

A Comparative Analysis of Domestic Violence against Women in Australia and Bangladesh: Government Policies, Legislation and Organisational Responses

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ABSTRACT

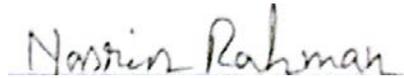
This is a comparative study of Domestic Violence (DV) between Australia (Victoria) and Bangladesh. It examined the interrelationship between factors which contribute to DV, government policies and legislation developed to deal with DV, and organisational responders (police and DV Crisis Support Services) implementing strategies and remedies in the policies and legislation. A comparative country case study strategy was adopted utilising triangulation of methods of data collection including an analysis of the countries' respective policies and legislation and conducting in-depth interviews with key responder personnel. The conceptual framework identified policies and legislation as Steering Media, which influenced a society's beliefs embedded in the Lifeworld, and which guided the actions of responders to DV in the two different countries' Systems.

Differences and similarities were found between the two countries. The main common factor was the identification of gender inequality as an underlying factor causing DV. Some social and cultural factors exist in both countries such as poverty. Some factors were specific to Australia, such as the consumption of alcohol; and in Bangladesh, such as dowry and dependency on men. Of significance is that gender equality is enshrined in the Bangladeshi Constitution, while Australia relies on legislation that could potentially be changed to disadvantage women. Differences revealed include identification of victims and perpetrators, with Bangladesh specifically naming women and children as victims but never the perpetrator and Australia (Victoria) naming any family member as victim or perpetrator. Also, responders deal with DV victims and perpetrators differently according to the policies and legislation of both countries. This research has implications for both theory and practice in both countries. The findings have potential to contribute to changes in policy and legislation related to DV as well as in the practice level by responders across both countries, learning from each other in the process.

Statement of Authorship

Except where explicit reference is made in the text, this thesis contains no material published elsewhere or extracted in whole or in part from a thesis by which I have qualified for or been awarded another degree or diploma. No other person's work has been relied upon or used without due acknowledgement in the text and references of the thesis.

Candidate:



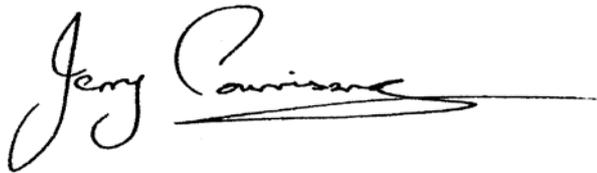
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Associate Supervisor:



Associate Professor Jerry Courvisanos

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DEFINITION OF TERMS

Affected person: Used by FVPA Victoria to refer to the person who has been the target of violence. This term is used to avoid using a gender pronoun because of the gender neutral name frame and definition.

Aggrieved person: Used in Bangladesh in DV legislation to refer to the victim of domestic violence. The Bengali word used in law is translated into ‘aggrieved person’. An aggrieved person is “a child or woman who is, or has been, or is at risk, of being subjected to DV by any other member of the family with whom a family relationship exists”. However in the English language version of the Bangladesh DV legislation the term used is “victims”. Both terms are used in this thesis. DV policy in Victoria uses the word “victim” in a few instances, with regards to explanation of the legal and justice framework, in relation to FVPA and ‘women’ in the rest of the document.

Domestic Violence and Family Violence: Domestic Violence (DV) refers to the violence which may be physical, sexual, psychological and economic that generally men (current or ex-partner/husband) commit against women (current or ex-partner/wife), although the words themselves are gender neutral. Family Violence (FV) refers to violence that may be physical, sexual, psychological economic, damage to property, abuse of pet animals situated within a family and which can happen between any family members. The term FV infers that anyone can be the victim and/or the alleged perpetrator. Although the term FV is used in Australia (Victoria) and DV is used in Bangladesh in respective countries legislation and policy, the term DV is common usage by the media, government, CSS workers and the public at large in both countries although both terms are used interchangeably. In this thesis I will use the term DV throughout this thesis except when referring specifically to the wording in the policy and legislation. In depth discussion about naming framing and defining can be found in chapter 2, critical review of the literature and in chapters 4 and 5. The implications of gendered or gender neutral words are discussed in Chapter 6.

