



level 4, 146 Marsden St
PO Box 208
Parramatta NSW 2124
ABN: 15 171 624 226
t 02 9687 9669
f 02 9687 8665
e wscf@wscf.org.au

Submission to The Violence Prevention Coordination Unit

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Submitter: Himali Wettasinghe

Organisation: Western Sydney Community Forum

Phone: (02) 9687 6745

Fax: (02) 9687 8665

E-mail: himaliw@wscf.org.au



Western Sydney Community Forum welcomes the opportunity to make this submission on the NSW Domestic and Family Violence Strategic Framework.

INTRODUCTION

Western Sydney Community Forum is a peak regional community-based organisation committed to social justice principles, meeting the needs of community groups and other relevant local and regional organisations, assisting with resourcing and representation to enable them to improve and maintain the quality of life for the residents of Western Sydney.

WSCF has a cross-regional membership of over 200 community-based organisations providing services and resources to the residents of Western Sydney. WSCF represents organisations working in the Local Government Areas of Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta, Penrith and Wollondilly.

Western Sydney Community Forum works to build strong, organised communities by bridging the divide between communities and policymakers at the local, regional, state and national level. As a capacity building and advocacy organisation WSCF ensures a voice for people working daily with the challenges facing the region, connecting those too often left out.

The Western Sydney Community Forum response to the discussion paper on NSW Domestic and Family Violence Strategic Framework by the Office for Women's Policy is constructed under three categories: 1. Intervention, 2. Data collection and 3. Prevention. This paper will examine the shortfalls of the current domestic violence response strategy within the above themes and make recommendations for future directions.

INTERVENTION

1. Definitional and philosophical Framework recommendations:

a. Prevalence and Gendered Nature of Domestic Violence in Australia

Domestic violence is a major form of threat to human dignity and right to life for women both in Australia and globally. Research indicates that in Australia in the year 2002-2003 alone, around 408,100 Australians experienced domestic violence (Representatives 2006). Out of this 87% were women, while 98% of the perpetrators were men (Representatives 2006). In the year 2008 in New South Wales alone 29 deaths have occurred as a result of domestic violence (Council 2008). This has been identified as the highest death toll in the past 10 years and has raised new concerns regarding women's experience of domestic violence. While, it is acknowledged that men are also victims of domestic violence and that

domestic violence occurs in same sex relationships, there needs to be further clarification within the current definitional framework as to the nature and severity of domestic violence suffered by women as opposed to men. At present, within Australian literature there seems to be confusion related to nature of domestic violence, with new definitions being introduced which categorises domestic violence as situational violence (less severe and therefore acceptable) and intimate partner terrorism (severe violence unacceptable) (Ooms 2006). This literature also offers discussions that women and men are equally violent and that situational violence is also a form of domestic violence. Introduction of such new language needs to be supported by research and fully thought through so that it does not counter the current intervention process and imply that some forms of violence is acceptable than other. Further, the domestic violence response framework constitutes of a multitude of players who have their own definitions that describe domestic violence. Such diverse definitions can cause confusion as well as misinterpretation in relation to severity as well as the nature of domestic violence. Therefore, it is important that the strategic framework re-examines the definition of domestic violence within a gendered framework so that all intervention systems unite in their understanding of the true nature of domestic violence. As stated by Stubbs, any response strategy that does not recognise the true nature of the problem will otherwise be ineffective

“Domestic violence is gendered violence and this needs to be acknowledged and understood. The recognition of violence as gendered, however, need not preclude an examination of the specific contexts in which the violence occurs, nor of the manner in which race, class or sexual identity (or indeed other social categories) might intersect with gender. Seeing domestic violence as gendered violence allows us to begin to ask important questions about the construction of gender, the potential to transform damaging forms of masculinity associated with that violence and about social and cultural factors which permit men to resort to violence (Stubbs, 1994:4)”

b. Principles Governing Intervention : Domestic Violence as a Human Rights Violation

As a first step to achieving greater consistency and an effective response strategy that is unified under one philosophy, it is also recommended that the strategic framework is founded on the declaration of elimination of violence against women and human rights principles. Given this, it is recommended that the principles governing the intervention system recognises that women have

“(a) The right to a life free from harm; (b) The right to equality; (c) The right to liberty and security of person; (d) The right to equal protection under the law; (e) The right to be free from all forms of discrimination; (f) The right to the highest standard attainable of physical and mental health; (g) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. (UN 1993)”

