
Domestic Violence in Relation to Children Rights in Dar es Salaam, Tanzania

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Abstract

This paper discusses domestic violence in relation to children rights in Temeke District Dar es salaam Tanzania. The main objective is to investigate rights of domestic violence affected children in households in so as to create awareness and understanding to the problem of domestic violence in relation to rights of children in the society. The study has revealed the pattern and trends of the abuse of children rights by domestic violence is beyond the margin, children are the most victim of domestic violence and their rights are. In order to reduce abuse of children rights it is recommended among others that, the institutions dealing with children affairs should introduce programs on domestic violence and the impact to children rights. The government should review legislation regarding Children, marriage, penal offences so as to include domestic violence as offences. Therapeutic support, counseling and specialist domestic violence services are essential for the presentation of affected children such as right to affection.

Key Words: Child right, Domestic violence, Child abuse.

Introduction

Domestic Violence is one of the major factors destroying human life and relationship allover the world, more women die through domestic violence than through war and civil wars. The victim of violence in most cases is women and children. Domestic violence affects a nationality or ethnic groups and cuts across the entire social strata. The violence undermine social structures, it hinders economic development and increase impoverishment. Violence affects growth of income households and general well being of families.

The violence damages the prospects for economic and social development of every country, domestic violence affects children performance in school therefore their future productivity and the return on national investment in schools (CHAFRA, 2000). Violence creates intense stress for a child, they lose opportunity of going to school, disregard their home as a place of comfort. They feel unsecured and usually lose hope in life and ending to be street children. Others are involved in child labour reaching to that stage they show various behaviors. Some may "act out" and can be viewed as delinquent. Others work very hard to excel at every endeavor in attempt to keep their family (AWAIC, 2009). They appeared to be prettified; they are forced to grow up faster than their peers (Newton, 2001).

The violence exacerbate to family trauma, the psychological disorder due to disintegration of families and breaking relationships that may become intolerable for some couple to stay together (Manzo, 2005). Holistic behavior of the children is often triggered by the spiral of violence and neglect that goes back to generations.

Children need social and legal protection against abuse of violence (Sindila, 2010), article 19 of the convention of rights of the child (1989) goes beyond children's rights to protection from abuse and require children's protection from all forms of physical or mental violence while in the care of parents or others, and obliged states to legislative social education and other steps to ensure to children such

protection (Shivji, 2004). It was revealed that Domestic Violence is always protected by family secrecy, cultural norms, fear, shame or community reluctance to get involved in what is seen as domestic affair (Kivulini, 2010).

Literature Review

Lyinda (2011) Said that Domestic violence is a pattern of abusing behavior in which a person use coercion, deception, harassment, humiliation, manipulation and, or force to establish or maintain power and control over his her inmate partner.

Simbiso (2010) pointed out that children represent more than half of Tanzanian population. Investing in children, now it is slowly becoming an investment in our families and communities and in the country's future. He further said that the vision of an economically prosperous in Tanzania can only be achieved if our children grow up healthy, well nourished, well educated and protected from violence, abuse and exploitation.

According to Baker (2002) children who have witnessed domestic violence or have themselves been abused, exhibit health and behavior problems, including problems with their weight, their eating and their sleep. They may have difficulty at school and find it hard to develop close and positive friendships. They may try to run away or even display suicidal tendencies.

Mullender and Morley (2004) argue that most children however, will be affected in some way by tension or by witnessing arguments, distressing behaviour or assaults - even if they do not always show this. They may feel that they are to blame, or they may feel angry, guilty, insecure, lonely, frightened, powerless, or confused. They may have ambivalent feelings, both towards the abuser, and towards the non-abusing parent. These are some of the effects of domestic violence on children: they may become anxious or depressed; they may have difficulty sleeping; they may have nightmares or flashbacks; they may complain of physical symptoms such as tummy aches; they may start to wet their bed; they may have temper tantrums; they may behave as though they are much younger than they are; they may have problems at school, or may start truanting; they may become aggressive; they may internalize their distress and withdraw from other people; they may have a lowered sense of self-worth. Older children may start to use alcohol or drugs; they may begin to self-harm by taking overdoses or cutting themselves; they may develop an eating disorder.

Joseph (2004) said that the consequences of domestic Violence is the denial of fundamental rights of women, children who are witnessing domestic violence or have themselves been abused exhibit health and behavior problems. It includes also problem with their weight, their eating and their sleep. Children may have difficulty at their schools and find it hard to develop close and positive friendships. They may try to run away even display suicidal tendencies.

