

Submission by the Victorian Women's Trust to the Australian Government's National Plan To Reduce Violence Against Women: August 2008

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EXECUTIVE SUMMARY

And what about the unreported rapes and domestic bashings that until recently women dared not talk about? When they do "cry rape" there's always some bloke, as we saw with Sam Newman during the rape in football allegations, prepared to suggest that women lie about such things. If the explanation for violence in the Aboriginal communities is to be found in their culture, how do we explain the now documented statistics concerning violence towards women in "whitefella" society?

The real truth is that violence towards women and children, whether in an Aboriginal community or behind the picket fence of middle Australia, is a product of misogyny and patriarchy, not cultural or ethnic disposition.

That it took until 2005 for any Victorian government to abolish the barbaric law of provocation only shows how deep-seated is the misogyny. For although the law of provocation has gone, the excuses for "whitefella" violence towards women have not.

By the standards of any civilised society, mainstream violence towards women and the way our courts have interpreted it is a national scandal. Yet true to form, politicians, frightened by the potential backlash from the "men's movement", remain silent.

Better to bash Aborigines than point the finger at white blokes who vote in the big cities.

If Peter Costello and Mal Brough are prepared to break with convention and attack the judiciary when the perpetrators of violence towards women are Aboriginal, why won't they point the finger at violent white men and compliant laws?

Phil Cleary 'Better to bash aborigines than whites' The Age 29 June 2006, following the Howard Government's response to tackle violence against women in indigenous communities.

It is grimly ironic that in this year of celebrating the centenary of Victorian women's suffrage, we are reminded that one of the driving forces behind women wanting the vote was to do something about alcohol-fuelled violence against women and the destruction of home life.

Some things have changed little over the past hundred years. Violence against Australian women and girls has been, and is, a national scandal.

Most men, from all walks of life, are decent, honourable, compassionate men – who abhor physical and sexual violence towards women and children.

But the fact also remains that there is a significant sub-group of Australian men who lead violent lives within their homes and families. This violence is costly – to all the individuals involved, including the perpetrators, as well as neighbourhoods, communities, workplaces and society at large.

The persistence of family violence and sexual assault does not mean that it is impossible to change things for the better. But it does mean that we need to focus our energies and resources on strategies that dig deep into the terrain of entrenched values, prejudices and behaviour – in order to make a real difference.

The commitment to developing a National Plan is to be welcomed. It represents a huge opportunity to take a scalpel to a core social problem in Australian life. It is not the time for yet

another 'Australia Says No' approach. Instead, we need a National Plan needs that is bold, strategic, sophisticated, determined and properly resourced.

The Victorian Women's Trust is grateful for the chance to try and inject some of our own experience and thinking into its development. We have been dealing with the issue of violence against women in many different ways over the course of our twenty-two years of existence as an advocate for women and girls.

In preparing this submission, we thought it was important to lay out the crucial statistics and some key qualitative understandings which inform our work. Using this as a basis, we have identified a set of five principles that we see should underpin a National Plan, followed by five key areas of reform and strategic development around the issue of family violence and sexual assault.

Mary Crooks
Executive Director
Victorian Women's Trust

Sarah Capper
Policy Officer
Victorian Women's Trust

STATISTICAL DIMENSIONS

Prevalence of Violence against Women

- One in three women experience violence or serious threats of violence in their adult lives.ⁱ
- The most common form of violence experienced by women globally is intimate partner violence.ⁱⁱ
- Victorian women are most likely to be killed by their partner or ex-partner (for example, between July 1997 and June 2001, 43.4% of female deceased were killed by a partner or ex-partner).ⁱⁱⁱ

Violence against Young Women

- Younger women are more at risk than older women. For young women, the risk of violence is 3 to 4 times higher than the risk for women overall.^{iv}
- Among young women aged 18-23, 12% report that they have been in a violent relationship with a partner or spouse.^v

Violence against Children

- Approximately 60% of women who reported violence by a current partner had children in their care at some time in the relationship.^{vi}
- In 32% to 53% of families where women are beaten, their children are also beaten by the same perpetrator.^{vii}
- 90% of children present in violent homes have witnessed the violence perpetrated against their mothers.^{viii}

Violence against Pregnant Women

- The risk is higher in pregnant women and in the period following the birth of a child.^{ix}

Impacts on women's health

- Violence against women is the leading contributor to death, disability and illness in Victorian women aged 15-44, being responsible for more of the disease burden than many well-known factors such as high blood pressure, smoking and obesity.^x

- Women who have been exposed to violence have greater risk of developing a range of health problems. ^{xi}

Economic costs

- In 2002-2003, the total cost of domestic violence was \$8.1 billion. ^{xii}

Sexual Assault

- One in five Victorian women report being physically or sexually abused by an intimate partner at some time in their adult lives. ^{xiii}
- A survey has found that one in seven Australian teenage girls said a boyfriend had tried to force them to have sex. ^{xiv}
- 28.2% of women aged 18-24 had experienced an incident of sexual assault in the last 12 months, compared to 17.2% of women aged 45 and older. ^{xv}
- 13.4% of women aged 18-24 had experienced unwanted sexual touching by a man in the last 12 months. ^{xvi}
- 30.2% of sexually active Year 10 females and 26.6% of sexually active Year 12 females have experienced unwanted sex. ^{xvii}
- One in seven girls and young women aged 12 to 20 (14%) have experienced rape or sexual assault. ^{xviii}

Reporting violence – a cone of silence?

