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**Women and Violence**

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**Women and Violence**

(Women's Health Issues Paper No. 4)

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## 1. Introduction

Men's violence against women remains a serious and pervasive issue that affects individuals, families, communities and the social fabric of our society as a whole. In Australia, one in three women over the age of 15 years have experienced physical assault<sup>1</sup> and over half of all women have experienced at least one incident of physical and/or sexual violence in their lifetime<sup>2</sup>. Intimate partner violence is the leading contributor to death, disability and illness in Victorian women aged 15 to 44 years<sup>3</sup>. Men's violence against women is perpetrated most usually by a woman's intimate partner and most violence occurs in the home<sup>1</sup>.

Women are also subjected to non-partner violence, including violence by a family member, companion, family friend, carer, colleague, acquaintance or stranger. Men's violence against women affects women across all sectors of society. It occurs in private and in public: in homes and in the workplace, in schools, clubs and pubs, in prisons, detention centres and in hospitals. Men's violence against women is widespread, systematic and culturally entrenched<sup>4</sup> and is recognised as one of the world's most pervasive human rights violations<sup>5</sup>.

Men's violence against women takes many forms. The United Nations Declaration on the Elimination of Violence against Women provides this definition:

'Violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life<sup>6</sup>.

Men's violence against women has significant and often devastating consequences for victims, including homicide, homelessness and poor social, mental and physical health outcomes<sup>7</sup>. In 2009, the economic cost of men's violence against women and their children is estimated to be \$13.6 billion in Australia<sup>8</sup>.

While the causes of men's violence against women are many and complex, it is widely agreed that violence is closely linked to gender inequality<sup>9</sup>.

## 2. Gender inequality

The link between violence and gender inequality is well recognised in international understandings of men's violence against women. The Declaration on the Elimination of Violence Against Women states that violence is a 'crucial social mechanism by which women are forced into a subordinate position compared with men'<sup>10</sup>. In a detailed study on violence against women UN Secretary General Ban Ki-Moon states that 'structural imbalances of power and inequality between women and men are both the context and causes of violence against women'<sup>9</sup>.

Men's violence against women takes place within a broad social context where traditional gender roles are supported and serve to perpetuate male power and control<sup>9</sup>. Research has shown a strong link between men's attitudes regarding gender and perpetration of violence against women. For instance, men who hold conservative or traditional attitudes about gender roles, believe in male authority and/or have 'sexually hostile attitudes' are more likely

to perpetrate violence against their intimate partners than men who do not subscribe to such views<sup>11</sup>. Similarly, men who believe that violence is trivial or can be excused because women 'ask for it' or 'deserve it' are more likely to perpetrate violence against women<sup>11</sup>.

These attitudes, which implicitly and explicitly condone men's violence against women, are present at all levels of society.

The prevalence of domestic violence in a given society, therefore, is the result of tacit acceptance by that society. The way men view themselves as men, and the way they view women, will determine whether they use violence or coercion against women<sup>12</sup>.

As a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Australia has an obligation under international law to promote and protect women's rights and equality. Despite many advances, gender inequality remains a serious issue; in outlining her plan to increase women's equality Federal Sex Discrimination Commissioner, Elizabeth Broderick, suggests that 'progress towards gender equality has stalled'<sup>13</sup>.

Central to addressing gender inequality is the need to address the structural dimensions which underpin it. For example, a report by the Women and Gender Equity Knowledge Network to the World Health Organisation (WHO) on gender inequity in health argues for the need to challenge gender stereotypes, tackle gendered exposures and vulnerabilities, take action to encourage organisations to consider the implications of gender in their work and work towards gender equality and support women's organisations to ensure women have a voice<sup>14</sup>.

Inequality must be addressed at every level and in every sphere; in organisations and institutions, in businesses and workplaces, in education and in homes at local, national and international levels. The role of government must be to provide supportive structures, incentives and accountability mechanisms, and to enshrine and implement laws and policies that empower women and promote women's human rights<sup>14</sup>.

### **3. The language of violence**

The language used to talk about violence against women is crucial to understandings of and responses to the problem. A range of terms are currently used to describe forms of interpersonal violence. These terms change over time and are often highly contested, each reflecting a different political and theoretical perspective or perspectives<sup>15</sup>. One of the main points of contention is that each term includes and excludes different forms of violence<sup>16</sup>, such as violence against children or violence perpetrated by women. The importance of terminology and definition cannot be overstated. As acknowledged by the Domestic Violence Resource Centre, there is 'power...involved in acts of naming' and terms must therefore be critically analysed and sometimes challenged<sup>16</sup>.

Currently there is a shift towards the use of gender-neutral language to refer to violence that is perpetrated predominantly by men against women. For example, men's violence against their intimate women partners has become referred to by the gender-neutral term 'domestic

violence<sup>17</sup> and, more recently, 'family violence'<sup>18</sup>. Access Economics estimates that 87 percent of victims of 'domestic violence' are women and 98 percent of perpetrators are men<sup>8</sup>, yet terms such as 'domestic' and 'family violence' remove the gender of the perpetrator and the victim from the analysis. This obscures the gendered nature of the violence by concealing the power relationships between women and men that are central to explaining and effectively addressing the violence. As is acknowledged by Amnesty International Australia, 'the taboos on speaking about violence, naming the gendered distribution of victimisation and offending and recognising its prevalence must be broken at all levels in societies and communities'<sup>4</sup>. Refusing to identify men as the primary perpetrators of violence against women contributes to the damaging silence that surrounds the issue and inhibits the conceptualisation and development of solutions that address the root causes of the problem.

