

ECONOMIC
VIOLENCE

**DOMESTIC
VIOLENCE
YOU CAN END IT!**

SEXUAL/PHYSICAL

MENTAL

VERBAL

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break
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About Breakthrough

Breakthrough is an international human rights organization that uses education, media and popular culture to transform public attitudes and promote values of equality, justice and dignity. Breakthrough's human rights programs generate public dialogue, and create positive change about challenging social issues like women's rights, domestic violence, HIV/AIDS, religious tolerance, racial justice and immigrant rights.

For Copies contact:

Breakthrough

104, Blue Apartments,
Safdarjung, Ring Road,
New Delhi-110029

Ph: 91.11.26176181

www.breakthrough.tv

info@breakthrough.tv

Supported by:

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Domestic Violence is Unacceptable

Domestic violence fundamentally violates human rights. This booklet is to ensure that people know and understand that domestic violence is not a private matter, and that abusive behaviour is unacceptable. It is a critical problem that affects us all -- in every community, work place and in every section of the society across class, education and economic backgrounds. It is Breakthrough's belief that we can all work together as individuals, institutions, workplaces, neighbourhoods and communities, to make our environment a safer space for women.

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Basics on Domestic Violence

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What is domestic violence?

Domestic violence is physical, sexual, psychological or financial violation within family or in an intimate relationship. It includes:

- 'Emotional abuse' covering humiliation, ridicule, verbal abuse, isolation or restriction of movement
- Physical violence
- Sexually degrading conduct
- Economic deprivation
- Harassment due to unlawful dowry demands

Is domestic violence a big problem in our community?

Domestic violence is a hidden problem in India, as the home is considered a private space under the control of the male head of the household. Women are seen as traitors by the family when they report violence. This, along with several other factors, result in domestic violence being under reported. According to ICRW Study in 1999 - 4 out of 10 women in India have experienced violence at home and 45% of women have suffered at least one incident of physical or psychological violence in their lifetime.

Who faces Domestic Violence?

Anyone, regardless of ethnicity, religion, class, age, sexuality or lifestyle, can face domestic violence. The survivor is related to the abuser through marriage, blood relationship or live-in relationship.

Who is responsible for the violence?

Abusers come from all walks of life. They can be male or female, but the trend indicates men as majority of perpetrators.

The abuser is responsible, and there is no excuse for domestic violence. Contrary to popular belief, domestic violence is not caused by stress, mental illness, alcohol or drugs. The only true cause of domestic violence is the abuser's choice to act violently.

The victim/survivor is never responsible for the abuser's behaviour. 'Blaming the partner' is something that abusers often do to justify their violent behaviour. This is part of the pattern and is in itself abusive. Women often feel responsible for the violence and it is important to let them know that the violence is not their fault.

Why doesn't a person leave a domestic violence situation?

The usual response to battering -- "Why doesn't she leave?" -- ignores economic and social realities facing many women. Shelters are almost non-existent, and family, friends, and the workplace are not very supportive. Faced with social stigma of failed marriage, societal / traditional norms to keep the family intact and genuine financial barriers to meet daily expenses, the woman may feel that she cannot support herself and her children. Moreover, in some instances, the woman may be increasing the chance of physical harm or even death if she leaves an abusive spouse. Sometime the women also love their husband and feel that he may change for good.

What are the effects of Domestic Violence on Women?

The effects of domestic violence or abuse can be very long-lasting. People who have been abused by a spouse or intimate partner often suffer from:

- Depression, anger and anxiety attacks
- Low self-esteem
- Lack of trust in others and weak relationships.
- Sensitivity to rejection and a feeling of abandonment
- Chronic health problems, substance abuse, sleeping problems and inability to work
- Physical abuse may result in serious injury or death

How do I know if I am facing Domestic Violence?

You are facing domestic violence if the answer to any of the following is yes.

Does your partner:

- Hit, punch, slap, choke, or shove you?
- Destroy personal property?
- Prevent you from seeing friends or family?
- Control your finances?
- Insult you in public or private?
- Show extreme jealousy or accuse you of infidelity?
- Force you to have sex against your will?

What can I do to come out of domestic violence?

