Paper

Dimensions, Dynamics and Impact of Family Violence

AVERT
FAMILY VIOLENCE

**Collaborative Responses in
the Family Law System**

Australian Government
Attorney-General's Department

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AVERT FAMILY VIOLENCE
Collaborative Responses in the Family Law System

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Dimensions, Dynamics and Impact of Family Violence

A note on terminology used in this resource

Because this resource is designed for people working within the family law system, family violence is the chosen term throughout. It is a term that incorporates a broad range of intimate relationships in which abuse might be perpetrated, and it is the preferred term of Indigenous communities. Family violence also makes explicit the relationship between family violence and its implications for children in the family. Domestic violence is a term that has been widely used in the literature in this field and is therefore used in relevant contexts and quotations. The phrase domestic and family violence is also used as it is the term used in legislation in some states and by some commentators.

Focus of this paper

This paper outlines the dimensions, dynamics and impacts of family violence to support practitioners in detecting, understanding and responding to it. After a discussion of the importance of language and definitions, the paper provides a working definition of family violence. The paper seeks to contextualise family violence within current statistics, historical and cultural factors, and the costs to the community.

The paper addresses the complexities of family violence with the aim of stimulating professional dialogue and assisting with the development of multi-disciplinary collaborative responses to it. As with the other resources in this package its ultimate aim is to promote safety for victims and children, raise public awareness and highlight ways in which perpetrators can be accountable and engaged positively for attitudinal and behavioural change.

Myths and facts about family violence

Below is a list of common myths and brief responses. Please refer to the suggested sections of this paper for more in depth discussion.

Myth: Family violence is physical assault.
Fact: Family violence involves the abuse of power and control to victimise one partner. This may be done through a range of behaviours that do not necessarily involve physical assault.

See: *Naming and defining family violence*

Myth: Family violence is usually a one-off occurrence at the emotional time of separation or the ending of a relationship.
Fact: Although one-off incidents occur it is most often an ongoing pattern of behaviour, and frequently involves a number of violent tactics used in concert with each other. Where physical violence occurs, emotional abuse is almost always present.

See: *Naming and defining family violence*

Myth: Victims provoke family violence.
Fact: No one asks for or deserves to be abused - there is no excuse for domestic violence. In fact, most victims of domestic violence do everything they can to pacify their partners to avoid further violence. Responsibility for the violence rests with the perpetrator. It is not the victim who committed the crime.

See: *Naming and defining family violence*

Myth: Alcohol abuse causes family violence.
Fact: Although there is often a high correlation between alcohol use and family violence and abuse, alcohol is more accurately described as a trigger rather than a cause. It may be problematic to attribute responsibility for violent behaviour to something separate from the perpetrator.

See: *Naming and defining family violence*

Myth: Stress at work and /or about money causes family violence.
Fact: As with alcohol, such issues are not a cause of violence. Perpetrators will rarely hit their bosses or colleagues in stressful situations because they are able to judge the negative consequences of such an action.

See: *Naming and defining family violence*

Myth: Family violence is quite rare.
Fact: The ABS Personal Safety Survey for 2012 shows that: 'An estimated 3,106,500 women had experienced violence by a known person (36% of all women) compared to 1,068,200 women who had experienced violence by a stranger (12% of all women). The most likely type of known perpetrator was a previous partner (1,267,200, 15% of all women).'

 See: *Dimensions of family violence*

Myth: Family violence and abuse is more of a problem with people in lower socio-economic groups.
Fact: Family violence and abuse occurs in all income groups, professions, geographical locations and ethnicities. When lower income groups show up in statistics, it is often because these statistics relate to women living in women's refuge shelters (a source of much research on violence against women). Many of these women lack financial resources for other housing options and are therefore not likely to be representative of the wide range of women affected.

See: *Dimensions of family violence*

Myth: Family violence is a private matter.
Fact: Family violence has increasingly been made public. Physical assault in the home is a serious crime and must be viewed as seriously as assault outside the home. Under the broad heading of 'family homicides', a study revealed that in Australia, over a 13 year period, 38 percent of victims were killed where a family member was the primary offender. Of these family homicides, the majority involved intimate partners (60%) (Putt, 2009).

See: *Contextualising the statistics*

Myth: Victims wouldn't put up with it if they didn't like it.
Fact: There are many complex reasons why victims stay in abusive and violent relationships. The period after a victim leaves, or expresses an intention to leave, is the most potentially lethal, and the time when most serious assaults occur. This in itself is a strong deterrent to leaving.

See: *Why don't victims leave*

Myth: Children are not really impacted by family violence
Fact: Children are acutely harmed by family violence and parental conflict. Children generally have immediate trauma reactions and long term mental health concerns as a result of exposure to family violence. This is particularly likely when children are not supported to recover from experiences of family violence.

See: *Impact on children*

Naming and defining family violence

The ways in which people think and talk about family violence, as well as the particular language they use, are important matters. By reflecting on the terminology used, we can readily see that there are very different views, theories and understandings in operation, as well as associated political and professional positions.

There is no single agreed definition of family violence (ABS 2009, Conceptual framework p 1). Different definitions reflect various emphases upon types of relationships, living arrangements and the location of where offences occur. Consequently, different interpretations of specific family violence events can vary according to the particular legal, policy, service and research definitions being deployed.

The different ways of defining family violence have arisen out of different purposes for naming the issue. For instance, within the community domestic violence sector naming the experiences of women and children who have lived with violence has involved a commitment to expose the multilayered features of family violence to make visible the non-physical but debilitating consequences of fear, intimidation and control, as well as physical assault. These definitions have the purpose of making visible the complex and emotional ways that family violence entraps women and children in relationships of abuse. By contrast, legal definitions of family violence seek to use gender neutral language as well as define precisely the behaviours that constitute family violence. These definitions have the important purpose of working within the legal framework of natural justice which does not presume a type of either perpetrator or victim. Legal definitions are also made complex by the different legal state and commonwealth jurisdictions as well as criminal and civil justice systems.

The tensions that exist between these different purposes and ways of viewing family violence are important aspects of the AVERT Family Violence Training Package. The various ways of defining family violence are explored in this paper, to assist workers within the family law system to build collaborative multi-disciplinary work practices that can appropriately deploy a sophisticated understanding of the dynamics of family violence. In this section we outline some common definitions before arriving at a working definition for this resource.