Gender-based violence serves – by intention or effect – to perpetuate male power and control. It is sustained by a culture of silence and denial of the seriousness of the health consequences of abuse<sup>12</sup>.

An unwillingness to name the perpetrators of violence may also contribute to the growing misconception in the community that violence is perpetrated equally by women and men and that the psychological and emotional harms are equal for both men and women<sup>19</sup>. For example, a Victorian study conducted in 2006 found that 20 percent of respondents believed that 'domestic violence' is committed equally by women and men, an increase from nine percent in 1995<sup>19</sup>. However these myths are dispelled by the available research, which clearly illustrates the gendered nature of the violence.

The Australian Bureau of Statistics' 2005 Personal Safety Survey found that in the 12 months prior to the survey, irrespective of gender, respondents were three times more likely to experience violence by a man than by a woman<sup>1</sup>. This finding supports research generally that both women and men are more likely to be victims of violence perpetrated by men rather than women<sup>20</sup>. The survey also found that of the 4.7 percent of women who had experienced physical violence in the previous 12 months, approximately three quarters had been assaulted by a man<sup>1</sup>.

There are also differences in the ways men and women use violence. Men are generally more likely to use violence to threaten, control and create fear<sup>21</sup>. Women, on the other hand, are more likely to use violence in self-defence (although this is not always the case)<sup>21</sup>. Research also shows that men over-estimate while women under-estimate their experiences of violence<sup>21</sup>. Men typically use violence more frequently and at more intense levels, which is more likely to cause physical and emotional harm than women's use of violence<sup>21</sup>. Another important distinction is that men are less likely to be living in fear of a female partner than women are to be living in fear of a male partner<sup>21</sup>.

Accurately naming violence is also important for acknowledging the severity of the violence and the impact on the victim. In a study on rape, researchers found women who had been raped by their partner needed to hear the abuse they suffered at the hands of their partner identified as rape<sup>22</sup>. The violent nature of sexual assault also needs to be named. The violation of a woman's body that can include rape and assault with intent to rape is often referred to as 'sexual assault', language that does not convey the gravity or impact of the crime. 'Sexual violence' rather than 'sexual assault' is arguably a more accurate description of the criminal and inherently violent nature of act.

The latest Victorian Government campaign: *Family Violence. Victoria has had Enough*, which supports the new Family Violence Protection Act 2008, talks about *family* rather than *male* violence. Indeed, much of the public discussion around violence against women and 'domestic violence' is gender-blind. The use of gender neutral language in this campaign only contributes to the 'culture of silence' that surrounds the issue and ultimately helps to perpetuate it<sup>12</sup>. The importance of naming the perpetrators of violence transcends political interest and is one important way the Victorian Government can improve its current campaign.

The Centre Against Sexual Assault (CASA) explains their use of gendered language thus:

When referring to victim/survivors of sexual assault we use the feminine pronoun to acknowledge that the vast majority of victim/survivors are women. Conversely, we refer to offenders as 'he' because most offenders of sexual assault are men.

Men and boys are also victim/survivors of sexual assault and we do not wish to deny or minimise their experiences. The decision to use gendered language is based on analysis of statistical data provided by police reports, hospital records, sexual assault centres and other research. These sources indicate that overwhelmingly sexual assault is perpetrated against women and children<sup>23</sup>.

Language is a powerful conveyor of meaning capable of influencing reality. Reality is masked when we consistently fail to name the perpetrators of the violence occurring in our homes, intimate relationships and the community. This, in turn, reinforces the 'culture of silence' that 'sustains' gender-based violence<sup>12</sup>. The use of multiple terms across research and policy can also lead to difficulties in comparing data where different definitions have been used to encompass violence against women or particular aspects of it. In this Issues Paper, the term 'men's violence against women' is used to acknowledge the gendered nature of this type of violence. As a women's health organisation, it is important that the nature of this type of violence is named. We also use the term 'intimate partner violence' to describe violence that is perpetrated by current or ex-partners, that is, by the intimate partners of women. Although intimate partner violence is predominantly perpetrated by men against women, it also exists within samesex relationships and this term encapsulates all these relationships.

#### **4. Women's experience of violence**

Women experience violence at all ages and in every area of their lives. This violence is perpetrated by partners, strangers, colleagues, relatives and friends. As recognised by the UN,

Women are subjected to violence in a wide range of settings, including the family, the community, state custody, and armed conflict and its aftermath. Violence [occurs] across the lifespan of women, from before birth to old age. It cuts across both the public and the private spheres<sup>24</sup>.

Most violence against women occurs in the home and is perpetrated by a male known to the victim, predominantly an intimate partner<sup>11</sup>. Although women experience violence across the lifespan, young women are at greater risk of violence than older women<sup>1</sup>.

Men's violence against women is understood to 'occur on a continuum of economic, psychological abuse through to physical and sexual violence'<sup>11</sup>. The common thread is that this violence is committed by men against women.

Despite the evidence regarding the impacts of violence on the lives of women and children and many years of campaigning by feminists and women's organisations, men's violence against women is still tacitly condoned, tolerated, excused and accepted across society. A report into community attitudes to violence in Victoria found that despite efforts to increase awareness about men's violence against women a surprising number of men and women continue to adhere to myths and negative stereotypes about violence. These include excusing intimate partner violence if it results from a 'temporary loss of control' or if regret is shown, the belief that women often make false claims about violence in custody battles and that rape is a result of men's inability to control their sexual desire, thereby absolving them of responsibility<sup>19</sup>.