Develop a **Safety Plan** to identify options and reduce your risk when confronted with the threat of harm or actual harm. Some of the basic pointers for the safety plan should be:

- **Seek out support.** You don't have to suffer alone. **Inform close people** (friends, family, and neighbours) about your situation so they are prepared to react to suspected violence.
- Try to **start an individual savings account.** Have statements sent to a trusted relative or friend.
- Put together an **emergency bag** with keys, money, medicine, and important papers such as birth certificates, education certificates, ration card/election card, passports - yours and children's, bank details, personal identification, health records, insurance papers.
- Plan an **emergency exit route** from home and work, and learn **safe places to go for help and support** in case of emergency.
- **Talk to your children** about what they should do if a violent incident occurs. Teach children the address of your house, name of their grandparents in case of emergency.
- Try and **remove/hide all weapons** from your home.
- Consider **obtaining a protective order** from magistrate or police.
- Take **photographs or medical records** of your scars and keep them in a safe hiding place, show it to friends/doctors, etc.
- Sometimes it is safer just to get out of the home. Don't panic; make sure you are safe first.
- Call for **police, medical attention, get legal help and counseling** for yourself and your children.

How do I recognize that someone is being abused?

Some of the signs you may notice of people who are facing abuse are:

- **Physical** – Unexplained injuries, bruises, black eyes, sprains, broken bones or teeth. In some cases, the bruises may not be visible, as the abuser intentionally hits the victim on area that's usually covered by clothes.
- **Emotional** –Anxious, upset, depressed, tearful, angry, worried, restless, quite or confused.
- **Social-** Avoiding people, not answering the door or phone, canceling events, getting into arguments.
- **Financial-** Overdrawn account, foreclosure, and eviction.
- **Legal-** Frequent court dates, divorce, child custody problems.
- **Work-** Absences, tardiness, sick days, a decrease in work quality, unable to complete tasks, becoming isolated from co- workers.

How can I help someone who is facing domestic violence?

Being the friend or family member of a battered person is not easy. Yet staying connected and speaking out against the abuse can play an important role in the victim's eventual decision to make a change in the situation. Let them know...

- that **you are concerned**
- that **they are not alone**
- that **they don't deserve the abuse**
- that **help is available**

To break out of the cycle of abuse, women need support that they can turn to. If a friend or family member does turn to you, the following suggestions may be helpful:

- Let the person talk.
- Work together to develop a **safety plan**.
- **Respect the person's right to make decisions.**
- **Share information** about available resources.
- Stress that the **violence is not her fault** and that she does not deserve to be abused.
- Take action personally against domestic violence when a neighbour, co-worker, friend or family member is involved – **speak out against the abuse**, talk to the person who you believe is abusive. If you don't, then the abuser might think that abusive behaviour is ok.
- Inform the **Protection Officer or Service Provider** on the incident of domestic violence for legal assistance.

What can communities and institutions do to prevent Domestic Violence?

- **Don't be silent**, speak up against the abuse.
- Talk to children and **promote gender sensitivity** among them.
- Expand **education and awareness** efforts to increase positive attitudes toward non-violence and encourage individuals to report family violence.
- Develop mutual **respect and take a pro rights stance**.
- Advocate for the implementation of the **Protection of Women from Domestic Violence Act 2005** and **judicial procedures** at the state and local levels that support and protect battered women.
- Mandate **training** in domestic violence for all social services and legal professionals.
- Support **shelters**.
- Recruit and train **volunteers** to staff help lines, accompany victims to court, and provide administrative support to shelters and victim services.

- Establish **medical protocols** to help physicians and other health care personnel identify and help victims of domestic abuse.
- Provide **legal representation** for victims of domestic violence.
- Advocate for the **accessibility of services** for all population groups.

What are the legal rights of domestic abuse victims?

In 2005, the Government of India passed a new legislation on Domestic Violence called '**The Protection of Women from Domestic Violence Act'-2005 (PWDVA)**. It is a **civil law** aimed at providing relief to millions of women including **wives, mothers, daughters & sisters**, affected by violence in their homes.

Through the PWDVA, affected women are entitled to

- **Protection:** The magistrate can pass orders to stop the offender from
 - aiding or committing violence within and outside the home
 - communicating with the woman
 - taking away her assets
 - intimidating her family and those assisting her against the violence
- **Residence:** The woman cannot be evicted from the shared household
- **Monetary relief and maintenance** She is entitled to maintenance, including loss of earning, medical expenses, damage to property
- **Compensation:** She can claim damages for mental and physical injuries
- **Custody:** The court can grant her temporary custody of children
- **Interim Order/Ex Parte order:** The court can pass an interim order to prevent violence before the final order. In the absence of the other party to the dispute, an Ex Parte order can be passed.
- **Legal service:** Women have the right to free legal services under the Legal Services Authorities Act, 1987

Where can one file a case on domestic violence?

