



Convenor: Dr Elspeth McInnes

## **Women Everywhere Advocating Violence Elimination Inc (Australia)**

Women Everywhere Advocating Violence Elimination Inc (WEAVE Inc), formed in 2009, is a National Women's Alliance that aims to eliminate gendered violence (including sexual assault, domestic violence, stalking, sexual exploitation and trafficking). As a non-partisan coalition WEAVE Inc brings together groupings that have sometimes worked separately from one another, such as sexual assault services, women's health services, women's legal services, domestic and family violence services, and organisations working against trafficking. In drawing together key stakeholders that make up the 'violence against women sector' as well as survivors, and activist and interest groups, WEAVE embeds a wealth and diversity of experience and expertise within a single body.

### **WEAVE Inc Vision**

**To ensure that all women and children are able to live free from all forms of violence and abuse.**

## **WEAVE Inc Values and Principles**

### **HUMAN RIGHTS**

WEAVE Inc employs a human rights framework that recognises that gendered violence is one of the most serious and widespread violations of fundamental human rights, in particular, the right not to be treated in an inhuman and degrading way, the rights to respect, physical, sexual and psychological integrity.

### **FEMINIST FRAMEWORK**

WEAVE Inc works within a feminist framework that recognises that gendered violence is both a consequence and cause of gender inequity, embedded deeply within all levels of our society, and that efforts to end such violence must be accountable to women and promote women's empowerment and gender equality.

### **EQUITY, DIVERSITY & INCLUSIVITY**

WEAVE Inc is committed to representing and working respectfully with the diversity of women in Australia. WEAVE Inc recognises, and seeks to advocate and lobby for, the particular and urgent needs of Indigenous women, women from immigrant, refugee and/or non-English speaking backgrounds, women with disabilities, as well as the challenges faced by young women, older women and women in rural and remote areas.

## **WEAVE Objectives**

- (a) To provide leadership and advocacy at state and national levels in relation to all aspects of gendered violence.
- (b) To bring together in a single body the key stakeholders concerned with all aspects of gendered violence in order to access and disseminate the wealth and diversity of knowledge within the sector as a whole.
- (c) To contribute to and monitor policies, legislation and programs which impact on women and children experiencing gendered violence.
- (d) To promote and prioritise equity of access to services for all women including Aboriginal women, Torres Strait Islander women, women from immigrant, refugee and/or non-English speaking background, women in rural and isolated areas, older women, young women and women with disabilities.
- (e) To promote greater community awareness of gendered violence and its personal and social consequences using community development and educational strategies.
- (f) To build and promote alliances and collaborative relationships with other key stakeholders and networks.
- (g) To promote, further develop and disseminate 'cutting edge' knowledge of gendered violence arising from practice, research, community and activism.
- (h) To connect with international developments in advocacy, research and practice concerning gendered violence.

## Domestic violence and gender inequality submission from WEAVE

Gender inequality is symbolic and a reflection of the Australian patriarchal society. Patriarchy is the name given to an organisation of social relations which systematically delivers male privilege. Every aspect of a woman's life is impacted by patriarchy. Patriarchy is a site of oppression for women in Australia. All systems and institutions are patriarchal – health systems, legal systems, legislation, education systems, decision-making -political and governments systems, welfare system, and so on are all developed within patriarchal ideology. All women are oppressed by these patriarchal systems.

Women grow up inside a culture which defines and treats them as inferior. Patriarchy fosters beliefs amongst men that they are naturally superior to women – sometimes justified with appeals to the divine order of things, sometimes justified against male-defined standards for men, sometimes simply taken as self-evident in women's failure to earn as much as men, to be leaders like men and to not menstruate and gestate like men. Such attitudes and beliefs underpin behaviours which reinforce women's subordination to men. This can be seen at an individualised level in homes where women are dominated and coerced by fathers, husbands and brothers, at institutional levels such as pay rates and the gender gap, or the decriminalisation of domestic violence assaults embedded in Apprehended Violence Orders.

