



Review of Family and Domestic Violence Legislation December 2006

MAN recognises that that the majority of family and domestic violence is against women and is undertaken by men.

Service Provision

Currently all services that support victims are for women and all services for perpetrators are aimed at men.

There is an inadequate recognition of several other forms of domestic violence, including:

- Mutual intimate partner violence
- Women who use violence against men
- Violence by women against women in a same-sex relationship
- Violence by men against men in a same-sex relationship

These omissions have resulted in there being no provision of specialist support services for women who use violence and for men who are victims of violence.

It is acknowledged that Centrecare, Relationships Australia and Kinway do provide individual counselling for anyone who presents with such an issue. They also provide counselling for people from same sex relationships that experience violence.

This ad hoc arrangement does not address a very serious deficiency within the current system. Dedicated support services for women who use violence and for men who are victims of violence need to be both provided and advertised.

The extent of the problem was identified by the Australian Bureau of Statistics survey on personal safety that was released in August 2006¹. Some of the relevant findings include:

- Of those women and men who experienced current partner violence since the age of 15, 70% (160,100) were women and 30% (68,100) were men
- Of those women and men who experienced violence from a previous partner 76% (1,135,500) were women compared to 24% (367,300) who were men
- Of those women and men who were physically assaulted by their current or previous partner of the opposite sex during the previous 12 months, 78% (74,000) were women and 22% (21,200) were men.

¹ Australian Bureau of Statistics (4906.0 - *Personal Safety, Australia (Re-issue)*, 2005

- 67% (125,100) of assaults by the opposite sex in the home were on women, with 33% (60,900) on men
- Of the 195,300 women who experienced physical assault by a male perpetrator, 64% (125,100) of incidents occurred in a home
- Of the 79,500 men who experienced physical assault by a female perpetrator, 77% (60,900) of incidents occurred in a home
- Of those women who experienced physical assault by a female perpetrator, 38% (25,300) were assaulted in a home
- The most common location for physical assaults to occur for women was in the home irrespective of the sex of the perpetrator (64% of physical assaults were by male perpetrators and 38% of physical assaults were by female perpetrators).

A summary of some 130 studies of violence between partners prepared by the Lone Fathers Association Australia as part of a submission to a Senate Inquiry emphasises the need to provide support services for men who are victims of violence and women who use violence.²

Erin Pizzey, founder of the world's first shelter and crisis line for battered women, Chiswick Womens' Refuge in the UK wrote an open letter to women in the domestic violence movement in 2000 titled *Where there's a will, there's a way – isn't it time for domestic violence services for men?*³

Professor Linda Kelly⁴ states:

The images we associate with domestic violence depict the male as batterer and the female as victim. Yet, despite the critical importance of first acknowledging and then eradicating the male abuse of women, an equally important but untold story remains. Women can be batterers. Men can be victims.

Kelly further states:

If we are to truly address the phenomenon of domestic violence, the legal response to domestic violence and the biases which underlie it must be challenged.

² Lone Fathers Association Australia submission to *the Senate Committee on Legal and Constitutional Affairs, Inquiry into the Family Law Amendment (Shared Parenting Responsibility) Bill, 2005*, February 2006

³ 2000 Interview with journalist Philip W. Cook author of "Abused Men-The Hidden Side of Domestic Violence". Originally published in the book "Everything You Know is Wrong" (Disinformation Press-2001) "The Whole Truth About Domestic Violence" P. Cook.

⁴ Linda Kelly *Disabusing the Definition of Domestic Abuse: How Women Batter Men & the Role of the Feminist State*, Florida State University Law Review (Vol 30:791-855, 2003)

Maggie Hamilton, author of the book, *What Men Don't Talk About*, states:

It is wonderful to see the White Ribbon campaign gaining ground – I have met with the organisers and applaud their excellent work. No decent person can condone any form of violence towards women. At the same time I do believe it is time to take the mental leap and make it clear that domestic violence in all forms is completely unacceptable, because as we know, violence is no respecter of gender, race, age or creed.⁵

Hamilton further states:

We can spend weeks, months, years even debating whose pain is greatest. While we do so there are people out there who are suffering. As we know well from the gradual awareness of the prevalence of paedophilia, for years we thought only girls were at risk, and so hundreds of thousands of boys around the world continued to be abused.

If we're honest, this is an uncomfortable topic for many of us, because it strikes at the heart of some of the many unhelpful attitudes we as a society have towards men, especially the view that men should always be able to take care of themselves – an attitude that causes men to continue to neglect their health, to assume they are never vulnerable, to take unnecessary risks in their daily life and to kill themselves because the burden of trying to do it all themselves becomes too much.

Effectiveness of Perpetrator Programs

The appropriateness of the use of the Duluth model in perpetrator programs should be questioned for all perpetrators of violence. Undoubtedly the Duluth treatment model is suitable for that proportion of male perpetrators who do fit the patriarchal definition of domestic violence:

Through the power and control wheel, domestic violence can more broadly be described as the male "way of 'doing power' in a relationship; battering is power and control marked by violence and coercion. (Kelly, p817)

However, research clearly shows that many men's violence does not fit this definition, so treatment by this model is not only ineffective, it can actually make matters worse:

In the punishment context, the appreciation of the multi-dimensional profiles of batterers has led to the recommendation of an array of treatment programs and other responses, which go well beyond the Duluth Model. While a great deal of such work remains limited to the context of male batterers, it rejects the premise that all violence is a function of patriarchy. Rather than helping to build "respectful relationships," such feminist "shame-based" programs instead "[establish] a power hierarchy in the treatment setting that subtly reinforces power tactics-and that alienates the very population we want to reach." Advocates of more "client-centered" solutions reject "confrontational approaches" which focus exclusively on gender and power issues. Their proposals include counseling and substance abuse programs geared to

⁵ Maggie Hamilton personal email 16 November 2006.

address different mental and physical conditions. Characterizing some batterers as "[b]orderline and sociopathic abusers" who are untreatable, the use of incarceration is also recommended. Similarly, advocates in the shelter movement are also adopting new perspectives. Rather than prioritizing the feminist agenda, greater attention is being paid to the delivery of more practical services such as those relating to housing and crisis intervention. (Kelly pp854/5).

Similarly, different treatment models will be required for women who use violence.

Family Law Disputes

The use of false allegations and false denials of violence and abuse as a tactic during family law disputes is another serious problem. Does making the granting of restraining orders easier actually facilitate these forms of perjury/abuse? Is the increased protection of genuine victims and prosecution/treatment of genuine perpetrators worth this "collateral damage"? Can a system be set up that both protects genuine victims and prosecutes/treats genuine perpetrators, while at the same time sending a clear message that false allegations and false denials of violence are illegal, abusive, and will not be tolerated?

Men's Advisory Network

The Men's Advisory Network (MAN) is the peak body for service providers, organisations and individuals concerned with men's health, wellbeing and other issues affecting men and boys in Western Australia. MAN was established in 1997 and incorporated in 2000. It receives financial support from the Department of Health.

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