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## CHILDREN AS SECONDARY VICTIMS OF DOMESTIC VIOLENCE

*Exposure to domestic and intimate partner violence is a great burden on children across developmental stages and these poor outcomes are noted among children from a range of different cultural and socioeconomic backgrounds across the world. Although domestic violence affects all who are exposed: perpetrators, victims, and the children, analysis of violence effects are usually focused on primary victim. Secondary victims – children – witnesses of domestic violence are far too often neglected as victims of the psychological consequences of such violence, as possible future victims and as elements of a chain of violence who could help identify potentially violent situations and avoid new violence in the future.*

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## Introduction

Witnessing domestic violence<sup>1</sup> suggests that a child may not be a just physical victim of the violence; it also suggests that the child is actually present when the violent incident or behavior occurs (Hester et al., 2000). However, children can witness domestic violence in many other ways that extend beyond being physically present (Hester et al, 2000). Witnessing domestic violence can include direct observation of the violence and indirect awareness of the violence through overhearing the behavior or witnessing the physical and/or emotional manifestations of the violence in the form of injuries, fear and intimidation (Jaffe et al., 1990). Majority of children directly witnessed their mother being slapped, punched, kicked and hit with objects, often on a regular basis (McGee, 2000). In fact, a number of children felt that hearing the violence was more distressing than actually seeing it, in terms of feelings of powerlessness (Hogan, O’Reilly, 2007).

Although domestic violence affects all who are exposed: perpetrators, victims, and the children, analysis of violence effects are usually focused on primary victim. In majority of literature, recognition of great impact of witnessing domestic violence is often neglected.

Child maltreatment include exposure to intimate partner violence, abuse and neglect of someone under age of 18 years by any person in a custodial role (Hovdestad et al., 2015). Maltreatment types commonly co-occur, and consequently assessment of multiple types of maltreatment is important for understanding which forms of maltreatment co-occur and how different forms of maltreatment, and their co-occurrence, are risk factors for later health outcomes (Finkelhor, Ormrod, & Turner, 2007). Beyond the psychological effects, children who witness domestic abuse often are physically abused (Antle et al., 2010).

Children as “silent” victims have a substantial amount of domestic violence. Effect of witnessing makes a secondary victim – a child, who live in home where partner abuse occurs. Child maltreatment is recognized as a serious problem around the world. Witnessing or exposure to domestic violence has massive impact on children. According to some researches, 275 million children in the world and more than 10 million children in USA witness domestic violence (Sullivan, Egan, & Gooch, 2004). Official data of

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<sup>1</sup> Domestic violence intersects with the criminal justice system in the form of a number of criminal behaviors: assault and battery, harassment, breaking and entering, telephone misuse, violation of an *ex parte* or protection order, malicious destruction of property, sexual assault, and stalking as well as a number of other offenses that may not be immediately recognizable as domestic in origin (such as arson, fraud, or embezzlement) (Haley et al., 1998: 2).

domestic violence in Serbia from 2013, showed that in 76,5 % cases of intimate partner violence children witnesses violence against the mother (Ministry of Labor, Employment, Veterans' and Social Affairs, 2013). Some researches, showed that children in Serbia are exposed to violence as witnesses of violence against their mother in three quarters of domestic violence cases. In half of the cases father aggression was directed to child during the violence event (Ignjatovic, 2015).

Exposure to domestic and intimate partner violence is a great burden on children across developmental stages and these problematic outcomes are noted among children from a range of cultural and socioeconomic backgrounds across the world. Interestingly, the concerning consequences of witnessing domestic violence and intimate partner violence appear to place children at a similar burden of risk across countries, with evidence of psychological, physical, and social ramifications in disparate regions from Palestine to the Netherlands. The effects can be seen prenatally and continue through adolescence, with adjustment and mental health challenges documented as early as infancy (Howell, 2016). Despite of that international perspective, inclusion criteria may have resulted in selection of material constructed around concerns held predominantly by Western societies and policy makers (Hovdestad et al., 2015).