Different understandings and different strategies

Different understandings are important to acknowledge and identify because they often imply very different strategies for action. If, for example, family and domestic violence is seen predominantly as an individual or psychological problem, strategies are likely to be proposed that involve addressing issues of interpersonal communication. Typically these might involve dealing with emotions, especially managing anger.

If, on the other hand, the issue is seen predominantly as a socially created issue, involving for example, power differences between perpetrators and victims, the proposed strategies are more likely to focus on advocacy for victims, and perpetrators being held accountable for their violent behaviour. Irwin et al. (2002) argue that organisations holding this latter view may well not consider relationship counselling as appropriate at all when there have been incidents of family violence (cited in Laing, 2004).

Different emphases and definitions are not necessarily mutually exclusive. However acknowledging them does alert us to the fact that when we speak about family violence, we also speak from a complex base of values and assumptions that may well be strongly contested by others. It is helpful to be clear about 'where we are coming from'. Firstly, it means that differences can be discussed and it avoids confusion about what we mean. Secondly, if our values are inherent in our responses to family violence and those who are affected by it, then it is important that we are self reflective and analytical about what those values are.

Understanding family violence requires an understanding of the sorts of broad issues raised in this resource as well as the ability to examine individual cases, differences, and nuances – including how the violence is experienced by the victim. The Wingspread Conference has been significant in progressing thinking in this area. Held in 2007, it brought together 37 experienced practitioners and researchers to examine the difficulties that have obstructed effective responses to family violence in America. In their report on this conference Ver Steegh and Dalton (2008) write:

> At the most fundamental level, communication about domestic violence has been hindered by the fact that different professional constituencies use that term somewhat differently, and use different language to identify and analyse the range of behaviours encompassed by their particular definitions. As a result people who work in the field receive different and sometimes inconsistent messages about how to help families. Therefore, a major goal for the conference was to begin to develop a common vocabulary for, and a shared understanding of, the ways in which domestic violence manifests, and its implications for families. (p. 455)

In order to support clear communication about family violence, it is important to establish clear definitions, and develop a considered vocabulary around the issue. Language significantly influences the sensitivity of practitioners to the dynamics of family violence. The language used to describe the parties involved and what constitutes violence, powerfully affect the sensitivity of practitioners to the dynamics of family violence. Language also shapes how responsibility for violence is located, and where responses are focussed.

Legal definitions

In the context of work within the family law system, the way that family violence is defined is closely related to the context and purpose of the definition. Professor Richard Chisholm highlights this point in the following way:

> ...if the context is the safety of people attending the court premises, it might be sensible to define violence in a way that focuses on physical danger. By contrast, if the context is determining the best interest of the children, it might be sensible to have a wider definition, one that would include things that might be harmful to children, but would not necessarily put at risk people attending court. (Chisholm, 2009, p. 33)

The current Family Law Act (1975) definition is designed to be able to encompass many forms of abuse:

> For the purposes of this Act, *family violence* means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the *family member*), or causes the family member to be fearful.
> http://www.comlaw.gov.au/Details/C2013C00639/Html/Text#_Toc369182004 Accessed Jan 2014

The Family Court of Australia's *Family Violence Strategy 2004-2005*, defines family violence as follows:

> Family violence covers a broad range of controlling behaviours, commonly of a physical, sexual, and/or psychological nature, which typically involve fear, harm, intimidation and emotional deprivation. It occurs within a variety of close interpersonal relationships, such as between spouses, partners, parents and children, siblings, and in other relationships where significant others are not part of the physical household but are part of the family and/or are fulfilling the function of family. (FCoA 2004, p. 3)

Defining violence and abuse more broadly

Some definitions of family violence are inclusive of a range of relationships beyond heterosexual couples. These expanded definitions include:

> …violence which occurs in gay, lesbian and transgender relationships, sibling violence, child abuse as well as abuse of parents by adolescents or adult children, abuse of older family members by non partner family members and abuse within kinship relationships. (Tasmanian Department of Justice and Industrial Relations, 2003, p. 9)

One aspect of family violence that had not typically been encapsulated in terminology is that it is often repeated and multifaceted. Family violence used to be most commonly thought of as physical violence alone. Almeida and Durkin, over a decade ago, attempted to deal with this issue by describing a different version of a family violence dynamic:

> Domestic violence is the patterned and repeated use of coercive and controlling behaviour to limit, direct, and shape a partner's thoughts, feelings and actions. An array of power and control tactics is used along a continuum in concert with one another. (cited in Laing, 2004, p. 10)

It is interesting to note in this definition that domestic violence is seen as a deliberate controlling tactic – implying, of course, that the perpetrator makes a choice about the behaviour. This definition, however, would not encapsulate a single event of violence.

Chisholm (2009) cites the Victorian *Family Violence Protection Act* definition:

> ....behaviour by a person towards a family member of that person that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, coercive, or 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 behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of that behaviour. (p. 36)

Chisholm raises the issue of whether control and domination is a necessary condition under this definition – and by implication, whether it is possible to have an act of family violence that does not have this characteristic.

Gender and violence terminology

In much contemporary literature, there are many references to women as the victims of family violence and to men as perpetrators. This is not to suggest that men are never victims or that women are never perpetrators. Indeed the terms *spouse abuse* and *intimate partner violence* are used by some people who have wanted to make the point that some women are violent too*.* Yet such terms are rejected by others, on two important grounds.

1. Most victims of family violence are women and children. The 2012 *Personal Safety Survey* (ABS 2013) found that women aged 18 years and over were more likely to have experienced violence since the age of 15 by a known person than by a stranger. An estimated 3,106,500 women had experienced violence by a known person (36% of all women). The most likely type of known perpetrator was a previous partner (1,267,200, 15% of all women).

2. The dynamics of male to female family violence are significantly different to those of female to male violence, or violence between same-sex partners. Braaf and Sneddon (2007) report on research that shows how women tend not to use controlling behaviours or systematic threats and that men typically do not feel fear, bewilderment or helplessness when attacked by a woman (James 2004).

