



Research Brief

Setting the Scene and Understanding Family Violence

Victorian Royal Commission into Family Violence

The Royal Commission was a key moment in considering family violence in the state of Victoria. Established in February 2015, it sought to examine and evaluate family violence in the state. The Commission's report, findings and 227 recommendations were released in March 2016 (Royal Commission into Family Violence 2016). The Commission found strong foundations in Victoria for building the response to family violence, but also gaps and obstacles. For example, the Commission found that services were not equipped with targeted resources; services for victim survivors were not as well coordinated as they could be; perpetrators were not being held to account; and there was not enough effort to stop family violence from occurring in the first place.

The Commission's recommendations include: recognising victim survivors' experiences of family violence; supporting children and young people; having services that are responsive to victim survivors' needs and that work more effectively together; strengthening perpetrator interventions; working towards preventing family violence; making family violence a government priority; enhancing technology to fight the problem; and engaging the community (RCFV 2016).

From 'A Man's Home is his Castle' to Criminal Assault in the Home: A Brief History of Family Violence Law and Justice

Definitions: the law in theory (what is in the legislation); legal practice (how the law is implemented or carried out).

We can think about four key periods in how the law has responded to family violence in Australia.

Phase One (17th century to the late 1950s)

- The home was seen as a man's castle, women and children were seen as his property;
- Family violence was not a crime;
- Husbands had a 'duty' to discipline wives;
- Family violence was condoned

Phase Two (the late 1950s to the late 1980s)

- Assault was formally a crime, regardless of the relationship between the parties;
- Family violence was nevertheless considered a private matter between husband and wife (or partners);
- As a result, family violence was not recognised as a 'real' crime. In theory, family violence was a crime, but not in practice;
- Family violence was accepted

Phase Three (the late 1980s to recent times)

- Family violence was recognised as a crime;
- An era of equal opportunity, but combined with substantive gender inequality;

- Women seen to be responsible for their own safety when it comes to family violence;
- Family violence was recognised as a crime, but it was not treated as a serious crime;
- Family violence was tolerated

Phase Four (the current period)

- The division between family violence and national security is under challenge;
- There is greater recognition of diverse types of family violence
- There are calls for family violence to be recognised as a serious national security emergency;
- Family violence is politicised.

Understanding Family Violence Against Women: The Australian Story

Structures of violence are embedded in gender norms and expectations in Australia. There is a need to challenge these ideas of gender in order to change patterns of violence in the long term.

Family Violence is Gendered: Family violence is a gendered phenomenon. Statistics, incidences and deaths show that family violence is overwhelmingly committed by men against women. Women are given the role of caregivers in society, they are told to be soft and obedient, and they have lesser access to financial and employment security. All these factors underpin family violence.

The 2016 Personal Safety Survey Australia (ABS 2017) found that in their most recent incident of violence since the age of 15, men were most likely to have been physically assaulted by a male stranger (66%) outside (28%) or in an entertainment or recreation venue (28%). In women's most recent experience of physical assault, the perpetrator was most likely to be a male they knew (92%) in their home (65%) (ABS 2017). In the case of women's experiences of sexual assault, the perpetrator was most likely to be a male known to the woman (87%) and the violence was most likely to be in her home (40%) or the perpetrator's home (17%) (ABS 2017).

The National Homicide Monitoring Program found that intimate partner homicides made up 58% (n=109) of the 187 domestic homicide incidents recorded between July 2010 and June 2012, and that women remain 'overrepresented as victims of intimate partner homicide' (Bryan & Cussen 2015, p. vi). 61 children 17 years old or younger were killed during the same period.

The Situation in Victoria

In Victoria, one in three women is likely to experience intimate partner violence in her lifetime (Women's Health Victoria 2015). Violence in the home is the greatest threat to the health of women between 15 and 44 (VicHealth 2016). Family violence can lead to homelessness for women (VicHealth 2017) and was estimated to cost \$22 billion in Australia in 2015-2016 (KPMG 2016). The effects of family violence on children are incalculable. Family violence is part of many other reported crimes too, such as stalking and physical and sexual assault.

Reporting of family violence is increasing in Victoria, which could reflect greater access to options for stopping the violence or greater confidence in the police. There are increasingly more organisations working in the space of family violence, and the leadership of former Victoria Police Chief Commissioners Christine Nixon and Ken Lay was significant in changing how family violence is understood and responded to at the state level and nationally. Family violence risk assessment is being strengthened in Victoria: a review of the Family Violence Risk Assessment and Risk Management Framework (CRAF) has been carried out (McCulloch et al. 2016), with the CRAF to be redeveloped on the basis of this review.

But there is still a long way to go. Civil family violence protection orders are common, but are commonly breached. Police responses are better but are inconsistent and still need improvement. Homicides of women by their intimate partners continue: there were on average 101 deaths as a result of homicide between family members every year for the ten years prior to 2011-12 (Cussen & Bryant 2015).

Control and Coercion

Control and coercion are central to the experience of family violence. Coercive control can include sexual coercion, intimidation, regulation, surveillance, limiting resources and outside support, degradation and isolation (Buzawa et al. 2017; Stark 2007). Coercive control can involve physical violence, but does not always. Mobile phones are being used for surveillance of women to control their movements. Economic abuse, such as denying women access to bank accounts, makes it harder for women to leave violent and abusive relationships safely.

Gender Equality and Gender Equity: Gender equality and equity are critical for achieving safety and security for women from family violence. 'Gender equity is the process of being fair to women and men ... gender equality requires equal enjoyment by women and men of socially-valued goods, opportunities, resources and rewards' (United Nations 2005). We need to recognise broader structures and barriers that prevent everyone from benefitting from things like education, employment, healthcare and secure housing. Resources for tackling family violence need to be increased too, and culturally specific responses must be developed and fostered.

Rethinking Masculinity

It is important to work towards forms of masculinity that are not centred on control and coercion. This can help prevent violence against women and lead to better lives for men.

Further Research

There is a need to deepen knowledge of family violence as it intersects with diverse groups of people. Examples of this include understanding family violence amongst LGBTQIA+ people, investigating adolescent family violence and exploring elder abuse.

Definitions

Domestic violence is a useful term because it reminds us that this violence occurs in the home, where people are supposed to be safe and secure. But sometimes the term 'domestic violence' might seem to suggest that this violence in the home is private,

insignificant, or not 'criminal'. Intimate partner violence is a term used to capture patterns of violence where the partnership (most often, but not always, a heterosexual partnership) is the social set up that allows this violence to occur. This term acknowledges that women are most at risk of physical and sexual assault in their partnerships. However, this language can be somewhat gender neutral.

Family violence is often a preferred term because it suggests the violence happens in the family context, and it reminds us that there are many victims of family violence (including children). The Royal Commission (2016) draws on the Family Violence Protection Act 2008 (Vic) to define family violence as:

- (a) behaviour by a person towards a family member of that person if that behaviour –
 - (ii) is physically or sexually abusive; or
 - (iii) is emotionally or psychologically abusive; or
 - (iv) is economically abusive; or
 - (v) is threatening; or
 - (vi) is coercive; or
 - (viii) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person or;
- (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

Again, the term 'family violence' can at times be somewhat gender neutral, making the gendered patterns of violence invisible. It could also strengthen the social idea that men are victims to the same extent that women are. It is important to reflect on language and think carefully about responses to women's stories of family violence. Changing daily experiences of family violence, fear and terror is one of the most important challenges Australia faces as a nation.

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