Eve-teasing: This term used in Bangladesh, refers to women in the street being ‘teased’ by men about their looks or anything else for which men want to ‘tease’ them. In Australia the same behaviour by men is called sexual harassment because it is annoying and intimidating for the women and it is comments based on the fact that she is a woman. It is an example of the gendered use of language, insofar as sexual harassment names the behaviour as harassment whereas eve-teasing suggests a behaviour less offensive to women. It is also an example of an androcentric perspective because the

word ‘teasing’ suggest a bit of fun on the part of the men. The word harassment has the focus on how the women feel. Recently, Bangladesh Supreme Court ordered in a case to use the term sexual harassment instead of eve-teasing.

Protected person: According to FVPA Act in Victoria a protected person is one who is protected by a family violence intervention order or a family violence safety notice. A protected person means “means a person who is protected by a family violence intervention order or a family violence safety notice”.

Perpetrator: The word used in the DV policy in Victoria refers to the person, usually a man, who commits DV. The term ‘perpetrator’ is used in this thesis when referring to the policy but also generally when writing about the person who has committed DV.

Respondent: The word used to refer to the perpetrator of DV in FVPA Act Victoria, when legal action of any sort is taken. According to FVPA a respondent is “a person against whom (i) an application for a family violence intervention order has been made; or (ii) a family violence intervention order has been made; or (iii) a family violence safety notice has been issued. In the English language version of the Bangladesh DV legislation the term used is Respondent which is a general legal term used to refer an opponent of the applicant in a law suit

Thana: The Bengali term Thana refers to police station.

ACRONYMS USED IN THE THESIS

ADR: Alternative Dispute Resolution

AFM: Affected Family Members

ANROWS: Australia's National Research Organisation for Women's Safety Limited

ARR: A Right to Respect, Victoria's Plan to Prevent Violence against Women 2010-2020 (acronym is a shortened version)

ARSJ: A Right to Safety and Justice, Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020 (acronym is a shortened version)

BBS: Bangladesh Bureau of Statistics

BLAST: Bangladesh Legal Aid Service Trust

BNWLA: Bangladesh National Women Lawyers Association

CALD: Culturally and Linguistically Diverse

CHRR: Charter of Human Rights and Responsibilities Act 2006

CPIFV: Code of Practice for the Investigation of Family Violence Upholding the Right

CPRB: The Constitution of People's Republic of Bangladesh

CRAF: Comprehensive Risk Assessment Framework

CSS: Crisis Support Services

DHS: Department of Human Services

DV: Domestic Violence

DV ACT: Domestic Violence (Prevention and Protection) Act 2010

DVAW: Domestic Violence against Women

DV VIC: Domestic Violence Victoria

FCO: Family Court Ordinance

FDR: Family Dispute Resolution

FV: Family Violence

FVCU: Family Violence Coordination Unit

FVIO: Family Violence Intervention Order

FVLO: Family Violence Liaison Officer

FVPA: Family Violence Protection Act 2008

FVSN: Family Violence Safety Notices

HP: Holding Power

LW: Lifeworld

MOWCA: Ministry of Women and Children Affairs

NPRVAWC: National Plan to Reduce Violence against Women and Their Children 2010-2020

NWDP: National Women Development Policy

OCC: One Stop Crisis Centres

OS: Outreach Services

PO: Protection Order

RARM: Family Violence Risk Assessment and Risk Management Framework (acronym is a shortened version)

RS: Refuge Services

SAAP: Supported Assistance Accommodation Program

SH: Shelter Homes

SM: Steering Media

SSFVRC: Safe Steps Family Violence Family Violence Resource Centre

SYS: Systems

VOCAT: Victims of Crime Assistance Tribunal

VP: Victoria Police

VSC: Victim Support Centres

WCR: Women and Children Repression Prevention Act 2000 (acronym is a shortened version)

WEL: Women's Electoral Lobby

WSID: Women's Support and Investigation Division

CHAPTER ONE

INTRODUCTION

Random violence against women, and its specific form related to violence against women in the family called 'family violence' or 'domestic violence' (DV), is common in western and eastern countries. This includes Australia and Bangladesh (on which this study focusses), although the incidence of violence differs markedly. The two countries are different in many ways, with environmental, political, and cultural differences contributing to the nature and degree of DV. Both countries have chosen to address violence against women through different policies and legislation, some of which are specific to DV.