Many women suffer multiple forms of oppression and discrimination when they are from disadvantaged groups – Indigenous women, women from culturally and linguistically diverse communities, women with disabilities, single mothers, and working class women.

Intersections of disadvantage, such as class and race, which may compound gender disadvantage.

*“Within the research and literature around violence against women it seems that all roads eventually lead to the need to readjust structural power imbalances to alleviate the greater privileges men have.”* <http://www3.aifs.gov.au/acssa/pubs/researchsummary/ressum7/ressum7.pdf>

Specific contributions to prevalence of domestic violence:

Attitudes and beliefs about women's roles as inferior to men and men being privileged over women – have rights to women.

- (i) The Victorian Government's 2013 Health Report into Community Attitudes towards violence against women highlighted a number of serious concerns regarding community attitudes. <https://www.vichealth.vic.gov.au/media-and->

[resources/publications/2013-national-community-attitudes-towards-violence-against-women-survey](#)

- More than a quarter believe that men make better political leaders.
- Up to 28% of Australians endorse attitudes supportive of male dominance of decision-making in relationships, a dynamic identified as a risk factor for partner violence
- Since 1995 there has been a decrease in understanding that women are at greater risk of sexual assault by a person they know than by a stranger, despite evidence that a woman is three times more likely to be sexually assaulted by someone she knows (ABS 2013).
- Compared with physical violence and forced sex, Australians are less inclined to see non-physical forms of control, intimidation and harassment as 'serious'.

*"Men's agreement with sexist, patriarchal, or sexually hostile attitudes is an important predictor of their use of violence against women. Men who do not hold patriarchal and hostile gender norms are less likely than other men to use violence against an intimate partner."*p.14 by Michael Flood

[http://www.awe.asn.au/drupal/sites/default/files/Why\\_Violence\\_Against\\_Women\\_and\\_Girls\\_Happens.pdf](http://www.awe.asn.au/drupal/sites/default/files/Why_Violence_Against_Women_and_Girls_Happens.pdf)

**Recommendations:**

- 1. Community awareness and education programmes supporting gender equality to be instituted at every level of society including school programmes, workplaces and the law.**
- 2. Legislate against Structural gender inequality which reinforces male dominance beliefs and attitudes**
- 3. Legislate against organised economic disadvantage for women – currently present in promotions, pay rates, superannuation arrangements, valuing of unpaid care in families.**

A new report released by the Australian Council of Trade Unions (ACTU) in March 2016 reveals that *"Australian women are financially disadvantaged at every key stage of their life: in childhood, at the workplace, through pregnancy, motherhood and as a carer, and in retirement."*

Their key findings were:

- Women are earning less on average to men than they were 20 years ago;
- Women earn \$284.20 less per week than men;
- 70% of part-time work is undertaken by women;
- 60% of women are graduates in recent years, however female post-graduates earn 82% of the salary of a male post graduate;

- Just 24% of Australian Board Directors and 17 % of Chief Executives are women.
- The average superannuation balance for women at retirement is \$138,150 for women compared with \$292,500 for men;
- 60% of women aged between 65-69 years have no Super at all;
- It is estimated that 38.7% of single women will retire in poverty;
- Twice the amount of Superannuation tax concessions from government flow to men than women.