- Most cases of violence are not reported. About 80% of cases of violence go unreported. ^{xix}

QUALITATIVE DIMENSIONS

These statistics are crucial in coming to terms with the extent of violence in Australian society. It is equally important that the framing of responses reflects the realities of a family violence. In this regard, we asked a family violence counsellor who has previously been involved in some of our work at the Women's Trust - to give us the benefit of her insight, and where possible, for her to bring women's voices into the process, as listed here:

Insight and voices

Fear, control, and isolation prevent women from finding ways to escape violence. Their focus is on surviving violence and staying alive. Focusing on survival limits women's capacity to reflect on the extent of the violence, and to know how to respond.

Violent and abusive partners often tell women they are sorry and they promise to change - until the next incident of violence occurs. Remorse, promises, gifts and loving gestures can convince women there is hope the violence will someday stop.

I did not think I was actually experiencing family violence. He did tell me he loves me.

I just could not see what was going on.

He told me he was sorry and he loved me.

He promised he was going to not hurt me again. I really want to believe him.

He's not bad all the time.

Family violence has a significant impact on women's self esteem. This affects a woman's belief in her self worth, her capacity to contribute to the community, her ability to make independent choices, and her ability to establish trust, especially in new relationships.

Women who have endured ten, to 20 to 30 years of family violence, often expect to be mistreated and believe they have no worth in the community. Women can often perceive family violence as merely a conflict problem in a relationship.

Labelling violence in an intimate relationship as a 'domestic' minimises the serious reality of what it is like for women to live with family violence.

People, including survivors, can often lack the awareness that family violence is a violation of fundamental human rights. Without knowing how family violence is understood and responded to by government and the community, can lead women to feel isolated and left to cope alone.

I just know I am going to meet a man who is going to hurt me again, I just don't know what is wrong with me.

When I left I just did not know how to make a simple decision, I was always too scared I was going to make the wrong one.

I know I want to have a loving relationship but when I meet a man I like, I just cannot trust him completely.

You are right, my rights are being violated. I did not think of it that way, I just thought that I was having marital problems.

I had no idea that my problems in my marriage could be described as a social problem and be a source of worry to others.

Women often believe the violence is their fault (because their partner told them) and therefore feel responsible to stop the violence. Women often believe by changing their behaviour they will be able to change their partner's behaviour and stop the violence.

I knew it was my fault. I am so stupid I should have known better not to have done that.

I have tried so hard to help him, but nothing has changed.

I want to seek counselling so I know what is wrong with me that lets men abuse me so I can stop it.

Let me just deal with it, I know how to handle it.

I was told everything was my fault.

Women are scared to disclose for fear the violence will escalate. Women often don't trust the systems of law and the judiciary to provide them with adequate protection to enable them to seek and maintain their safety.

I am too scared he will find me if I leave. He said he would kill me and the kids if I left.

He said he would suicide if I left.

My partner hit me down to the ground, I tried to call the police while down, my son witnessed the assault and I had to call three times for the police to arrive. It took them one hour. I really thought I was going to die. When they arrived, the police officer said "oh she's not bleeding" because my partner knew where to hit me – my back.

I got an Intervention order against my partner with the condition that he is not intoxicated at the home address, but I was being encouraged a couple times by the registrar to remove this condition.

If the law can't protect me then who can?

Women can feel disempowered, misunderstood and judged by people who ask them blankly "Why don't you just leave?"

I feel so embarrassed about returning, but felt I had no choice, I was scared, of how I would cope alone and know what to do, scared I would have no home, scared I would not have enough money to support my children.

My family and friends just don't want to know anymore, they are sick of me always going back.

When I tried to get help I was asked why don't you just leave. I felt this question made me realise that the person I was asking for help just misunderstood me completely. I felt so ashamed and alone.

The social isolation women experience prevents them from being able to access support and safety. The most dangerous period for women and children in family violence is when women leave.

I just did not know where to go.

I feel I can't even go to my family or friends because he stopped me from seeing them. I am just scared no one will want to help me. I don't know what to do.

I am constantly scared and always looking over my shoulder. I cannot sleep at night, I am always checking if the doors are locked.

I feel so anxious being on my own wondering where he could be. Each time I hear a noise I keep thinking it is him and I just freeze. I don't know what's worse.

Lack of affordability to access legal support, advice and representation can put women and children's safety at risk. Women who are not provided with practical and remedial support when they leave their partner are at risk of returning.

I am really struggling to afford a lawyer.

I am trying hard to understand family law and family violence law so I know what my rights are.