For these reasons much of the literature readily uses the distinction between woman and man and does not attempt to be 'gender neutral'. The gendered nature of family violence is discussed later in this paper under: *Gender and Family Violence*.

Dynamics of family violence

The Duluth model

The definitions outlined here demonstrate that family violence is not limited to physical assault. The Duluth model (Domestic Abuse Intervention Project) is a useful tool for identifying types of violence and the multiple forms that may be co-occurring in any individual case of family violence and abuse.

Adapted from
Domestic Abuse Intervention Project
206 West Fourth Street
Duluth, Minnesota 55806
United States of America
218-722-4134

Along with physical and sexual violence, the Duluth model outlines different types of non-contact violence that includes:

Using coercion and threats

Making explicit threats to do something to cause hurt; threatening to leave or to commit suicide; threatening to 'report' secrets; or forcing an involvement in illegal activities.

Using intimidation

Creating fear with looks and gestures; smashing objects; yelling; destroying property; abusing pets; showing weapons or brandishing objects that can be used as weapons.

Using emotional abuse

Using put-downs; name calling; using mind games; making victims feel that they are crazy or hopeless; using humiliation; provoking guilt.

Using isolation

Controlling what victims do, where they go and who they see or talk to; limiting activity or involvement; using jealousy as justification.

Minimising, denying, blaming

Denying any abuse took place or making light of it; shifting the responsibility for the behaviour to the victim, or to other factors such as alcohol or stress.

Using children

Making the other parent feel guilty about the children; using children to convey messages; using access times as an opportunity to harass; threatening to take the children away.

Using privilege

Treating a partner as a servant; making all the decisions; constraining gender roles.

Using economic abuse

Preventing a partner from getting or keeping a job; withholding money and or information about family finances.

In addition to these types of violence identified in the Duluth model, we could add:

Spiritual abuse

Impairing the person's spiritual life, spiritual self, or spiritual well-being, with three levels of intensity: (a) belittling their spiritual worth, beliefs, or deeds; (b) preventing them from performing spiritual acts; and (c) causing them to transgress spiritual obligations or prohibitions (Dehan and Levi, 2009).

An abusive relationship may involve several, or all, of these sorts of behaviours which can also be used in concert with physical and sexual violence. It is also true that there are times of particular risk in a violent relationship, for example in pregnancy and at time of separation from a relationship.

Non-contact violence often occurs as part of a patterned habit of relating which makes the identification of a single event very difficult. Further, this pattern of relating may come to be seen as normal, and so the victim will not identify family violence, or may believe it is their fault. Where this type of abuse occurs within a relationship, it is often an ongoing dynamic. Sometimes these dynamics are so familiar within the abusive relationship that the person using power can intimidate even with a particular look.

Non-contact violence is also thought to be present in many, if not most contexts where there is physical violence. Its effects, long and short term, are of serious concern, both for the victim and for any children involved. (See section: *Impacts of Family Violence*)

Patterns and potency of family violence

Although the Duluth model supports sensitivity to different *types* of violence, other frameworks support an analysis of the dynamics within a relationship to establish whether a particular event expresses a pattern of family violence. For example, Johnston et al. (2009) suggest that in screening for family violence there are five key factors to consider if an abusive relationship is to be distinguished from a period of high conflict. This is known as 'P[5] screening'. A summary of the five Ps Johnston et al. highlight are:

1. *Potency of violence* (degree of severity, dangerousness, risk of serious injury/lethality)
Indicates level of threat, need for immediate protective orders and other safety measures for child (and family).

2. *Pattern of violence* (history of using violent tactics and coercive control)
Indicates degree of stress and trauma likely suffered by child and family, potential for future violence, need for longer term restraints on abuser, causal and contributing factors, need for corrective and rehabilitative measures, and prognosis with treatment.

3. *Primary perpetrator of violence* (rather than it being mutually or jointly instigated)
Indicates whose parenting is more likely to be deficient, whose access needs to be restricted and who is more able to provide a violence-free home.

4. *Parenting problems* (of both parents)
Varies widely

5. *Preferences and perspectives of child*
 Having the wishes of the child taken into consideration. (Johnston et al. 2009, pp. 319-323).

Johnston et al. argue that to prioritise safety there is a 'critical need to invest in good screening and differential assessment of the violence' (p. 334).

In combination, the Duluth Model and P[5] Screening support practitioners to maintain sensitivity to the complex dynamics of violence within a relationship. This enables us to generate a definition of family violence that will inform our work practice.

Ensuring that both the physical and non-physical behavioural aspects of family violence are identified as well as the impact of these relational patterns reflects the challenge for understanding and responding to family violence.

A working definition of family violence

Family violence differs from conflict. Family violence refers to a diverse range of abusive and controlling behaviours, physical and non-physical, that make a victim feel fearful, intimidated and often helpless. These behaviours establish and maintain a debilitating imbalance of power relations that violates victims, subverting their autonomy and constraining their lives.

Dimensions of family violence

Family violence and separation

A 'substantial proportion' of separating parents have 'issues relating to violence, safety concerns, mental health, and alcohol and drugs' (Kaspiew et al 2009, pE3). Further, relationship separation itself marks an increase in risk and degree of harm for victims of family violence (Braaf & Sneddon 2007 p. 9).

Accessing family dispute resolution, child contact or family court services, may also exacerbate risk for victims due to enforced contact or proximity, or be a flashpoint for a violent episode. Accessing these services is likely to be stressful for victims and their children. It is because of the clear potential for family law service providers to meet clients at a time of increased risk, that family violence is increasingly a central concern for the family law system.

Research conducted about family law and family violence (Bagshaw et al 2010 p 2), reveals that respondents believed a history and/or existence of family violence affected decisions they made:

☐ about accessing the courts and dispute resolution services,

☐ when they were at courts and dispute resolution services and

☐ about their post-separation parenting arrangements.

Intimate partner homicides

Physical and sexual violence are the most obvious types of family violence, and can result in death. It is important at the outset to acknowledge the potential severity of the issue, to make explicit that the outcomes of family violence are not lesser or more acceptable than other sorts of violent crime.