<http://www.actu.org.au/actu-media/media-releases/2016/women-are-still-losing-out-on-pay-at-every-stage-of-life-new-report-reveals>

Women's economic inequality forces many women to be dependent on men, particularly during child-rearing years. Such dependence provides opportunities for domestic violence. WEAVE's supports the Union calls for the following recommendations:

- 4. A government funded parental leave scheme of 26 weeks paid at no less than the national minimum wage plus superannuation;**
- 5. Fifteen hours of free childcare for every child per week for all families;**
- 6. A right to request flexible work arrangements that clearly set out an employer's obligations to properly consider and make reasonable efforts to accommodate requests.**

#### Women and Mothering

- Women, during their child bearing years ( 25-44) earn up to 40% less than men in the same age group, regardless of whether they have children;
- Women spend twice as much time doing unpaid work including caring for children, older people or people with a disability, housework and volunteering in their local community;
- Mothers who return to work after 12 months parental leave after the birth of their first child suffer a wage penalty of 7% in their first year. Twelve percent (12%) in the following year;
- One in three (32%) mothers who are discriminated against look for another job or resign.

<http://www.actu.org.au/actu-media/media-releases/2016/women-are-still-losing-out-on-pay-at-every-stage-of-life-new-report-reveals>

The Human Rights Commission also found similar structural inequalities for women. <https://www.humanrights.gov.au/face-facts-gender-equality>

- Australian women account for 92 per cent of primary carers for children with disabilities, 70 per cent of primary carers for parents and 52 per cent of primary carers for partners.[5]
- In 2014, one in two (49 per cent) mothers reported experiencing discrimination in the workplace at some point during pregnancy, parental leave or on return to work, and one in five (18 per cent) mothers indicated that they were made redundant, restructured, dismissed, or that their contract was not renewed because of their pregnancy, when they requested or took parental leave, or when they returned to work.[12]
- Mothers spend twice as many hours (8 hours and 33 minutes) each week looking after children under 15, compared to fathers (3 hours and 55 minutes). [13]

Women's work caring for children reinforces their dependency on male support and opportunities for violence.

- 7. The child support formula should be reviewed to acknowledge the opportunity and direct service provision costs of unpaid care in the family. The current failure to cost unpaid care for children means that women's financial contribution to unpaid care remains invisible and unrecognised.**

### **Gender neutral and lack of feminist analysis in service provision**

Gender Equity and Gender Equality are terms which suggest that if we, as a society treat women as equal to men, then women will no longer be oppressed, abused and vilified and will receive equal treatment.

However it is our position that much more than this needed if we are to address the oppression of women.

It was feminist voices who first raised awareness about violence against women – in all its forms – domestic violence, sexual assault and sexual harassment and discrimination.

In order to address this policies and programmes should operate from a feminist analysis of the oppression of women.

*“A powerful tool to mitigate and combat these conditions is an autonomous feminist movement.”* <http://bigthink.com/.../what-do-you-know-feminism-really-does...>

Mala Htun and S. Laurel Weldon (2012).

In their research the authors found that autonomous feminist movements, who were at the forefront on the issue of violence against women, were able to mobilize the politics and government action against it.

*It's "a form of women's mobilization that is devoted to promoting women's status and wellbeing independently of political parties and other associations that do not have the status of women as their main concern."*

Increasingly at the state and federal levels, women's-only services are being defunded.

Many organisations providing services to women attempting to escape from all forms of violence are hampered in their ability to operate from a feminist perspective.

There are a range of reasons for this, such as the defunding of progressive women's services; the growing divisions between different types of services; funding and output measurement tools focusing on individual change; and the sharp shift in the provision and focus of services, away from a social recognition of men's violence against women and towards an individual pathology of women's poor choices and victimisation. In fact women's services are currently at serious risk of being de-politicised (Hume, McInnes, Rendell & Green 2011).

Feminist practice, according to Davies, involves...

*"... 'woman-defined advocacy': ...advocacy that starts from the woman's perspective, integrates the advocate's knowledge and resources into the framework, and ultimately values her thoughts, feelings, opinions, and dreams—that she is the decision maker, the one who knows best, the one with the power." (Davies et al., 1998, pp. 3-4, cited by Laing, 2001))*

Feminist organisations in representing the women who use their services have been a powerful voice in the development of policy and practice in the field of violence against women. Much of this experience has been based on feminist advocacy which reflects the experiences of women's oppression by male violence.