When I tried to get an Intervention order representing myself, I was pressured to agree to an undertaking that has no legal protection.

I once went to the police to tell them my ex partner breached the undertaking, they said they could not do anything because it was not legally binding.

I am so worried that I am not going to get an Intervention order because he has the money to pay for the best barristers. I just know I won't be able to stand up to them.

I just cannot cope alone. I just don't know what to do. I really think it is much easier to go back to what I know best.

I have tried so many different services but they keep telling me they can't help because I don't fit their criteria. I really do think about going back, at least the children have a roof over their heads and food on the table.

Children can feel scared and worried about their safety during parental access visits.

Children can be exposed to family violence during access.

He begged me not to make him see his father. I felt so helpless and said you have to I would be breaking the law and he will send me to court.

I find it so hard to pick up the pieces when the kids come home.

I love dad, but I just don't like him when he hurts me and mum.

I felt I had to tell the kids that if I left he would kill me and the kids.

THE EXPERIENCE OF OUR OWN GRANTS

Over its 22 years, one in ten of the 340 projects funded by the Women's Trust has addressed violence against women. For the purposes of this submission, we have selected several of these which we feel highlight further crucial aspects of the lived experience.

2007 PEEK-A-BOO BABY AND MOTHER'S GROUP

\$40,000 to the Royal Children's Hospital Mental Health Service to run a therapeutic program to develop a safe place for women to bond with their baby without the threat and exposure to severe violence. Peek-a-Boo aims to foster positive mother-infant relationships and reduce the impacts of violence on infant development. As well, an evidence-based professional manual and training package is being produced to assist others to respond to the needs of mothers and infants exposed to violence.

This project highlights that babies, toddlers and children are traumatised by the exposure of family violence and that:

Family violence commonly commences during pregnancy. Family violence is an abuse of the mother-child relationship.

Family violence limits the capacity for women to establish a positive attachment to their babies.

The lack of a positive attachment to a caregiver impacts on the physical, emotional and neuro-development of babies.

A positive nurturing and protective relationship with the mother improves the brain development of the baby and reduces possible developmental delays.

Positive relationships can help reduce intergenerational violence.

One mother at the conclusion of her time attending the Peek a Boo Club gave feedback about how wonderful it was for her baby to be amongst "gentle people who are aware that he has had a difficult time" and "how very therapeutic for him to be with other babies his own age". She noted for herself that being in the group meant that she now had "the feeling that we can make it, resourcing community supports and getting amongst some caring and strong women." The Victorian Woman's Trust has made possible the continuance of this innovative and ground breaking intervention program for women and children affected by family violence.

Wendy Bunston, Royal Children's Hospital.

1990: SEEDING GRANT; 2000: LEAPING OFF THE EDGE; and 2004: TRAINING PROGRAM

\$5,000 in 1990 to provide seeding funds to the Footscray Community Arts Centre to help develop the Women's Circus; \$5,000 in 2001 to the Women's Circus to extend its work empowering survivors of sexual violence in rebuilding their lives; \$6,000 in 2004 for the Circus to run a training program specialising in technical skills development.

The Women's Circus is a community theatre company, presenting dynamic, innovative theatre performances and workshops to a diverse audience and participant base. The Circus is open to all women, but priority groups are survivors of sexual abuse, women over the age of 40, women from non-English speaking backgrounds, and Aboriginal and Torres Strait Islanders. The Circus provides a safe place for women to gain self-esteem and to challenge themselves. Since its creation over a decade ago, the program has assisted hundreds of women who had experienced violence.

From these projects, we learn that:

New and creative skills build the confidence and self esteem of survivors of sexual violence and increase women's confidence to participate and feel they belong in the community. These skills can lead to employment opportunities.

Safety and trust are key elements in rebuilding women's lives after sexual violence.

Women benefit from the means to express their story to a wider audience.

On behalf of the Women's Circus I would like to thank the Victorian Women's Trust very much for their generous support of the Women's Circus. Established in 1991, the Women's Circus currently trains over 150 women in circus skills, teaching trust, confidence, communication and self esteem. We perform an annual end of year production, which celebrates the achievements of the women each year. Over 200 women are on the waiting list to join the circus.

Faye Stevens Women's Circus.

1998: WHEN LOVE HURTS

\$9985 to the Domestic Violence and Incest Resource Centre (DVIRC) to produce a booklet based on the DVIRC website, *When Love Hurts*. The booklet, titled 'Relationships,' aimed assist young women and men aged between 14 and 25 years to recognise factors leading to abuse in relationships. Initially, 10,000 copies of the booklet were distributed to secondary schools in Victoria. In 2007, a group of rural women secured funding from the Federal Government to re-produce a further 100,000 copies of the booklet. These have since been distributed nationally.

This project highlights that family violence has no age limit:

Relationship violence can begin when young people establish their first intimate relationships. The Australian Bureau of Statistics study, Women's Safety Survey (1996), indicates women aged between 18 and 25 are at most risk of being subjected to violence.

Young women and men tend to be unaware of male directed relationship violence in their age group.