This report highlights the need for a critical shift in thinking about men's violence against women in our community, towards an understanding that focuses on the impacts of violence on women's health and wellbeing and emphasises the unacceptability of violence. Understanding the nature and incidence of men's violence against women is an important starting point.

#### **4.1 Intimate partner violence**

Many women suffer violence at the hands of their intimate partners in Australia. The 2005 Personal Safety Survey found that in the 12 months prior to the survey, 10 percent of women had experienced physical violence by a current and/or previous partner<sup>1</sup>. Findings of the Australian Component of the International Violence Against Women Survey (IWAWS) conducted in 2002-03 indicate that at least 34 percent of women experience one form of violence from a current or former partner during their lifetime<sup>25</sup>.

Intimate partner violence against women is not usually a one-off, isolated incident<sup>26</sup>. It is most commonly continuous behaviour that can slowly erode women's confidence and ability to leave a violent relationship. The type and amount of violence often intensifies over time<sup>26</sup>. Yet 'too often intimate partner violence is trivialised as somehow being less serious than violence committed in other contexts; as a matter to be resolved in the privacy of the home'<sup>3</sup>.

There are times when women are at heightened risk of intimate partner violence. Around and after separation is a time that is particularly dangerous for women, with research suggesting that women are at heightened risk of lethal and non-lethal violence during separation and divorce<sup>27</sup>. Violence post-separation may be an extension of abuse that occurred during the relationship or could be the first time violence occurs<sup>28</sup>.

Pregnancy is also associated with women being at greater risk of violence<sup>3</sup>. Among women who had experienced violence by a previous partner, and who had been pregnant during that relationship, 36 percent reported that violence occurred when they were pregnant and 17

percent experienced violence for the first time while pregnant<sup>1</sup>. Research also shows that women who experience violence during pregnancy face a higher risk of violence in the period directly after birth<sup>29</sup>.

In 2005, 20 percent of women who had experienced intimate partner violence during the previous five years had been stalked<sup>30</sup>. Stalking involves various activities that are intended to harm or frighten, such as loitering and following<sup>1</sup>.

While many women leave violent relationships, many stay. They do so for a number of reasons that include fear for their and their children's safety, isolation from supportive others or services, pressures regarding children, promises from the abusive partner, pressures from cultural or religious communities, pressure from family and friends, financial pressures and/or legal issues<sup>31</sup>.

#### **4.2 Physical violence**

The 2005 Personal Safety Survey found that more than half of women who experienced physical assault in the last 12 months were under 34 years of age, with experience of assault decreasing with age; 27 percent were aged 18 to 24 years, 34 percent were aged 25 to 34 years, 19 percent were aged 35 to 44 years, 12 percent were aged 45 to 54 years and eight percent were aged 55 years and over<sup>1</sup>. The same survey found that with respect to the 'most recent incident' of physical assault against a woman by a male perpetrator, 64 percent of incidents occurred in the home compared to ten percent that occurred in the open, 12 percent in the workplace, six percent at licensed premises and eight at another location<sup>1</sup>. In 55 percent of cases the woman victim was physically injured in the assault<sup>1</sup>. Alcohol or drugs contributed to the assault in nearly half of 'most recent' incidents (49 percent) and only just over a third (36 percent) of all incidents were reported to the police<sup>1</sup>.

#### **4.3 Sexual violence**

It is difficult to gain a clear picture of the incidence of sexual violence against women due to non-reporting and non-disclosure, as also occurs in cases of physical violence<sup>2</sup>. However, the Australian Centre for the Study of Sexual Assault, citing data from the Australian component of the International Women's Survey, has reported the following statistics on sexual violence in Australia:

- Over half of the women surveyed (57 percent) had experienced at least one incident of physical or sexual violence over their lifetime
- More than a third of women (34 percent) had experienced this violence from a former or current partner, although violence from a former partner was more common, and more likely to result in women being injured and feeling that their lives were in danger
- Twelve percent of women reported experiencing sexual violence by an intimate partner (current or former) over their lifetimes, including instances of attempted (three percent) and completed (six percent) forced intercourse (i.e. rape)
- Women who had experienced sexual violence by their intimate partners were also likely to have been physically abused by them (73 percent)
- Eighteen percent of women reported being sexually abused before the age of 16: almost two percent of women identified parents (fathers in all but two cases) as the perpetrators, while a further 16 percent identified someone other than a parent. The

results suggest that the risk of sexual violence in adulthood doubles for women who experience child abuse

- Twenty-seven percent of women reported sexual violence by non-intimates such as other close family members, relatives, friends, colleagues and strangers (although a number of women reported violence from both intimate partners and others). Seven percent of these women reported attempted forced intercourse and four percent reported forced intercourse over their lifetime
- Only one percent of the women surveyed identified having been raped by a stranger<sup>32</sup>

The 2005 Personal Safety Survey found that in the 12 months prior to the Survey, 29 percent of women had been sexually assaulted by a current or previous partner, 39 percent by a family member or friend, 32 percent by other known persons and 22 percent by a stranger<sup>1</sup>.

The same study found that one third of all women over the age of 15 have experienced unwanted and inappropriate comments about their body or sex-life, one quarter of all women have experienced uninvited sexual touching and one in five women have been stalked<sup>1</sup>. This study also found that 12 percent of women respondents had been sexually abused before the age of 15 and that most of the perpetrators were male relatives: 17 percent were fathers or step-fathers, 35 percent other male relatives, 43 percent were known persons and nine percent were strangers<sup>1</sup>.