### **Impact of witnessing domestic violence on child development**

Impact of witnessing domestic violence affects children in different phases of development and has various consequences on developmental success. The findings show that children's exposure to domestic violence and intimate partner violence is extremely prevalent and those children are considered at a higher risk for problems in holistic development<sup>2</sup>. These children are at great risk for internalized behaviors such as fighting, bullying, lying, or cheating. They are also more disobedient at home and at school, and

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<sup>2</sup> Kitzmann et al. (2003) examined 118 studies (84 journal articles, 5 book chapters, and 29 theses or dissertations) published between 1978 and 2000. The selected studies allowed outcome comparisons for: (a) child witnesses of interparental violence and non-witnesses; (b) child witnesses of interparental violence and child witnesses (only) of interparental verbal aggression; (c) child witnesses of interparental violence and children who had been physically abused; and (d) child witnesses of interparental violence and physically abused children, along with a systematic comparison of the reported outcomes of correlation studies of exposure to the four conditions described above. All 118 selected studies yielded a significant association between exposure to interparental aggression and/or violence and to physical abuse and poor child outcomes. Witnessing interparental violence creates a notable risk, one that is at least as problematic as direct abuse at the hands of one's parents (Artz et al., 2014).

are more likely to have social competence problems, such as poor school performance and difficulty in relationships with others<sup>3</sup>.

The problem starts already in pregnancy. Children’s functioning is indirectly impacted by intimate partner violence exposure prenatally, in part because of the mental health consequences experienced by their mothers. Mother’s level of distress during pregnancy affects parental warmth, care giving and the development of healthy attachment patterns (Zeanah, 1999; Levendosky et al. 2011).

Problem continues with basic children needs such as safety and modeling for self regulation and their look to caregiver. Attachment relationships with mother are disturbed and associated with child’s disorganized attachment style (insecurely attached). The threat that IPV poses to primary caregiving relationships and social development during infancy is serious and linked with prolonged difficulties across childhood (Zeanah, 1999). The relationship of a caregiver has traditionally been one of love, support, and nurturance, unfortunately the effects of domestic violence can interrupt that bond, and damage the relationship.

Child witnesses of domestic violence are more likely to experience health problems (Chamberlain, 2001)<sup>4</sup>. Previous studies have shown general behavioral, cognitive, and emotional implications when children are exposed to DV or IPV including; irritability, sleep problems, fear of being alone, immaturity, language development, poor concentration, aggressiveness, antisocial behaviors, anxiety, depression, violence behaviors, low frustration tolerance, eating problems, and being passive or withdrawn (McGee, 2000; Elderson, 1999; Holt, 2015). Infants tend to also have sleeping and feeding disorders which can lead to poor weight gain (McFarlane et al., 2003).

Especially children in the preschool-age range have one of the highest rates of exposure to IPV connected with needs such as safety and emotion regulation to rely on parents and

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<sup>3</sup> National Domestic Violence Hotline; National Resource Center of Domestic Violence; Family Violence Prevention Fund; American Medical Association; American Academy of Pediatrics; American Academy of Family Physicians; Minnesota Center Against Violence and Abuse (according to Stiles, 2002).

<sup>4</sup> For instance, study finds a robust and consistent association between DV and asthma prevalence in India. Specifically, women who are victims of DV had a higher probability of being reported as having asthma. Furthermore, compared with DV-free households, living in households where women experience DV increased the risk of reported asthma for all individuals in the households, including children and adult men. Finally, the association between household exposure to DV and asthma was largely consistent across the different age-strata, with stronger effects observed in age groups under 5, 15–24 and 25–44 years. These findings are consistent with the few studies that have examined the links between violence and asthma in the and Australia (Subramanian, Ackerson, Subramanyam, Wright, 2007).

primary caregivers. Children exposed to violence at home have been linked to appraisals of self-blame which begins in the age of 4-6, children appraisals of self-blame increases over time, and there was a trend for girls to report more self-blame than boys did (Miller, Howell, Graham-Bermann, 2013). Understanding the meaning of protective factors in both domains (home and daycare) is important for their connection. Decreased competence in one domain may result in decreased competences in another. That highlights the need for dimensional and interactional approach to understanding preschooler's functioning after exposure to IPV (Anthony et al., 2005).