In Australia, there were major policy and legislative changes to address DV after a period of feminist activism in the early 1970s and through the 1980s (Ramsay, 2004; Murray and Powell, 2011). In Bangladesh too some women and non-government organisations (NGOs) proposed women rights and to address violence against women in the 1980s (Hameeda, 2006). Each state in Australia has passed legislation addressing violence against women and in the State of Victoria – Victorian specific legislation to deal with DV was passed in 2008, the *Family Violence Protection Act 2008* (FVPA). In Bangladesh special protective legislation for women started to be introduced in the 1980s. The *Women and Children Repression Prevention Act, 2000* (WCR) (Amendment 2003), has operated since 2000. More recently, in October 2010, the *Domestic Violence (Prevention and Protection) Act 2010* (DV Act) was introduced. The current policy in Australia federally is the *National Plan to Reduce Violence against Women and their Children 2010-2020* (NPRVAWC) introduced in 2011 and legislation the *Family Law Act 1975* (FLA). In Victoria the latest policy is *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* (ARSJ) in 2010 (State Government Victoria, 2010) and legislation the *Family Violence Protection Act 2008* (FVPA). In Bangladesh in 2011 the most recent policy, the *National Women Development Policy* (NWDP) (MOWCA, 2011), was passed. Although this policy is not specifically for DV, part of the policy is dedicated to violence against women including DV.

Australia is a developed country and has a Federal form of government with States and Territories, whereas Bangladesh is a developing country with a unitary form of Government. Australia is a secular country with a predominantly Christian background (Oke, 2008). All legislation is secular. Bangladesh is predominantly a Muslim country though by constitution a secular country (Bangladesh Constitution,

1972; Afrin, 2017). While most legislation is secular, in matters of family Bangladeshis are governed by a combination of both Muslim and state law (Ameen, 2005).

This study examines the policies and legislation in Australia and Bangladesh dealing with DV specifically against women. In Australia the focus is on the State of Victoria. The study analyses similarities and differences in policies and legislation in Australia (Victoria) and Bangladesh in terms of the factors which influence DV that are named or implied within them, the strategies and remedies proposed to deal with DV, and the extent to which they address the named factors. The investigation also considers how Crisis Support Services (CSS), including the police, interpret and respond to these policies and legislation.

1.1 BACKGROUND OF DOMESTIC VIOLENCE IN AUSTRALIA AND BANGLADESH

There are significant differences in the lives of Australian and Bangladeshi women because of the socio-culture environments. Both countries are predominantly male dominated to a greater or lesser degree, and women suffer gender bias, discrimination and sexual and sexist harassment in public places, referred to as eve-teasing in Bangladesh (Ali, 2002; Ameen, 2005; Ali, 2006-7; Murray and Powell, 2011; Australian Human Rights Commission, 2012; Wylie, 2018). Nevertheless Australian women have greater freedom and opportunities in their lives whilst Bangladeshi women have less opportunity. Bangladeshi women are mostly dependent on a husband or other male relatives, while Bangladesh society likes to view a woman as obedient and all-accommodating to the family (Ameen, 2005).

In Australia, before the 1970s wife beating was accepted as a private or domestic issue by police and judiciary (Scutt, 1997; Murray and Powell, 2011). In addition this problem was not seen as a crime, was often trivialised in different social and institutional contexts and often considered to be a particular problem about the individual woman. For instance, popular culture described wife beating as a joke or blamed the wife, and psychiatrists pictured it as 'pathology of the underclass or of individual women', essentially also blaming the wife (Clark, 2011, p. 193). Change came through the second wave of women's movement in the early 1970s.

In the early days of the women's movement, the term DV first appeared in the Sydney Women's Electoral Lobby (WEL) Newsletter in an advertisement for a meeting on the needs of homeless women described as women "in various distress situations – women who have just arrived in Sydney and cannot afford hotel or hostel accommodation, women who need to escape from a difficult domestic

situation (their husband is beating them) and women who, for any reason, find themselves without shelter for the night” (Ramsay, 2004. P.65; see also Summers 1999). According to Johnson (1981) the issue of DV, or ‘battered women’ as it was more commonly named, was well known by feminists. However to overcome a bureaucracy incapable of seeing such women as an issue needing public funding the language of DV was ‘reformulated’ into the language of homelessness, arguing that government welfare for the homeless should be “broadened to include battered women and their children” (Johnson, 1981, p. 1). It became apparent that accommodation for the homeless, was often not suitable for women and children escaping violence. They needed a supportive environment in which they could share mutual problems and through which they could obtain information and access to community services such as health, law, professional counselling and social welfare as well as education and vocational training. Most importantly, being traumatised and in crisis, they needed a safe place where their psychological and physical wellbeing could be catered for through referral for trauma counselling and medical help as needed.