#### **4.4 Femicide**

The most severe outcome of men's violence against women is femicide, the killing of women based on their gender. According to the Australian Institute of Criminology nearly one quarter of all homicides are intimate partner homicides and, of the 65 people killed by intimate partners in 2006-07, 42 were women<sup>33</sup>. Of these 65 deaths, 43 percent followed a history of intimate partner violence that was known to police<sup>33</sup>. Research also shows that a significant proportion of women who kill an intimate partner had previously suffered many years of violence at the hands of that partner<sup>34</sup>.

Women are at particular risk of femicide directly after leaving a violent relationship<sup>35</sup>, with approximately a third of women killed as a result of intimate partner violence dying post-separation<sup>36</sup>. This is the time when a man who has used violence for the purposes of manifesting control over his partner is most likely to increase the severity and intensity of his violence.

It follows that if we are to address fatalities that occur as a result of intimate partner violence then data must be collected in order to inform preventative approaches. Victoria has established a coronial review designed to reduce intimate partner homicide. The new Coroner's Prevention Unit, announced in November 2008, is aimed at preventing deaths and holding perpetrators accountable for their actions<sup>37</sup>.

#### **4.4 New technologies**

The development of new forms of technology has also diversified the ways in which women are subjected to men's violence. Violence now includes cyber-stalking and the use of mobile phones to photograph or video women during sexual assaults which are then uploaded onto Internet sites such as *Facebook* and *YouTube*. This is particularly problematic for school-

aged girls and young women who are harassed, victimised, shamed and demeaned by boys and young men via these new technologies. As is often the case with new media technologies, the law plays catch-up: 'new technologies afforded by mobile phones, digital imaging, and the internet contribute to creating forms of sexual assault that the law and society have difficulty defining as assault'<sup>38</sup>. This type of violence can have long lasting consequences for women. For example, the unrestricted publication of sexual photographs on the Internet can negatively impact on women's employment opportunities, reputations and relationships. This occurs in addition to health impacts resulted from violence.

## 5. Populations most at risk

Men's violence against women crosses age, socio-economic, racial, religious and cultural boundaries, yet not all women are at equal risk. Women in marginalised or disadvantaged groups are particularly vulnerable to violence and its effects, including Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse (CALD) backgrounds, lesbian women, asylum seekers, women in the sex industry, women with disabilities, and women from geographically isolated communities<sup>4,39</sup>.

### 5.1 Aboriginal and Torres Strait Islander women

In Australia, Indigenous women are almost ten times more likely to die from assault than non-Aboriginal women and are 35 times more likely to be admitted to hospital as a result of intimate partner violence<sup>39</sup>. Indigenous women are the most victimised members of Indigenous communities<sup>40,41</sup>. Research by the Aboriginal Justice Council conducted in 1999 found that while Aboriginal people in general are 4.6 times more likely to be the victims of violent crime than non-Aboriginal people, women accounted for three quarters of these victims<sup>40</sup>. A statistical review of Western Australian data found that Indigenous women suffer significantly higher victimisation rates than Indigenous men, except in cases of homicide and robbery<sup>42</sup>. In assault cases, Indigenous women were twice as likely to be victims as Indigenous men, and in cases of sexual assault, the difference rose to six times<sup>42</sup>.

Indigenous Australians represent little more than two percent of the population and yet, of the 71 intimate partner homicides recorded in Australia in 2003-2004, 24 percent involved an Indigenous victim, Indigenous perpetrator or both<sup>43</sup>.

Alcohol figures highly in the perpetration of intimate partner violence in both indigenous and non-Aboriginal communities. Of Indigenous partner homicides in 2003-2004, 76 percent involved the victim, offender or both being under the influence of alcohol<sup>43</sup>.

Men's violence against women in Indigenous communities cannot be examined in isolation of the devastating effects of colonisation on Aboriginal people in Australia and the failure of successive governments to address the loss of land and culture that have impacted so greatly on Aboriginal communities. Violence in Indigenous communities must be addressed by governments, however, it is also essential that programs involve Aboriginal people, are culturally sensitive and sustainable and do not disregard the historical and contemporary contexts within which violence against Aboriginal women occurs. Alongside these cultural considerations, it is also important to recognise the gendered nature of this violence.

## **5.2 Women from culturally and linguistically diverse backgrounds**

Women from culturally and linguistically diverse (CALD) backgrounds who are victims of violence are doubly disadvantaged: as well as being women they are also outside the dominant cultural group. It is therefore important that services are sensitive to factors such as race and culture that influence women's experiences, perspectives and needs<sup>44</sup>. As a result of their circumstances prior to arriving in Australia, immigrant and refugee women may also have been exposed to different and/or multiple forms of violence<sup>45</sup>. For example, the UN Development Fund for Women (UNIFEM), has identified sexual assault as 'as a weapon of war in a number of origin countries', which suggests that 'many refugee women arriving in Australia from war-torn countries may have experienced sexual violence in their homeland'<sup>46</sup>.

Furthermore, women from CALD backgrounds often experience additional barriers to seeking help, including a lack of access to linguistically appropriate information, paucity of bilingual and ethnic employees at support services and a shortage of women interpreters and women counsellors trained in cultural awareness<sup>44</sup>. Women from CALD backgrounds may also have different understandings and expectations regarding women's rights in comparison to women who have grown up in Australia. Men's violence against women from CALD backgrounds is complicated by language and cultural barriers, fears or threats about immigration status, shame, community ignorance and cultural isolation<sup>47</sup>.

