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THE EFFECT OF DOMESTIC VIOLENCE ON WOMEN EMPOWERMENT *

Abstract

Violence that occurs against the women and girls in our society continues to be a the global outcome that kills, tortures, and maims – physically, psychologically, sexually and economically. It is one of the most heinous crime of human rights violations. Use of physical force or power, threats against individual , group or community, that causes in injury, psychological and emotional harm, rape , torture and deprivation or death are some of the intentional violence and extreme form of aggression. Even in the present scenario violence affects the lives of the women and girls in all socio-economic , cultural , religious aspects around the global and takes a variety of forms. Different screening instruments are available to identify women who have been abused and several approaches, drawn from different theories are explained to explain the origin of negative episode but no such analysis to study or evaluate the effectiveness of screening to reduce violence or to improve women’s health has been dated till date and so such trauma of domestic violence is destructing the psychological ,somatic as well as the quality of livelihood. Public education and police or social worker mainly the NGO’s visits showed that neither their interferences affected service-awareness or service-use scores of individuals who experienced abuse. The aim of this paper tries to find out the various forms of domestic violence , its causes and its consequences and to study the effect of domestic violence on women empowerment by increasing their knowledge ,self management as well as achieve wellness and social inclusion in their everyday lives .

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KEY WORDS- VIOLENCE ,WOMEN EMPOWERMENT, PSYCHOLOGY,EDUCATION, ABUSE , TRAUMA .

INTRODUCTION

*“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women...”*¹

Domestic abuse, conjugal abuse ,domestic violence or spousal abuse takes place when the family member , or the male partner physically or mentally tries to harass or dominate another . It even applies to violence between spouses but even includes unmarried and married partners too. Domestic violence even occurs in all religion, cultures , ethnicities , sex, castes , classes . It is such a concept which takes place in all ways and means and even it can be perpetrated by both men and women .Any ex partner or partner in present can be the perpetrator of domestic violence .In the Indian scenario, the male dominated society or the so called patriarchal society it became an acceptable practice that domestic violence is to abuse the women and several reasons can be behind the domestic violence .

From a feminist standpoint, it could be easily notified that the main occurrence of domestic violence against women arises out of the stereotyped gender biased roles of the society , patriarchal structure ,distribution of power, real or recognized in society.

In our male dominated society it is believed in general that men are stronger than the women and so the powerful men to show their power tries to control the women and their lives and as a result of this power they even hurt the women with exemption and impunity. Several approaches, drawn from different theories are applicable in explaining the origin of domestic violence. A sociological perspective places this phenomenon within a macro model of society; domestic violence is seen as an outgrowth of social factors. A psychological perspective accounts for violence within a micro

¹ The United Nations Declaration on the Elimination of Violence against Women, General Assembly Resolution, December 1993.

level of society; therefore it is attributed to such intra-individual factors as aggressiveness, impulsiveness etc. From the perspective of individual psychopathology theory domestic violence is caused by dysfunctional personality structures that might be developed in childhood. Wife batterers may demonstrate inadequate self-control, sadism, antisocial personality types and undifferentiated types of mental illness (Hamberger and Hastings, 1986; Fals-Stewart et al., 2005).

The principle of gender equality is enshrined in the Indian constitution in its preamble, fundamental rights, fundamental duties, and directive principles. The Constitution not only grants equality to women but also empowers the state to adopt measures of positive discrimination in favor of women.

Laws, legislations, and bills have been passed time and again to promote women empowerment. Since the advent of independent India, the important women specific legislations which have been passed are:

- The Immoral Traffic (prevention) Act, 1956
- The Dowry Prohibition Act, 1961
- The protection of women from Domestic Violence Act 2005.

The National Commission for women was set up by an Act of Parliament in 1990, to safeguard the rights and legal entitlements of women. The 73rd and 74th amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of panchayats and municipalities for women, helping them for their participation in decision-making at the local levels.

The National Policy for the Empowerment of Women was laid down in 2001, with the goal to bring about the advancement, development, and empowerment of women. The objectives of this policy stressed on equal access to women to health care, quality education at all levels, career and vocational guidance, employment equal remuneration, occupational health and safety. It laid special emphasis on elimination of discrimination and all forms of violence against women and girl child.