When children reach preschool age, and are witnessing domestic violence, they commonly show withdrawn social behaviors, have heightened anxiety and are more fearful (Hornor, 2005). One primary social implication of IPV exposure is their impact on educational abilities (Hornor, 2005) and developing attitudes that accept violence as a viable means of conflict resolution (Lichter, McCloskey, 2004).

Among boys, the effects of witnessing domestic violence can be seen through externalized behaviors such as aggressiveness or disobedience, while girls tend to show more internalized behaviors such as anxiety and depression (Meltzer et al., 2009)<sup>5</sup>.

When children reach school-age, the effects of witnessing domestic violence can impact their educational abilities (Hornor, 2005). Children academic progress has negative correlation with exposure to DM and IPV.

### **Legal system response**

Historically, the legal system has not been responding adequately to domestic violence and intimate partner violence (it was considered as private problem behind closed doors). But in the past decades, courts and law enforcement agencies have increasingly acknowledged the seriousness of domestic violence and have developed responses to it. In US, since 1980s domestic violence has been an issue in significant number of cases in almost every part of the court system: criminal, family law, juvenile, probate, and generally civil courts (Lemon, 1999). As a result of these dramatic changes, police and

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<sup>5</sup> Some researches evaluated attitudes about violence according to gender of preparation. Results indicated that for girls, both mother - and father-perpetrated IPV was associated with increased psychological and physical dating violence perpetration, whereas only mother-perpetrated IPV was associated with physical dating violence for boys. Further, these relationships were fully mediated by attitudes that were accepting of female violence (for girls) and male violence (for boys). Both of these studies highlight the important role that attitudes surrounding violence play in perpetration of later IPV, especially important for the different forms of girls and boys further perpetration of violence (Temple, et al., 2013).

prosecutors have enhanced their investigation and the vigour by which these matters are pursued in court. The courts have responded to this change in perception and attitude with more severe sentences or mandated intervention for perpetrators (Jaffe, et al., 2003). The issue of whether or not arresting perpetrators is an effective intervention has been a primary focus of domestic violence research (Sherman et al., 1992; Mears, et al., 2001)<sup>6</sup>.

However, optimistic view from the beginning, have been replaced by new approaches who considered more complex questions regarding domestic violence. A “one-size-fits-all” approach to batterer intervention cannot accommodate the diverse population of batterers entering the criminal justice system (Healey, Smith, & O’Sullivan, 1998).

Despite of that improvement, legal system has been slow to recognize the impact of children witnessing domestic violence and intimate partner violence compeering with other form of child maltreatment. Children witnessing domestic violence has elements witch include several types of child maltreatment. For instance, child witnessing most often is meant to encompass the many ways in which a child is involved in a domestic violence incident. Witnessing may refer to a child’s visual or auditory witnessing of a violent act or acts perpetrated by the batterer against the child’s mother. Witnessing may also include incidents when a child is in her mother's arms when the assault takes place. Older youth may intervene to protect their mothers. When a child is directly assaulted during the mother's assault, these situations most often fall under child abuse statutes and are not usually defined as “child witnessing.” The terms “exposed” to, “affected” by and children who “experience” domestic violence are also used to describe, “witnessing” (Fitzgerald et al., 2004).

***a) Civil and Criminal responses to children witnessing of domestic violence in USA***

A number of states have responded to the disturbing realities of child witnessing domestic violence by increasing the criminal penalties for perpetrators of domestic violence in the presence of a child. Some states created a new crime of child abuse when domestic violence is committed in the presence of a child and other states enhanced penalties for domestic violence offenses when children are present (Fitzgerald et al., 2004: 4). The definition of "presence" has a significant impact in the breadth of these criminal statutes.

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<sup>6</sup> Sherman shows different impact of compulsory arrest according domestic violence among class and race. That compulsory arrest reduces violence against middle-class women at the expense of those (often black) who are poor. He calls for more flexible policies—such as "community policing"—that more adequately reflect the diversity of American society (Sherman et al., 1992).