Intimate partner homicides account for one-fifth of all homicides in Australia. Of these, four out of five involve a man killing his female partner. In 2006-2007, 22% of all homicides in Australia were intimate partner homicides and of these, 43% had a family violence history involving the police prior to the homicide incident (Dearden and Jones 2008).

Of the 71 intimate partner homicides that occurred in 2005-6, the majority involved men killing their female partners. More than half (58%) of the female victims were killed as a result of 'domestic argument.' These mostly occurred in a place of residence and in most there was a recorded history of family violence. The apparent motive for most for this violence was either domestic argument, jealousy and/or or the end of an intimate partner relationship (FaHCSIA, 2008).

Violence towards women

VicHealth (2007) report that violence towards women:

> ...leads to more ill-health and premature death in Victorian women under the age of 45 years than any other documented preventable health risk factor. Thus violence against women must be viewed as a significant public health issue requiring urgent attention. (p.1)

The *Personal Safety Survey, Australia 2012*, published by the Australian Bureau of Statistics (2014) outline the following statistics:

☐ One in ten young women, and nearly one in four young men had experienced some form of violence during 2012

☐ Both men and women were more likely to have experienced physical violence than sexual violence. Just under one third of women (29%) have experienced physical assault

☐ However, sexual violence was four times more common for women than men: 19% of women had experienced sexual violence since the age of 15 compared to 4.5% of men.

☐ Women were more likely than men to have experienced violence by a partner since the age of 15: 17% of women and 5.3% of men had experienced violence by a partner.

☐ Nearly one in six women (16%) has experienced violence by a current or previous partner in their lifetime

☐ The most common location for physical assaults to occur for women is in the home. The most common place for men to be physically assaulted by a male was at a place of entertainment or recreation.

☐ Both men and women were unlikely to report their most recent incident of physical assault by a male to the police

☐ Since the age of 15, women were more likely than men to have experienced emotional abuse by a partner: 25 per cent of women compared to 14 per cent of men.

In short, the types of violence reported by women victims (Bagshaw et al 2010), which is experienced during their relationship, as well as after separation, include physical, sexual, emotional, psychological, verbal and financial abuse as well as social isolation and oppressive control of many aspects of their lives.

Violence towards men

The Australian Bureau of Statistics (2013) report that in 2012 it was estimated that 49% of all men aged 18 years and over (4,148,000) and 41% of all women aged 18 years and over (3,560,600) had experienced violence since the age of 15. Men were more likely to have experienced violence since the age of 15 by a stranger than by a known person. Women,

however, were more likely to have experienced violence since the age of 15 by a known person than by a stranger (ABS 2013).

 Nevertheless, there is also evidence that males are victims of family violence. 5.3% of all men had experienced violence by a partner since the age of 15 (ABS 2013). It is difficult to ascertain the extent and characteristics of this phenomenon because the evidence is extremely patchy. From a research point of view, there may be a need for more research to be undertaken to establish patterns of violence against men. It would be useful to know, for example: whether it occurs mostly in mutually violent partner relationships; whether the violence takes place within a heterosexual or homosexual relationship; the prevalence; and the seriousness as well as the dynamics of fear that may be associated with it. Bagshaw et al (2010) in their research on family violence and family law noted that:

> While a few men reported the same forms of violence [as women indicated in the above section], the majority reported being victims of women's emotional, psychological and verbal abuse. Men interpreted their partners' failure to function in a stereotypic family role as being abusive to them in a way that women did not. Men also perceived responses from services as being abusive whereas women did not. (p3)

Whatever the findings, it is clear that anyone who is a victim of family violence has had their human right to safety violated and that this needs to be taken seriously. As Michael Kimmel (2002) puts it:

> Despite the dramatic differences in frequency, severity, and purpose of the violence, we should be compassionate towards all victims of domestic violence. Men who are punched, slapped, kicked, bitten, or otherwise assaulted by their wives or partners are no less deserving of compassion, understanding, and intervention than are women who are so assaulted. And male victims deserve access to services and funding, just as female victims do. Nor do they need to be half of all victims in order to deserve either sympathy or services. (p.1357)

Family violence involving children

Statistics show that situations in which children witness and experience the effects of family violence are widespread. The Domestic Violence Resource Centre of Victoria outlines some of the impacts that family violence may have on children.

> The effects on children who witness domestic violence may include:

> ☐ feelings of fear, anger, depression, grief, shame, despair and distrust,

> ☐ a sense of powerlessness

> ☐ physical reactions such as stomach cramps, headaches, sleeping and eating difficulties, frequent illness

> ☐ slowed developmental capacities, poor school performance, low self- esteem, difficulty relating to peers

> ☐ substance abuse, or glue sniffing

☐ behavioural problems such as running away from home, aggressive language and behaviour, acting out

☐ learning that violence is a legitimate means for obtaining control of a situation or for resolving conflict. (DVRC 2008)

Morgan and Chadwick (2009) write that there are:

> ...higher rates of domestic violence in households in which there are children present....According to the ABS (2006 p.7) Personal Safety Survey, 49 percent of men and women who reported experiencing violence by a current partner had children in their care at some time during the relationship and approximately 27 percent reported that these children had witnessed the violence. 61% percent of victims of violence by a previous partner also reported having children in their care at some time during the relationship and 36 percent said that these children had witnessed the violence.

Under-reporting of family violence

There is evidence to suggest that even in situations where family violence might be expected to be identified, that it is often missed.

Philips and Park (2006) report that it is very difficult to measure the true extent of intimate partner violence, as most incidences of domestic violence and sexual assault go unreported. The Australian Bureau of Statistics (ABS 2013) Personal Safety Survey 2012 found that both men and women were unlikely to report their most recent incident of physical assault by a male to the police.

The *International Violence Against Women Survey* (the Australian Component) found that overall, the most common reason why women did not contact police (whether intimate or non-intimate violence was experienced) is because they felt the incident was too minor in nature. However almost half of the women indicated that their reason for not reporting was because they preferred to deal with it themselves, preferred to keep the matter private, or out of shame or embarrassment. Indeed a quarter of women (25%) who identified intimate partner violence through the IVAWS had never before spoken to anyone else about the incident (cited by the Australian Centre for the Study of Sexual Assault, 2010).