As a result of Nirbhaya effect, the parliament passed the criminal law (amendment) Act 2013, which provides for amendment of the Indian Penal Code, Indian Evidence Act, and the code of

criminal procedure. The 2012 Delhi gang rape case involved a rape and fatal assault. The accused were arrested and charged with sexual assault and murder. The case resulted in a tremendous increase in the public discussion of crimes against women and statistics show that there has been an improvement in the number of women willing to file a crime report. Between 2012 and 2014, the rate of increased reporting on cruelty by husband or his relatives rose from by 15 percent. It also enacted the Sexual Harassment of Women at Workplace (Prohibition, Prevention, and Redressal) Act 2013, 16 years after the Supreme Court directed the Indian Government to provide legal framework to deal with the issue of sexual harassment. Five exclusive fast track courts were set up to deal with cases of sexual violence against women. In addition, a women's distress helpline number, 1091 was launched in various Indian cities. While government's efforts to end the caste system and overturn women's disempowerment by advocating for policies focused on gender equality, fight against sexual violence, the government's failure to enforce these policies due to corruption has left patriarchy and the caste system intact. Indeed, the policy/practice gap in India cuts across all sectors and initiatives as a result of rampant corruption and lack of good governance practices; financial corruption hinders the government's ability to invest in social capital, including initiatives to advance women's empowerment. Once the government and its policies prove unsuccessful to empower women, opportunities open for NGO involvement. However, without an effective government, the question arises of whether NGO policies can be effective in tackling the vast array of government policies. Furthermore, NGOs currently in India tend to focus on the manifestations of the structural violence, initiating programs that help victims of domestic violence or child marriage. While these programs serve as a step in the right direction, they do not necessarily cut to the root cause of these issues: the structural violence perpetuated by cultural attitudes concerning women and their role in society.

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The protection of women from domestic violence or the domestic violence Act is a commendable or laudable meritorious piece of legislation that was enacted in the year 2005 to handle this problem.

The Domestic Violence (DV) Act of 2005 seems to have empowered women in India to come forward and report cases of domestic abuse. Not only are women now coming forward to register

complaints under the Domestic Violence Act, but there is a significant increase in the number of criminal cases registered under the Sec 498A of the Indian Penal Code (IPC).

Analysis of National Crime Records Bureau (NCRB) data (also available at data.gov.in) under 'Cruelty by husband or his relatives' reported under Sec 498A of the Indian Penal Code (IPC), shows that after the Domestic Violence Act came into force in 2006, there is a steady increase in the number of registered cases under IPC.

DV Act is primarily for prevention, and is a civil act meant to protect the woman. This act does not punish the accused, but a case registered under IPC Section 498A may lead to punishment. A maximum of three years is awarded under Sec 498A and the charge is a cognizable and non-bailable offence. The accused may be granted bail by Courts, but this is a rarity.

This Act in its theoretical attempt goes a long way towards the protection of women in the domestic structure. The first and foremost substantial law that came up with the direction of defeating or vanquishing the distinction between public or private questions maintained by law has been challenged by the feminists for each and every time. Time and again domestic violence became a challenging task for the feminists. In earlier days before the passing of the Domestic Violence Act 2005 women could earlier approach to the courts under IPC i.e. Indian Penal Code 1890 in case of Domestic Violence. Domestic Violence is a global or world wide concept which affects the lives of millions of women in all the socio economic, cultural, educational setup.

Main rights of a woman as recognised by this law

The law is so liberal and forward-looking that it recognises a woman's right to reside in the shared household with her husband or a partner even when a dispute is on. Thus, it legislates against husbands who throw their wives out of the house when there is a dispute. Such an action by a husband will now be deemed illegal, not merely unethical.

Even if she is a victim of domestic violence, she retains right to live in 'shared homes' that is, a home she shares with the abusive partner. Section 17 of the law, which gives all married women or female partners in a domestic relationship the right to reside in a home that is known in legal terms as the shared household, applies whether or not she has any right, title or beneficial interest in the same.