Legal recognition of the harm to victims of domestic violence has now been extended to child witnesses as secondary victims of this violence (Weithorn, 2001). Prior to legislative changes, prosecutors were able to recognize the plight of children only as an aggravating factor in sentencing (Jaffe et al., 2003). This discretionary intervention on the part of more diligent prosecutors has been formalized with changes to some states' legislation. In California, for example, children's exposure to domestic violence is a factor to be considered by judges in determining an appropriate sentence, and in Idaho domestic violence in the presence of children may double the criminal sentence (ibid). Some authors have advocated that children's exposure to violence should be a separate criminal offence to ensure batterers accountability, to avoid revictimizing abused women with allegations of "failure to protect" in the child protection system. Other laws criminally punish parents for endangering a child's welfare by failing to care properly for, protect, or support the child. In other states, laws penalize adults who act in a manner that is likely to be injurious to the physical, mental, or moral welfare of a child (Stone, Fialk, 1997).

In fact, several states have implemented laws that reflect this view. Separate Crime for Child Witnessing in USA give some illustration criminal response to children witnessing domestic violence. In Georgia Georgia's statute at O.C.G.A. Sec. 16-5-70 is entitled Cruelty to Children and states in relevant part: (c) Any person commits the offense of cruelty to children in the second degree when: (1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or (2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery or family violence battery. (e) A person convicted of the offense of cruelty to children in the second degree shall be punished as for a misdemeanor upon the first or second conviction (Fitzgerald et al., 2004).

In Utah's statute at UT ST § 76-5-109.1 states in relevant part that: (2) A person is guilty of child abuse if he: (a) commits or attempts to commit criminal homicide ... against a cohabitant in the presence of a child [third degree felony]; or (b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon ... or other means of force likely to produce death or serious bodily injury against a cohabitant in the presence of a child; or (c)... commits an act of domestic violence in the presence of a child [class B misdemeanor] The statute defines in the presence of a child as: "in the physical presence... Or having knowledge that a child is present and may see and hear an act of domestic violence." UT ST § 76-5- 109.1 (1) (b). Also the statute specifies that a charge under the section is separate and distinct from, and is in addition to, a charge of domestic violence where the victim is the cohabitant (Fitzgerald et al., 2004).

In Delaware’s statute at Title 11 § 1102 states in relevant part: that a person is guilty of endangering the welfare of a child when: ... (4) the person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, or unlawful imprisonment second degree against a victim, knowing that such a felony or misdemeanor was witnessed by a child less than 18 years of age who is a member of the person’s family or the victim’s family. Hawaii’s statute at Section 706-6-6.4 provides that it is an aggravating factor in determining the particular sentence to be imposed if: (a) the defendant has been convicted of committing or attempting to commit an offense involving abuse of a family or household member; (b) the defendant is or has been a family or household member of either a minor referred to in (c) or the victim of the offense; and (d) the offense contemporaneously occurred in the presence of a minor. “Offenses” are defined as assaults in first and second degree, sexual assaults in first, second or third degree and abuse of family or household members. “Presence” is defined by statute to mean in the actual physical presence of a child or knowing that a child is present and may hear or see the offense. There are no reported cases citing this statute (Fitzgerald et al., 2004).

New legislative reforms in US initiated debates about new laws effects. Positive impact of that new legal response was message to the public how is exposure to domestic violence harmful to children. This initiated new social norm against children maltreatment. Obviously, the real intent was not to bring more people before the courts, but rather to change historic attitudes and patterns of behavior and educate the community. Other anticipated benefits included the education of front-line professionals (such as police officers) to give special notice to the plight of these children and improved access to resources (Jaffe et al., 2003: 5).

Unfortunately, side effects made some confusion and controversy in court practice. Some of the most significant negative consequences are similar to pro-arrest policies in cases of domestic violence and could lead to criminalization of domestic violence developed more quickly than the training of police, prosecutors, and judges (Jaffe et al., 2003). This gap between legislation and the practical implementation of the new laws created expectations on the part of victims and victim advocates that exceeded the capacity and ability of the criminal justice system (*Ibid.*). In addition to the unintended side effects on adult domestic violence victims, new laws criminalizing exposure to violence may create a host of dilemmas for child witnesses.