Elsie Women’s refuge, opened in March, 1974, was the outcome of WEL activism. In the first year of Elsie’s operation it became clear that the majority of homeless women and often their children, were escaping DV. Through the establishment of Elsie the issue of violence against women became very much a topic of discussion by feminists (Summers, 1975). Prior to the establishment of women’s refuges women usually had no choice except to stay with violent partners as they were trapped in a cycle of poverty, discriminated against in seeking employment and legally paid only 58% of men’s wages (Summers, 1975). One year after the establishment of Elsie, the Federal Whitlam Labor Government funded the first national women’s refuge program in 1975 (Ramsay, 2004). Eventually the refuge movement had two purposes, one was providing support for wellbeing, safety and security and housing, and the other was publically prompting the elimination of violence (Theobald, 2011).

Nationally in Australia, two government initiatives were achieved in the 1970s which, although not specifically introduced to address DV, benefitted DV victims a great deal. They were the reform of family law and the introduction of the single mother’s pension (Murray and Powell, 2011 p. 14). The first policy initiatives specifically addressing DV were implemented in the 1980s during the Federal Hawke-Keating Labor Governments. The National Agenda for Women established in 1986 and the Commonwealth-State Coordinating Task Force on DV was formed in 1987. Another milestone was the introduction of funding for crisis accommodation services (women’s refuges) in 1985. Increased attention was paid in the 1990s when a new Committee on Violence against Women took over the

role of the Commonwealth-State Coordinating Task Force and initiated research and coordinated community education.

At about the same time that Elsie refuge opened in Sydney, in Victoria the Women's Liberation Halfway House Collective (WLHWH) opened the first feminist run refuge in Melbourne, (Theobald, 2011). By the late 1970s in Victoria, DV became a focus of public debate with the term 'battered woman' used within the refuge movement as well as more broadly in public policy discourses (Theobald, 2011).

More policy initiatives were observed in Victoria in the 1980s. In 1985, the Victorian Cain Labor Government released its discussion paper on DV named *Criminal Assault in the Home: Social and Legal Responses to Domestic Violence*. The report provided the groundwork for the first legislation in Victoria to deal specifically with DV, namely the *Crimes (Family Violence) Act 1987* (Theobald, 2011). The Cain Government addressed DV through civil law but the idea of a civil law was opposed by feminists such as lawyer Jocelyn Scutt who argued that DV is a criminal act and that civil legislation "decriminalise domestic violence" (Theobald, 2011, p.142). However, after much public debate on this issue, the feminists were finally able to convince Attorney General of their view, and the report *Criminal Assault in the Home (1985)* and the *Crimes (Family Violence) Act 1987* was passed, which marked the beginning of a co-ordinated policy and legislation response to DV in Victoria (Theobald, 2011).

In 1996 another initiative named *Violence against Women: An Integrated Strategy for Change* was actioned (Murray and Powell, 2011) as a result of which Victoria became more active in addressing DV. In 2002, Victoria developed the policy, *Women Safety Strategy*; also by this time inter-agency collaboration emerged with support from both government and community services (Trujillo, 2011). In this time a police Code of Practice (Victoria Police, 2004) and standards of practice for services responding to DV in Victoria were developed (Trujillo, 2011). Later, the Victorian Bracks Labor Government introduced various policies such as *Women Safety's Strategy 2002-2007* (State Government of Victoria, 2002); *A Fairer Victoria* (State Government of Victoria, 2005); and launched State-wide policy to prevent violence against women *A Right to Respect: Victoria's Plan to Prevent Violence Against Women 2010-2020* (State Government Victoria, 2010b; Trujillo, 2011) and *A Right to Safety and Justice, Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020* (State Government Victoria, 2010).