The law provides that if an abused woman requires, she has to be provided alternate accommodation and in such situations, the accommodation and her maintenance has to be paid for by her husband or partner.

The law, significantly, recognises the need of the abused woman for emergency relief, which will have to be provided by the husband. A woman cannot be stopped from making a complaint/application alleging domestic violence. She has the right to the services and assistance of the Protection Officer and Service Providers, stipulated under the provisions of the law.

A woman who is the victim of domestic violence will have the right to the services of the police, shelter homes and medical establishments. She also has the right to simultaneously file her own complaint under Section 498A of the Indian Penal Code.

Sections 18-23 provide a large number of options for legal redressal. She can claim through the courts Protection Orders, Residence Orders, Monetary Relief, Custody Order for her children, Compensation Order and Interim/ Ex parte Orders.

If a husband violates any of the above rights of the aggrieved woman, it will be deemed a punishable offence. Charges under Section 498A can be framed by the magistrate, in addition to the charges under this Act. Further, the offences are cognisable and non-bailable. Punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs 20,000.

Generally there are three main divisions or forms of Domestic violence mainly sexual abuse, verbal and emotional abuse and economic violence.

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Objectives of the Study:

1. To study the various forms and concepts of domestic violence, its causes and consequences.
2. To study the effect and aftermath of domestic violence on women empowerment.

Research Methodology:

The methodology confined to secondary sources of data available in books, articles and internet materials.

Domestic Violence In India

Where almost half of the population are women in India, they have always been deprived and abused of their right to life and personal liberty as provided under Article 21 of the Indian Constitution. Women in our society are always considered to be weaker physically and mentally than the men. In the present scenario women have proved time and again that they have proved themselves successful and affirming no less than the men due to their constant hard work whether at home or work place or education. Behind closed doors of homes all across the country, women are being tortured killed harassed beaten. These incidents are mainly common in rural areas, towns, cities and in metropolitan areas as well. Irrespective of social classes, genders, racial lines, and age groups Domestic Violence is crossing all the limits. It is becoming a bequest or legacy which is being passed on from one generation to another but offences against the women are increasing day by day which is reflecting the poignant reality that women are just not safe and secure anywhere. According to the latest Report prepared by the India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. ²Every six hours, a young married woman is found beaten to death, burnt or driven to suicide. ³

ECONOMIC VIOLENCE-

It includes preventing his wife from accessing or utilising any part of the house, not giving her food, clothes, medicines, shelter, even preventing or obstructing her from carrying on any kind of employment. Even she is prevented from non payment of rent if it is a rented accommodation. Valuable goods are even sold, forcibly taking her salary without her consent.

² <https://indianexpress.com/article/explained/ncrb-data-2016-cruelty-by-husband-sexual-assault-top-crimes-against-women-4962464/> last visited on 29th November 2018

³ NCRB was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators, based on the recommendations of the National Police Commission (1977-1981) and the MHA's Task force (1985).

<http://ncrb.gov.in/index.html> last visited on 30th november 2018

Causes of Domestic Violence:

Several causes combine Domestic Violence. One of the main causes is lack of economic resources. Underlying women's vulnerability to brutality and their difficulty in disentangling themselves from a vicious relationship. The link between cruelty including violence and lack of economic resources and illiteracy and dependence is circular.

On the other hand, due to fear of violence, women keep themselves out of employment to avoid the hassles and sometimes she accepts low-paid exploitative labour work at home and on the other hand even the women cannot escape from the violent abusive behaviour due to economic independence. Particularly within the limits and sanctity of the home, women are prone to domestic violence and it is becoming a strong factor perpetuating violence against women due to lack of legal protection.

Some of the reasons are listed here, which are as follows-

- Economic dependence on men.
- Malcontent with the dowry from wife.
- Argument within partners
- Refusing to have intercourse with the partner.
- Abandoning own children.
- Cooking inappropriately.
- Extra marital affairs and looking after the husbands in laws .
- Inability to conceive children in females.
- Desirous to have a male child
- Intoxication by the partner.
- Without informing the other partner and going out of the home .
- Illiteracy of the women.
- Domestic violence is not taken as a grave offence.

