

## 'Using law and ending domestic violence: Women's voices' Summary Results – Wave 2 December 2016<sup>1</sup>

This document provides a snapshot of some of the information provided in the interviews following Wave 2 of the study 'Using law and ending domestic violence: Women's voices' <https://law.uq.edu.au/research/our-research/using-law-and-leaving-domestic-violence>. This study is a longitudinal study (over three years) of women's engagement with law as a response to domestic violence to inform community education, policy development and law reform. The study is being conducted by the University of Queensland, under the leadership of Professor Heather Douglas.<sup>2</sup> The aim of the project is to identify how, when, why and with what effect women from diverse background use law to help them move towards violence free lives and how engagement with law varies over time.

A short survey was administered as part of the second wave of interviews to gather specific views and ratings on elements relating the women's experience of domestic violence and legal responses. This report presents an overview of some key questions asked of the women and serves to complement other comments made over the course of the interview.

### Recruitment and Study Timings

63 women were initially recruited for the study and undertook first time interviews. 59 women participated in the second wave of interviews. Recruitment was undertaken through community organisations including Immigrant Women's Support Service (IWSS), Women's Legal Service (WLS), Queensland Indigenous Family Violence Legal Service (QIFVLS), Working Against Violence Support Service (WAVSS), WWILD, Ipswich Women's Centre Against Domestic Violence, Domestic Violence Assistance Program (DVAP) and several private family lawyers.

The study timings and the number of women interviewed for each wave are indicated below.

	Timeline	No. of interviews
Wave 1 interviews	November 2014 – December 2015 (approx.)	63*
Wave 2 interviews	October 2015 - October 2016 (approx.)	59**
Wave 3 Interviews	July 2016-ongoing	45 (to date)

\*This included n=24 Culturally and Linguistically Diverse (CALD) women and 6 indigenous women.

\*\*A small number of women were uncontactable for the second round of interviews. Some attrition is not unexpected due to the nature of the study with respect to recruitment, safety concerns and subject matter. One interviewee did not participate in a formal second interview but had consistent contact with interviewer over this period.

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<sup>2</sup> This project is funded by the Australian Research Council, Future Fellowship Program: FT140100796.