Following several widely publicised incidents of DV in 2014, a Victorian Royal Commission into Family Violence was established on 22nd February, 2015, in order to make recommendations to reduce and eliminate family violence. The committee provided the report on 29th March, 2016 with 227 recommendations (Royal Commission, 2015). The Victorian Andrews Labor Government committed to delivering a 10 year Plan entitled *Ending Family Violence: Victoria's Plan for Change* from March 2017, to implement the recommendations made by the Royal Commission. To do this the Andrews Government released its first action plan *Family Violence Rolling Action Plan 2017-20* with the initiatives of Support and Safety Hubs, Safe and Stable Housing, victim centred justice, police as a critical first response, law reforms, Specialist Family Violence Courts, and Perpetrator Interventions; while also building capacity and capability of the workforce working with DV victims and perpetrators, redeveloping the *Family Violence Risk Assessment and Management Framework (RARM)*, and sharing information amongst workers to ensure the whole system operates more effectively (State Government Victoria, 2016). The first intervention from the action plan was for schools and entitled *Free from Violence: Victoria's Strategy to Prevent Family Violence and All Form of Violence against Women*. This plan focussed on education in schools and was delivered in 2017. Its focus was on early intervention and respectful relationships with the aim to improve student and staff knowledge of DV. Respectful relationships is now part of the Victorian school curriculum. Over 1500 schools will have adopted this approach by 2021 (State Government Victoria, 2018).

Changes occurred not only in government policies but also in police attitudes and action in Victoria. The Victorian Police became more active in their management of DV incidents after the development of the *Code of Practice* in 2004, and are still working actively to reduce DV. The result is that reporting to police has increased, as people feel more confident to report to the police. According to Crime Statistics Agency, in the last financial year for the first time the number of DV reports topped 70,000 (Florance, 2015).

A number of women's support services (including research institution) have been established by government and non-government agencies such as Australia's National Research Organisation for Women's Safety Limited (ANROWS) (2013), 'Our Watch' (2013), Domestic Violence Victoria (DV VIC) established in 2002, and Safe Steps Family Violence Response Centre (SSFVRC) which includes a 24/7 telephone call centre (1974). The role of 'DV VIC' is to be a central point of services for women DV victims, coordinating responses between government and community based agencies such as Elizabeth Hoffman House, refuges such as Berry Street (Trujillo, 2011) and counselling/support services.

Despite the various policies, legislation, support services and education programs mentioned above, women in Australia are still facing violence at the hands of intimate partners. Traditional attitudes about DV are still present as can be seen in the 2013 NCAS Report (NCAS, 2014) which states that those who have low levels of understanding about gender are least likely to reject violence-supportive attitudes and have a low level of support for gender equality. Therefore, even though many Australian women are economically independent, many other women still stay home and take care of their children (ERA, 2018). Furthermore “even in the West, many men believe that women can thrive only in jobs that involve children, health, beauty or domestic work” (Tausif, 2016, p. 1).

After 35 years of policy activity, DV still remains and reported incidents are intolerably high in Australia at 23% (ABS, 2017d). Forty years, after the first refuge opened in Sydney the need is as urgent now as ever, as can be observed from the SSFVRC that over the 2016/17 financial year, ‘Safe Steps’ provided 16,003 bed nights in emergency accommodation for thousands of women and children who had been forced to flee their homes (SSFVRC, 2017). Nevertheless, Australia (and in particular the State of Victoria with the recent Andrews Government policy actions) has made significant progress in recognising and addressing DV.

In contrast to Victoria, initiatives to deal with DV in Bangladesh have a very different history. During the Bangladesh war of liberation in 1971, women were alongside men and contributed in many ways including active participation in the freedom struggle. During the war more than a hundred thousand women were raped by Pakistani men as a deliberate strategy used to demoralise the enemy. As a result these women were often ostracised by their husbands and family (Brownmiller, 1976). The violence against women continued after the war during which time many were forced into marriage (Kabeer, 1988) and many became victims of dowry related violence (Jahan, 1988). The women of Bangladesh started to become self-reliant from the immediate experiences of this war (MOWCA, 2011).

Unequal power distribution between women and men in Bangladesh, is still dominant, and the status of women is lower than that of men (Ameen, 2005; Das, Alam, Bhattacharyya and Pervin, 2015; Jahan, 2017). Further, women are denied their right to fulfil their personal wishes and to reach their potential. They are also discriminated against in many aspects of their lives such as careers (Ameen, 2005; Sambisa, Angeles, Lance, Naved, and Thornton 2011; Ahmed, 2011). In addition, gender inequality is so deeply rooted in Bangladesh society that in many cases DV against a wife is still accepted as the norm within cultural practices (Naved and Persson, 2005; Bates, Schuler and Islam,

2008; Dalal, Rahman and Jansson, 2009; Sambisa, Angeles, Lance, Naved and Curtis, 2010; Sambisa et al., 2011). This is prevalent especially among lower socio-economic sections where illiteracy is common (Das et al., 2015). Less educated people are more likely to hold strong patriarchal traditional attitudes and interpret religious teachings to justify DV, and women of this class also believe and have been socialised to accept that their “husband had the right to beat the wife occasionally” (Das et al., 2015, p. 168).

