

## Domestic Violence

1 Home should be a secure and safe place for everyone, with love and no hurting. What happens if it is not  
2 like that and home becomes a place of fear, horror and lack of freedom?

3 What if people repeatedly get into situations in which someone in an apartment, house or another shared  
4 dwelling insult and assault them, or otherwise keep them down and the intensity of assaults increase? That is  
5 a case of **domestic violence** and every citizen is entitled to legal protection. Such acts are legally punishable.

6 Until recently family arguments and fights had been considered a private and personal problem that  
7 individuals should deal with on their own. And provided that there were no serious consequences which  
8 could be classified as a criminal act (such as health damage, theft or murder...) as if nothing had happened.

9 The situation has changed. Living together under one roof is governed by law and any violation thereof  
10 shall be duly punished. The amended Criminal Law has been in effect in the Czech Republic since June  
11 2004. Section 215a „**Cruelty to a Person in a Shared Dwelling**” lays down legally inadmissible conduct of  
12 persons sharing the same house, apartment or another type of dwelling. A person who has an abusive  
13 behavior towards another person may be punished by the term of imprisonment of up to eight years. Another  
14 important step in the fight against domestic violence has been the adoption of **Act No. 135/2006**, under  
15 which, with effect from January 2007, police officers may immediately expel a domestic violence perpetrator  
16 from the shared dwelling or house for the period of 10 days if Section 215a is deemed to be breached, and  
17 such a period of time may be extended if the survivor cooperates with intervention centers.

18 The law lays down special protection for children and to adult people dependent on a help of another  
19 person. The treatment of such groups of people is laid down in Section 215 of the Criminal Law “Cruelty to a  
20 Charge”.

21 What is domestic violence and what are its characteristic features? **Domestic violence means** *repeated*  
22 *abusive behavior or repeated threatened abusive behavior which results in, or threatens to result in a*  
23 *dangerous threat to life, health, freedom or human dignity between persons that have or used to have an*  
24 *intimate, family or another similar relationship and share the same apartment or house. In domestic violence*  
25 *it is possible to clearly identify the abuser and the abused person that is a target of such threats or insults.*<sup>i</sup>

26 In order to classify a conduct towards another person as domestic violence it must include the following  
27 characteristic features:

- 28 • **repeated and long-term** (no single assault of any type may be qualified as domestic violence,  
29 however, it may be its beginning)

- 30 • **escalation** – insults escalate into psychological suppression of human dignity, physical assaults and  
31 serious criminal offences threatening health and life.
- 32 • clear and uncontestable **division of roles of the abused person and the abuser** – domestic violence  
33 does not mean mutual attacks, fights or arguments where the roles of the abuser and the abused  
34 person switch
- 35 • **exclusion of the public** – it usually occurs behind a closed door of an apartment or house, there is no  
36 societal control.

37 Various manifestations of domestic violence may be classified into the following groups:

- 38 • **psychological violence** – insults, accusations, threatening, extortion, humiliation, lack of respect,  
39 underestimation, intimidation, destruction of favorite objects ...
- 40 • **physical violence** – smacks, fist blows, kicking, strangulation, hair pulling, beating with an object,  
41 etc.
- 42 • **social violence** – separation from relatives and friends – not being allowed to invite people, being  
43 forced to discourage visitors from coming again, not being allowed to use telephone, watch TV ...
- 44 • **economic abuse** – preventing access to funds (including one's own), extortion, forcing the other to  
45 transfer property rights to an apartment or another real property
- 46 • **sexual violence**

47 Domestic violence occurs between persons that have a **partner** (spouses, mates, ex-spouses ...) **and**  
48 **intergeneration relationship** (parents and children, grandparents and grandchildren).

49 The most frequent domestic violence victims are **women**. According to a representative survey carried  
50 out by the Institute of Sociology of the Academy of Sciences of the Czech Republic in 2003 and the Graduate  
51 School of Humanistic Studies of Charles University, 38% of women experience some form of domestic  
52 violence in their lifetime.<sup>ii</sup>

53 **Children** are together with women another group that most frequently becomes victims of domestic  
54 violence in families. CAN syndrome (Child Abuse and Neglect) is mentioned in relation to battered children.  
55 As already mentioned, violence against children is specified by law and children (as the only age group)  
56 enjoy a special legal protection.

57 **Men become domestic violence victims as well.** The statistics show that 2 – 5 % of men have become  
58 victims of domestic violence, which are only cases that have been disclosed.