In the paper titled "behind closed doors, the impact of domestic violence on children "prepared by UNICEF, (2006) findings show that children who are exposed to violence in the home may suffer a range of severe and lasting effects. It further says that children who grow up in a violent home are more likely to be victims of child abuse and those who are not direct victims have some of the same behavioral and psychological problems as children who are themselves physically abused .Children who are exposed to violence in the home may have difficulty learning and limited social skills, exhibit violent, risky or delinquent, behavior or suffer from depression or severe anxiety.

Worrall (2008) argue that the potential impact of domestic violence on children's and young people's physical, mental and emotional health and development has been widely researched. In both the UK and Australia reports considering the available evidence, concluded that children witnessing domestic violence showed significantly poorer outcomes on a range of developmental and behavioral dimensions than those living without violence. The outcomes were similar to those of children who were directly physically abused. Living with domestic violence is also sometimes assumed to affect attitudes to

violence in later life, especially among males, and some research suggests that violence within the home makes a stronger contribution to later attitudes than violence experienced at school or in the community. There is also some evidence that families in which child abuse occurs are more likely to have a history of domestic violence. In extreme cases where the violence escalates to the murder of one parent by the other, it has been suggested that, in an attempt to come to terms with their trauma, children may develop an over-forgiving attitude towards their own violence - and that of others.

McKinney (2001) commented that children and youth who flee violence homes with a parent survival and who become homeless as a result face many barriers; they are heightened risk for emotional and behavioral problems, he further said that this effect can have a pronounced impact on children's adjustment in school including their ability to learn and their concentration level.

Child Welfare Information (2010) commented that, victims demonstrate a wide range of effects from domestic violence. The perpetrator's abusive behavior can cause an array of health problems and physical injuries. Victims may require medical attention for immediate injuries, hospitalization for severe assaults, or chronic care for debilitating health problems resulting from the perpetrator's physical attacks. The direct physical effects of domestic violence can range from minor scratches or bruises to fractured bones or sexually transmitted diseases resulting from forced sexual activity and other practices. The indirect physical effects of domestic violence can range from recurring headaches or stomachaches to severe health problems. The impact of domestic violence on victims can result in acute and chronic mental health problems. Some victims, however, have histories of psychiatric illnesses that may be exacerbated by the abuse; others may develop psychological problems as a direct result of the abuse. Examples of emotional and behavioral effects of domestic violence include many common coping responses to trauma, such as: emotional withdrawal, denial or minimization of the abuse, impulsivity or aggressiveness, apprehension or fear, helplessness, anger, anxiety or hyper vigilance, disturbance of eating or sleeping patterns, substance abuse, depression and suicide.

Methodology

Population, Sample size and Sampling

The study population of this study was children at the age of 3 to 14 years, who were affected by domestic violence and the targeted area was Temeke District. Majority of its population lives in houses which are not well planned and closer to each other. There are many slums settlements in the District. The population comprises of three major groups which are women, youth and children. The vast numbers of total district population are children.

In that area a researcher was assisted by local Government Authority leaders to identify vulnerable house holds and Care Centers. There were 90 respondents in which 30 were children, and 60 were the people living with children (parents or guardian), neighbours, auxiliary police officers, local government leaders and social welfare officers.

In this study Purposive Sampling Procedure was used to identify 90 respondents in all areas, 60 were respondents, while 30 were informants including owner of care centre, school teachers, neighbours, auxiliary police officers, local government leaders and social welfare officers.

Data Analysis

In respect to this study, researcher analyzed data in computer by using stakeholder and PESTEC analysis tools. Data analysis method employed was explanatory model and simple statistic. The data collected was transcribed, summarized and paraphrased while preserving the original meaning as accurately as possible. Some few short extract from transcription were used in research. Data was summarized in tables from open ended responses; similarities as well as differences in response were noted. Data were both qualitative and quantitative.

Analysis and Interpretation Of Data

Right to protection from physical abuse.

The study intended to see how affected children protected from physical abuse. It was revealed that physical abuse was taking in form of punching, kicking, shoving, slapping and pulling ear a child.

Table 1 Physical abuse to affected children

Physical abuse	Responses	
	n	%
With mother	1	3
With father	22	73
Never abused	5	17
With both parents	2	7
Total	30	100

Source: Field data (2010)

73 percent of respondents were physically abused by their own fathers who mostly punish their children as in quarrel with their wives. It was found that many of male parents engaged in drunken habit. One affected children said that “My mother was never beat me, only my father before separation from my mother, he used to beat me using his belt, kicking and slapping me...” Another respondent added “..One day my father beaten me up and I could not go to school for two days...”