The woman or somebody on her behalf can file a **Direct Information Report (D.I.R)** with –

- **The Protection Officer (PO):** is appointed by the government. The PO registers the DIR, presents it before the Magistrate and ensures that the orders passed by the court are enforced.
- **The Service Provider:** is a voluntary organization registered with the state government. They assist in filing the DIR with the protection officer; provide her with legal aid, medical care, counseling, or any other support.

- **Police:** The police file a criminal complaint under Section 498A of the IPC. On request the police will record a Direct Information Report -DIR under PWDVA at the same time and forward the same to the magistrate.
- **Magistrate:** The woman can directly approach the Magistrate's court to file a DIR under the PWDVA. If the woman already has a pending case, then she can fill in an application under the PWDVA and file it as an 'Interim Application' in the pending proceedings.

What if the abuser continues to commit violence or violates the orders passed by the court?

Violation or not complying with the order of the court is a criminal offence under the PWDVA-2005. In such cases, the woman can complain to the magistrate or the police or the appointed Protection Officer. The abuser can be arrested following such complaint, and necessary action would be taken against him.

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Resources:

If you are in an abusive relationship and need help or referrals to resources please contact the **State Women and Child Development Department** for details.

You could also contact the following organizations:

DELHI**Lawyers Collective**

63/2, G.F., Masjid Road, Jungpura, New Delhi – 110 014
Tel: 24373904, 24372923, 24376925

Human Rights Law Network

576, Masjid Road , Jungpura ,Delhi-110 014
Tel +91-11-24374501, 24376922
Email slicdelhi@vsnl.net/hrlndel@vsnl.net

Jagori

B-114, Shivalik, Malviya Nagar, New Delhi 110017
Tel : +91 11 2669 1219, +91 11 2669 1220 Fax: +91 11 2669 1221
E-mail : jagori@jagori.org
JAGORI Helpline: + 91 11 2669 2700

MAHARASHTRA**Lawyers Collective**

Jalaram Kripa, 1st floor, 61 Janmabhoomi Marg, Fort, Mumbai – 400 001
Tel: 22875428

India Centre For Human Rights And Law

CVOD Jain High School , 4th Floor, 84 ,Samuel Street (Pala Galli) Dongri, Mumbai – 400 009
Tel 022 – 23439651, 23436692
Fax 022 – 2343 3698
Email huright@vsnl.com

UTTAR PRADESH

Human Rights Law Network

105, Ashok Nagar Allahabad-211 001 Uttar Pradesh
Tel 0532-2623893

AALI (Association for Advocacy and Legal Initiatives)

407 Dr. Baijnath Road, Near Post Office, New Hyderabad Colony, Lucknow.

Website: www.aalilegal.org

E-mail: rc@aalilegal.org, aali@aalilegal.org

Tel.: 91-522-2782060 Fax: 91-522-2782066

Sakhi Kendra

71, H.I.G colony, Sham Nagar, P.A.C. Road, Kanpur-208013

E-mail: sakhikendra@yahoo.com

Women's Helpline: 9336123744

Tele Sakhi: 0512-2421376; 2422478

DISHA

Sultanpur- Chilkana Saharanpur-247231 Uttar Pradesh

Ph: 91-0132-2696224; 91-0132-2696424

E Mail: post@dishaind.org

Web: www.dishaind.org

VANANGANA

Dwarikapuri Colony, Opp Bus Stand, Chitrakoot, Karvi

Tel: (05198) 236985

KARNATAKA

Human Rights Law Network

No. 51, II Floor, Infantry Road ,Behind Medinova, Shivaji Nagar

Bangalore 560 001, Karnataka

Tel 080 – 5762 4757

DEEDS

First Floor

Anand Apartment, Vasanthi Complex, Kadri, Mangalore -575002

Tel: 91-0824-2217022

E-mail: deeds82@rediffmail.com

Nagarika Sewa Trust

P.O. Guruvayanakere-574217

Belthangady Taluk, Dakshin Kannada District, Karnataka; India

Tel: 08256 -232019; 232013

E-mail: nstgkere@sancharnet.in

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