Informative and interactive methods can sharpen the awareness of controlling and abusive relationships.

Even if you don't have problems, the booklet helps you realise what an abusive relationship is - not just physical
(16 year old girl)

Thanks for helping me realise how to take charge and get out of a hurtful relationship
(18 year old girl)

2001: SHREDDERED

\$19,500 to Annie North Women's Refuge and Domestic Violence Service to produce an educational video highlighting emotional abuse. Formerly known as *Anna Lost Anna Found*, the video was distributed to welfare agencies, teaching institutions, community legal centres and survivors of family violence.

The project confirmed that family violence can exist without physical abuse:

Emotional abuse is damaging - undermining women's self worth. Women are likely to think the abuse is their fault.

Some are unaware that emotional abuse is a form of family violence.

Women are less inclined to seek safety if there is no physical violence. Women fear their experience of emotional abuse will not be believed.

The risk of emotional abuse occurring after separation is high. If women do seek help they go to their friends and family for support.

Sensitively and properly used, film and imagery can be a powerful tool to assist survivors to identify patterns of emotional abuse.

At the launch of the video, the survivors of family violence feared their experiences were not going to be believed because they did not appear visible.

The project worker highlighted as a result of contributing to the making of the video, one of the survivors of family violence became involved in special projects teaching peer facilitation and leadership skills.

2000-2001: THE RIGHT TO PARTY

\$19,000 to the Melbourne Centre Against Sexual Assault (CASA) for a project that addressed drug and alcohol facilitated sexual assault in nightclubs and hotels. The project aimed to reform the legal system to make licensed premises accountable to sexual violent incidences occurring, and to develop an education campaign targeted at young women and men in nightclubs by advertising stickers, posters and pamphlets that delivered messages about the safety of women and their rights; sexual assault and spiking of drinks are criminal offences.

The project highlighted:

The right for women to enter a public space and feel safe is being violated. A high incidence of sexual assault against young women occurs in nightclubs and hotels. There is an increased risk of drink spiking in hotels and nightclubs that link to the sexual assault of women.

Young women are likely to not report their experiences of sexual assault especially if their drinks have been spiked, in fear they will not be believed, their experiences cannot be proved and or be blamed for somehow causing the assault to have occurred. Lack of reporting is also linked to young women not being aware of their rights; if there was no physical injury sustained and if the perpetrator was known.

Research CASA initiated about sexual violence in nightclubs was well received nationally by the Police from different States e.g. NSW and WA leading to changing practices of the police. Community education can raise the awareness of young women of their rights and available supports. This breaks the barrier that prevents women from disclosing and accessing support.

2006: GOOD CLINICAL PRACTICE

\$30,000 to the Royal Women's Hospital Foundation to develop and promote a model of good practice for health professionals sensitive to the needs of women who have experienced violence. This project aimed to educate health professionals about the seriousness of violence against women and the role and responsibilities of health professionals to prevent violence. Education materials were developed to assist in the promotion of a model of sensitive practice in dealing with violence against women.

The project demonstrated that:

A significant number of women accessing hospital services have experienced violence. Women who have experienced violence require sensitive and specialised treatment from health professionals. There is no uniform policy for Australian health professionals to guide responses to violence against women.

Working within a mainstream hospital setting it can be difficult to find the time to ensure that women's experiences of violence gets the time that it deserves. What the money from VWT enables us to do is to engage someone who can focus solely on this issue and smooth the way for us to continue and build on that work to engage the whole hospital community to work towards the prevention of violence.

Marg D'Arcy Program Manager Royal Women's Hospital

1990-1993: BLOOD ON WHOSE HANDS?

Over \$70,000 provided in the early 1990s in a series of grants to the Women's Coalition Against Family Violence, to research, write and publish *Blood on Whose Hands?* This was the first book to document domestic homicides in Victoria.

The project demonstrated that women are most in danger when they are leaving, or have just left a violent relationship.

The personalised stories in the book also highlight the intense frustrations within the justice system for families who have lost women to domestic homicides. Their anger at the use of provocation is particularly evident, which, up until recently, was a homicide defence in Victoria. While Victoria has since reformed homicide legislation, other states still include the defence of provocation.

Since the publication of *Blood on Whose Hands*, we learn that the overwhelming majority of homicides involving intimate partners are committed by men against their female partners, often as the culmination of a history of abuse, the breakdown of the relationship and/or their partner leaving or threatening to leave the relationship. In the much smaller number of cases in which women kill their partners, the homicide often follows a history of physical abuse at the hands of their male partners (Victorian Law Reform Commission *Defences to Homicide Final Report* 2004).

As we waded through mountains of papers and documents, the uniform absence of any attempt to provide an account of the victim's life and the context and history of violence which preceded the murder was striking. Throughout the entire process, from initial police investigations through to court trials and media reporting, we witnessed the systematic silencing and marginalising of the experiences of the dead women and children, and their relentless focus on attempting to justify or explain away the killer's actions. It was the victim, and not the offender whom we saw being described as inadequate, demanding, aggressive and provocative. It was she, in her absence, who was being assessed, judged, treated and punished. Judicial pronouncements echoed sexist, racist, and class-based assumptions, as they attempted to frame the killer's actions as understandable, if not forgivable. These official versions, with their claims to neutrality and objectivity, obscure the power relationships underpinning domestic violence and murder, resulting in further victimisation and negation of the murdered woman or child.