Shame, embarrassment and guilt can prevent victims from reporting abuse. Victims of violence are often reluctant to view their relationship as violent, or themselves as the 'sort of person' who would let this happen (See Testimonials Videos on the AVERT Family Violence website under Resources/ By Type).

Mulroney and Chan (2005) explain some issues surrounding the reporting of violence, by both male and female victims, in the following way:

> It is commonly argued that men's under-reporting of violence is due to barriers such as embarrassment. Whilst there is no doubt that there are some truths to this, women also under-report

violence for reasons such as, fear of reprisals, fear that children will be taken away, and a hope that their partner will change. It is documented that female victims under-report their victimisation and the evidence is that men tend to over-estimate their partner's violence while women under-estimate their partner's violence by normalising or excusing it. (p. 3)

The Australian Institute of Family Studies (Moloney et al. 2007) reported on key findings from a study into family violence among mediation clients. They found that violence had been documented in only one third of their cases with female clients. However, when researchers surveyed these clients, almost three quarters of them reported what they described as some sort of violence or abuse. Put another way, this means that in 65 of the cases where the agencies did not identify violence, 41 people reported some sort of violence to themselves or their children, when interviewed by the researchers.

Indigenous statistics

The statistics of family violence for Indigenous people are even higher than for their non-Indigenous counterparts. In an analysis of the incidence from the Australian Institute of Family Studies (2004) we see that:

> Any discussion of sexual assault in this context must start by examining the wider issue of violence that occurs in Aboriginal communities. The statistics are nothing short of staggering. Blagg, (2000) reports that Indigenous people are 4.6 times more likely to be the victims of violent crime than non-Indigenous people. Indigenous women are particularly at risk of violence, being 12 times more likely to be the victims of assault than non-Indigenous women. This violence is often perpetrated by women's partners or husbands. In 1996 the Aboriginal Justice Council reported that in 53 per cent of cases in a recent study, the offender was known to the victim, and in 69 per cent of these cases the offender was the spouse or partner of the victim (cited in Blagg 2000). Ferrante et al. (1996) also report that violence between Indigenous people is more likely to be directed at intimates than at strangers, with Indigenous women in rural and remote Western Australia being 45 times more likely to be a victim of domestic violence (by which they mean assaulted by their spouse or partner) than non-Indigenous women (p. 5)

Accurate statistics are difficult to achieve in the whole area of family violence, and possibly more so in the area of Indigenous violence. Rates differ from community to community and the issue of under reporting is likely to be even more significant than with non-Indigenous reporting of family violence. It is important to recognise some of the complex social, political and historical issues surrounding this issue. For example, we need to consider the connections between violence and the whole history of colonisation and dispossession, and the subsequent social burdens that Indigenous people carry, such as poverty, racism, lack of employment possibilities, loss of traditional ways and grief.

Wundersitz (2010) has shown that Indigenous violence is related to a number of situational and life-style factors, but 'alcohol is now regarded as one, if not *the*, primary risk factor for violence in Indigenous communities'. Bartels summarises the key risk factors for Indigenous family violence as:

☐   Substance use, including alcohol

☐ Social stressors

☐ Living in a remote community

☐ Levels of individual, family and community (dys)functionality

☐ Availability of resources

☐ Age

☐ Removal from family

☐ Disability

☐ Financial difficulties (Bartels 2010).

Issues for people of culturally and linguistically diverse background (CALD)

Statistics on the prevalence of family violence in CALD communities is hard to collect for a number of reasons. It has been noted that many CALD women are reluctant to report incidences of violence because of a perception that police or other mainstream services will not understand their particular situation and therefore would not be able to respond appropriately. And interpreter services are problematic in that interpreters may be from the victim's own community, or may not be fully cognisant of the victim's language and culture. Also, many of the victims are dependent on the perpetrator to gain resident status. These issues are discussed more fully in the *Responding to Diversity* Paper in this training package.

Contextualising the statistics

Statistics on prevalence clearly show an over-representation of women as victims. This section provides some discussion of how family violence has become such a public issue, and why women are so frequently victims.

A brief history – early responses and attitudes

Prior to the early 1970s, family violence, or domestic violence as it was then most usually called, was hardly heard of, far less discussed. This of course does not mean that it did not occur, but rather, that it was not thought of as a public or political issue.

Feminists and others involved in this issue raised public awareness about family violence, as well as working for women who had need of refuge. Family violence began to be seen as an issue of women's rights and a public health matter. This represented a huge shift in thinking and public perception. The idea that men owned and controlled women within marriage had been long established in history. It was also an idea that was supported by the church and the law. Women, for example, had no property rights until the end of the nineteenth century and it was assumed, and legally sanctioned, that a husband should 'discipline' his wife. In fact, the famous phrase 'rule of thumb' refers to the width of the rod that could be used for this purpose.

Given these entrenched ways of thinking, it is perhaps not surprising that public perceptions reflected these views. The first national survey of attitudes towards domestic violence, undertaken in 1988, revealed that one in five people considered the use of physical violence by a man against his wife to be acceptable in some circumstances. A third believed that domestic violence is a private matter to be handled within the family, and more than a quarter of the population said they would ignore the situation if they found that a neighbour was beating his wife (Laing, 2004, p. 13).

By 1995 however, when there had been public campaigns and extensive community debate about women's rights in general, these views appear to have changed dramatically. Another national survey was undertaken in which it was found that 93% of people agreed that family violence is a criminal offence and 80% agreed that it is not a private matter. Most people thought that the solution was for women to leave the situation. This could suggest that, at this time, although attitudes had undergone significant change, the dynamics and complexities surrounding family violence were not widely understood. It is interesting to note for example, that finding a solution was so commonly felt to be the responsibility of the victim.

Throughout the 1980s State and Territory governments responded to the call for action against domestic violence. They each commissioned research reports that highlighted some common issues, such as problems of data collection (e.g. domestic violence was, and is, under-reported) and problems surrounding the law and policing of the law (e.g. what powers police had and how seriously they took complaints). They also raised social concerns such as adequate provision of services and access to emergency housing.