Consequences of Domestic Violence :

The importance of violence on women's psychological health leads to serious and lethal consequences. Downtrodden and battered women have a high incidence of stress and strains and stress-related illnesses such as post-traumatic stress syndrome, panic attacks, depression, sleeping and eating disturbances, elevated blood pressure, alcoholism, drug abuse, and low self-esteem. For some women, fatally depressed and demeaned by their abuser, there seems to be no escape from a violent relationship except suicide.

Perhaps the most intrinsic consequence of violence against women and girls is the deprivation and denial of fundamental human rights to women and girls. International human rights instruments such as the Universal Declaration of Human Rights (UDHR), adopted in 1948, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, and the Convention on the Rights of the Child (CRC), adopted in 1989, affirm the principles of fundamental rights and freedoms of every human being.

The Following are some of the effects of Domestic Violence-

Physical Health Effects:

The injuries, fear, and stress associated with violence can result in chronic health problems to women as a result of which it affects her mental condition and for which not only her daily activities but her work place also gets badly affected for which she is hampered to raise her income .

Mental Health effects:

State of mental desolation and stress and strains mental disorder are the most prevalent psychological health problems of domestic violence. emotionally abusive behaviours such as prohibiting a woman from seeing her family and friends, economic restrictions such as preventing a woman from working, or confiscating her earning and other controlling behaviour, fear and stress due to physical abuse and forced sex are some of the mental traumatic issues that are most prevalent in women who are the prone to domestic violence .Alcohol and drug abuse are the other mental health shriek seen in battered women in industrialized or developing countries.

According to Domestic Violence Act 2005 there are 3 types or forms of domestic violence

Sexual abuse

Emotional and verbal abuse

Economic abuse

Sexual abuse:-

These kinds of abuse are nothing but the threat or force to obtain the significance and presence in sexual activity which is unwanted. It is serious and common form of health problem in public forum which is creating disturbances or affecting the lives of millions of people throughout the world. Mainly social, cultural, economic, mental, are the factors driving the domestic violence issues. At the very onset whenever there is domestic violence against the women in our society there lies the gender inequality.

Sexual Abuse includes the following –

- Forceful sexual intercourse .
- Without her or his consent to have forceful sexual intercourse .
- Abusing or degrading or humiliating
- Marital Rape .
- Rape by any third party
- Forceful abortion
- mentally or physically challenged people are physically abused .

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Emotional abuse:

It includes as any behaviour that controls the victim's freedom , which even controls the victim's freedom. It is is also such kind of behaviour that pressurizes ,terrifies or menaces the victim's self- esteem or self- worth .This can even threaten or menace the victim with injury or harm with public mortification and even they can be killed if they ever file a petition for divorce or leave their

home. It is nothing but the act of threatening by emotionally abusing the victim by using vulgar languages

Effect on Domestic Violence on Empowerment of Women -

Women in our society suffer from Domestic Violence throughout their period of life. Women are prone to crimes in our country like forceful abortion because of girl child are born. Rape is another kind of heinous crime committed against the women. Marital Rape is another kind of crime which has no legal protection in our country. In our country girl child are neglected and they are subjected to various kinds of crimes like abuse, kidnapping, abduction, dowry death, cruelty by the husband and the relatives of the husband. Widows in our society are desuetude.

Women are the worst sufferers in our society as a result productivity level in household activities is affected and women tend to lose interest in their work.

Domestic violence affects the victim women in their productivity level. Even if there is serious effect of attack then they have to spend their part of their income for such medical care. It becomes difficult for them, to even survive with first serious attack they tend to become jobless. After losing the job their lives become miserable to cope up even to earn two meals a day. Even sometimes in workplace they fail to work with full capacities and lose their job due to domestic violence and so emotionally, harassed and depressed women they generally tend to lose interest in their workplace and the work she is attached with. In case of Violence from the partner women maintain a distance from their partner to be in a separation relationship by attaining restitution of conjugal rights or sometimes seek divorce, these circumstances make their life worst and in case their are children in these cases they suffer a lot and tend to become prone to adolescent children prone to crime.