In attempting to leave a violent relationship, women from CALD backgrounds may face further discrimination when seeking rental housing<sup>48</sup>. Research has also found that women's refuges do not, or cannot, always accommodate the specific needs of women from CALD backgrounds, such as food that is culturally and religiously appropriate, space for prayer or segregation of women and male children<sup>48</sup>.

Women on temporary visas are particularly vulnerable as they have limited access to income and employment support. They do not have the full legal protections of citizenship, are not entitled to Centrelink benefits and are not eligible for public or community housing and are fearful of being separated from their children<sup>49</sup>.

## **5.3 Women with disabilities**

According to the ABS, one in five Australians have a disability<sup>50</sup>, yet there is a vast lack of empirical data and research on men's violence against women with disabilities<sup>51</sup>. Women With Disabilities Australia (WWDA) suggests that women with disabilities are victims of assault, rape and abuse at a rate twice that of women without disabilities, regardless of age, race, ethnicity, sexual orientation or class<sup>52</sup>.

Women with intellectual disabilities are particularly vulnerable to physical and sexual violence, with studies estimating that 'very high rates' of women with an intellectual disability will experience violence at some point in their lives<sup>52</sup>. Violence can include physical, emotional and psychological violence such as abuse, neglect and discrimination<sup>52</sup>.

In a submission to the South Australian Review of Domestic Violence Laws in 2007, WWDA states that, in comparison to women without disabilities, women with disabilities:

- Experience violence at higher rates and more frequently

- Are at a significantly higher risk of violence
- Have considerably fewer pathways to safety
- Tend to be subjected to violence for significantly longer periods of time
- Experience violence that is more diverse in nature
- Experience violence at the hands of a greater number of perpetrators

WWDA identifies a range of factors which can increase the vulnerability of women with disabilities, including dependence on others, fear of disclosure, poverty and lack of economic independence, lack of education/lack of knowledge, social isolation, current place of residence, difficulties with communication, lack of services and support, lack of access to the criminal justice system, nature of disability, low self esteem and lack of assertiveness<sup>53</sup>. These factors make men's violence against women with disabilities more difficult to identify and, therefore, prevent.

#### **5.4 Geographically isolated women**

Geographic isolation is a considerable problem for women living in remote, regional and rural communities who are experiencing violence. Lack of transport and transport options coupled with often poor telecommunications services can make it difficult to escape or seek help for violence. Violence support services in rural and remote communities may be non-existent, poorly resourced and, if available, long distances away.

Women in isolated areas may have fewer opportunities to be economically independent of their partners<sup>54</sup> and conservative attitudes that value traditional gender roles are common in rural areas<sup>55</sup>. However, it is also important not to create a false distinction between the 'progressiveness' of urban versus rural areas; the differences 'are more likely to be a matter of degree rather than kind'<sup>55</sup>. Privacy is also an issue for women experiencing violence both in the community itself and when police are involved<sup>55</sup>. These concerns are exacerbated for women who are victims of sexual violence:

For women living in rural communities, the most common barriers to disclosure and reporting concern are the absence of specialist victim services, the problem of maintaining confidentiality, and the fear of having to manage a community response that is largely unsympathetic, if not overtly hostile, towards the victim/survivor<sup>55</sup>.

High levels of firearm ownership in rural communities also put women at greater risk of being victims of homicide<sup>56</sup>.

Issues of isolation are increasingly felt by women in the rapidly expanding fringes of big cities. Fringe suburbs often have poor transport options and a lack of services, or services that are severely stretched by the demands made on them. There are also issues of poor urban design that make it either impractical or unsafe for women to travel by means other than car. The economic downturn in Australia coupled with the inevitability of increasing petrol prices and reduced opportunities for employment, are social and economic factors that are likely to increase incidence of violence against women.

## 5.5 Women in same-sex relationships

Although violence against women is predominantly perpetrated by men, it also occurs within same-sex relationships. Statistics related to violence against women in same-sex relationships are limited however a recent Australian study of violence in gay, lesbian, transgender and intersex relationships found that of women respondents, 80 percent of whom identified as being exclusively or predominantly attracted to women, 41 percent had experienced intimate partner violence<sup>57</sup>. It is important to remember that this figure will be influenced by underreporting, which some studies suggest is higher in cases of violence in same-sex relationships than in heterosexual relationships due to lack of appropriate services and victims not recognising the violence as intimate partner violence<sup>57</sup>.

One form of intimate partner violence that is specific to same-sex relationships is an abusive partner 'outing' or threatening to 'out' their partner to family, friends, work colleagues or the wider community<sup>58</sup>. First relationships can be a time of greatest risk for women in same-sex relationships as they may not have other lesbian community networks and may not want to put the relationship at risk<sup>58</sup>. Women may also lack confidence about what are acceptable behaviours and what are not, which can be exacerbated by an abusive partner insisting that their behaviour is 'normal' in same-sex relationships<sup>58</sup>.

Violence against women in same-sex relationships cannot be examined in isolation of a predominantly heterosexist society. Research indicates that homophobia and misconceptions about same-sex relationships can hinder victims of violence from asking for or receiving assistance. For example, victims of same-sex violence are reluctant to seek assistance because of the prevailing heterosexist misconception that same sex violence must be mutual<sup>58</sup>. Victims of same-sex violence are additionally vulnerable as homophobia may have isolated them from family, friends and/or other forms of social support<sup>58</sup>. Those in same-sex partnerships may also feel that to acknowledge the existence of violence within their relationship may further feed homophobia<sup>59</sup>.