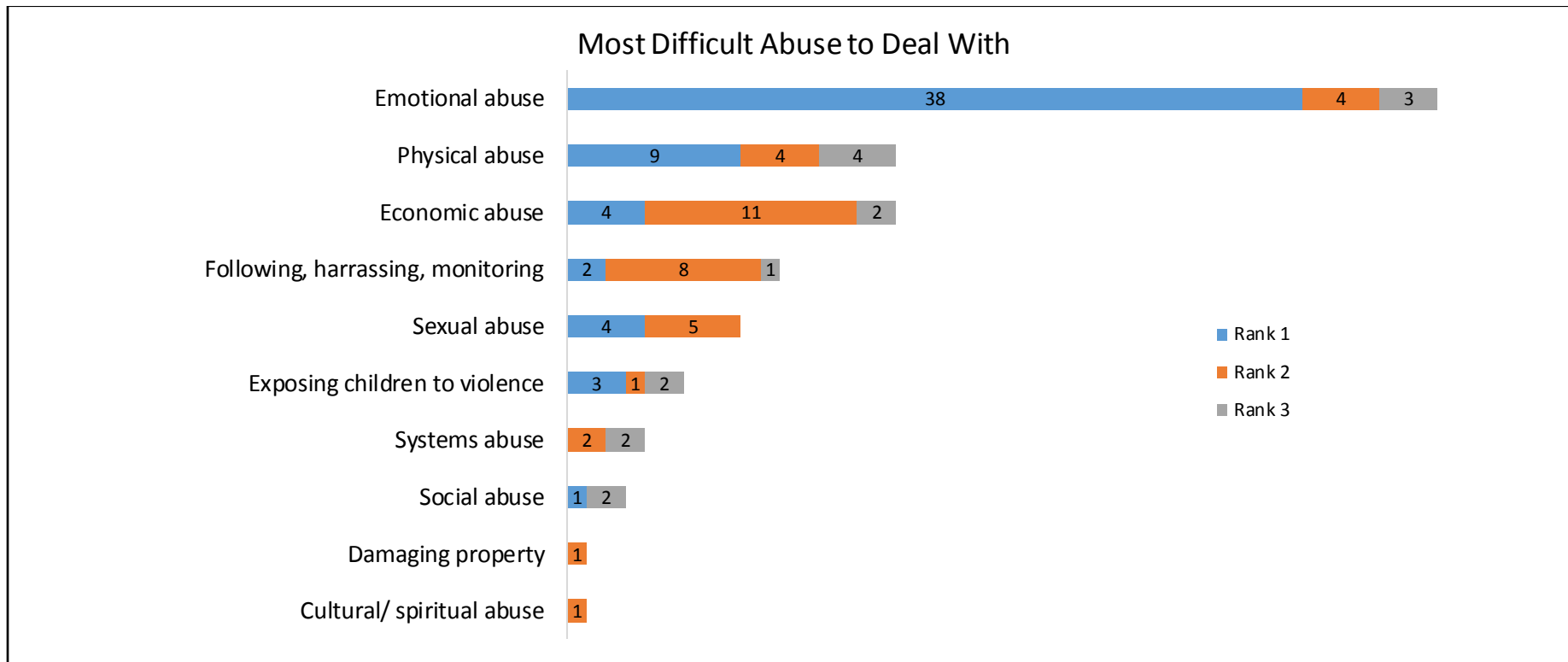
## Types of abuse

At the second interview the women were asked to list the three abusive behaviours<sup>3</sup> they found most difficult to deal with during their relationship with their abusive partner. They were asked to rank them in order of 1 (most difficult) to 3. These are presented graphically below.

- Overwhelmingly, women found the emotional or psychological abuse they experienced the most difficult to deal with. N=45 (76%) of the women interviewed mentioned this type of abuse, with n=38 (84%) of these women ranking this type of abuse as the worst type of abuse they experienced.
  - Emotional or psychological abuse may include verbal, non-verbal or physical acts by the perpetrator that are intended to exercise dominance, control or coercion over the victim; degrade the victim's emotional or cognitive abilities or sense of self-worth; or induce feelings of fear and intimidation in the victim.
- Physical abuse and economic abuse were also mentioned frequently as difficult to deal with n=17; (29%) of the women identifying these forms of abuse.

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<sup>3</sup> For an explanation of the various types of abuse experiences see National Domestic and Family Violence Bench Book, <http://dfvbenchbook.aija.org.au/terminology/understanding-domestic-and-family-violence/> part 3.1.



Examples of emotional abuse identified by interviewees:

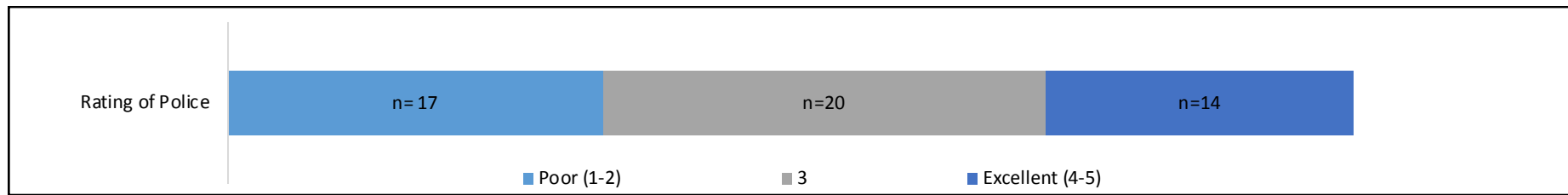
- *'Emotional abuse: – Insults, threats, felt responsible for everything'*
- *'Verbal: – I feel like I had a bit of contempt for emotionally manipulating me because I'm stubborn, but the shouting and the screaming and the intimidation side of it and the verbal with the nastiness, would really - yeah, do without that'.*
- *'Verbal abuse: – Yelling in my face and in front of our son'.*
- *'Verbal Abuse: – Name calling, demeaning, humiliating me in front of family and friends'.*
- *'Threats of physical violence stay with you - when it's quiet you think who's watching? You hear from people there is stuff going on, that he's looking for you. Constant terror'.*
- *'He always puts me down in front of the [children] - when the drop-off/pickup, if there's an opportunity he will put me down ... Bad mother - put down, put down... He was isolating me all the time because I'm a people person. Whatever he did, he cut me off from people - I realise now. So that would keep me under his thumb'.*

- *'The worst thing was the way that he was speaking to me, the threats, belittling me, talking about me and the way that his family was treating me as well, in the same way. That was more - that was worse than the physical violence.'*

## Experience of Police

The women were asked to rate their overall experience with police (at either their last or previous experience) on a scale of one to five, with '1' being 'Poor' and '5' being 'Excellent'. The distribution of responses is presented graphically below. The women were then asked to explain why they gave this rating.