Further, it is also important that the response strategy takes into account the following recommendations made in 2006 by the United Nations human rights index

who noted that in order to achieve International Standards and reduce domestic violence Australia need to

- i) take steps to fully and consistently implement and enforce laws on violence against women and to ensure that all women victims of violence, including indigenous, refugee and migrant women, are able to benefit from legislative framework and support systems in place.
- ii) ensure that all violence against women is effectively prosecuted and adequately punished.
- iii) adequate statistics be collected in a consistent manner.
- iv) provide information in next report on number of cases of violence reported to police and other relevant authorities, and on number of convictions.
- v) public officials, especially law enforcement officials, judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women.
- vi) create public awareness of violence against women as an infringement of women's human rights that has grave social and financial costs for whole community.

They also noted

- i) efforts of State to address violence against women at all levels of authority
- ii) continuing prevalence of violence against women, as well as by low rates of reporting, prosecutions and convictions in sexual assault cases
- iii) laws that protect victims of violence and require perpetrators of domestic violence to leave family home are not regularly enforced
- iv) high levels of violence against women, particularly domestic violence, in indigenous, refugee and migrant communities”

When examining the current NSW Domestic and Family Violence Strategic Framework it can be observed that the above findings point out key areas of deficiency that, to date are unmet.

c. Contradictions within Policy and Legislations/ and Institutional philosophies:

Other counter-productive elements within the current intervention system are contradictory principles that govern response mechanisms that send conflicting signals to perpetrators, victims, judicial system and society.

Contradictory Federal and State Legislation

The judicial system currently recognizes domestic violence as a crime, however, the changes made to family law in 2005 traps children ordering them to have contact with violent fathers while women are also instructed to contact violent spouse to co-ordinate contact arrangements. While criminal justice system encourages women to leave domestic violence, family law system prevents women

from leaving the state. In practical situations we have encountered women who had to move inter-state or sometimes even leave the country to stop the perpetrators following them and preventing them from re-establishing a new life (especially where the men are connected to drug related crimes or are part of gangs). However, in such situations the new changes to family law prevent women and children from establishing a new life free from violence which is the right of every human being.

The family law changes also high light contradictions within the governing principles related to child protection, where the principle “having a meaningful relationship with both parents” is prioritized over “protection from harm”. Within the practice situation, children who are being sexually abused by father have been instructed to have contact with perpetrators due to the above contradictions.

Contradictory Institutional Philosophies

Institutional philosophies that form the culture of organizations also may unwittingly influence the workers thereby influencing their ability to fully participate within the intervention process. For example, police institutional culture that gives credence to theft and drug related crimes result in, creating an atmosphere of tolerance in relation to domestic violence. This influences how police officers prioritize calls to domestic violence incidents, giving greater priority response to robbery. Such response is accepted within organizational culture with senior management also putting greater emphasis on reducing robbery and allocating resources to crimes other than domestic violence. This is evidenced in the police attitude towards the DVLO's. Such conflicts have been demonstrated by DVLO's as follows:

“The work does not hold the same glory as other more ‘black and white’ policing issues such as drugs and theft...On a corporate level I do not feel well supported. DV issues are complicated and messy and do not always produce statistics worthy of the work put in. More sanitized areas of policing are given the resources and our area is given a lower priority.(Barbour 2006)”

Therefore, in order to be effective, a holistic domestic violence intervention strategy would need to re-consider organizational cultural philosophies and attitudes governing all stakeholders.

2. Accountability and Best Practice Frameworks

There needs to be a more defined best practice framework and accountability mechanism for workers, as the intervention process is open to, individual interpretation and misinterpretation. It is therefore important that standard of practice guidelines are written out that instruct best practice framework for Judges and Magistrates, Solicitors, Police, Court Officials, GPs, Religious and Community Leaders. Apart from best practice framework, it is important that accountability processes and guidelines are also set out. For example, there are

many instances where religious leaders, counselors, interpreters, police as well as court officials have instructed women who are fleeing domestic violence to return to the perpetrators. Therefore, it is important that the strategic framework sets out standardized practice across stake holders, cultural and religious groups through a best practice and accountability framework. Best practice must be formulated in line with the declaration on the elimination of violence against women and the basic human right to a life free from violence and harm.