From the Bangladesh cultural perspective, if women fail to carry out household duties, such as everyday cooking, and upbringing of children, as well as care for her in-laws they can become victims of DV (Khan, Rob and Hossain, 2000; Bhuiya, Sharmin and Hanifi 2003; Huda, 2016). Women also face violence without any obvious reason simply because of the “subordinate position of women in the patriarchal society” (Khatun and Rahman, 2012, p. 23). The unequal power relationship has given licence not only to the husband but also to other members of his family, especially the woman’s in-laws, to commit DV alongside the husband (Ali, 2002; Bhuiya et al., 2003; Koenig, Ahmed, Hossain and Mozumder, 2003; Bates, Schuler, Islam and Islam, 2004; Huda, 2016).

Despite violence against women being a common occurrence in Bangladesh, there was no policy development to deal with the issue before 1997; although some DV related laws existed such as *Dowry Prohibition Act 1980* and *Cruelty to Women (Deterrent Punishment) Ordinance 1983*, *Repression against Women and Children (Special Provision) Act 1995*. Acceptance of DV persists even though the Bangladesh Constitution, adopted in 1972, includes the right to equality before the law for women and men, and states non-discrimination principles in the public sphere (Begum, 2004).

Jahan (1983) first wrote about gender-based violence. In 1994 she drew a clear and broad picture of the problem of DV in the Bangladeshi socio-economic and cultural context, while noting that DV is institutionalised and embedded in the socio-economic political structure (Jahan, 1994). In the late 1970s and into the 1980s, increased impoverishment in rural and urban areas led to increased demand for dowry and dowry related violence. This led to the formation of the NGOs such as National Women Lawyer’s Association (BNWLA) to provide support to the victims (Nazneen, 2017). The NGOs actively worked to eradicate violence against women.

Around the mid-1980s, NGOs and women activists were able to articulate a human rights perspective on violence against women. This activism turned to feminist activism when it was realised that women were murdered at home by their husbands or other family members. Feminist activism gained ground

through extraordinary cases of DV which aroused public outrage, such as the publicised case of Sharmin Rima's murder by her wealthy industrialist husband Munir Hussain in 1989 because he was having an extra marital relationship. Munir was hanged 1993 for the offence of murder (BBC Bangla, 2012). Such cases caused activists to evaluate the gender imbalance that was seemingly rooted deep in politics and society. The issues of women's rights and the lack of safety in their lives were highlighted through protests, eventually leading to the establishment of a women's group named "Women Combined Association" (Oikkyo Boddho Nari Samaj). At that time, law to criminalise dowry and polygamy were demanded, along with the need for a uniform family code (Hameeda, 2006).

In the early 1990s academics, influenced by the murder of Rima, as well as NGOs, started to focus on violence in the family for example the work of Ameen (1995), Khan et al., (2000), Mannan (2002), Bhuiya, et al., (2003), and Koenig et al., (2003). The re-emergence of their activism and their research resulted in organised protests from women's groups against violence and attempts to pressure government to punish the perpetrators. Both female and male concerned citizens became involved thereby contributing to the recognition of the need for action against violence against women by government and the wider public. In response to increased activism by women's groups and their supporters the Bangladesh Government moved, mainly through legislation. The *Dowry Prohibition Act* had been introduced in 1980 and the *Family Court Ordinance (FCO)* in 1985. Under the FCO the Family Court was founded which dealt with family related issues including polygamy for which special permission was needed. As a result of the activism in the 1990s the Bangladesh Government passed some more laws developed in terms of women's rights, such as the *Women and Children Repression Prevention Act 2000* (amended in 2003); *Acid Crime Prevention Act 2002* and *Acid Control Act 2002* and subsequently the *Domestic Violence (Prevention and Protection) Act 2010*.

In 2011, the Bangladesh Government first started gathering statistics about violence against women, including DV. Statistics were taken into consideration in the country's first policy for women after forty years since becoming an independent country. The government, in response, also developed One Stop Crisis Centre (OCC), Shelter Homes (SH) and Victims Support Centres (VSC), along with support to deal with the issue of violence against women.