## 5.6 Older women

Abuse of older people is popularly referred to as 'elder abuse'. However, there are concerns that men's violence against older women could be made invisible by subsuming it into terms and contexts that refer to ageing and vulnerability rather than gender<sup>60</sup>. The use of gendered language and analysis is important in discussions of violence against women across the lifespan.

Older women experience sexual violence at significant rates, and this continues beyond the age of 65. Sixty-five is an age nominally seen to transform 'women' into 'old'; that is, if a woman experiences sexual assault over 65, it is viewed as an issue of age rather than gender. It is therefore becoming increasingly important to consider the prevalence of sexual violence not only in certain age categories, but over the lifespan<sup>60</sup>.

Most women who experience violence as older women have experienced it throughout their lives<sup>61</sup>. There may, however, be a change in perpetrator with women reporting children, grandchildren, other relatives and carers, as abusers<sup>62</sup>. Some findings indicate that physical and sexual abuse may decrease with age, whereas other types of abuse remain or escalate,

such as psychological or emotional abuse and financial abuse<sup>62</sup>. It is likely, however, that women experiencing one type of abuse will also be experiencing other types.

Older women may have restricted physical mobility, be isolated or suffer physical and/or mental illness, which can make them more reliant upon family members and carers. This can leave older women vulnerable to physical, sexual, psychological, financial or social abuse, including neglect<sup>63</sup>. Furthermore, they may face barriers to support services because of a perception that services are targeted towards younger women<sup>60</sup>. Men's violence against older women also often goes undetected by service providers<sup>64</sup>.

### **5.7 Women in mental health inpatient care**

The lack of privacy and safety in mixed-sex mental health inpatient facilities compromise the safety of female patients, and leave them vulnerable to physical and sexual assault. Limited space and workforce capacity within the facilities have led to a tightening of the guidelines for admission into acute mental health inpatient facilities as only patients who present with imminent risk to themselves or others are admitted<sup>65,66</sup>. For this reason, acute inpatient wards have been described as a dangerous environment<sup>67</sup>.

Reported incidents of sexual assault are high in mental health inpatient settings and female patients are particularly vulnerable. Women in these facilities are more likely to be assaulted or sexually harassed than men and this is perpetrated by both staff and male patients<sup>68</sup>. For many women, these acts trigger past trauma of having witnessed and/or having been victims of sexual assault<sup>66</sup>. In this way, re-traumatisation can occur within the very setting that is supposed to signify safety and support.

### **5.8 Women in sex work**

Many women who engage in sex work are vulnerable to physical and sexual violence due to the stigma and the context in which they work<sup>69</sup>. Stigmatisation can hamper women's willingness to report the contexts in which violence occurred, fearing that the formal records about their sex work can jeopardise their reputations and future careers<sup>70</sup>. Discrimination against sex workers also means that these women may also be subjected to blame for the violence committed against them<sup>71</sup>.

Evidence also suggests that the conditions in which sex workers operate strongly influence their vulnerability to violence. For example, while Victorian registered brothels are required to comply with safety measures such as installation of safety alarms and rights to refuse customers on suspicion of violence, sex workers operating outside the legal system including street sex workers and women in unlicensed brothels are not protected under these laws<sup>72</sup>. A Victorian survey found that 46 percent of street sex workers have experienced sexual assault, 18 percent of these with a weapon<sup>73</sup>.

This is particularly relevant for women who have been forced into sex work, including trafficked women. This group is particularly vulnerable and isolated. They face much greater barriers to accessing services and legal redress and may often lack awareness of the support that is available<sup>74</sup>. These women are less likely to report violent crimes, fearing prosecution against themselves. These fears can be exacerbated among women with limited capacity of English or those who without access to correct information about their rights<sup>74</sup>.

## 6. Consequences of violence

Men's violence against women severely impacts the physical and mental well-being of all women affected. It causes great suffering, destroys families, damages communities and diminishes opportunities to live fulfilling and meaningful lives. The fear of violence alone can alter women's behaviours, negatively affect their feelings of personal safety and autonomy and limit their ability to fully participate in society in the same way men do. For example, in comparison to men, women report a significantly greater fear of crime and are more likely to feel unsafe walking alone or being in their homes alone at night<sup>75</sup>.

### 6.1 Physical health

Intimate partner violence is the leading contributor to death, disability and illness in Victorian women under the age of 45<sup>3</sup>. Apart from physical injuries resulted from physical violence, long term physical consequences of violence include pain and fatigue, allergies and respiratory disorders, insomnia, bowel problems, onset of breast cancer, and eyesight and hearing difficulties<sup>76</sup>. Additionally, women who experience intimate partner violence have between two and eleven times the risk of contracting sexually transmissible infections and experiencing miscarriage compared to women who have not experienced violence<sup>76</sup>.

Exposure to violence is associated with risk-taking behaviours including unsafe sexual practices, high consumption of alcohol, tobacco, illicit drugs and medication such as anti-depressants, tranquilisers and sleeping pills<sup>3,77</sup>. Women who experience violence also use health services more frequently than other women, even after they are no longer experiencing violence<sup>77</sup>.

### 6.2 Mental health and wellbeing

Experiencing violence significantly increases women's risk of poor mental health and wellbeing. Studies exploring violence and health consistently report adverse and wide-ranging effects to victims, the exact extent of which is often difficult to ascertain due to the concealed nature of the violence.

