

A Queensland Government strategy to target domestic and family violence 2009-2013



Response to Consultation Paper

Introduction

The Queensland Association for Healthy Communities (QAHC) welcomes the development of a cross-government approach to domestic and family violence. Lesbian, gay, bisexual and transgender (LGBT) Queenslanders are both victims and perpetrators of domestic and family violence. The needs of LGBT people should be *explicitly* named and addressed in the strategy and in service responses.

Queensland still does not formally recognise same-sex relationships (e.g. civil partnership register or marriage) or provide parenting rights and responsibilities to the non-biological parent of a same-sex headed family. Transgender people in a pre-existing heterosexual marriage are forced by the government to divorce before their transition is legally recognised. This lack of support and respect for same sex relationships and families contributes to domestic and family violence for LGBT Queenslanders.

About QAHC

The Queensland Association for Healthy Communities (QAHC) is a state-wide, not-for-profit community based organisation which promotes the health and wellbeing of lesbian, gay, bisexual and transgender Queenslanders and develops the capacity of LGBT communities in Queensland. Formerly the Queensland AIDS Council, in 2006 we extended our remit to address a wider range of health issues for all in the lesbian, gay, bisexual and transgender communities.

QAHC currently receives recurrent government funding for our HIV prevention and sexual health promotion work with gay men (including Aboriginal & Torres Strait Islander gay men and sisters/girls). All other activity (e.g. ageing, women's health, trans health, history, community developing, advocacy, mental health, alcohol and other drugs) is made possible by one-off grants and volunteers, donations and sponsorships.

Extent and Nature of Abuse

In a recent national survey of LGBT people¹ (n = 5,476) 32.7% had been in a relationship where the partner was abusive. Females were more likely to have experienced abuse compared to men (40.7% v. 27.9%). The numbers for trans women and men are also high (36.4%, 61.8%), although the numbers of trans people in the study were low.

Of those who experienced abuse, only 10% reported this to the police. The number reporting increased for those who experienced forced sex (17.9%), being hit (18.7%) and being physically injured (20.4%).

An Australian and New Zealand sample of trans people² (n = 253) found that 16.1% had experienced intimate partner violence, and 11.5% experienced sexual assault and 9.9% rape (not necessarily within a relationship).

A study of Aboriginal and Torres Strait Islander gay and other men who have sex with men & sisters³ (n =160) found that 22.5% had experienced sexual assault (not necessarily within a relationship). A qualitative consultation⁴ found that sexual assault of gay, msm and sistergirl Aboriginal & Torres Strait Islanders was often associated with alcohol abuse.

In addition to the issues experienced by all people in domestic and family violence situations, there can be additional issues for LGBT people. The threat of outing someone's sexuality or gender identity to family, employers etc. can be used as a form of abuse. Access to support networks outside of the relationship can be limited, especially where the biological family is not supportive. The small size of the LGBT community in any one location can mean that gossip can quickly spread and if a relationship breaks down, there is a high possibility of the couple 'running into' each other in the community. In gay male relationships where one partner is HIV positive, his HIV status can be used against him as a form of abuse (e.g. "no-one else will have you because you are damaged goods").

Internalised homophobia/transphobia can also lead some LGBT people to believe that they deserved the abuse, or they don't value themselves or believe that the police and support services won't value them and their relationships.

¹ Pitts, M., Smith, A., Mitchell, A., Patel, S. (2006) **Private Lives: A report on the health and wellbeing of GLBTI Australians**. Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University.

² Couch, M., Pitts, M., Mulcare, H., Croy, S., Mitchell, A., Patel, S. (2007) **TranZnation: A report on the health and wellbeing of transgender people in Australia and New Zealand**. Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University.

³ Lawrence, C., Prestage, G., Leishman, B., Ross, C., Muwadda, W., Costello, M., Rawstone, P. & Grulich, A. (2006) **Queensland Survey of Aboriginal and Torres Strait Islander Men who have Sex with Men: 2004**. Sydney: National Centre in HIV Epidemiology and Clinical Research, University of NSW.

⁴ Lee, G. (1998) **The National Indigenous Gay and Transgender Project: Consultation report and Sexual Health Strategy**. Sydney: Australian Federation of AIDS Organisations.

Research, Monitoring & Reporting

Obtaining accurate figures on the extent of domestic and family violence among LGBT people is difficult due to a lack of common definitions, lack of reporting and a lack of inclusion in research and monitoring.

Awareness of domestic and family violence among LGBT people and service providers is low. Some LGBT people do not recognise their experience as abuse and so do not come forward for support or to report. Among some LGBT people and service providers there is a myth that domestic violence doesn't happen in same-sex relationships as both partners are 'equal'. LGBT people may also be concerned that as their relationships are not recognised by government, so in turn domestic violence will not be recognised.

Many LGBT people are reluctant to come forward to police and other agencies to report domestic or family violence, due to the shame associated with this type of abuse. In addition people are concerned that they and their relationship will not be treated with respect by authorities.

