

NQDVRS Panel

Catherine Bessant

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"Poverty, Violence and Women's Rights:

...Setting a Global Agenda"

This international conference is for all who care passionately about improving women's position in the world, who demand justice and full human rights for women everywhere and who believe that a feminist analysis is essential to defining a fairer globalised world.

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'During my marriage my ex husband physically and verbally assaulted me. He was charged on two occasions for this. Sometime after we had divorced he was charged with the manslaughter of his then wife. He served 8 years of an 11 year sentence. In the last couple of years he has threatened myself and my husband. I'm still not safe'

Unfortunately this is not an unusual story. There are other women that I have met who are in a similar situation, where their ex-partner has killed another woman. And so some questions DO need to be asked.

Why is this woman not safe?

What sort of society allows this woman and her family not to be safe?

What sort of society allows this man to continue to commit domestic violence against this woman?

What sort of society allows this man and others like him to be violent in the first place?

Well unfortunately it's this one. I've heard that Australia is supposed to be the 'lucky' country. I don't think that the women that I've met at court feel 'lucky'.

They feel upset.

They feel sad.

They feel confused.

They feel angry.

They feel frustrated.

They feel scared.

Lucky? NO

Queensland like other states in Australia does have legislation that aims to provide protection for people from their spouse in situations of domestic violence. This protection is through a court order outlining conditions that the perpetrator should abide by. Through my experience it seems that the legislation does not go far enough to address domestic violence.

The Home Safe Home Report from 2000, argues that the adversarial legal process that exists is supportive of perpetrators denying or mitigating responsibility for their behaviour.

This is evident when applications for protection orders proceed to a hearing. For the Magistrate to make such order they need to believe that it is likely that domestic violence has occurred and it is likely to occur again. Yet even when the Magistrate finds this to be true, there is no consequence for the perpetrators violence. No avenue exists for the Magistrate to mandate this man to a Perpetrator Education Program at the time the order is made.

Another issue that exists is when a perpetrator has orders against him by several different women. Surely some alarms bells must go off here. The legislation could have such an important pro-active role here. To me it makes sense that if such a man continues to commit domestic violence women need to be aware of him. So when he begins a new relationship he should have to register this with the local DV service. This service would then inform his new partner of his past abuse. Perhaps such a policy would have saved the woman's life who was mentioned earlier.

In society today the onus is still on women to escape violence. Women are expected to put their faith in the legal system. And yet time and time again I see they are let down by this system. The Australian Law Reform Commission reported in 1994 that 'all over Australia women came to the Commission to explain how the system had failed them. How the horror of the violence against them had been compounded by the law's failure to protect them. They complained of their humiliation, by a system of justice that they perceived as trivialising their injuries and disbelieving them.'

It would seem that the legal system that exists is one that further abuses women and perpetuates the violence that has already been committed against them. And so I challenge the policy makers and the government of today if you are committed to protecting women, eliminating domestic violence and sending a strong message to perpetrators then lets change the focus of this legislation. Lets change it from one where women feel angry, frustrated and scared because of the system, to one where men are forced to look at their behaviour and to take responsibility for it. Then maybe

women will feel 'lucky' to live in Queensland and more importantly they will feel SAFE.

If as a society we do not do everything we can to protect women and children from domestic violence, then we are colluding with the perpetrators of domestic violence- we are colluding with the perpetrators of domestic violence. And as such we send a message to all that violence is acceptable.