Women who have experienced violence are statistically more likely to suffer from poor mental health, such as depression or anxiety<sup>78</sup>, with studies finding that abused women are three times more likely to be diagnosed with depression<sup>45</sup>. Suicide, anxiety, depression and psychiatric disorders, such as post-traumatic stress disorder, phobias and identity disorders, are also more common in women reporting intimate partner violence<sup>45</sup>. Thirteen studies of suicide found that women who experience violence are three and a half times more likely to commit suicide<sup>45</sup>. Additionally, victims of violence are more likely to use anti-depressants, tranquilisers, sleeping pills, alcohol and other illicit drugs<sup>3</sup>.

The effects of violence do not end with the cessation of violence. A recent study found that often women not only carry 'tangible scars' of their abuse, but that they also endure long-term negative physical and psychological health issues<sup>79</sup>. The Australian Longitudinal Study into Women's Health found that while intimate partner violence has very negative impacts on mental health, 'moving on' from abusive relationships is associated with improvements in mental health<sup>77</sup>.

Research also suggests that women who have actually experienced violence have an increased fear of violence. The Personal Safety Survey found that almost 20 percent of women who had experienced violence by their current partner stated that they had felt anxiety or fear during the last 12 months, with eight percent reporting that they experienced anxiety or fear every day<sup>1</sup>. This fear and anxiety does not necessarily dissipate with time, with the above figures falling only slightly to 18 and six percent respectively for women who had experienced violence by a previous partner<sup>1</sup>.

An analysis of data from the 2005 Personal Safety Survey commissioned by the Department of Families, Community Services and Indigenous Affairs (FACCSIA) found that:

- Approximately one in three female sexual assault victims experienced changes in each of the following areas: eating/sleeping, home security, and social leisure activities as a result of fear or injuries caused by the violence
- Approximately one in five women who experienced physical or sexual assault made changes to their work/studies as a result of fear or injuries caused by the violence<sup>27</sup>.

Not surprisingly, women in refuges and shelters have high rates of mental distress. Women in these contexts often have poor social networks, concerns for their own and their children's safety and issues around employment, poverty and homelessness<sup>45</sup>. Prolonged exposure to violence can lead to social maladjustment for many women, evidenced in the over-representation in prison and acute mental health inpatient care of women who have experienced violence<sup>80</sup>.

### **6.3 Homelessness and support services**

Typically, while women and children flee the family home to escape violence, the perpetrator of the violence remains. For women a loss of the family home often means a loss of independence, loss of networks and social supports and a change of school for their children.

Research conducted by FACHSIA has found that women account for 42 percent of homeless adults and 60 percent of those who accessed Supported Accommodation Assistance Program (SAAP) services in 2005–06, with 'domestic violence' cited as one of the most common reasons women seek housing assistance<sup>81</sup>. In 2003-04, it was estimated that 33 percent of SAAP clients were women escaping domestic violence and 66 percent of the accompanying children were with a female parent or guardian escaping domestic violence<sup>81</sup>. It should also be noted that women make up the majority of single parents, with 85 percent of children living with their mother following the separation of their parents<sup>82</sup>. Women with children are more likely to utilise crisis accommodation rather than seeking room in a boarding house or 'sleeping rough'<sup>81</sup>, both of which have a range of associated dangers.

It is likely, however, that the number of women made homeless through violence is underestimated, as many women seek help from family and friends rather than access formal crisis accommodation, such as a refuge.

Despite the importance of crisis accommodation for women escaping violence, there is currently a severe shortage of accommodation available in Victoria. Each night, half of all women who seek accommodation at a refuge are turned away, equating to an average daily rate of 48 percent<sup>83</sup>. Due to women's particular experiences of violence, specific needs and increased vulnerability, it is essential that emergency accommodation is run by organisations with specialist experience in working with, and in the interests of, women escaping violence. The current lack of available or adequate crisis accommodation increases the risk that women and children will return to or fail to leave violent situations<sup>81</sup>. It is also a concern that women who have attempted to leave will face increased violence from their partner if they have no option but to return home. It is essential that once a woman has made the decision to leave, she and her children have access to appropriate facilities and support.

It is also important to ensure that emergency accommodation caters for the specific needs of women in marginalised groups, including Indigenous women, women from culturally and linguistically diverse (CALD) backgrounds, older women, younger women and girls, women with disabilities, rural and regional women, women with large numbers of children and women in remote communities<sup>48</sup>.

Homelessness is also a particular issue for children and crisis accommodation must be equipped to address their particular needs. Three-quarters of the 54,700 children who accompanied their parents into SAAP services in 2005–06 were under 10 years old. Many of these children have witnessed or experienced violence and/or sexual assault<sup>48</sup> and now must deal with the added trauma of homelessness.

The Commonwealth Office for Women identifies two types of assistance that are 'clearly critical in terms of supporting women affected by domestic and family violence':

- provision of safe, secure and affordable housing; and
- provision of a continuum of individualised and open-ended support, including outreach services, that wraps around women and their children in a range of areas (therapy, health, life skills, housing assistance et cetera) for as long as they need it<sup>48</sup>.

In 2008, the Victorian Law Reform Commission (VLRC) conducted a 'family violence' project, which 'arose because of concerns the intervention order system was not protecting the victims of family violence'<sup>84</sup>. The report recommends that the violent partner should be the one to leave the family home, not the victim:

The new Family Violence Act should explicitly include an 'exclusion order' as a possible condition on an intervention order. The list of conditions should include a condition such as 'exclude the respondent from occupying the home previously shared, whether or not the home is rented or owned jointly by either of the parties'<sup>84</sup>.