This is particularly the case for older LGBT people who lived through a period when homosexuality was illegal and abuse and intimidation was experienced from the police. LGBT people born overseas may also be reluctant to come forward due to the negative and often violent experience of policing of LGBT communities in some countries.

Anecdotal information suggests that the police are unsure how to respond to (or even recognise) same sex domestic violence. This is often seen by police as an argument or fight between two friends or strangers, rather than people in relationship. Both parties may be taken away in the same car and/or held in the same area of the police station

It is unclear to us whether reporting and monitoring systems record either the sexual orientation or gender identity of LGBT people (victims), or the gender of abusers. It is also unclear whether services that support victims and perpetrators record the nature of the relationship and report this to funders or research bodies.

Mainstream research on domestic and family violence often doesn't ask the sexual orientation or gender identity of respondents, so it is not possible to compare their experiences to those of non-LGBT people. There is little research into the experiences of men in same-sex relationships who experience abuse, with only 2 Australia studies identified in a recent review⁵.

Nothing is known about the extent of family (i.e. non-partner) violence experienced by LGBT people, nor how the legal system deals with cases of same-sex domestic and family violence.

⁵ Kay, M. (2008) **Male Same-Sex Intimate Partner Violence: An Exploratory Study from the Perspective of Brisbane Service Providers**. Brisbane, Queensland University of Technology.

Suggested Actions:

- Include questions on gender of partner in police reports, service monitoring and research.
- Conduct in-depth quantitative and qualitative research on domestic and family violence within LGBT communities in Queensland.
- Qld Centre for Domestic and Family Violence to facilitate a network of researchers with an interest in LGBT domestic and family violence.
- Undertake a comparative study of legal outcomes for same-sex and opposite-sex domestic violence cases.
- Re-institute LGBT awareness training for all police officers, and provide enhanced induction & training for officers in the domestic violence unit.

Prevention (a focus on healthy relationships)

A key approach proposed by the Consultation Paper is preventing abuse from occurring through a focus on healthy relationships and building self-esteem and empowerment. This is an even higher priority for LGBT people where our relationships may not be valued by our families, social networks, the government or even ourselves (internalised homophobia/transphobia).

Queensland still does not formally recognise same-sex relationships (e.g. civil partnership register or marriage) or provide parenting rights and responsibilities to the non-biological parent of a same-sex headed family. Transgender people in a pre-existing heterosexual marriage are forced by the government to divorce before their transition is legally recognised. This lack of support and respect for same sex relationships and families contributes to domestic and family violence for LGBT Queenslanders and impedes access to support services.

If the government doesn't recognise same-sex relationships or families, why would it recognise domestic and family violence in same-sex families?

We welcome a social marketing campaign targeting a range of audiences, but ask that this include LGBT people. LGBT people should be reflected in the campaign, including within mainstream media channels as well as within LGBT media and community networks. This needs to target service providers and the wider community to promote same-sex relationships as of equal value to heterosexual relationships, as well as targeting LGBT people to build self-esteem and empowerment.

In addition, LGBT people often do not have role models for successful same-sex relationships and may not have the support of their biological families. LGBT people and issues should be included in family policy in Queensland, including specific support for LGBT relationships and families and recognition of 'families of choice'.

Suggested Actions:

- Introduction of a civil partnerships register and marriage for same-sex couples who want it.
- Introduction of legal rights and responsibilities for the non-biological parent in a same-sex headed family.

- Allowing the existing marriage of a trans person to continue after transition.
- LGBT component of social marketing campaigns, utilising mainstream and LGBT communication channels.
- Inclusion of LGBT people and issues in Queensland government family policy and programs.

Community Capacity

There is a severe lack of capacity within the LGBT communities of Queensland to respond to domestic and family violence issues (among many others). The only recurrent state or federal funding to the LGBT community is for HIV prevention among gay men (QAHC) and LGBT youth homelessness in Brisbane (Open Doors).

If LGBT communities are to be involved in the response to domestic and family violence and take advantage of the suggested ‘community engagement grants’ and ‘community development program’, there will need to be a significant investment in LGBT community infrastructure.

We note the existence of the Ministerial Advisory Council on Domestic and Family Violence, however we question whether there is a knowledgeable voice on the Council for LGBT issues. Given the lack of capacity in the LGBT community, we recommend a single LGBT consultative body for the Department of Communities and/or cross-government.

Suggested Actions:

- Specific capacity building funding to LGBT community organisations to enable participation in the strategy.
- Inclusion of LGBT people as a ‘priority population group’ in the grants and community development program.
- Formation of an LGBT Ministerial Advisory Committee for the Department of Communities and/or cross-government.

Awareness/Social Marketing Campaigns

As mentioned briefly above, there is a lack of awareness of domestic and family violence in LGBT relationships, with many people (both LGBT and service providers) believing abuse does not happen in same-sex relationships.