- Fourteen of the women (27%) gave their experience of the police a rating of either 4 or 5. Associated positive comments relating to police included:
  - *'They make me safe. They are saving me from a bad person. I can live'*
  - *'Even though I think the response was very slow and it was done quite slowly, but the end result was good'*
  - *'Police were respectful and took it seriously, they talked to [abusive partner]'*
  - *'The police came quickly and were helpful'*
- Seventeen of the women (33%) gave their experience of police a rating of 1 or 2. Associated negative comments relating to police included:
  - *'They did not take my story seriously. Once I went with my TAFE worker to see the police and they said they didn't get involved. Another time I contacted them because someone was trying to get into my house and they told me it was probably an animal'*
  - *'Provided insufficient support and information generally. During the recovery operation to retrieve my son they did a good job. But the following day provided no assistance with the DVO application'*
  - *'They blame me for the violence, they don't do anything. Nothing ever happens'*
  - *'They didn't do anything – probably because there was no physical violence'*
- Twenty of the women (39%) provide a rating of '3'. Associated comments indicated their experience with police was mixed and inconsistent:
  - *'They were respectful but in spite of knowing where I was and what I was going through they did not follow up with a visit'*
  - *'Really inconsistent- some fantastic some not'*
  - *'In [suburb], police are only allowed to at the time of my incident to complete a DVO order or protection order. Where as in [another suburb] they will put an order in straight away. I felt that with our past history which would have been on record that it should have been put in place when they arrived to my property. It also took them 5-6 hours after the phone call to come to my property at which he could have come back to verbally abuse me more. When they did get there they explained to me unless they witnessed it there is nothing they could do but I could file my own dvo against him at the local court house'*

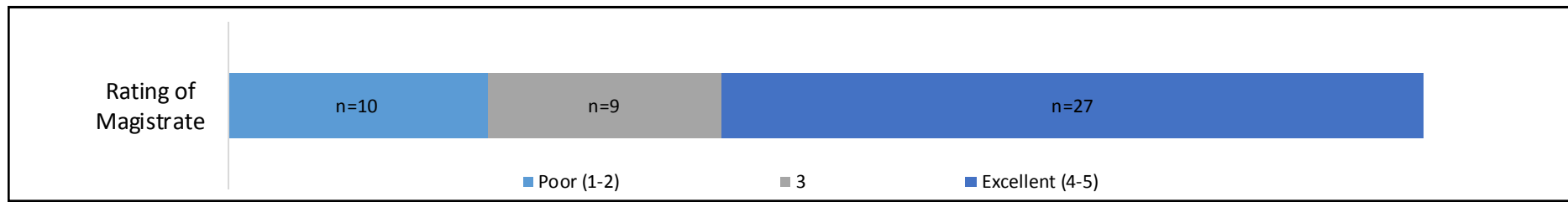


## Experience of Magistrates

The women were asked to rate their overall experience with the magistrate on a scale of one to five, with '1' being 'Poor' and '5' being 'Excellent'. The distribution of responses is presented graphically below. The women were then asked to explain why they gave this rating.

- Forty-six of the women (83%) interviewed at time 2 had appeared before a magistrate as part of the process of obtaining a protection order against their abusive partner.
- Twenty-seven of the women (56%) gave the magistrate a rating of either '4' or '5 - Excellent'. Associated positive comments relating to magistrates from the survey included:
  - *'On most recent occasion applying for the protection order, the magistrate very polite. [He said] "This young lady needs finalisation..." gave me the order I needed without any fuss, very matter of fact'*
  - *'Took it seriously and gave me the order I needed. I was really scared of going to court but it was OK'.*
  - *'The magistrate was a bit what the hell are you doing and then adjourned it, and looked at me with apologetic eyes sort of thing and just like I'm sorry we've wasted your time or he's wasted your time'.*
  - *'I liked the way they kept the children out of it. They tried to be fair. They tried to ascertain the character of us both. They were very respectful, there was a great sense of order and sense of process. It was structured. This is how it is. We sat away from the others'.*
- Ten of the women (46%) gave their experience of the magistrate a rating of '1 - Poor' or '2'. Associated negative comments relating to magistrates from the survey included:
  - *'The magistrate was kind but he didn't take the matter seriously'.*
  - *'Three experiences, all quite different. Very inconsistent. The most recent one was quite cold. Really asked us if we agreed to get orders against each other and when we said no started talking about a hearing, so [the magistrate] agreed to undertaking'*
  - *'Very cold'; 'With the Magistrate I understand they probably see really horrific things and I don't expect tea and sympathy and I don't expect them to cuddle me and give me soft toys as I walk through the door but it was just so cold and so clinical it adds to your fear. I hope to never go back there'*