Dr Lesley Laing cites a number of theorists who argue that there has been a shift away from a feminist, social and advocacy response to domestic violence to a medicalised, psychological view of domestic violence. She cites Gondolf who attributes these changes...

*"...to both the growing involvement by mental health experts with the issue of domestic violence and to the pressure experienced by some refuges to secure funding by developing their services in line with more conventional social welfare agencies. Via processes such as these, it is argued that 'a severe and political problem has been transformed into a psychological one'" (Gondolf & Fisher, 1988, p.2 cited in Laing, 2001 p. 3.)*

Over the last few years that vital voice is being lost.

*“If a collective feminist consciousness of men’s violence against women is to be regenerated, politicians, policymakers, human services professionals and managers need to once again listen to women’s voices. Women’s experiential knowledge of male violence must inform collective action that commands government attention in demanding social change.” <http://mairivoice.femininebyte.org/How is a lack of feminist analysis within domestic violence and contemporary services contributing to a reproduction of women’s and children’s homelessness and continued risk of domestic violence victimisation?> Marie Hume, Dr. Elspeth McInnes, Kathryn Rendell, and Betty Green (Women Everywhere Advocating Violence Elimination Inc.) <http://mairivoice.femininebyte.org/>*

#### **Recommendations:**

- 8. That Federal and State Governments restore funding to women-only domestic violence services**
- 9. That Federal and State Governments increase funding to women’s services and ensure the establishment of feminist, women-only services throughout metropolitan, regional and rural Australia**

The legal system reinforces gender inequality and supports male violence against women.

Men can assault women and children without criminalisation. The civil orders system of restraint provides perpetrators with a non-criminal loophole. The ‘reasonable discipline’ provisions for parents mean that children can be hit without parents fearing criminal proceedings. Allowing criminal violence within families not to be treated as criminal sets a blueprint for the reproduction of gendered violence through intergenerational transmission.

- 10. Perpetrators of assaults on family members should be held accountable at law for their conduct.**

The family law system similarly upholds men’s rights to use violence in their families by placing children in the care of fathers with proven records of using violence..

When the Family Law Act came into being in 1975 it was hailed as one of the most progressive pieces of family legislation in the Western world. Australia was one of the first western nations to bring about ‘no-fault’ divorce. And it was a momentous moment for women. At last they could leave unhappy and abusive husbands without the trauma of proving fault.

However, there remains one significant fault with the concept of equality within the family law arena – the fact that men and women, mothers and fathers are not equal.

Men and women, mothers and fathers are not equal within the family.

The figures that came out from the [Hilda survey](https://www.melbourneinstitute.com/hilda/) - <https://www.melbourneinstitute.com/hilda/> highlight this.



- Male breadwinners continue to dominate within heterosexual couples with 75% of men continuing to earn more than their female partners. Women were less likely to earn more money than their partner if the couple had dependent children.
- And women continue to do the bulk of unpaid work.
- Women are considerably more likely to be unpaid carers than men, with 9.1% of females aged 15 and over providing unpaid care on an ongoing basis in 2011, compared with 5.8% of males aged 15 and over.

The survey also found that gender roles in households are persisting, with women doing 15 hours more housework each week than men, and 12 hours more child rearing.

We know that a child's bond with its primary parent is essential to a child's ongoing emotional and social development. And yet the family law system is deliberately structured to ignore past behaviors within the family and focus on the future – a future which often involves damaging the attachment between the primary parent (mother) and the child to ensure that fathers maintain their patriarchal rights over children.

We need to examine the basis of the patriarchal family and how this is the driving force behind such inequalities for women and scrutinize how the structure of the patriarchal family can be a perilous place for women and children.

Once separated many women as single parents are left in poverty. The cuts to single-parent payments over the past decade have coincided with a rise in child poverty.