3. Pay and Remuneration for Domestic Violence workers

An example of undervaluing domestic violence workers is evidenced in the incentives provided for the DVLO position. This has been evidenced in the special report to Parliament undertaken in 2006 by the Ombudsman.

“Our 1999 report recognized that the DVLO role is a specialist one and should be acknowledged as such by NSW Police. Unfortunately, there are still few, if any, incentives for police officers to act in the role, apart from the availability of regular daytime shifts. Conversely, the inability of DVLOs to work 12-hour shifts and have up to six consecutive rest days is one of the less appealing aspects of the role for many officers. There is no special allowance payable to DVLOs, and no recognised career path associated with the position. Partly for these reasons, there is little status attached to being a DVLO.” (Barbour 2006)

The lack of career pathways is also evidenced within other domestic violence services. There needs to be further research undertaken to explore the remuneration and career pathways of domestic violence workers across the intervention mechanism. If the pay and remuneration do not reflect the urgency of the crime that is being addressed the intervention will not work effectively.

4. Educating and Sensitizing practitioners

One of the main factors that influence misinterpretation of intervention mechanisms is the attitude of individual worker towards victims of domestic violence. Within the disciplines of psychology and linguistics, attitudes are categorised as discursive practices similar to values, beliefs, speech and thoughts (Marnette 2005,p.78; Waller 2006,p.5). Within broader research, attitudes are defined as one’s outlook or evaluative perception which can alter within a continuum from a negative to positive state. Attitudes are differentiated from beliefs as the latter is more susceptible to change when presented with facts while the former seemingly remains unaltered and have a more stable disposition (Flood, 2006,p.13). Researchers distinguish between ‘implicit’ vs ‘explicit’ attitudes where implicit attitudes refer to inner and truer attitudes that normally cannot be gauged by ‘standard attitude measures’ and explicit attitudes that refer to overt attitudes which are externally portrayed by people (Flood 2006,p.14).

Prislin and Wood (2005), cited by Flood, (2006), links attitudes to social relations by demonstrating a shift in people’s attitudes following a change in social environment

(Flood 2006,p.15). This finding shifts the understanding of attitudes from a private or individual phenomenon to a public or social construction (Flood 2006). Within his study, he has also observed that there is a direct link between attitudes towards violence and attitudes towards gender, where traditional gender-role attitudes have been linked to increased tolerance of violence against women (Flood 2006,p.21). However, he also notes the complex nature of sexist attitudes which are not only founded on notions of hostility but also located within 'notions of chivalry' indicating that sexism can be both 'benevolent' and 'hostile' (Flood 2006,p.25) Research by Viki (2003), cited by Flood (2006) indicates that such 'benevolent' and 'hostile' sexism exist in a 'complementary' manner and inform the classification of women into 'good' or 'bad' women allowing those who conform to the 'gender norms' to be classified within a positive light while depicting women who transgress the norms in a 'negative' light (Flood 2006,p.25). Men who hold such attitudes model behaviour that is 'paternalistic chivalry' based on attitudes that are both 'courteous' and 'restrictive' towards women (Flood 2006,p.25).

Such gender biased attitudes may inform community leaders, judges, solicitors or police officers to unwittingly favor the perpetrator rather than protect the victim. Therefore, the strategic framework must also engage with educational institutions that educate and train the diverse stakeholders, such as Social Workers, GP's, Interpreters, Judges, Lawyers, Police Officers, teachers, media personnel, Religious and Community Leaders in gender sensitivity. All stake holders must be educated within the gender based best practice principles. All stakeholders need to go through an accreditation process which includes attitudinal testing as well as gender based best practice principle training. Until such standardization is achieved the intervention mechanism will continue to fail those that it strives to protect.

DATA COLLECTION

Australian domestic violence data has been compiled mainly by the Australian Bureau of Statistics and Institute of Criminology. These sources include women's Safety Survey 1996, Personal Safety Survey 2005 as well as the International Violence Against Women's Survey (IVAWS) of 2004.

However, such data collection mechanisms that explore the prevalence of domestic violence must be standardized so that there is potential for longitudinal comparisons, this can be done by utilising standard definitions across studies. There also seems to be a lack data on prevalence of domestic violence within CALD communities as well as Indigenous communities. The future data collection methods need to take account of this.