59 **Domestic violence against senior citizens.** According to the World Health Organization 4-6 % of senior  
60 citizens have encountered some form of domestic violence. Various forms of domestic violence against  
61 senior citizens are committed by their children. This fact is very painful for them and they do not want to talk

62 about it. Therefore, documents published by organizations involved in the work with elderly people state that  
63 only 16 % of cases of abused senior citizens are disclosed, 84 % remain undisclosed.<sup>iii</sup>

64 **Domestic violence against the physically disabled.** Violence against the disabled is the most hidden  
65 form of domestic violence. No statistical data of its occurrence exist. Disabled people are a very vulnerable  
66 group because they are very often dependant on the help provided by the abuser and due to their disability  
67 they are not always able to protect themselves efficiently.

68 The statistics of documented cases of domestic violence may be summarized in the following table. The  
69 data are based on the International Domestic Violence Against Women Survey conducted in 2004.<sup>iv</sup>

Total percentage of women that have experienced at least one form of violence in intimate relationship	38 %
Percentage of women of the total number of survivors	94-96 %
Percentage of men of the total number of survivors	2-5 %
Senior citizens over 65 years of age	3-5 %
Male offenders (in investigated cases)	98 %
Female offenders (in investigated cases)	2 %

71 ... “ 92 year old woman who had been “taken care of” by her son, was found in a shed,  
73 locked in, her son allegedly used to come and see her once a day and bring her food – which  
75 was put in a bowl on the floor ... “<sup>v</sup>



77  
79 However, many cases of domestic violence are not reported, they remain  
81 “undisclosed” and the victim keeps silent about them. Why? If a person is unable to  
82 help themselves, should someone else help them?

83 Deliberation question: **Should the police or other relevant bodies deal with clear cases of**  
84 **domestic violence against an adult/the elderly also against their will?**

85 Domestic violence survivors very often hide that someone behaves abusively towards them.  
86 One of the strongest reasons is fear. Survivors fear that if they disclose the information and the  
87 offender would learn about it, the violence against them would increase.

88 Many victims blame and try to find fault with themselves. In their view, admitting that violence  
89 is committed against them would mean they did something wrong. They feel ashamed that  
90 something like that happens to them.

91 Some people are financially dependant on their abuser and they fear that if the case is  
92 investigated they would (often also together with their children) have to struggle for existence.

93 Furthermore, elderly people are not able to admit that they have raised children who instead of  
94 taking care of them when they are old, batter, abuse and extort them financially or otherwise hurt  
95 them. Fear of being placed in a nursing home or entrusted in the hands of a care person is worse for  
96 an elderly person than suffering some injustices by family members or a care person.

97 How far may such cases go if people fail to ask for help or help will not be provided by others?  
98 What if a long-term abuse against a person is obvious and its concealing not persuasive?

99 However, every legally competent citizen has the right to act according to their free act and will.

100 No person may decide what is in the best interest of another person.

101 An inconsiderate intervention by the police and social workers may make the situation even  
102 worse and arouse a stronger wave of violence in the offender (even though they are able to behave  
103 as exemplary and easy-going persons in the presence of a third party).

104 As an argument to oppose the question we may also ask why would police officers help  
105 someone who does not care about their help while at the same time there might be other people in  
106 need of their help?

107 If a domestic violence survivor has no close person to trust and ask for help, they should at least  
108 know telephone numbers to use in case of emergency if trying to deal with the issue. Counseling  
109 and advice on further procedure will be provided by the staff of the DONNA helpline, as well as by  
110 various organizations working with domestic violence survivors. And every citizen should at least  
111 be able to give relevant contact information to domestic violence survivors.

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<sup>i</sup> Explanatory Memorandum to Act No.135/2006 Coll., Source: [www.psp.cz/dokumenty](http://www.psp.cz/dokumenty)

<sup>ii</sup> [www.rosa.cz](http://www.rosa.cz)

<sup>iii</sup> [www.zivot90.cz](http://www.zivot90.cz)

<sup>iv</sup> Source: proFem (International Violence Against Women Survey, Pikálková S., The Institute of Sociology of the Academy of Sciences of the Czech Republic, Prague 2004, Observations for the White Circle of Safety (Výběrové šetření pro Bílý kruh bezpečí, STEM, Praha 2001); taken from <http://www.feminismus.cz/fulltext.shtml?x=2058770>

<sup>v</sup> Výzkum „Popis jednotlivých forem domácího násilí, analýza jejich příčin, prevence“. Jihočeská univerzita, České Budějovice 2004 („Description of Individual Forms of Domestic Violence, Analysis of its Causes and Prevention“ Survey, South Bohemian University, České Budějovice 2004)