Domestic violence even effects the health of the child if the women if pregnant. Maternal experience of physical and sexual violence is significantly associated with an increased risk of under-five mortality, infant and fetal death, and low birthweight⁴. Recent surveys have found that the prevalence of domestic violence (defined as physical beating or battering of a woman by a

⁴ Jejeebhoy SJ. Associations between wife-beating and foetus infant death: impressions from a survey in rural India. *Stud Fam Plann* 1998;29:300–8

male intimate partner) ranges from 22% to 60%⁵. The prevalence of psychological and emotional abuse (defined as a woman's being threatened with physical abuse, ridiculed, or ignored) is believed to be even higher⁶. The precursors of domestic violence are marital conflict, male control over household wealth and decision-making, poverty, and unemployment⁷. The high prevalence of domestic violence and its impact on child health and survival make it critical to also understand its impact on child nutrition even mainly in rural areas.

WOMEN EMPOWERMENT IN TRIBAL COMMUNITIES

Some tribal communities in India have social norms that enable their women to be more empowered than their nontribal rural counterparts⁸. For example, in these communities women are more involved in decision-making, have greater freedom of movement, are free to choose their marital partners, and can divorce and remarry without stigma⁹.

Several studies have looked for associations between indicators of women's empowerment and child health outcomes¹⁰. The increase in women's education from 1970 to 1995 is one indicator of women's empowerment that has contributed to a reduction of more than 50% in the prevalence of underweight¹¹. Studies have found that secondary education for women confers the greatest benefit and that education is most beneficial to mothers when they also have moderate access to resources and wealth¹². The association between maternal employment and child health outcomes is inconsistent. Two studies found that among poor women who worked as daily wage laborers,

⁵ Curry M, Harvey S. Stress related to domestic violence during pregnancy and infant birth weight. In: Campbell J, ed. Empowering survivors of abuse. Thousand Oaks, Calif, USA: Sage Publications, 1998:98–108

⁶ Visaria L, Mitra N, Poonacha V, Pandey D. Domestic violence in India: a summary report of three studies. Washington, DC: International Center for Research on Women, 1999

⁷ Heise LL. Violence against women: an integrated ecological framework. *Violence Against Women* 1998;4:262–90.