To facilitate accurate data collection, statistical reporting must be made a requirement of employment contract/procedures as well as re-numeration. Further, all stakeholders including senior management, need to be trained on accurate data reporting and importance of proactive data collection where data is automatically collected by services to support or critique social policy ie: if government introduces family law changes workers automatically need to start collecting

statistics on the impact of changes on women and children's security. A secured central database that is accessible on the web, and which can be updated by all domestic violence services can be hosted by Australian Bureau of Statistics; this may allow to capture information related to domestic violence such as homelessness, health, income, legal processes, services utilised and so on which can be documented easily.

At present in NSW, there is a dearth of data and research related to family law changes and its impact on women leaving violence, as well as how socio-cultural discourses frame mindset of perpetrators, practitioners as well as victims. There needs to be a consultation process with all key stakeholders to create a sustainable and efficient data collection mechanism that captures such factors.

PREVENTION

1. Community Education:

- a) Children: It is important that topics such as: the dynamics of domestic violence, communication skills, assertive and respectful relationships as well as critical examination of socio-cultural discourses related to gender based violence, are given greater emphasis within school curriculums as well as in religious teachings curriculums.
- b) Community Leaders: Within the current intervention system there needs to be increased regulation of, as well as, mechanisms to explore religious teachings and gender discourses that may contradict human rights discourses. A holistic intervention mechanism needs to explore religious discourses related to marriage that may undermine human rights of women by encouraging tolerant community attitudes towards violence against women. While violence against women may not be overtly condoned by religious teachings however, some teachings encourage women to not leave domestic violence while also encouraging men to punish women for what is deemed misbehavior. Therefore the domestic violence intervention mechanism must also include strategies for educating community leaders on a standardized best practice framework that is governed by human rights and gender based violence principles.
- c) Socio-cultural Discourses and Community Attitudes: The strategy also must explore the creation and dissemination of new gender and socio cultural discourses that counteract the current gender oppressive discourses that inform social practices.

2) Media Campaigns:

- a) Consistent Media Campaigns: Media campaigns that are created to educate the general public on domestic violence are mainly telecast during federal and state

election campaign times. However, to make greater impact it is important that such media campaigns are aired consistently throughout the year.

- b) Media personnel must be trained on how to best report domestic violence without sensationalizing the violence and portraying perpetrators as heroes. Such training must include how language utilized by media personnel can frame a victim blaming mentality.

Summary of Recommendations:

- 1) it is recommended that the domestic violence strategic framework be based on a the following principles: A woman's
 - (a) Right to a life free from harm; (b) Right to equality; (c) Right to liberty and security of person; (d) Right to equal protection under the law; (e) Right to be free from all forms of discrimination; (f) Right to the highest standard attainable of physical and mental health; (g) Right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.(UN 1993)”
- 2) It is also recommended that domestic violence be acknowledged as a gendered crime and definitions clarified in relation to the gendered aspect of the violence and the severity of the violence.
- 3) It is also recommended that the intervention framework explores and review Contradictory elements within legislative and best practice frameworks that guide intervention system Institutional cultures and take measures to change attitudes towards domestic violence within organisations that form the basic intervention mechanisms.
- 4) The strategic framework also needs to establish accountability and best practice standards that standardises intervention practices across the cross disciplinary intervention mechanism such as GP's, Religious and Community Leaders, Police, Judges, Lawyers, Court Workers, Counsellors, Health staff, Interpreters, media personnel, teachers and Social Workers.
- 5) It is also recommended that the pay and remuneration conditions of domestic violence workers need to be made to equate with other specialist workers ie: DVLO position to be made to a Senior Constable position across all LAC's.
- 6) It is recommended that all stakeholders within the intervention framework undergo gender sensitization training in relation to domestic violence and an accreditation process which includes attitudinal as well as gender based best practice training prior to working with domestic violence clients.
- 7) Definitions, methods and instruments of data collection need to be standardized across studies, (ie conflicts between domestic violence and personal violence).

Women's safety survey needs to be conducted regularly. More data is needed to be collected on needs of CALD as well as Indigenous women.

- 8) It is recommended that the strategy engages educational institutions to create attitudinal changes in
 - a) Children
 - b) Religious and Community leaders
 - c) The broader community
- 9) It is also recommended that consistent and explicit media campaigns are engaged to inform the general public of the harm of domestic violence, to both children's brain development and to women.

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