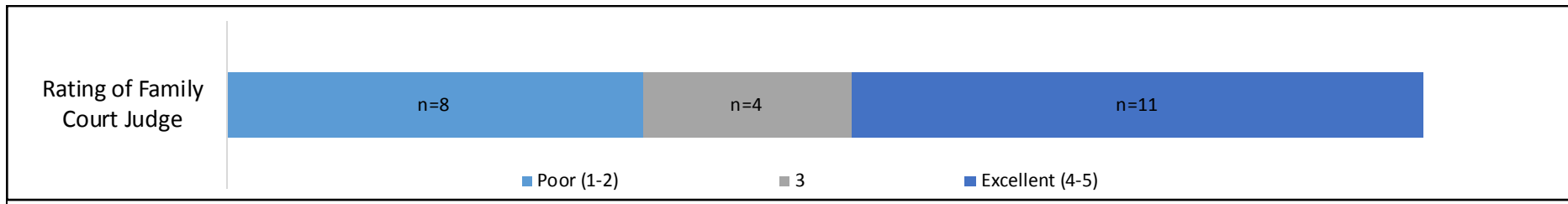
- Nine of the women (19%) gave their experience of the magistrate a rating of '3'. Associated comments relating to magistrates from the survey again indicated the inconsistency in their experience. Comments included:
  - *'Magistrates were totally inconsistent. One threw my application out and said that the sexual abuse was not relevant because now that we were separated there would not be any. The other one gave me an order immediately'*
  - Reported experience: One magistrate telling her and her partner they had children and they should behave themselves. Another magistrate the most recent one showing real empathy and understanding.
  - *'It wasn't so much problem magistrates it was the problem of having different ones along the way. That made it exceptionally hard because each one hasn't got a clue what's going on'.*



## Experience of Family Court Judges

The women were asked to rate their overall experience with a Family Court Judge on a scale of one to five, with '1' being 'Poor' and '5' being 'Excellent'. The distribution of responses is presented graphically below. The women were then asked to explain why they gave this rating.

- Twenty-three of the women (39%) interviewed had appeared before a Family Court Judge at interview 2 as part of their family and domestic violence experience.
- Eleven women (48%) gave the Family Court Judge a rating of either '4' or '5 - Excellent'. Associated positive comments relating to Family Court Judges from the survey included:
  - *'[The judge] believed my side of the story'*
  - *'[The judge] seems to be quite hard on me but at the end of the day he's given me what I've wanted so far... It was only after I was really firm that he sort of threw his hands in the air and went, right then I can see I'm not going to win with you, and he said I'll order the supervised - so I sort of think like...'*
  - *She was understanding and firm, she was unhappy with his behaviour especially regarding his failure to disclose his financial situation.*
  - **Reported experience:** *Took the case seriously and described the perpetrator as vexatious and saw through his tactics. [Victim] thought it was great that she has had the same judge throughout all the Family Court hearings (x4) and the same family court report writer (x2)*
- Eight women (35%) gave their experience of the Family Court Judge a rating of '1 - Poor' or '2'. Associated negative comments relating to Family Court Judges from the survey included:
  - *'Didn't seem to understand [my] experience of domestic violence'.*
  - *'Stress and anxiety being in the court room with my ex, the formality of the court room'*
  - *'It is very clear that the Family Court Judge does not know who I am. He reads material that has been filed in the actual court room and I feel very rushed through'.*
  - *'There was clear bias by female judge towards males. She joked with him in open court. He called her by her first name on one occasion. My barrister was horrified. She gave him 100 chances and me none. She relocated us 400km away knowing I would be isolated, homeless and jobless. I had to move and live 30km radius from a rural P.O. in 2 weeks or lose custody. Perp had no consequences for perjury etc. Judge would not accept any domestic violence at all.*
- Four of the women (17%) gave their experience of the Family Court Judge a rating of '3'. Associated comments relating to Family Court Judges from the survey again indicated the inconsistency in their experience. Comments included:
  - *'My experiences have been varied and numerous. Unfortunately there has been no continuity of Judges as our matter has been going for nearly 2.5 years. We have had 3 Judges so far and a new one for our 5 day trial. All have taken [son's] safety into consideration but believe have not given full weight to the behaviour of my ex-partner'*





## Women with an intellectual disability:

Six women in this study identified as having an intellectual disability.<sup>4</sup>

The women ranged in age from 29 to 54 years with a median age of 38. Two of the women were Indigenous women. All of the women interviewed were in receipt of a Disability Support Pension at the time of interview.