Enacting such a recommendation would remove the offender and allow women and children to remain in their home. While the threat of violence may not be extinguished altogether, the risk of homelessness would be averted. As well as providing a more stable environment for women and children, the demand on emergency and crisis accommodation would be greatly reduced. However, the number of exclusion orders made is currently very low. Courts generally appear more concerned with the property needs and rights of the male defendant than with the needs and rights of the female victim<sup>85</sup>.

Two recent reports on the issue, one in Victoria examining the systemic obstacles faced by women wanting an offender removed from the home and another in New South Wales examining exclusion orders in two Sydney courts, recommended that:

- amendments be made to domestic violence legislation to prioritise the accommodation needs of the victims,
- amendments be made to tenancy legislation to elevate the rights of the victim to live safely over the tenancy rights of the offender,
- greater publicity be generated about the option of sole occupancy and
- concern be shown for the economic sustainability of women's occupancy of the home<sup>85</sup>.

Concerns were raised, however, that while the risk of violence for women who stayed in the family was high, service response remained low<sup>85</sup>.

Amnesty International Australia contends that it should be the responsibility of the state to provide an integrated response which includes not only the provision of housing but health and counselling services, legal advocacy, training and employment assistance, language courses and child care<sup>4</sup>.

In its submission to the Australian Government Green Paper, *Which Way Home?* A new approach to homelessness, the Australian Domestic & Family Violence Clearinghouse called for:

New policies, legislation and strategies to ensure sustainable housing for women and children staying in their homes. While the evidence shows that even in the short term, staying in their home assists women to plan and make more considered choices about their futures, the target must be to maintain the home as a long-term and sustainable option<sup>86</sup>.

In Tasmania, the Safe at Home project is lauded as a model for other states to follow<sup>85</sup>. It takes a 'pro-arrest, pro-prosecution response that supports women and children to stay at home safely'<sup>85</sup>. Police are able to remove an offender who can be detained without charge 'for a period reasonably required to secure the safety of the victim', deny bail in the interest of the safety of the victim and/or children and 'terminate a tenancy' in order to protect the rights of the victim<sup>85</sup>.

Although police responses to men's violence against women have greatly improved as a result of the Safe at Home project, concerns have been raised that the effect of these positive changes is weakened within the broader criminal justice process<sup>87</sup>.

#### **6.4 Justice and the legal system**

One major failing of the legal system is that the adversarial nature of proceedings discourages women from seeking legal intervention. The requirement to produce evidence and be cross examined often exacerbates women's feelings of abuse<sup>49</sup>. It is also difficult to secure a conviction, with 'less than 3 percent of sexual assaults and related offences in Australia resulting in a conviction'<sup>4</sup>.

The justice system does not provide women with the protection they need. The Personal Safety Survey found that 20 percent of women who had taken out a restraining/violence order against their current partner experienced further violence after the order was issued and 42 percent experienced further violence by a previous partner against whom a restraining/violence order had been issued<sup>88</sup>.

In a small study conducted with Victorian police on partner rape, concerns were raised about the length of time before cases reach court and the disrespectful and damaging treatment of women in court<sup>22</sup>. Ultimately, only six of thirty police officers surveyed said they would advise a woman to report a partner rape<sup>22</sup>.

Most women applying for Apprehended Domestic Violence Orders (ADVOs) find the court process confusing and alienating. They are concerned about being harassed and intimidated by their partner or ex-partner at court, they are unsure about where to go and who to speak to, and they find court proceedings difficult to follow and understand. This may be exacerbated for migrant and refugee women, Indigenous women and women with disabilities. Without support, a woman in these circumstances is more likely to withdraw from court proceedings<sup>89</sup>.

The Australian Institute of Criminology reported a number of barriers to effective policing of intimate partner violence against women including lack of training for police prosecutors, low status of Domestic Violence Liaison Officers (DVLO) and inadequate services for Indigenous women<sup>90</sup>. Training for police, prosecutors and members of the judiciary, like that for service providers, needs to be compulsory, ongoing and accredited<sup>4</sup>.

Currently in Australia, there is no systematic access to free legal aid for women victims of violence<sup>4</sup> and therefore many women cannot afford the cost of seeking justice. Legal aid is critical for women leaving violent relationships so that they can access legal representation to pursue prosecution and so that violent men are made accountable, their victims protected and justice served.

## **7. Conclusion**

This paper has highlighted a number of issues relating to men's violence against women. Clarity about the need to acknowledge the gendered nature of violence is evident in discussions of the language of violence. The term 'men's violence against women' clearly defines what we know from research about the nature of violence against women and the fact that men are the main perpetrators. Naming the perpetrators of violence in this way is important in confronting the attitudes that sustain gender-based violence. It also exposes the power relations that underpin violence and is vital for effectively addressing violence against women.

Men's violence against women is linked to gender inequalities and violence-supporting social attitudes. Gender inequality present at the individual and societal level was also examined. Power imbalance caused by gender inequalities are exacerbated by additional factors such as disability, age, language barriers and Indigeneity. These factors can therefore increase vulnerability to men's violence among some women.

Violence has a long lasting impact on the physical and mental health and wellbeing of women. The flow-on effects of violence also extend to the issues of homelessness and barriers in seeking justice and legal redress.

By bringing together the various issues relating to violence against women, the information collated in this paper can be used to inform gender sensitive policy and practices which responds to the needs of women.

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