However it was noted that most of affected children were severely punished by their parents the manner which taken to be cultural accepted toward children who seems to disobey elders. 17 percent of affected children stated that they had never physical abused by their guardians to whom they live with. Many of these guardians were grandmothers who took the affected children from their violence homes.

Rights to protection from sexual abuse.

Researcher was interested in whether affected children from domestic violence households ever forced into sexual intercourse by any member from his/her household. That was to grasp the opinion to what extend household members could protect affected children from sexual abuse. It was to see how household members could take advantage over the situation of domestic violence to protect or not affected children.

As shown in table 2, 29 of affected children who were interviewed had never forced into sexual intercourse. Only one respondent mentioned that she had forced into sexual intercourse with one man from outside her household. According to her, her parents brought the men to the local authority where he paid fine. This concluded that parents and guardians for affected children protected children from sexual abuse.

Table 2 Responses on sexual abuse

Responses on sexual abuse	n	%
Having sexual abuse	1	3
Never having sexual abuse	29	97
Total	30	100

Source: Field data (2010)

Rights to protection from economic exploitation

It was discovered from respondents that many of households in domestic violence left on women control of the house. According to respondents their mothers were concerned with sending children to school, provided for the food, shelter, clothing and so on. It was acknowledged from respondents that, affected children supposed to assist their mothers with their petty jobs to provide for the households. One respondent argued that after school she used to assist her mother frying and selling chips.

UN Convention on the rights of the child (1989) CRC identifies child right against child labour. However from this research affected children may not protected from child labour. That situation accelerated by the fact that women need support to provide for their families and since they may not get it from their husbands they may relay on their children. In such situation nobody seemed to uplift affected children from child labour.

Rights to protection from neglect.

Mashamba (2009) argues "...Parents have the primary responsibility for parentage, custody, access and maintenance of children. As such, parental responsibilities have been imposed by customs, usage and tradition from various families and communities worldwide..." It is primary responsibility of the parents within the family to create conditions which must promote the development of the child's personality and his/her enjoyment of the rights recognized standard.

The development of the child in terms of physical, psychological and or intellectual, in most cases, is impaired when there is domestic violence which accelerates children neglected. It was discovered during interviews that affected children resulted from domestic violence were neglected by their own fathers within the households or sometimes abandoned and pushed to live with their only mothers or grandmothers.

When explained the situation of being neglected by his father, one respondent from Njinjo street said "...My father abandoned me and my mother, and left for Morogoro, it is three years now, my father does not know how am I doing, how big I am and I think he is already forgot if ever had a child in Dar es Salaam....And after being neglected my grandmother took me over.."

Table 3 Affected children neglected situation

Affected children	N	%
Lived with both parents(but neglected by fathers)	3	10
Lived with both parents(their fathers were responsible)	2	6
Lived only with their mothers (but neglected by their father)	20	67
Lived with their grandmothers(neglected by their fathers)	5	17
Total	30	100

Source: Field data (2010)

Sixty Seven percent of the affected children lived with their single parents resulted from domestic violence. Yet their biological fathers escaped from parental obligations in maintenance of the children. On other side even those who lived with their both parents but not treated and cared by their biological fathers. One respondent said although she lived with her father but he was never paid for school requirements, cloth, and food and so on, except of her mother. The other respondent added that “...My mother care for me as his real son but my father no.. he was even taken to the social welfare officer (Ustawi wa Jamii) in kiswahili...”

It can be concluded that majority of affected children from domestic violence were neglected by their biological father. They could not offer parental care and provide needs of the children including emotional and intellectual needs. While biological father neglected their children, it was biological mothers and grandmother who offer care, love and kept the child.

legal system provides legal services to protect children rights from domestic violence households The Child Act (2009) providing emphasis to the particular provision under section 44 that: the court shall consider the following matters when making a maintenance order-:

The income and worth of both parents of the child or of person legally liable to maintain the child; any impairment of the earning capacity of the person with a duty to maintain a child; the financial responsibility of the person with respect to the maintenance of other children; The cost of living in the area where the child is resident; and the rights of the child as provided under the Act.

The researcher was keen to know, on how many cases reached the court concern neglecting the children from domestic violence households; and what measures has court taken to assist those children. When he gave his comments, one informant from Temeke primary court established that, since the Law of the Child Act (2009) started to be reinforced by court more than 20 cases reached court in the year 2010. All those cases were decided on the best interest of the children.