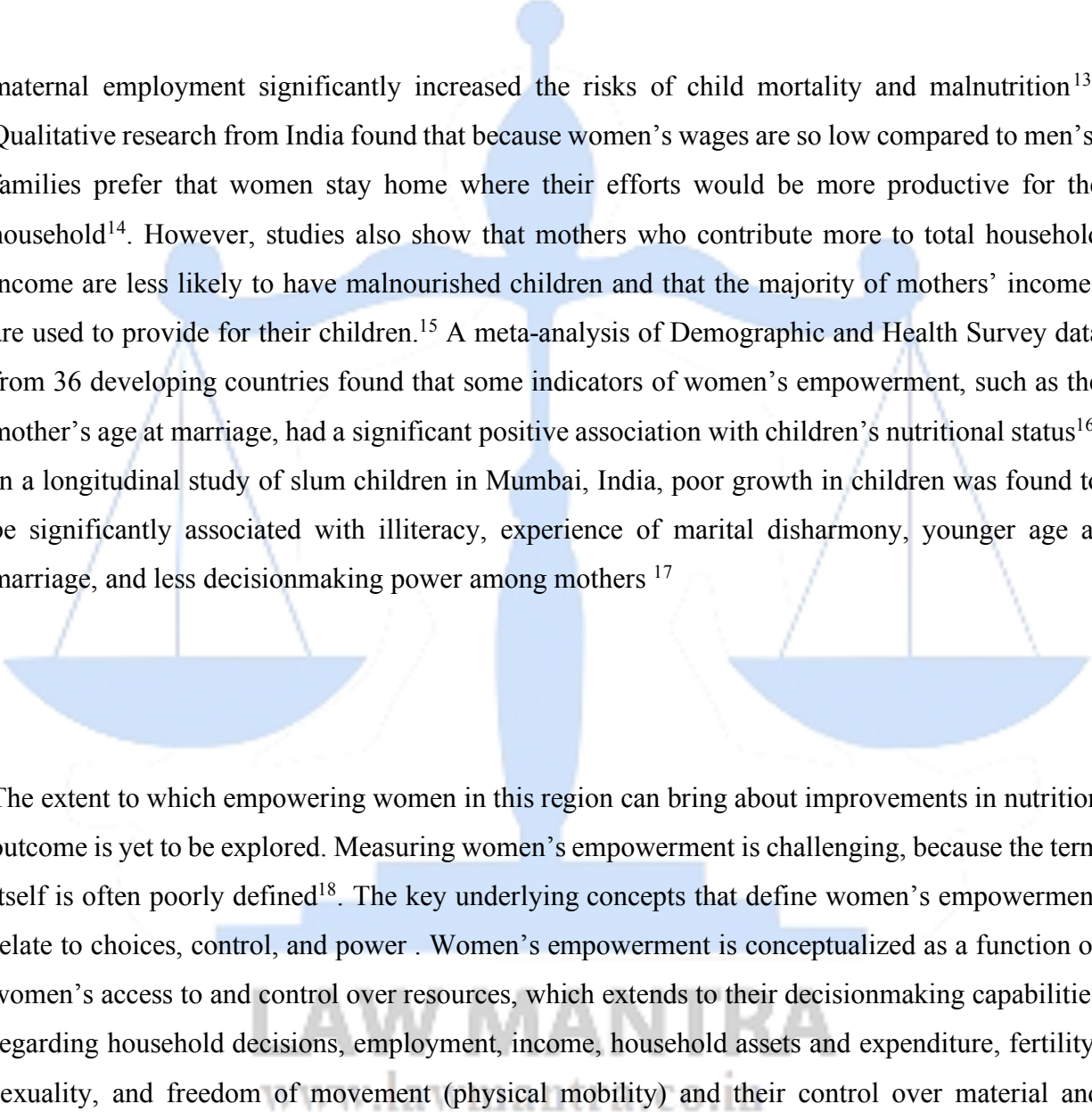
⁸ . Kumar AS. Women's capabilities and infant mortality: lessons from Manipur. In: Gupta MD, Chen L, Krishnan T, eds. *Women's health in India: risk and vulnerability*. Bombay: Oxford University Press, 1995:55–94

⁹ Vivekananda Girijana Kalyana Kendra. *Soliga: the tribe and its stride*. BR Hills, Karnataka, India: Vivekananda Girijana Kalyana Kendra, 1990.

¹⁰ Jejeebhoy SJ. Associations between wife-beating and fetal infant death: impressions from a survey in rural India. *Stud Fam Plann* 1998;29:300–8.

¹¹ Asling-Monemi K, Pena R, Ellsberg MC, Persson LA. Violence against women increases the risk of infant and child mortality: a case-referent study in Nicaragua. *Bull World Health Organ* 2003;81:10–6.

¹² Malhotra A, Pande R, Grown C. *Impact of investments in female education on gender equality*. Washington, DC: International Center for Research on Women, 2003.



maternal employment significantly increased the risks of child mortality and malnutrition¹³. Qualitative research from India found that because women's wages are so low compared to men's, families prefer that women stay home where their efforts would be more productive for the household¹⁴. However, studies also show that mothers who contribute more to total household income are less likely to have malnourished children and that the majority of mothers' incomes are used to provide for their children.¹⁵ A meta-analysis of Demographic and Health Survey data from 36 developing countries found that some indicators of women's empowerment, such as the mother's age at marriage, had a significant positive association with children's nutritional status¹⁶. In a longitudinal study of slum children in Mumbai, India, poor growth in children was found to be significantly associated with illiteracy, experience of marital disharmony, younger age at marriage, and less decisionmaking power among mothers¹⁷

The extent to which empowering women in this region can bring about improvements in nutrition outcome is yet to be explored. Measuring women's empowerment is challenging, because the term itself is often poorly defined¹⁸. The key underlying concepts that define women's empowerment relate to choices, control, and power. Women's empowerment is conceptualized as a function of women's access to and control over resources, which extends to their decisionmaking capabilities regarding household decisions, employment, income, household assets and expenditure, fertility, sexuality, and freedom of movement (physical mobility) and their control over material and