All of the women reported that they did not have a specific diagnosis or really know why they had an intellectual disability or learning difficulties. Three of the women reported that they could not read or write. A fourth woman, Rebecca,<sup>5</sup> reported that she could not understand 'big words'. Five of the six women reported being currently treated for some form of mental illness. Four of those women identified depression, with one, Jane, stating depression was experienced alongside post-traumatic stress disorder (PTSD) and bipolar disorder. Francis identified she suffered from PTSD only. Each of the women had between two and four children. Five of the participants reported that child protection services had been involved in monitoring their relationships with their children, in two cases children were currently subject to a child protection order. While most of the women reported that they had experienced domestic violence from more than one intimate partner in their lives, the interview focussed on the most recent violent partner. This overview of basic demographic information underlines the complex and intersecting challenges this group of interviewees, and those who support them, confront.

While five of the six women reported physical abuse, often to a level requiring hospitalisation, two types of abuse stood out for these women as being related in some sense to their intellectual disability. Two recurring themes were social and physical isolation and economic abuse, and they were often experienced in an overlapping way. For example Jarrah reported on the overwhelming sense of isolation she experienced during the violent relationship:

*'The further away that he got me was much more better for him....Because he didn't want me to leave him....I couldn't leave his sight. I gained 120 kilograms...I had no car. I had to walk everywhere. ...I didn't even have much money either because he took all that too ...Got me to get it in to a joint account with him... He was aggressive. He was hitting me. He was controlling me - stopping me from doing things. Taking my finances.'*

An interrelated mix of disability, illiteracy and poverty, may make women with an intellectual disability particularly susceptible to economic abuse. An interviewee, Kristy, explained:

*'He kept taking my money off me and my key cards. ...I couldn't read to get money out one day when I did need it so I had no choice of asking him...You know when you put your key card in a teller and you've got to read what's on the thing?...Well that's what he had to do ...But he didn't know I couldn't read and write and he was wondering why he did it that day. From there he just kept taking my cards and taking my money.'*

If you would like to read a longer version of this paper you can read the full publication.<sup>6</sup>

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<sup>4</sup> The majority of these women were recruited via WWILD.

<sup>5</sup> Note real names are not used, pseudonyms were selected by the women.

<sup>6</sup> This is available as: H Douglas and P Harpur, [Douglas, Heather](#) and [Harpur, Paul](#) (2016)'Intellectual disabilities, domestic violence and legal engagement.' *Disability and Society*, 31 3: 305-321 or via Heather Douglas at [h.douglas@law.uq.edu.au](mailto:h.douglas@law.uq.edu.au) .

## Engagement with Law and Services

The interviews revealed that women engage with multiple law and other services throughout their experience of domestic and family violence.

### 'Mainstream' women.<sup>7</sup>

	DVO	FAMILY LAW	IMMIGRATION LAW	DV BREACH - CRIMINAL LAW	OTHER CRIMINAL LAW	CHILD PROTECTION	CIVIL (Lease, credit, contract, defamation)	POLICE	CHILD SUPPORT AGENCY
ID23	Yes	Yes						Yes	
ID24	Yes	Yes		Yes	Yes	Yes		Yes	Yes
ID25	Yes	Yes							Yes
ID26	Yes	Yes							
ID28	Yes	Yes		Yes		Yes		Yes	
ID29	Yes	Yes		Yes	Yes	Yes		Yes	
ID30	Yes	Yes			Yes			Yes	
ID31	Yes	Yes			Yes			Yes	
ID32	Yes	Yes					Yes	Yes	Yes
ID34	Yes	Yes				Yes		Yes	Yes
ID35	Yes	Yes		Yes		Yes		Yes	
ID36	Yes	Yes						Yes	
ID37	Yes	Yes		Yes				Yes	Yes
ID38	Yes	Yes		Yes				Yes	Yes
ID39	Yes	Yes		Yes	Yes	Yes		Yes	Yes
ID42	Yes	Yes				Yes		Yes	Yes
ID43	Yes	Yes				Yes		Yes	Yes
ID44	Yes	Yes						Yes	
ID48	Yes	Yes						Yes	
ID49	Yes	Yes						Yes	
ID50	Yes	Yes						Yes	Yes
ID51	Yes	Yes		Yes	Yes			Yes	
ID52	Yes	Yes		Yes	Yes		Yes	Yes	Yes
ID54	Yes	Yes			Yes			Yes	
ID56	Yes	Yes			Yes	Yes		Yes	Yes
ID57	Yes	Yes		Yes				Yes	Yes
ID58	Yes	Yes		Yes				Yes	
ID59	Yes	Yes						Yes	
ID60	Yes	Yes						Yes	
ID61	Yes	Yes		Yes	Yes	Yes		Yes	Yes
ID62	Yes	Yes						Yes	Yes
ID64	Yes	Yes		Yes			Yes	Yes	Yes