Laws criminalizing domestic violence in the presence of a child will create another barrier to reporting as mothers will fear that their children will be compelled to testify and will



be placed in foster care. Some parents will fear being charged if they bring the criminal behavior to the attention of the authorities. Batterers may not be educated as to the effects of domestic violence on children: Although these criminal statutes may temporarily end the child’s exposure to violence, the criminal charge alone will not educate the batterer as to the effect of this behavior. A broader perspective is urged in order to end the cycle of violence (*Ibid.*). These factors may converge to create a climate where domestic violence victims and their children are hesitant to disclose the violence, because of their role as court witnesses and all of the consequences that may prevail from the criminal justice system (Jaffe, et al., 2003).

***b) Civil and Criminal responses to children witnessing of domestic violence in UE***

The effective protection of the rights of the child, in both domestic policies and external action, is one of the European Union’s priorities for action, as can be seen in its strategies, plans, measures and regulations. In 2006 the European Commission adopted the Communication “Towards a European Union strategy on the Rights of the Child” , which developed a common basis for the Member States to achieve them. The protection of children is, in fact, a political mandate established in the Charter of Fundamental Rights of the European Union, 2007. The most important for the issue of domestic violence is Right to life, survival and development (CRC Article 6).

Taking into account that the situation of gender-based domestic violence affects the overall development of children, states will have to do everything within their reach to protect children who have lived through this plight and provide them with specific care, taking positive measures to support their recovery and, at the same time, avoiding their stigmatization because of the violence they have suffered.

Despite significant achievements made in the field of children’s rights at all political levels, more specific action is required with regard to children who witness domestic violence. They are far too often neglected as victims of the psychological consequences of such violence, as possible future victims and as elements of a chain of violence who could help identify potentially violent situations and avoid new violence in the future.

The Assembly<sup>7</sup> therefore calls on national parliaments of Council of Europe member states to: provide the children concerned with a veritable status of “secondary victims” in order to consider appropriately the impact that domestic violence can have on them;

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<sup>7</sup> Report of The Social, Health and Family Affairs Committee, on March, 2010 (Doc.12111;Doc.12155;Recommendation 1905/2010) Parliamentary Assembly

provide for specific gender-mainstreamed measures in order to deal with the specific consequences of domestic violence for girls and boys in their lives as children and adults; continue to raise awareness on the situation of children witnessing domestic violence and take the issue into consideration in the context of national legislation and policies in an interdisciplinary approach integrating gender mainstreaming, aimed specifically at the protection of children especially, the punishment of crimes involving domestic violence or the provision of financial compensation for witnesses of violence as victims of its psychological consequences include in their legislation the right of children to an education based on mutual respect and non-violence; strengthen the special consideration in legal and administrative procedures for children having witnessed domestic violence, for example by: creating special conditions for hearing children as witnesses of violence in order to avoid the repetition of testimony and unwarranted or humiliating questioning, and to lessen the traumatizing effects of legal and institutional proceedings; providing the children concerned with physical protection during relevant proceedings and through custody and contact rights following situations of domestic violence; providing the children concerned with protection and support, not only in women’s shelters as it is often the case, but also outside such institutions; providing the relevant actors of social and other services with the knowledge required for dealing with children having witnessed domestic violence (training of police forces and teachers); taking into account the best interest of the child who has witnessed domestic violence when ruling on parental authority and contact of the author of domestic violence with the child concerned; promote the issue of children who witness domestic violence through integrated approaches, with the aim of avoiding severe psychological traumas for children, and through educational programs for families aimed at preventing the transgenerational transmission of violence, and thus future situations of domestic violence.

***c) Civil and Criminal responses to children witnessing of domestic violence in Serbia***

Domestic violence is considered a “long-lasting phenomenon” and as a socio-pathological one has become almost a part of daily lives in Serbia. Model and patterns of its existence and survival are part of patriarchal or traditional perceptions of gender relations, gender patterns and family relationships (Petrušić, Žunić, Vilić, 2008). Such cultural patterns, social norms and traditional bonding models of family (domestic violence as a social acceptable behavior) are accompanied with transition process and problems (decline of the individual and social material standard, process of pauperization, social insecurity, increasing social distance, increase number of unemployed persons, and also re-traditionalization and re-patriarchalisation) (Milić, 2002; Blagojević, 2002).