He commended that “...Continuing attention be given to the risks parenthood, promoting higher levels of involvement of fathers in upbringing and development of the child. There is need to provide necessary support to children in these cases... the meaning of these provision is to bring into action irresponsible fathers, who deliberately avoid or make efforts to run away from parental responsibilities..”

According to him, many of cases are solved at local government level involving social welfare officers. Many families disintegrate and mothers take the entire burden to raise by themselves their children. He said most of women are not brave enough to raise charges against their husbands who neglected their families.

When answering the question on whether or not his local government office ever dealt with events/cases of neglected children from domestic violence; Miburani street local leader witnessed that his office used to have many cases concerned domestic violence and cases on children neglecting in particular. Through their social welfare officers, his office was able to solve most of cases. The act in section 20 and 21 highlight statutory duties of social welfare officers, in protection of the children rights and welfare under

section 18 of the Act the court is given power to issue order or interim care orders on an application by a social welfare officer for the benefit of child. This provision is very important as it gives mandate to social welfare officers to take action and rescue children who are suffering due to poor care from their parents or guardians.

The local leader interviewed added that "...for such cases we used to give orders to the child father to bring some amount of money to my office.." However he commended that, his office referred some of cases to court that seemed to be difficult to solve and needed legal assistance.

Conclusions

Many of households in domestic violence left on women control of the house provide for the basic needs and serve the family. Hence children were supposed to assist their mothers with their petty jobs. This signifies lack of rights to protection from economic exploitation.

Affected children from domestic violence were neglected by their own fathers within the households or sometimes abandoned and pushed to live with their only mothers or grandmothers. While biological father neglected their children, biological mothers and grandmother were ones who offer care, love and kept the child.

The local government authorities use social welfare officer to assist the affected children from neglect. Upon completion of this study, the researcher has conclusively found that domestic violence affects children rights.

Recommendations

Children must be considered as active recipients of the domestic violence that is occurring in the household and it has to be known that in these situations they are constantly make decisions about how to be safe, how to protect themselves, their mum and their siblings, whether or not to intervene. As persons entitled to protection under an increasing range of international law provisions, children cannot be regarded merely as subject to their own national law. Their views and interest must be heard concern and how their rights should be protected. In their vulnerability and in their need for protection and justice children have a place on the international legal platform, growing up as world citizens.

Notably, it is important for both parents to recognize their common responsibilities for children. Common responsibilities should be recognized in the sense that fathers and mothers can and should undertake the day-to-day care and protection of their children.

Any consideration of domestic violence against children should address both the violence of men and women. Acknowledging women's violence does not deny the seriousness and prevalence of men's violence towards children nor does the existence of domestic violence inflicted upon women excuse any violence they perpetrate against their own child.

Women who have experienced domestic violence may hurt their children. Research indicates that the prevalence of re-abuse of children occurs in environments where domestic violence exists. Seventy six percent of women interviewed in a study (Abrahams 1994) reported that depression affected their parenting.

However in Tanzanian society, people are not unlighted enough to be responsible for rights of affected children from domestic violence. Therefore government and private institution or organizations should sensitize the whole society to take measure of reporting to the authority any unusual conduct against children in domestic violence households.

The Legal system must ensure that safety and protection of children is paramount. Offenders are responsible and must be held accountable for their violence and effective intervention must occur. So as to protect the child from any physical or psychological harm that may be caused by any domestic violence involving the child or family member of the child for the best interest of the child.

Counseling and specialist domestic violence services are essential for preserve rights of affected children such as right to affection .Children who have experienced domestic violence may suffer from a range of long-term physical and psychological affects that can be overcome through counseling, therapeutic and specialist support. Through individual or group work, children can be assisted to make sense of any unresolved trauma and learn ways to stay safe and build non-violent relationships.

Such services should also work with non-abusing parents to build their capacity to help their children to understand and come to terms with the abuse they have suffered; importantly, they also enable them to regain confidence to resume their role as a parent. Yet, there is a shortage of specialist projects for children across the Tanzania, and this is especially the case in both rural and urban areas. The quality and availability of services at local level is extremely varied and is mostly delivered by voluntary sector organizations. The voluntary sector faces growing financial pressures, and typically relies upon insecure, short-term funding and cannot be expected to provide services to all children affected by domestic violence. It is imperative that these services have sustainable funding from local and national government.

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