¹³Smith L, Haddad L. Explaining child malnutrition in developing countries: a cross-country analysis. FCND Discussion Paper No. 60. Washington, DC: International Food Policy Research Institute, 1999. Kishor S, Parasuraman S. Mother's employment and infant and child mortality in India. National Family Health Survey Subject Report No. 8. Calverton, Md, USA: Macro International, 1998

¹⁴ Abbi R, Christian P, Gujral S, Gopaldas T. The impact of maternal work status on the nutrition and health status of children. *Food Nutr Bull* 1991;13:20–5

¹⁵ . Engle PL. Influences of mothers' and fathers' income on children's nutritional status in Guatemala. *Soc Sci Med* 1993;37:1303–12

¹⁶ Smith L, Ramakrishnan U, Ndiaye A, Haddad L, Martorell R. The importance of women's status for child nutrition in developing countries. Research Reports 131. Washington, DC: International Food Policy Research Institute and Department of International Health, Emory University, 2003

¹⁷ Merchant SM, Udipi SA. Positive and negative deviance in growth of urban slum children in Bombay. *Food Nutr Bull* 1997;18:323–36.

intangible resources such as information and time; their position within the household vis-à-vis other male and female household members; their experience of domestic violence; and their education . For most women in South Asia, gaining control over resources, in addition to gaining access to resources, is essential .

Violence against women (VAW) is the most pervasive violation of human rights worldwide – affecting some one in three women and girls in their lives. Violence against women is also an economic issue, which carries significant costs to individuals, households, the public sector, businesses, and society. Violence against women significantly undermines women’s educational and employment opportunities, income earning capability, and advancement in the workplace. Violent relationships often include economic abuse – controlling assets & income, limiting movement Violence against Women , both at home and at work (such as sexual harassment), has a significant negative impact on women’s performance and productivity in the workplace. Violence against women and Women’s Economic Empowerment (WEE) are closely interlinked, but the relationship between them is not linear Violence against women both at home and in the workplace hinders Women’s Economic Empowerment , significantly impeding women’s ability to fulfil their true potential. Women’s Economic Empowerment can both increase and decrease Violence against Women and such benefits are not automatic.

Violence against women significantly undermines women’s educational and employment opportunities, income earning capability, and advancement in the workplace. Violent relationships often include economic abuse controlling assets & income, limiting movement. Violent against women , both at home and at work such as sexual harassment, has a significant negative impact on women’s performance and productivity in the workplace. Violent against women has serious inter-generational effects mainly children from households where Violence against women is perpetrated have lower job performance and earnings in later life and are at greater risk of engaging in violent behaviour as adults. In general Boys who witnessed their father using violence against their mother were three times more likely to use violence against their partners later in life.

Conclusion:

Domestic Violence against women within the family is a global phenomenon. However its ramifications are more complex and intensity is much greater in India. The most pathetic aspect of

such atrocities is domestic violence. Domestic violence is a significant problem all over the world which adversely affects the health and safety of millions of women throughout their lifespan. Such an assault is also termed as intimate partner violence. Domestic violence is one of the crimes against women which is linked to their disadvantageous position in the society. Therefore domestic violence is recognized as the significant barriers of the economic empowerment of women. A nation's progress and prosperity can be judged by the way it treats its women folk. Therefore women should be encouraged to organised themselves such as women's group, self- help group or N.G.O's. It can be effectively used as an instrument to mobilise the women folk. Some successful women's organisations can also act as catalytic agents for encouraging women's participation in social and political activities. Women status mainly depends on their rights and privileges and the roles assigned to them. Status is determined in terms of socio- economic indicators such as income, property, education and skills that open up opportunities of employment. One cannot hope gender equity unless women have a share in the decision making process in the family and in the public sphere. Efforts to help women empower themselves through vocational training, employment opportunities and social groups need to consider the potential unintended consequences for these women, such as an increased risk of domestic violence.