Accordingly, domestic violence is defined as the continuous application of physical and psychological force to family members, with endangering and violating the domains of security and trust and manifestation control and power over family members, whether or not this behavior is in current legislation envisaged as a criminal offense and whether the perpetrator of the violence was reported bodies of persecution (Konstantinović-Vilić, Nikolić-Ristanović, 2003; Lukić, 2003 according to Petrušić, Žunić, Vilić, 2008).

Studies on violence against children in Serbia show the widespread prevalence of that violence in various forms. It appears as direct, interpersonal, physical, psychological, and/or sexual abuse, and also as negligence that denies needs and impede child development. Violence against child has also distal causes and complex manifestation as structural violence – child marriage, child work and different forms of exploitation or social exclusion (UNICEF, 2017).

The relevant policy context is marked by significant efforts to enhance the system's response to violence towards children. Since the mid 2000s in Serbia, prevention and suppression of violence against children and protection of children from violence is one of the important priorities of national policies. A general framework for child-related policies in the period 2004-2015 is defined in the National Plan of Action for Children. As part of this framework, the Republic of Serbia adopted the General Protocol for the Protection of Children against Abuse and Neglect. The goal of adopting this protocol was to provide a framework for establishing an effective, operational, cross-sectoral networks to protect children from abuse, neglect, exploitation and violence. Next to the General Protocol, specific sectoral protocols were adopted, which defined specific roles and procedures in protecting children from abuse and neglect for each of the relevant sectors within the protection system - social security, education, police, health and justice systems. In 2008, the Government of the Republic of Serbia adopted the National Strategy for the Prevention and Protection of Children violence, and during 2010 an Action Plan for its implementation. In July 2016, Serbia opened Chapter 23 in the Euro-integration process and, as part of its commitments areas, the implementation of the Chapter 237 Action Plan is expected be one of the priorities of the Government. This one the plan envisages the creation of a new "Multi - annual Strategic Framework for the Prevention

and Protection of Children from Violence" in 2017 and the revision of “soft” legal regulations (General and Special Protocols)<sup>8</sup>.

Children are considered victims of violence in the family not only when they experience it directly, but also when they are exposed to acts of violence that one family member performs against another family member as a witnesses. General protocol finds that: witnessing and exposure to violence traumatizes children, regardless of whether they watch the violence directly, or hear sounds, thumps or screams from a close range, when they know that violence is occurring or can occur, or when they subsequently see the consequences of violence among family members. This is why it is necessary to ensure that children’s rights and needs are taken in consideration when providing services and assistance to victims of domestic violence when they are witnesses of violence. The term “child witness” does not only relate to children who witness the act of domestic violence directly, but also to the children exposed to violence indirectly. In these cases it is necessary to apply complementarily the General Protocol on the Protection of Children from Abuse and Neglect. When giving assistance to victims of domestic violence with vulnerable members as violence witnesses, it is necessary to take measures of protection that meet the needs of these persons, considering that they are not in the situation to protect themselves without the help of others. All services to children witnesses of domestic violence and other vulnerable family members need to be provided in accordance with their best interests (General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in the Situations of Violence against Women within the Family and in Intimate Partner Relationship Children).

Despite the awareness that not only women are victims of domestic and intimate partner violence - children in the family are victims to the same extent as women, even 11 years after the adoption of the General and Special Protocols for the Protection of Children from Abuse and Neglect, the child protection system does not function fully. In the practice, the children witnessing domestic or intimate partner violence against their parents and other family members were not treated as victims of abuse and neglect, and protection measures were not taken accordingly. The guardianship authority was not notified of the knowledge or suspicion about the presence of children during the act of

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<sup>8</sup> Official Gazette of RS, No. 122/2008. Official Gazette of RS, No. 15/10. 7 Available: <http://www.mpravde.gov.rs/tekst/9849/final-version-of-the-action-plan-to-negotiate-chapter-23-which-agreed-with-the-last-recommendations-and-confirmed-by-the-european-commission-in-brussels-.php>

domestic or intimate partner violence against their parents or other family members (The Special Report of the Protector of Citizens, 2016: 38)<sup>9</sup>.