1.2 OVERVIEW OF PAST RESEARCH EMPHASIS

Much research has been done in Australia in the area of violence against women and DV. Researchers have looked at the causes of and contributing factors to DV, risk factors, policies, legislation, CSS for women, DV support systems and the needs of victims, integrated responses, and cross country

studies. Some research has been done on DV in rural and remote areas recognising that the issues differ from urban areas. In contrast, in Bangladesh, researchers have only worked mainly on the factors that can contribute to DV.

The common area of research across Australia and Bangladesh has been around risk factors and the prevalence of DV (Grande, Hickling, Taylor and Woollacott, 2003; Morgan and Chadwick, 2009; Ortiz, 2016; Bhuiya, et al., 2003; Naved and Akhtar 2008; Dalal et al., 2009). For risk factors the emphasis has been on the perpetrator, the victim, as well as the social and environmental issues that support such DV. Research has also been done on RS in relation to homelessness among DV victims and housing them (Tually, Faulkner, Cutler and Slatter, 2008; Spinney and Blandy, 2011; Murray, 2011). In Bangladesh some researchers such as Bairagi, Chanda, Naher, Talukdar, Salim and Ghosh (2006) studied the service system in OCCs in relation to medical care, counselling and emotional support provided to DV victims.

There has also been research on policies and legislation that are designed to deal with DV in Australia (Alexander, 2002; Costello, 2009; Phillips, 2006; Douglas, 2008; Wangmann, 2009; Nancarrow, 2010; Wilcox, 2010; Murray and Powell, 2011; Chappell and Costello, 2011; Chappell and Curtin 2013). However in Bangladesh, no research has been done on the type of policies and their effect, as well as how well they do or do not work to deal with the issue. There have been some newspaper articles which suggest the need for research. There has been research on DV legislation, two of them by the organisation Bangladesh National Women's Lawyers Association (BNWLA) in 2013 and Huda (2016), and also by Afrin (2017).

Findings from past studies indicate that factors for DV have been identified by many researchers so far in both countries, however there appears to be no in-depth empirical study to date that combines the three areas of (i) factors, (ii) how they are represented in policies and legislation and (iii) CSS organisational responses. There is only one research study in Bangladesh that examines legislation, that done by BNWLA (2013); though there is some work by researchers in Australia on policies and legislation, it is mostly in the area of family law and national policy.

This thesis is a comparative study of policies and legislation dealing with DV against women and organisational responses to the policies and legislation in Australia (Victoria) and Bangladesh. Of interest is how factors that influence DV are reflected in legislation and policies and in the organisational support services provided for victims. Australia has a federal system of government.

There is a national policy relating to family and domestic violence, the *National Plan to Reduce Violence against Women and their Children 2010-2022* (NPRVAWC). However, there is no national legislation specifically for family and domestic violence (Wilcox, 2010), nor national CCS to provide organisational responses to the policies and legislation. There are some provisions in the *Family Law Act 1975* (Cth) related to family and domestic violence (Parliament of Australia, 2015). The victims of family violence obtain protection through eight separate state and territory legislative schemes by different kinds of support services such as police, courts, refuges, and outreach services (Wilcox, 2010). To examine all state policies and legislation is beyond the scope of one study, thus the focus will be on the leading state in Australia dealing with DV, i.e. Victoria and its legislation and policies related to DV. Reference will be made to national Australian federal legislation and policy which sets the broader national agenda where appropriate. Bangladesh has a unitary system and therefore only national legislation and policy is the focus. Further, the study focuses on organisations in both countries that address the implementation of such legislation and policies, that being CSS (including police).

This study focuses on the government policies and legislation developed to deal with DV and organisational responses towards the law and policies relating to DV, thus the jurisdiction responsible for these activities is the basis for this comparative study. The setting for this study in Australia is thus the relevant organisations in the leading jurisdictional region; this is State Government of Victoria, Victorian Police and State Crisis Support Services. On the other hand, the same organisations work under national law and policy in the unitary Bangladesh system. Such a comparison is the most appropriate when comparing Australia and Bangladesh in the area of DV. Thus in this thesis, the two jurisdictions are identified as Australia (Victoria) and Bangladesh.