### 'MAINSTREAM' WOMEN

- Engagement with 2.7 areas of law on average across the 'mainstream' women
- Key features of legal engagement for mainstream women included that most were engaged with the DVO system, the family law system and most had contacted police at some stage. There was also a high number of women engaged with the child support agency.

<sup>7</sup> We recognise that 'Mainstream women' is a far from ideal title for this group of women as there is significant diversity between them. This group is distinguished from CALD women and Indigenous and Torres Strait Islander women. The final report will address this group's diversity.

Culturally and Linguistically Diverse (CALD) Women

	DVO	FAMILY LAW	IMMIGRATION LAW	DV BREACH - CRIMINAL LAW	OTHER CRIMINAL LAW	CHILD PROTECTION	CIVIL (Lease, credit, contract, defamation)	POLICE	CHILD SUPPORT AGENCY
ID2	Yes		Yes					Yes	
ID3	Yes		Yes					Yes	
ID4	Yes		Yes					Yes	
ID5	Yes		Yes					Yes	
ID6	Yes		Yes					Yes	
ID7	Yes	Yes	Yes					Yes	
ID8	Yes	Yes	Yes	Yes				Yes	
ID9	Yes	Yes		Yes				Yes	
ID10	Yes	Yes						Yes	
ID11			Yes					Yes	
ID12	Yes	Yes						Yes	
ID13	Yes	Yes						Yes	
ID14			Yes					Yes	
ID15	Yes	Yes	Yes			Yes		Yes	
ID16	Yes	Yes	Yes		Yes			Yes	
ID17	Yes	Yes	Yes			Yes		Yes	Yes
ID18	Yes	Yes				Yes		Yes	
ID19	Yes	Yes						Yes	
ID20			Yes					Yes	
ID21	Yes		Yes					Yes	
ID22	Yes	Yes	Yes		Yes			Yes	
ID40			Yes					Yes	
ID41	Yes	Yes	Yes				Yes	Yes	Yes
ID55	Yes	Yes						Yes	

## CALD WOMEN

- Engagement with 2.4 areas of law on average across the CALD women.
- Nearly all 24 CALD women interviewed engaged with the police during their DV experience
- Key features of legal engagement for CALD women include low levels of engagement in: criminal law matters (Breach DVO or other), civil law matters, child protection and child support agency. The greatest proportion of the CALD women in the study were on spousal visas (n=15; 63%) when they experienced domestic and family violence from a sponsoring partner. They had accessed the domestic and family violence provisions under Immigration Law pursuant to the Migration Regulations (1994) Cmth, Division 1.5. Most of these women had reported violence to the police and had applied for a DVO.

*Indigenous and Torres Strait Islander Women*

	LAW							CHILD SUPPORT	
	DVO	FAMILY LAW	IMMIGRATION LAW	DV BREACH - CRIMINAL LAW	OTHER CRIMINAL LAW	CHILD PROTECTION	CIVIL (Lease, credit, contract, defamation)	POLICE	AGENCY
ID1									
ID27									
ID33									
ID45									
ID46									
ID47									

**INDIGENOUS AND TORRES STRAIT ISLANDER WOMEN**

- Engagement with 3.3 areas of law on average across the Indigenous and Torres Strait Islander Women interviewed
- Key features for the engagement of Indigenous and Torres Strait Islander women with the legal system include high level of involvement with criminal law and child protection. No reported engagement with child support agency or with civil legal matters.

**Next steps:**

A large number of the third round of interviews have been completed. The remaining interviews will be carried out over the next 6 months with completion by mid-2017.

Some of the interviews have formed the basis for case studies ('victim experiences' presented as part of the National Family Violence Bench Book: <http://dfvbenchbook.aija.org.au>).

Analysis will commence following completion of the interviews, with final reporting of the study to follow in 2018.