Children are not provided with protection from exposure to domestic or intimate partner violence against a parent or other close family member, of from parental instrumentalization, parental abduction, separation from parents, prevention of quality personal relations with parents and other forms of child abuse and neglect that cause serious and severe, sometimes irreparable, harm to the child’s growth and development<sup>10</sup>. Even so, the existing regulations and their implementation do not provide women with immediate protection in any situation of violence. The existing penal policy, with a high rate of postponement of criminal prosecution and imposition of conditional sentences, does not contribute to the prevention and elimination of violence against women, in the circumstances of widespread violence against women in Serbia, which was established by the 2014 (*Ibid.*)<sup>11</sup>.

### Conclusion

Children witnessing domestic and intimate partner violence are secondary victims of violence at home. Impact of domestic violence has tremendous consequences for child’s psychological development and social behavior. In comparison with the past few decades, problem of children witnessing domestic violence is much more recognized, especially

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<sup>9</sup> Protection of Women from Domestic and Intimate Partner Violence-Selected Recommendations of the Protector of Citizens (Ed., Stevanović, 2016).

<sup>10</sup> The Special Report of the Protector of Citizens on the Implementation of the General and Special Protocols on Protection of Women against Violence is available at: [http://www.protector.rs/attachments/3710\\_Special%20Report%20Protector%20city%20of%20application%20General%20and%20special%20protocol%20for%20protection%20women%20of%20violence.doc](http://www.protector.rs/attachments/3710_Special%20Report%20Protector%20city%20of%20application%20General%20and%20special%20protocol%20for%20protection%20women%20of%20violence.doc), accessed on 10/10/2016. ”

<sup>11</sup> In a number of cases, the police officers gave assessments of reported incidents, without qualifying them as violence but rather as “family disagreements”, “verbal conflict”, “disturbed family relationships”, „bad marital relationships”, although prior to giving such assessments they did not perform activities to establish these facts - except for taking statements from the reporting person and the reported person. In accordance with such assessments the police officers were choosing the way of further action - most often they used the police power of warning but in some cases the police did not take any measure. Such assessments of reported incidents, along with insufficient data collected, influenced the way in which the police officers presented these incidents to the deputy public prosecutor on duty and, consequently, the public prosecutor’s decision. The public prosecutors usually considered that there were no elements of a criminal offence for which the perpetrators were prosecuted *ex officio*. The public prosecutors were instructing the police to file criminal charges only after several reports of violence against the same person and in cases where serious bodily injuries were recorded. Denial of violence by the victim and her mental state were the reasons why the police officers did not undertake measures and actions to establish the facts even when violence was repeatedly reported and the victim had visible injuries; in one case the head of police station neither took any measure nor did he inform the police officers of his own knowledge that the victim’s partner had threatened the victim (The Special Report of the Protector of Citizens, 2016).

in USA and EU states. Despite of that improvement, legal and civil responses have match controversy and ambivalent outcomes.

In Serbia, enforcement of Child rights has significant legislative response, although in practice, chain of support doesn't work in accordance with legislative improvement. Causes are multiple and complex. Meaning of legislative response is part of multilevel process of changing social, cultural, and family patterns and signalize that violent relationship in home are not acceptable and allowable way of family communication because of the great destructive potential which affects children the most.

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### **Documents**

- Building a Europe for and with children – 2009-2011 Strategy, Council of Europe Strategies for the Rights of the Child
- General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in the Situations of Violence against Women within the Family and in Intimate Partner Relationship
- Parliamentary Assembly Resolution 1714 (2010) Children who witness domestic violence. Adopted by the Standing Committee acting on behalf of the Assembly on March the 12th, 2010 <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/ERES1714.htm>
- Parliamentary Assembly Recommendation 1905 (2010) Children who witness domestic violence. Adopted by the Standing Committee acting on behalf of the Assembly on March the 12th, 2010 <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta10/EREC1905.htm>
- Protection of Women from Domestic and Intimate Partner Violence: Selected recommendations of the Protector of Citizens. Protector of Citizens. Belgrade: Interprint plus.
- Report Children who witness domestic violence by Mrs Carina Ohlsson. Social, Health and Family Affairs Committee Doc. 12111- 5th January 2010.



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