The response of governments was to focus on legal reform. This had two key aims. The first was to make the criminal law more effective when dealing with assaults. The second was to provide protection from future violence and harassment with the use of protection or restraining orders. The usefulness of such measures will be explored elsewhere in this resource, but it is true to say that by the 1990s there had been significant legal reforms including changes to police policy and practice.

Current responses and attitudes

In the last forty years – a mere heartbeat in the timeline of human history – the subject of family violence, and violence against women more generally, has emerged from the guarded secrecy of home life onto the public agenda. Where once it was ignored by professionals and implicitly endorsed by society, it has increasingly been publicly acknowledged as a criminal offence to be addressed by legislation.

Family violence and violence against women has been identified globally as a key human rights issue. In 2010 the United Nations General Assembly passed resolutions to reaffirm and intensify efforts to eliminate all forms of violence against women. This involved the adoption of the following resolution:

> …that States have the obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, to eliminate impunity and to provide

protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms. (United Nations 2010)

The United Nations Secretary, General Ban Ki-moon said, in the UN campaign to End Violence Against Women (2008), that the most effective way to fight violence against women is 'a clear demonstration of political commitment by States, backed by action and resources'.

In March 2009, *Time for Action*, the report of the Australian National Council to Reduce Violence against Women and their Children (NCRVWC), was produced. It sets a time frame from 2009-2021, in which it aims to achieve outcomes in six areas. It seeks to ensure:

☐ That we build strong, safe communities that are free from violence

☐ That from an early age children build respectful non-violent relationships

☐ That services support women and their children

☐ That responses to violence are just; that perpetrators stop their violence

☐ And that both government and service systems work together effectively (NCRVWC 2009a).

The launch of the 2009 National Survey on Community Attitudes to Violence Against Women (VicHealth, 2010) is another important example of a current initiative. The survey shows that community perceptions have broadened about what constitutes family violence. In comparison with the 1995 survey, the number of people who believe that domestic violence is a crime has risen from 93% to 98%. 80% of respondents said they would intervene in some way.

Despite increases in public awareness about family violence it is unsafe to assume that family violence has diminished in line with these changed attitudes. The same survey went on to show that:

☐ Between 1995 and 2009 the number of people who believed that slapping and pushing a partner to cause harm or fear is a 'very serious' form of violence dropped by 11% (from 64% in 1995 to 53% in 2009).

☐ In the same period the number of people who believed that family violence was perpetrated equally by women and men rose by 13% (from 9% in 1995 to 29% in 2009)

☐ 8 out of 10 respondents could not understand why women stayed in violent relationships and thought that they would leave if they really wanted to (VicHealth 2010).

These statistics locate the topic of family violence within gender attitudes, beliefs about violence, and behaviour. Each of these factors is complex and subject to change across time.

The relationship between attitudes to gender roles and violence

Research conducted by Flood and Pease (2006) demonstrated the connection between attitudes to violence and perceptions about gender:

> A series of studies have found that the most consistent predictor of attitudes supporting the use of violence against women is attitudes towards gender roles – beliefs about appropriate roles for men and women. (p 22)

Where family violence occurs, the gender role division may be presented as natural or even caring. For example, a man may describe that he works and earns the money, and the woman looks after the children (See Scenarios: *Tony and Jessica's Story* and *Jaber and Zahra's Story* on AVERT Family Violence website under Resources/ By Type). Such an attitude toward gender roles may appear to express care for the family, but can support:

- ☐ Financial control of the woman

- ☐ Undermining of her capacity to parent

- ☐ Minimisation of the woman's contribution to the family and entitlement to feel stress

- ☐ Dependency on the man making it difficult for the woman to leave.

Power and control

Within this social context of gender roles the importance of power and control in family violence may be understood. Definitions given earlier emphasised control as a primary issue in family violence, highlighting how violence must be understood as including behaviours beyond physical and sexual assault.

Controlling behaviours involve limiting the behaviour of the target person and include the restriction of social relationships or control of finances and financial decisions. This ongoing pattern of controlling behaviour serves to progressively disempower the victim, reducing the capacity to leave a violent relationship, and affecting the safety of all family members.

Gender and the contemporary context

There have been huge social changes in recent years in relation to work and parenting roles, as well as thinking about what constitutes masculinity and femininity. This history of advocacy for the rights of women, and human rights more generally, has produced a significant shift in the way that genders are understood. These political movements have affected our cultural context by producing greater gender equity, and with it a demand to remain attentive to how this affects the dynamics of family violence.

The analysis of family violence statistics, combined with the experience of police and hospitals, clearly demonstrates that women overwhelmingly are the victims of domestic violence (see Assistant Commissioner of NSW Police Mark Murdoch's Professional Commentary on *Jaber and Zahra's* Scenario on AVERT Family Violence website under Resources/ By Type). While arguments that seek to demonstrate that violence is used equally by men and women are not substantiated, shifts in gender roles may mean that increased use of violence by women in their intimate relationships may emerge. Nonetheless, to date the evidence does not support this. However, shifts in community attitudes do show that more people believe women are capable of using violence (Vic Health, 2010).

Why don't victims leave?

Understanding family violence as involving the abuse of power and control helps to answer this question and tease out the complexities. As outlined earlier, a large majority of Australians surveyed indicate that they are unable to understand why victims stay in violent relationships (VicHealth, 2010). For people who experience family violence, the issue is usually much more complex. Marcus and Braaf (2007) highlight some of the factors that make leaving difficult for women:

> Women and children are often forced to leave their homes to escape domestic and family violence. They face not only the loss of their homes but also the disruption of their social support, as well as children's schooling and social networks. In many cases the perpetrator of the violence remains in the family home. Women often seek emergency accommodation through shelters and refuges but in many cases women do not seek assistance from any agencies, preferring to seek help from family or friends. (p. 9)

Victims often find themselves in a complex position. On one hand they may be held as being responsible for leaving the relationship, while on the other they may be blamed for the disruption this brings to children, friends and family. Such a bind is particularly likely within social networks where traditional gender attitudes prevail.

It is important to also note that emotional abuse is usually present where there is physical violence, and that the victim has therefore often been subjected to high levels of control over time. Controlling behaviours tend to isolate the victim from social and family supports, limit access to money or transport and ultimately foster a multifaceted dependence on the relationship that makes the consequences of leaving extreme and far reaching. These are not circumstances in which someone can feel clear, strong or decisive (See Personal Testimonials on the AVERT Family Violence website under Resources/ By Type).