Blood on Whose Hands? 1994, 'How this book came about', viii

THE EXPERIENCE OF OUR OTHER CAMPAIGNS/INITIATIVES

In its advocacy role, the Women's Trust has had a long involvement with the Heather Osland campaign, culminating in work to reform homicide law in Victoria. As well, the Women's Trust is undertaking a violence prevention project aimed at young men, with funding from VicHealth.

HEATHER OSLAND CAMPAIGN

Heather was in a violent relationship with Frank Osland for 13 years. During this time, she and her children were physically, sexually and emotionally abused, and exposed to extreme acts of sadism such as the killing of family pets. Police regularly visited the Osland home, telling neighbours to stay away from Frank as he was "dangerous". The abuse would escalate once the police left. Heather tried to leave Frank on eight occasions, but in each instance, Frank would hunt Heather down and threaten her life, or her family's life, if she left again. On one occasion, Frank axed in a door to find Heather. Frank would stalk Heather's workplace, sometimes resulting in Heather losing jobs because Frank was constantly harassing her and other staff.

On the morning of July 30, 1991, Heather and her adult son David were both abused by Frank and their lives threatened. Later that day, Heather put sedatives in Frank's food. David hit Frank with a piece of pipe that killed him. David and Heather were initially tried together, however the jury could not decide a verdict for David.

In a separate trial, David was acquitted of murder on the grounds of self-defence of both himself and his mother. He and his siblings were later awarded crimes compensation for the violence they experienced and witnessed against their mother. However, Heather Osland was convicted of murder and sentenced to 14½ years in prison. She has since exhausted her legal avenues for release, including a High Court appeal and a Petition of Mercy. She was released from prison in 2005, having served a minimum 9 ½ years. She remains on parole.

During this time, the Trust has released grants monies to Brimbank Community Centre, to run a project examining domestic homicides in Victoria; provided funds for out of court costs associated with Heather's (1) High Court appeal of her conviction, and (2) High Court application to overturn the Supreme Court's decision to withhold documents relating to her failed Petition of Mercy; and written a submission to the Victorian Law Reform Commission's Defences to Homicide review on behalf of the Heather Osland Support and Action Group, which led to sweeping changes to the law in regard to female perpetrated homicide involving family violence.

This long and complex experience tells us that:

Women experience large inequities within the justice system. Heather's treatment is in stark contrast to her co-accused - adult son David Albion, who struck the fatal blow that killed Frank,

and who was acquitted on the grounds of self-defence of himself and his mother. The Osland children were later awarded crimes compensation, for the abuse they suffered by Frank.

The reforms introduced by the Victorian Government following Heather's release from prison, including the introduction of excessive self-defence, may have provided a better defence for her case, and significantly altered the amount of time she spent in prison.

There remain some significant entrenched common myths surrounding family violence and sexual abuse, with Heather's case representative of what many women experience. Some of these myths that can be countered with Heather's experience include, 'why didn't she just leave the relationship?' and 'Why didn't she seek help?'

Statistically, women are most likely to be a victim of homicide when they are leaving, or have just left a relationship.

Heather tried to leave Frank on several occasions. The abuse escalated during such periods, with Heather's life, and her children's lives, threatened unless she resumed the relationship. Given the serious violence she and her children experienced, the threat to their lives seemed very real.

Vast improvements have been made in police response to family violence in Victoria (largely due to Victoria Police's 2001 review into the issue). In the 1980s and 90s, when Heather lived with Frank in Western Australia and Victoria, the response from police and other authorities was inadequate and ineffective.

I would like to say thankyou to my family, friends and hundreds of supporters. You have understood the terror and the fear that I lived, and always believed that David and I acted in self-defence to save our lives.... I understand that there are current changes underway so that women who find themselves in a similar situation as mine, will not have to endure what my family and I have had to endure. If these changes to the law are made, it will mean my incarceration has not been in vain.

Heather Osland, on her release from prison, July 22, 2005

When people elect governments, they expect leadership. Your [the Premier and Attorney-General's] decision last week to deny the petition of mercy for Heather Osland, the battered woman serving a 14-and-a-half-year sentence for the murder of her abusive husband, reveals an inability to provide moral leadership on an issue affecting every woman – her right to adequate protection from the law when her safety, her family and her life are at risk.

VWT Executive Director Mary Crooks and Convenor Dur-e Dara, 'Battered Justice', The Age, September 11, 2001.

'BE THE HERO' PROJECT, 2008

In 2007, the Victorian Women's Trust was successful in receiving funding from the Victorian Health Promotion Fund (VicHealth), to trial a violence prevention project targeted at young men.

