell their health care providers about abuse under a mandatory reporting policy⁶. In addition, some abused women believe the reporting would make the abuser angrier (49%),

would make life more difficult (40%), and would result in additional mistreatment (31%). Of these abused women, 4% stated a law would not help them, and 13% were not sure if a law would help⁵.

Another study among postpartum Swedish women based on information from 2563 women was conducted to investigate the prevalence of disclosure and police reporting of intimate partner violence during the first year postpartum. The results revealed that of 52 women who had been exposed to violence by their partner during the first year postpartum, four (8%) had filed a police report while 19 (37%) had not told anyone about the violence. In the same instance, according to Hayden and his colleagues (1997) many victims of DV feel very comfortable while discussing DV with emergency physicians and nurses, although they may be less likely to reveal DV incidents at a triage encounter. Of past or current victims (39%) would not disclose DV if they knew that ED personnel were required to report it. So, opponents of mandatory disclosure claim that mandatory reporting laws may be an impediment to identifying cases of abuse since the fear of retaliatory actions is the major concern for the victims. Also, laws that mandate police involvement in cases of DV injuries have been criticized because of concerns that these laws will make the situation more complicated and deter victims from seeking medical care.

AUTHOR'S OPINION

In the author's point of view, domestic violence against women should not be discussed without consideration to three factors: cultural background, competency of the victim to decide and effectiveness of laws and regulations.

The author agree with letting the victim to decide since as ER nurses, they're in a unique position to offer victims of domestic violence real ways to find safety. Advocacy is an important role and it should be reflected by offering the tools and options that will help the woman to make her own decisions without coercion.

On the otherwise, ER nurses have to take other appropriate actions to keep the victim safe, such as asking questions about domestic violence only when



she and the victim have total privacy. Nurses should make sure that the victim's chart isn't left where unauthorized people. Active listening without judging is very important, provide emotional support, and help the woman get in touch with the authorized governmental and non-governmental organizations. Finally, author think that enforcing recording and reporting requirements on nurses means that the confidentiality so precious to all of us regarding our private intimate lives is lost to women at a most vulnerable and dangerous time and this is will negatively affect the therapeutic relationship between the victim and the nurse.

CONCLUSION

Domestic violence against women is considered as a one of the critical events facing us as a nurses. The purpose of this argumentative essay was to discuss two different points of views regarding to the

mandatory disclosure of domestic violence against women based on different resources and evidences.

With respect to the differences in numbers; supporters to mandatory disclosure claimed that a majority of victims prefer to report domestic violence against them regardless of retaliation actions of the perpetrator. While the opponents claim that the wishes of the victims should be respected and the final decision should be made by the victim herself after full disclosure of consequences and concerns regarding to her condition.

On the other hand, Jordanian perspective also was described within the legal and cultural context. Finally, the author suggested that domestic violence against women should not be discussed without consideration to three factors: cultural background, competency of the victim to decide and effectiveness of laws and regulations.

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