Fear has been identified as a major constraint in a NSW Women's Health document:

> The greatest inhibitor [to] ending domestic violence is usually fear. Fear is an immobilizer and will literally freeze victims from believing there is a way to end the violence. Fear will stop victims from speaking to the police and from reaching out to counselors and other support services. Fear can be all pervasive. The victim usually knows the perpetrator very well and is usually best placed to understand the perpetrator's capabilities. For this reason, the victim/s will try to manage the domestic violence privately and try to keep the peace in the home as much as possible. Occasionally the victim/s will react to the perpetrator and in these instances the victim is often incorrectly identified as part of the problem. (Women's Health NSW 2009, p. 2)

Finally, another major factor that makes leaving difficult is that victims may want the violence to end but not necessarily the relationship. Their partner may be violent – but that is not how they experience the sum total of who the perpetrator is or how the perpetrator always behaves. For all of these reasons, it is important that victims of violence are responded to with compassion, non-judgemental attitudes and respect for their life choices.

Ultimately, most victims do leave abusive relationships and many prepare or rehearse for leaving in small steps, over time. Victims who live with violence often leave their situation

several times before the final time, some estimates suggesting that on average most women victims will leave between five and seven times before they are able to leave permanently (Bell & Naugle, 2005). Preparatory steps may involve learning to drive, opening a savings account or finding information about possible places to live.

There are thus many reasons why a victim who lives with violence and abuse may stay, including:

☐ Fear for their own safety and the safety of their children. Many assaults occur at the point of separation.

☐ Fear that children may be taken away. Violent partners often threaten to take the children, either legally or illegally, if the victim leaves.

☐ No transport. There may be no vehicle or the victim may not have a driver's licence. This is especially relevant in isolated and rural areas.

☐ Poverty may seriously limit options. If there is no available refuge nearby, the victim may need to uproot children from their current schools or child care arrangements.

☐ The victim may find the idea of living in a shelter worse than the idea of staying.

☐ The victim may believe that 'having made your bed you have to lie in it' – or that marriage is forever no matter what, or that their partner will change.

☐ Victim may experience pressure from other family members to keep the family together, or may feel that they cannot tell them about the violence. Many victims feel a sense of shame or guilt or a feeling that they may have caused it.

☐ The victim may be involved with their partner in a business or property relationship that seems too complex in its arrangements to leave.

☐ The family values in a small or isolated community may constitute a strong pressure to stay.

☐ Strong religious beliefs may compel the victim to stay.

☐ The victim may have strong beliefs about family privacy.

☐ The victim may not be able to imagine an independent future or feel strong enough to face an unknown future. In addition, the victim may not have employable skills.

☐ The victim may not have the confidence to approach services that may be able to assist, or there may be barriers to approaching such services, such as language difficulties.

☐ The victim may pity the perpetrator.

☐ The victim may have come to internalise negative messages. Leaving might feel like the ultimate failure.

☐ The victim may simply be too exhausted to be able to take the steps that leaving would involve.

☐ The victim may believe that violent behaviour is a part of relationships.

It is possible that victims struggle with several of these issues at the same time, and it is helpful if a person in a supportive role appreciates how real and deeply felt they can be. It is therefore important to consider how services respond to family violence, and how victims may perceive these responses.

The impacts of family violence

Death of course, is the ultimate impact of family violence, and behind these tragedies are thousands of victims in Australia who incur physical injury and/or psychological and social disruption.

While family violence usually occurs in private, it involves members of the community and impacts upon the network of relationships with which victims engage. It is thus a community issue. Violence can reverberate from the targeted person throughout their entire family, including children, extended family, and can even involve pets. (For example, pets may be abused as part of the violence, and fear for their safety may be a reason why some victims are reluctant to leave a violent situation). As such the experience of violence becomes an organising factor of the victims' lives, which costs them individually, emotionally, economically and socially. However it also costs the community, particularly in terms of health and wellbeing.

Impacts on children

Exposure to domestic violence has been associated with a higher likelihood of the following problems among young people:

☐ Issues related to cognitive, emotional and social functioning and development which can lead to behavioural and learning difficulties

☐ An increase in the risk of mental health issues, including depression and anxiety disorders; issues related to education and employment prospects

☐ More accepting of or willing to excuse the use of violence against women,

☐ Involvement in violent relationships with peers

☐ Conflict with adults and other forms of authority, increased risk of becoming perpetrators or victims themselves; and a detrimental impact on their future parenting capacities (Morgan & Chadwick, 2009, p. 7).

Child sexual abuse, which may co-exist with family violence, is a criminal matter. Laing (2003 p.1) states that 'From a review of this research, Edleson (2001) estimates that between 30 and 60 per cent of children whose mothers are subjected to domestic violence are also being abused. This is consistent with the findings of Australian research.' However, as is the case with family violence, it is well known that many cases are unreported and are hidden within the privacy of family life (Breckenridge et al. 2008). Because of this secrecy, it is difficult to get accurate statistics on its prevalence and on the issue of co-occurring violence, i.e. violence against the partner and a child or children. It is well established however, that in cases of child sexual abuse, the majority of cases occur in the home and by a male perpetrator known to the child (Breckenridge et al. 2008).

Mudaly and Goddard (2006) describe the situation of sexually abused children as:

> Being trapped in their own families and having to find ways to accommodate the abuse into their lives...they are helpless to move away from or avoid the abuse and are not able to protect themselves. They become hostages in their own homes, bound by the relationship between themselves and their familial abusers, and society's trust in the responsibility of parents to nurture and care for their children. This has resulted in victims having to hide their abuse (p. 121).

It is also well established that children who witness family violence are seriously impacted by it.