The project explores what men think is decent male behaviour in their relationships with women; and reflects these understandings in the development of website materials, to be trialled in groups across Victoria in this second half of 2008.

Post-trial, these materials will be used to encourage and support male leaders in all walks of life to engage with significant numbers of other men and boys throughout the broader community.

While a large part of tackling violence against women has focused on the response (eg. refuges for women and children escaping violence), there is also a strong need to deal with the prevention side. Prevention campaigns need to engage men. Violence against women is everybody's problem, and therefore it takes a whole-of-society response to tackle the issue.

We agree with the proposition of leading anti-violence campaigner in America, Jackson Katz, that men need to play the key role in campaigning on violence against women - gender violence as a men's issue involving men of all ages and socioeconomic, racial and ethnic backgrounds. Men are not only perpetrators or possible offenders, but they can be the empowered bystanders who confront abusive peers.

In researching materials for this project, the Trust asked a number of men to describe men who reject violent behaviour:

You can be an honourable man and still feel anger....honour is in how you manage your anger; not physically violent, not verbally aggressive, not passively aggressive. You can always either talk your way through the situation or avoid the situation.

An honourable man needs to have more than just respect for women and children; he needs to understand they are absolutely equal to him.

A LACK OF MALE CONTESTATION AND LEADERSHIP

It is not uncommon for the Trust to be rung by a journalist wanting a response to particular comments made by men in high places. Frustratingly, all the hard, good work, usually with stretched resources, that is done by people in community and other organisations on family violence and sexual assault is constantly undermined by frustrating examples of men in leadership positions either displaying deep-seated misogyny or good men choosing to remain silent on this vexed social problem.

There is of course, nothing wrong with a husband, faced with his wife's initial refusal to engage in intercourse, in attempting, in an acceptable way, to persuade her to change her mind and that may involve rougher than usual handling.

Justice Derek Bollen South Australian Supreme Court 1994

I'll never understand the stupidity ... of women who get beaten up and then, contrary to [domestic violence] orders, go back to live with the [offender]. They must like that sort of treatment.

John Seberry Wollongong Magistrate 1995

The battered woman's syndrome was...Californian psycho babble.

Prosecution in the trial of Heather Osland 1996

A mature worldly woman is less likely to be traumatised by a rape than an eighteen-year-old virgin.

Justice Alec Southwell Victorian Supreme Court 1997

On the sexual abuse of children:

"It is not necessarily going to be harmful in itself".

Judge Nigel Clarke Western Australian District Court 1997

In a case reviewed by the Judicial Commission:

"Women cause a lot of problems by nagging, bitching and emotionally hurting men. Men cannot bitch back for hormonal reasons, and often have no recourse but violence".

'Magistrate No 1', 1999

Commenting during a child prostitution case:

"These girls [aged thirteen and fourteen] ... are not like nice little nieces from a good school. They were accustomed to deception."

John Doris NSW Barrister 2005

Male perpetrators of domestic violence were 'just decent citizens'.

Peter Nagle NSW Labor MP.

"The things that batter".

Alexander Downer, when Leader of the Federal Opposition, joking about the Liberal Party's domestic violence policy:

Women have a duty not to provoke men.

Tony Smith Queensland Liberal MP 1998

A bad boss is a little bit like a bad father or a bad husband – notwithstanding all his faults you find he tends to do more good than harm.

Tony Abbott Federal Minister for Workplace Relations 2002

Abortion is a worse moral scandal than priests sexually abusing young people.

George Pell Catholic Archbishop of Sydney 2002

On allegations of the sexual abuse of a 14-year-old girl by an Anglican Minister:

There was no suggestion of rape or anything like that, quite the contrary. My information is rather that it was the other way round.

Dr Peter Hollingworth Governor-General 2002

RECOMMENDATIONS: THE NATIONAL PLAN

In making recommendations for the National Plan, we have taken a two-tiered approach.

In the first instance, we have identified what we see as the absolutely critical principles that should underpin a National Plan if it is to have relevance and effectiveness. After outlining these, we have identified the five main areas we believe must be the central focus of actions and strategies.

A. PRINCIPLES

1. Every woman and child has the right to live safely, free from violence and abuse.
2. Reduced family violence and sexual assault leads to increased social cohesion and societal well-being.
3. All avenues, especially legal, must be explored in making people accountable for their violence.
4. Entrenched values and interpretations of masculinity will be more effectively challenged if the contestation is by, and between, men themselves.
5. Truly integrated responses – in law reform, services and programs – achieve better and more effective use of resources.

B. ACTIONS AND STRATEGIES

In identifying what we see as the five absolutely critical areas in developing a National Plan, we have deliberately refrained from trying to address every dimension of the problem of family violence and sexual assault. Without the requisite care, and no matter how well-conceived, a plan can become so diffused as to lack strategic direction and real power.

1. Homicide/Fatality Review

As an immediate step, there needs to be a comprehensive, detailed and on-going national review of all homicides and fatalities that relate to family violence and sexual assault.