We note that *Domestic & Family Violence Month* is promoted, however we are not aware of this campaign using LGBT communication channels or featuring LGBT people or issues.

Suggested Actions:

- Awareness or social marketing campaigns and other interventions to raise the awareness of domestic and family violence with LGBT communities.

- Update and reprint of the booklet *“it happens”: an information guide for lesbian, gay, bisexual and transgender (LGBT) people in abusive relationships*.

Response from Services

Awareness of issues for LGBT people is low among domestic and family violence services. There is a built in assumption that women are always the victim and men the perpetrators. While this is not always the case in heterosexual relationships, it is even more varied in same-sex relationships. It is also sometimes assumed that both people in same sex relationships must be an abuser, as they are ‘equals’ in the relationship.

Men may be reluctant to come forward to services for support, due to the shame of being a victim and services not believing the man to be a victim, or services not being available to men. This is of particular concern as some research has shown that abuse within male-male relationships can escalate more quickly and be more violent. An exploratory study of male same sex intimate partner violence in Brisbane⁶ found that support services were *‘unidentifiable, inaccessible and not appropriate to the unique needs of gay victims’*.

Services should provide a knowledgeable and respectful service to both women and men affected by domestic and family violence. LGBT people should also be able to request a LGBT support worker if they feel more comfortable with this, and services should be able to refer to LGBT support services (where these services exist, which at the moment is no-where).

In smaller rural or isolated communities it can be even more difficult for LGBT people to access support services. This can be a result of services not existing, services not being aware of or sensitive to LGBT issues, or the fear of a lack of confidentiality.

dvconnect is promoted as a state-wide domestic and family violence telephone service across Queensland. However, to our knowledge, this service has not been promoted through LGBT channels and has not reached out to the LGBT community. A call to *womensline* to enquire about support for lesbians elicited the response “we don’t take lesbians”. The ‘What is *dvconnect*’ page on their website lists a range of services for female victims available through *womensline*, however under services for men provided through *mensline* it launches straight in to services for male perpetrators. Male (including gay/bisexual male) callers who are victims would be put off by this.

Suggested Actions:

- LGBT awareness training for domestic and family violence service providers.
- Improve the assessment/intake process by the use of gender neutral language and assessment tools that are inclusive of LGBT people and relationships.
- Research the needs and preferences of LGBT people for support services and the development of LGBT specific support services.

⁶ Kay op. cit. p.58

- Referral information on LGBT support services to be made available to mainstream family and domestic violence services.
- Provide a “voucher system” for LGBT people to access a counsellor of their choice.
- Support for LGBT people in rural and isolated areas (e.g. state-wide telephone helpline or internet).
- dvconnect to review support for LGBT victims and perpetrators and/or a separate service for LGBT be established.

Safe Houses

Female victims of domestic violence can access safe houses or shelters to get away from abusive partners. However lesbian and bisexual women who have been abused by a female partner may not be safe in these places. The (female) perpetrator may be allowed access to the facility by staff who do not understand the nature of the relationship. The (female) perpetrator may also be housed in the same facility if she is also claiming abuse and the other residents of the facility may not be supportive of lesbian and bisexual women.

We are not aware of any safe accommodation for male victims of domestic violence, including gay and bisexual men. If such a facility was made available, similar issues to those outlined above for women would need to be guarded against.

Suggested Actions:

- Intake processes at shelters not assume that the abusive partner of a woman is always a man.
- Other ‘safe house’ options for LGBT people be developed and offered.

Overseas Born Partners

Overseas born partners of Australian citizens can be particularly vulnerable. The Australian partner is in a position of power over the overseas born partner, who may be relying on them to secure permanent citizenship or for financial support. If there is abuse in the relationship, the overseas born partner may be reluctant to seek help or leave the relationship for fear of being denied citizenship. They may not have a support structure outside of the relationship, not know of services available, have poor English language skills and may be reluctant to report to the police due to negative and/or violent policing practices in their country of birth. In addition, overseas born people may not be able to return to their country of birth due to rejection by their families (relating to their sexuality or gender identity) or oppression by the State (e.g. criminalisation of same-sex activity).

Suggested Actions:

- Provide specific information and support to overseas born partners.

Perpetrator Accountability

We are not aware of how perpetrator accountability/support programs operate. However we would question how these programs would work for perpetrators in same-sex relationships, taking into account the differences in power relationships, relationship role-models and gender roles between heterosexual and same-sex relationships and individuals.

Suggested Actions:

- Research appropriate and effective interventions for perpetrators in same-sex/trans relationships.

Conclusion

We appreciate the opportunity to comment on the development of the Queensland government's strategy to target domestic and family violence. Given the intrinsic differences between same-sex and heterosexual relationships and the historical (and to some degree current) institutional heterosexism and homophobia/transphobia, we call on the Strategy to specifically address the needs of LGBT people. This must include resourcing the LGBT community to play a role in preventing and responding to domestic and family violence, as well as supporting mainstream services to more effectively meet the needs of LGBT people.

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