> It is now understood that children are not simply separate, passive and neutral witnesses of domestic violence, as was commonly implied in earlier research on domestic violence. Rather, they are active in trying to make sense of their experiences and terror.... (McIntosh and Deacon-Wood, 2004 p. 10)

McIntosh and Deacon-Wood proceed to highlight this reality in the following way:

Children from violent homes compared to children from non-violent homes, are significantly more likely to demonstrate the following psychological and behavioural responses:

- ☐ Experience clinical disturbance in emotions and behaviour at a significantly higher rate than other children

- ☐ Display heightened aggression, impulsiveness, anxiety and poor social skills (children as young as 3-5 years of age from violent homes are found to be more physically and verbally aggressive when playing with others, than children living in non-violent homes)

- ☐ Have restricted range of contacts with peers and those outside the immediate family

- ☐ Endorse the notion that men have a right to be the most powerful and privileged member of the family.

In addition to these observable manifestations [there are] other layers of damage that can occur, which can have long term and pervasive consequences. These relate to ways in which the actual ability to think about and process experience can become disrupted and compromised (McIntosh & Deacon-Wood, 2004, pp. 11-12).

Given this sort of evidence it is essential that the needs of these children are appropriately responded to. How this should occur is currently a difficult and contentious issue. Humphreys (2007) argues:

> It could be argued that the current response of many states in Australia to the safety and well-being of children affected by domestic violence is simplistic. These responses suggest that because many children are harmed, or are at risk of harm, as a result of living with domestic violence, then all children known to be affected by domestic violence must be at risk and, therefore, should be referred to a statutory child protection system. Some states build this into the codes of practice of key referrers, such as the police; others have it written into legislation. Some states explicitly name domestic violence as a form of child abuse and require a wide range of specified professionals, and/or any adult, to report to the statutory child protection authority. While the intention is laudable, serious problems arise when the child protection system is not structured to manage the extent or the implications of the issues for these children and their families. (p. 3)

It is claimed in the above paper that one of the serious implications of this situation for many families, is that no worker is allocated to them and that investigation does not occur in terms of substantiation or assessment of the likelihood of serious harm.

Impact on adults

In a professional training guide about family violence for General Practitioners (who are a major professional group from whom victims seek support), doctors are advised to look for signs of injury (among female patients) such as:

☐ Bruising in chest and abdomen

☐ Multiple injuries

☐ Minor laceration

☐ Injuries during pregnancy

☐ Ruptured eardrums

☐ Delay in seeking medical attention

☐ Patterns of repeated injury (Victorian Community Council Against Violence (2004).

The Guide explains that victims are 'often reluctant to disclose abuse because of fear or shame, or because they think that they won't be believed' (or that the doctor would not be interested). Victims of family violence commonly present with a broad range of symptoms such as:

☐ Anxiety, panic attacks, stress and/or depression

☐ Stress related illness

☐ Drug abuse, including dependency on tranquillisers and alcohol

☐ Chronic headaches, asthma, vague aches and pains

☐ Abdominal pain, chronic diarrhoea

☐ Complaints of sexual dysfunction

☐ Joint pain, muscle pain

☐ Sleeping and eating disorders

☐ Suicide attempts, psychiatric illness.

Female victims may also present with

☐ Gynaecological problems

☐ Miscarriages

☐ Chronic pelvic pain

☐ Vaginal discharge (Adapted from the Victorian Community Council Against Violence, 2004).

Another example of the severity of the medical impact of family violence is the cost of hospital treatment for (female) victims. In 2002-2003, it was estimated to be $145 million – half of the costs of all health impacts of family violence (Marcus & Braaf 2007). As well as significant physical injury, there is evidence to show that mental health is seriously compromised by family violence and abuse. An Access Economics study (2004) found that of the mental health consequences, the most common was depression, followed by anxiety disorders, suicide and substance abuse.

A WHO study (Garcia-Moreno et al 2006), like the VicHealth and Access Economics studies, found that physical and sexual violence by intimate partners results in a range of physical and mental health problems for their female victims and that women were likely to exhibit a range of health impacts as a consequence of the violence. Where the physical violence was severe, women were more likely to report their injury. Among women who had ever been physically abused by their partners:

☐ Between 19% and 55% had experienced injury, with a high percentage of women reporting being injured on many occasions

☐ Between 23% and 80% of women who had been injured, had required medical care

☐ Between 1% to 28% of pregnant women were shown to experience high levels of violence, almost universally by the father of the child

☐ Up to half the women who had been pregnant and experienced violence reported being punched or kicked in the abdomen. For most women the violence started before the pregnancy but for many others, up to 50% in some countries, it commenced or became worse during the pregnancy (various pages).

The effects of these impacts are a serious public health issue and one that is all the more disturbing because it is widely established that many cases of family violence go unreported and therefore unsupported at a systems and services level.

Impact on families and parenting

Many victims of family violence confide only to friends and/or family. However, it is also true that sometimes these networks, intentionally or otherwise, contribute to the victim's alienation. There can be disbelief, support for the perpetrator and support for keeping the issue silent. For some people, the family shame that disclosure would bring, weighs more heavily than the need to support the victim. In worst case scenarios the victim can be blamed for their own abuse and/or for causing the children to suffer the effects of witnessing violence.

Fish et al. (2009) discuss the ways in which mothers can become 'innovative' in managing their own and their children's survival. However, they also argue that inevitably, being in a violent relationship is likely to influence parenting capacity. And, because children's well-being has primarily been the responsibility of women, it is the woman-victim who is often held accountable for any difficulties that the children experience, rather than the male perpetrator. In contexts such as this, the woman, as well as being a victim of violence, can also be ostracised from her family and community networks.

Obviously, where there are court orders that significantly restrict the parenting time of either mothers or fathers because of family violence and abuse, (or due to mental illness or other incapacity), the potential for quality parenting will be compromised.

Conclusion

This paper has described the dynamics of domestic violence as being about the abuse of power and control within a relationship. Control is exerted through a range of diverse behaviours that involve contact and non-contact violence. Both types of violence have significant impacts for victims, families and communities. Statistics clearly show that most victims are women, and that this can be traced to a history of gender inequity within Western societies.

Practitioners in the field need some guiding principles from which to work and make complex decisions. However, this also needs to be balanced with flexibility, with self reflection and with discussion with peers. It is also clear that there needs to be understanding of the principles that guide different professional groups and there needs to be dialogue and collaboration across the family law sector. This paper in the AVERT Family Violence Training Package and the related exercises are intended to stimulate such discussion and collaboration.

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