These data and accompanying investigation and analysis, will assist in identifying targets for reduction of homicides. They will help identify service gaps (e.g. by geography, age, numbers of children, ethnicity). Once addressed, these services contribute to prevention. In addition, real and shocking facts should form a key part in the design of community education programs at all levels - placed before the Australian public rather than timorous pleas for Australia to Say No.

2. Extending and Strengthening Services

The national plan should acknowledge the need to significantly invest in services which address violence against women:

Services to address isolation

The social isolation women experience prevents them from being able to access support and safety. The key questions are how to best reach out to women who are socially isolated, recognising the impact that social isolation has in terms of women accessing information and support.

The National Plan should:

- Identify gaps where women are not accessing information - that could assist them in identifying family violence. This requires the Government to consider what spaces both private and public women have access without their partner to be given information about where they can seek help, e.g. maternal health nurse centres, local doctor, women's community groups, playgroups, mother groups, public toilets, morning shows, Centrelink, schools, fitness centres, neighbourhood houses.

Services to encourage disclosure

Core issues prevent women from disclosing violence. Often, women are scared to disclose for fear the violence will escalate. It is estimated that 80% of cases go unreported.

The National Plan should:

- Incorporate the ideas concerning social isolation and increase the amount of information that is available to women in the community. Information kits focused on both family violence and sexual assault should be readily available at health and community centres.
- Increase screening procedures, plus training for health professionals to better identify violence against women. People identified should then be provided adequate information, support and referral.
- Similarly, increase funding to services that address sexual assault (including counselling), particularly in rural and remote locations.

Services to address self-esteem

Family violence has a significant impact on women's self esteem. This affects a woman's belief in her self worth, her capacity to contribute to the community, her ability to make independent choices, and her ability to establish trust, especially in new relationships.

The National Plan should:

- Identify and resource community-based programs that assist survivors of family and sexual violence to re-gain self-esteem, trust and community connectedness.

- Include funding for innovative remedial programs that build on women's strengths with a focus to provide opportunities of achievement and success in the community (e.g. funding for programs like the Women's Circus)

Services to address perpetrators of violence

In terms of dealing with perpetrators, it needs to be made clear that there is never any justification to mistreat women and children. Future education campaigns need to make it clear that violence against women is inexcusable.

The National Plan should:

- Include funding for behaviour change programs. Such programs should be reviewed with international data to ensure that Australia incorporates current best practice in dealing with perpetrators.

Services to assist pregnant women

Violence most commonly begins in a relationship when a woman is pregnant. It is imperative that the Government considers this in framing a service response.

The National Plan should:

- Develop and resource an information kit to be given to women at maternal health centres and hospitals. This could present a key entry point to informing women about family violence, providing specific information on family violence for women during pregnancy.
- Increase screening programs, including prenatal care screening by health professionals
- Include training for health professionals on responding to violence among pregnant women
- Include specialised support crisis/emergency accommodation for pregnant women, mothers, babies, toddlers, and children
- Develop therapeutic programs for women with young children and babies who are experiencing violence (e.g. the Royal Children's Hospital's Peek-A-Boo Mothers, babies and toddlers group). Such programs should help address babies who experience family violence and who face critical developmental delays as a result.

Further health services

Women who have experienced violence require sensitive and specialised treatment from health professionals.

Given there is no uniform policy for Australian health professionals to guide responses to violence against women, the National Plan should:

- Develop national guidelines and training procedures for health professionals in identifying and responding to violence against women and children.
- Encourage health professionals to embrace routine screening procedures, as well as providing them with local service knowledge for support and referral.

5. The full force of the law

There are significant legal reforms that the National Plan should examine in addressing violence against women.

While many laws come under state and territory jurisdictions, there should be an examination as to how the Commonwealth can help encourage more uniformity amongst the states in implementing laws which have better outcomes for women and children experiencing family violence.

Legal education

Our thoughts on judicial education and wider community education stem from two key issues – the high level of systemic violence men commit against women; and a prevailing politico/legal culture, largely reflective of male values, attitudes and behaviour, which misunderstands and marginalises women’s life experiences.

The question of judicial education goes much further than the provision of a judge’s benchbook. For instance, we believe there is scope for commissioning high quality curriculum material (texts/film) on both family violence and sexual assault that could be adopted in undergraduate and postgraduate law courses across Australia.

Homicide law reform

In terms of homicide law reform, we recommend the Council pays particular attention to the homicide reforms adopted by the Victorian Government in 2005, and in particular, the recommendations made by the Victorian Law Reform Commission in relation to women who kill following prolonged family violence. We recommend the Council examines the potential for these reforms to be adopted by other state jurisdictions.

These reforms could include, but not be limited to:

The Introduction of Social Framework Evidence:

This introduction provides the scope for juries to be exposed to the broader context of family violence. Unlike the reliance on proving the accused was suffering from ‘Battered Women Syndrome’ (which became the focus of Heather Osland’s High Court appeal, as opposed to determining whether she acted in self defence) social framework evidence removes the need to prove the accused has a psychological condition at the time of killing.