So when a couple separate women are at a disadvantage economically and often socially and physically. They take on the responsibility of parenting both emotionally and physically at a greater rate than men. This often involves sacrificing their own careers and future financial stability. They make an emotional commitment to parenting that men are not obliged to make.

Men have the option of opting in or out of parenting, which women do not.

We hold women responsible not only for ensuring the care of children, but also of maintaining the family. We herald women as mothers as the core of the family unit – *“Good on you Mum”*. But when things go wrong we blame women – for not holding a family together, for not being available to their children, for aiming for more than motherhood.

And yet even when families separate women are held responsible for ensuring that children continue to have a positive relationship with their fathers. And when they don't do this – most often because of fears of their children's safety in the care of an abusive father, or concerns for the children's well-being with a father who has shown little interest in parenting in the past – they are punished by a family law system that hails fathers' rights as being paramount.

We hold the concept of the mother-child bond as being on the highest pedestal – but only when she is firmly ensconced in a relationship with the father.

And we also need to scrutinize how the family law system, in claiming to equal treatment, in fact prioritises men's rights over women and children.

If there is one symbol of misogyny and patriarchy within family law it must be the use of the concept of parental alienation.

Parental alienation epitomises how the patriarchal legal system has viewed women within our western civilisation.

It views women as vindictive liars – out to destroy men and fatherhood. It deems women as pathological – not the norm; not male.

And the intended result is to negate and trivialise male abuse of women and children. It denies and minimises the impact and severity of domestic violence and child abuse.

In basic terms, parental alienation takes the position that when a mother raises concerns about child abuse and domestic violence following separation – in a bid to protect her children from exposure to further abuse – that her allegations are likely to be false. That her motivations include revenge and vindictiveness against her ex-partner.

And most importantly it is seen as an effort to deny men/fathers the inalienable right to their children.

It is about male ownership and control.

Alienation theory and its continued use reflect historical and societal denial of the extent of male violence within the family.

Lack of analysis of nuances attached to issues of domestic violence and child abuse. Whilst coercive control has been acknowledged within family law system there is little evidence of a nuanced understanding of what it means and its impact on women and children in decision-making within the family law system.

- Lack of awareness of complexities & dynamics of domestic violence/abuse
- Failure to engage with broader issues
- Focusing on presenting issue

## **Recommendations**

- 11. That within the family law system that the safety of children be the first and only priority in determining family law decisions**
- 12. That all personnel, as part of the family system, be trained in the complexities and dynamics of domestic violence and child abuse.**
- 13. That when allegations of child abuse and/or domestic violence in family law proceedings, that specialists trained in complexities and dynamics of domestic violence and child abuse conduct such assessment.**

**WEAVE also endorses the call from the National Association of Community Legal Centres for:**

- reverse the national funding cuts to CLCs under the National Partnership Agreement (amounting**

**to \$34.83 million between 1 July 2017 and 30 June 2020)**

- immediately inject \$120 million per year into the legal assistance sector, consistent with the**

**recommendation made by the Productivity Commission, including at a minimum \$14.4 million**

**per year to CLCs**

- commit to developing a process for determining sustainable long-term funding contributions to**

**the legal assistance sector; and**

- provide additional funding for other legal assistance services, including Family Violence Prevention Legal Services, Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions.**

## **Toys and Gender**

A case can be made that there is a link between gender-based toys and domestic violence based on the understanding of how it contributes to gendered socialisation and cultural norms and ideals which are significant factors in enabling violence against women to occur.

*“Insofar as toy guns and soldiers communicate to children that aggression and violence are the natural domain of boys, and Barbies and pink tea sets, that beauty and domesticity are the most appropriate realm for girls, they serve to uphold*

*cultural conditions which facilitate the lesser treatment of women, enacted through behaviour such as domestic violence.” ‘Toy war’ debates misunderstand the causes of domestic violence: <https://theconversation.com/toy-war-debates-misunderstand-the-causes-of-domestic-violence-34963>*

Michael Flood’s work on gender stereotyping and its links with male violence against women highlights that the “*most consistent predictor*” of attitudes which enable violence against women is support for, and belief in, traditional gender roles.

