

Human Rights and Domestic Violence

Your Rights and Responsibilities

About the “Living without Violence” information sheets

- These information sheets are designed for people in NSW who have experienced domestic violence and are in the process of separating, or have recently separated from their partner.
- The information sheets provide practical information about your rights in relation to financial and parenting issues.
- This resource has been developed by community legal centres with the assistance of an Australian Human Rights Framework - Education Grant from the Australian Government.

This is not legal advice. If you want legal advice, please contact:

Your local community legal centre (CLC)

to find the local CLC, go to www.clcnsw.org.au or call (02) 9212 7333; or

Your nearest Legal Aid office www.legalaid.nsw.gov.au or call (02) 9219 5000

What is domestic violence?

Domestic Violence is an abuse of power. Domestic Violence occurs when one person attempts to physically or psychologically dominate and control another person.

Domestic violence takes many forms. It can include:

- physical abuse
- sexual abuse
- threats and intimidation
- emotional and psychological abuse
- put-downs
- isolating someone from friends and family and
- financial control.

Some of these behaviours are against the law.

Domestic Violence can occur in the following types of relationships (ex- or current):

- spouses or de facto partners
- boyfriend or girlfriend (sexual or otherwise)
- persons who live in the same house or residential facility
- a person and their carer (paid or unpaid)
- relatives
- extended family or kin according to the Indigenous Kinship System (for Aboriginal or Torres Strait Islanders)

Domestic violence is perpetrated mainly (but not only) by men against women in a relationship or after separation. Women and men can be perpetrators of domestic violence in both heterosexual and homosexual relationships.

Domestic violence and family violence are often used to describe the same thing.

Being safe from domestic violence is a human right

Human rights are the basic rights and freedoms that all people in the world are entitled to have, regardless of their sex, religion, nationality, race, or language. Many international agreements such as the *Universal Declaration of Human Rights* contain the human rights standards and customs agreed to by the nations of the world. The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) supports the specific protection of women against violence.

Domestic violence is a human rights abuse.

You have the right to live free from violence of all kinds - this includes physical, sexual and psychological harm.

You have the right to feel safe and be safe - in public and at home.

You also have human rights to:

- safe housing,
- access to social, health and legal services
- social security payments

There are laws and services in Australia that can help you achieve these rights. For example, there are laws to protect you from violent behaviour; Centrelink provides emergency income assistance; and the government funds a range of housing, social, legal and other services to help people who have experienced violence to get the assistance they need.

The following factsheets give you information about some of your rights, to help you live free from violence.

Index of information sheets

1. Checklist and useful contacts: Leaving domestic violence
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