The High Court’s definition of self-defence is simple. That is, “*whether the accused believed upon reasonable grounds that it was necessary to do what he or she did*”.

While straightforward, the defence has been difficult to use for women. As acknowledged in the Victorian Law Reform Commission's report, there are three main impediments to the use of the defence by women who kill in response to family violence, namely, "*the immediacy of the threat, the proportionality of the response, and the availability of alternative options.*" The introduction of social framework evidence is likely to address these three factors.

Social framework evidence is also able to address many of the myths that still surround violence against women. The community at large still has difficulty understanding the downward and complex spiral of low self-esteem, fear, humiliation and helplessness that too often iron grips a woman to the extent that the notion of leaving a relationship is impossible.

Expert Witnesses

If social framework evidence is introduced, there is obvious scope to expand expert witnesses who are able to give evidence. We would welcome the encouragement to allow experts on domestic violence to provide social framework evidence. This could include Domestic/Family Violence workers with several years experience (for example refuge work).

Homicide Law

The law of self-defence needs to be clarified, particularly in order to make it more workable in cases of women who kill in response to family violence, across all jurisdictions.

For example, as part of the Victorian Government's homicide reforms, we supported the introduction of a provision that defines the threat of "inevitable" harm, as reasoning for the use of fatal force - as opposed to the former emphasis on "imminent" or "immediate" harm in self-defence cases.

Women who kill to protect their lives in response to family violence should be able to use self-defence in defending a murder charge. For some states that retain the defence of provocation, used as a partial defence, we believe women who kill in life threatening family violence situations are entitled to accessing a full-defence of the law.

Law of Provocation

We note that the law of provocation still exists within several states outside Victoria (the Victorian Government removed the defence in 2005 following recommendations made by the Law Reform Commission). The Council should pay particular attention to the Victorian Government's package of homicide reforms in 2005, and the scope for similar positions to be adopted in other states – including the removal of provocation as a defence, and the simultaneous introduction to reforms to self-defence.

Family law

The National Plan needs to establish ways in which women can trust seeking protection from the law. If women receive a negative response by the law, they will be less inclined to believe they can seek safety and hence continue living with the family violence.

Currently, gaps exist within family law, the federal magistrates' court (which often hears family law matters) and various state and territory child protection systems. As acknowledged in the Australian Domestic and Family Violence Clearinghouse's submission to this review, the "sharing of information across jurisdictions could improve safety and save lives".

Legal services

Government has a responsibility to be aware of the inequities existing for women accessing legal advice and representation and the extent to which this impacts on the violation of their rights.

Affordable legal advice is more difficult for women - anecdotally, more women than men access community legal centres and legal aid. Recently, there have been legal aid cuts in relation to the ability for practitioners to represent clients on legally aided matters. This impacts detrimentally on access to justice issues for women, working to entrench systemic disadvantage.

The National Plan needs to address the issue of appropriate infrastructures within the legal system that will provide women with appropriate support. This should include assisting, supporting and promoting community legal centres and legal aid for women and children.

4. Educating community leaders

Generic and broad-based community information and education programs are of limited impact if there is little day-day leadership from those who are in the greatest positions to influence community norms and behaviour.

The National Plan should emphasise the need for information and education programs that tackle misogynistic attitudes and behaviours and that speak directly to the men who form the majority of community leaders in our national, state and territory parliaments, senior corporate worlds, faith communities and judicial realms.

These information and education programs should include:

- The hard data about the extent and impacts of family violence and sexual assault; expose the myths that surround the issues; and demonstrate the need for male leadership on these deep-seated and persistent social problems.
- They should aim to encourage and empower men to speak up on these problems and help to role model decent, honourable, non-violent models of male behaviour.

5. Educating Boys and Girls

It takes a village to raise a child. Everyone involved in the life of children needs to give their best in doing their part in raising boys and girls.

One of the most important things we all have to teach our children, especially boys, is how to care for others in ways that are respectful and non-violent. If our society gets it right with boys, we reap the social and economic benefits throughout the rest of their lives.

The National Plan should include comprehensive, national and properly-resourced approaches to educating boys and girls to understand the need for respectful and non-violent relationships throughout life:

- Boys in particular need to be encouraged and taught how to talk with people, how to talk about their feelings, and bond with people through peaceful self-revelation.
- Girls need to be taught how to recognise forms of physical and emotional abuse and encouraged to develop practical strategies for dealing with abusive relationships.

These approaches should be an important extension to the human development teaching and learning that is already a part of most secondary curricula; the activities of sports clubs, faith communities and other community associations that involve boys and girls.

In addition, the National Plan should make provision for girls to take up self-defence classes. A capacity for self-defence is a crucial dimension of citizenship. It would mean that girls and women would not need to look to male protectors, would have enhanced self-confidence and would be seen by men as capable of hitting back and protecting themselves: rather than being soft targets. It would be a skill like driving or cooking - making women self-sufficient:

This emphasis on self-defence could be mandated as an extension to the physical education component of primary and secondary schooling.

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