When we endorse the use of toys which promote aggressiveness in boys and domesticity and submissiveness in girls we are reinforcing gender stereotypes which underpin violence against women.

*“The most well-documented determinants of violence against girls and women can be found in gender norms and gender relations. Whether at individual, community, or societal levels, there are relationships between how gender is organised and violence against women. One key factor here is men’s gender-role attitudes and beliefs. Men’s agreement with sexist, patriarchal, or sexually hostile attitudes is an important predictor of their use of violence against women. Men who do not hold patriarchal and hostile gender norms are less likely than other men to use violence against an intimate partner.”p.14 Michael Flood*

[http://www.awe.asn.au/drupal/sites/default/files/Why\\_Violence\\_Against\\_Women\\_and\\_Girls\\_Happens.pdf](http://www.awe.asn.au/drupal/sites/default/files/Why_Violence_Against_Women_and_Girls_Happens.pdf)

**WEAVE recommends:**

#### **14. An awareness raising and education campaign to highlight risks of gendered toys**

##### **Sexualisation of Children and Young People**

*“Children and young people are growing up in a high-tech culture steeped in relentlessly sexualised, sexualising and sexist messaging from media, advertising and popular culture which conditions them from a young age to view themselves and others in terms of their appearance and sexual currency. While women and girls are primarily the subjects of hyper-*

*sexualised media representation, these messages also play a crucial part in socialising men and boys to see the sexual objectification of women and girls as normal.”* [http://www.collectiveshout.org/submission\\_parliament\\_nsw\\_inquiry\\_sexualisation\\_children\\_young\\_people](http://www.collectiveshout.org/submission_parliament_nsw_inquiry_sexualisation_children_young_people)

The sexualisation of children in the media is demeaning to women, reducing them to sexual objectification. Not only does this cultivate an ethos which condones the sexual assault of women, it also coerces young women into sexual behaviour at an early age.

Collective Shout argues that the current legislation and regulatory framework in relation to the sexualisation of children in advertising and the media is *“...is piecemeal, confusing for the community to navigate, and tends to serve the commercial advantage of corporate and marketing interests to the detriment of the community - children and young people in particular.”*

The self-regulatory system within the media and advertising is clearly ineffective.

WEAVE endorses the recommendations put forward by Collective Shout:

*Recommendations:*

- *“The restructuring of the current regulatory environment to bring the regulation of all media and marketing together under one encompassing independent federal regulator, including a division with the primary responsibility of protecting the interests of children and young people, addressing both the direct and indirect sexualisation of children in all media modes from a child-rights basis.”*
- *That the prevalence of sexualised images of women in our society be recognised as a significant underlying contributor to violence against women and girls.*

For more research on harms of sexualisation of children: <http://www.collectiveshout.org/research>

## **Pornography and Children**

*“Australian experts warn that child-on-child [sexual assaults](#) are rising due to youth exposure to readily available [pornography](#) that depicts violent, degrading acts and coercion.” <http://www.theguardian.com/lifeandstyle/2010/jul/02/gail-dines-pornography>*

Gail Dines’ research argues that pornography has become increasingly violent and degrading in its view of women and is having a disturbing impact on how young men view women and their views on sexuality.

Liz Walker, author of the book Not For Kids, said *“there is already a generation of children who view degrading violent sex as the norm, devoid of connection, intimacy and love.”*

*“If somebody doesn't speak out soon, we are staring down the barrel of tomorrow's sex offenders and a barrage of intimate partner violence,” <http://www.womenofchina.cn/html/womenofchina/report/16020507-1.htm>*

#### **Recommendations:**

- **Development of an anti-porn campaign about the harms to both individuals and the cultural harms it creates**