1.3 RESEARCH QUESTION AND AIMS OF THE STUDY

This study aims to examine DV through a gender lens, in particular how social, cultural attitudes about relationships between women and men and social cultural factors influence legislation, policies and organisational responses, which are intended to reduce the incidence of DV and deal with victims. The research questions of this study are:

1. How do the legislation and policies in Australia (Victoria) and Bangladesh address the social/cultural factors that influence domestic violence?
2. What preventive measures and remedies come out of the legislation and policies?
3. How do crisis support organisations implement this legislation and policies to assist domestic violence victims?

This study firstly aims to demonstrate that gendered norms and assumptions, government legislation and organisational approaches to DV are interrelated and, thus, that DV support options are shaped by more than just different socio/political contexts. In addition, CSS (including police) are central to assisting DV victims. Therefore, the second aim is to see how these services provide support in both countries, with the intention of identifying positive measures in both countries which may be applied in the other country, and of relevance to the international community.

1.4 SIGNIFICANCE OF THE STUDY

No comparative research has been conducted across a developed country (like Australia) and a developing country (like Bangladesh) in relation to DV. This study will be a comparative analysis between Australia (Victoria) and Bangladesh of policies and legislation dealing with DV and formal organisational responses to those policies and legislation. Such organisational responses are critical to implementing DV policies, yet there is no research that examines how the legislation and policies draw on social attitudes, values and beliefs about relationships between women and men and factors influencing DV.

DV is a relatively unexplored area in Bangladesh and no research has been done in policy and legislation in Bangladesh. The present study, therefore, is a comparative study which aims to examine how attitudes, values, and beliefs and factors influencing DV differ in two very different cultures and how policies and legislation are implemented by CSS (including police). The study will also examine how values attitudes, beliefs and factors are reflected in legislation and policies.

This study contributes to existing knowledge in various ways. Firstly, there has been much research done in relation to DV however despite this, DV remains a common social problem in developed and developing countries across the world. This study is positioned in the tradition of constructionist analysis to reveal the influence of gender as a social structure on DV issues and so challenges the current ways in which the DV interface is organised in both countries.

Secondly, the research is a comparative study; therefore it opens up insights for both countries. Monani (2008) referring to Anderson's 1987 study, explains the importance of international comparative research to allow countries to understand other perspectives, and how alternative potentially better polices that exist elsewhere can inform policy change within their own system. Applying a gender lens to a cross-country comparison will also help to evaluate DV as socially constructed and depending on time and place.

Thirdly, comparative research has the potential to contribute in the international arena. There is no comparative research that compares policies and legislation and how factors are reflected therein. Therefore this research has the potential to contribute to existing knowledge not only in Australia and Bangladesh, but also in the international arena.

In both Victoria (Australia) and Bangladesh, the research will contribute to the understanding of whether and how risk factors are reflected in policies and legislation and the impact on organisational responses. Ideally the findings from this research have the potential to contribute to changes in policy and legislation related to this issue in both countries, and may have relevance beyond these two nations' borders.

1.5 OVERVIEW OF THE CONCEPTUAL FRAMEWORK

Investigating ways to reduce DV by focussing on it as an individual issue cannot provide complete answers or solutions. Instead, a broader conceptual approach is needed which incorporates the wider social and political context and an understanding of gender power and relations. The framework used in this study is an amalgamation of two frameworks, one by Heise (1998) and the other by Zacharias (2007) who adapted Habermas (1987)'s three levels of societal evolution and gave these levels a gender lens. The levels are Lifeworld, Steering Media and Systems. For this study, Lifeworld relates to the factors which influence DV, Steering Media is the policies and legislation which influence actions of individuals and organisations, and System refers to the DV-based CSS that are developed from Lifeworld concerns and addressed through the Steering Media. By modifying the Heise and Zacharias frameworks to address DV, the conceptual framework in this study highlights certain Lifeworld elements such as gender inequality and community attitudes and the need for change in order to deal with DV effectively. Changes need to be initiated through Steering Media, that is, through policies and legislation which must then be addressed in the System by the support services of police and CSS. In addition community attitudes need to be altered through community awareness programs in order for legislation, policies and their implementation to bring about a paradigm shift in addressing DV in society. A detailed discussion of the conceptual framework for this study will be presented in Chapter 3.

1.6 STRUCTURE OF THE THESIS

Chapter Two reviews the relevant academic (and related) literature and is divided into four parts. Part one examines research on the factors that influence DV and discusses how the factors contribute to DV. The second part discusses how governments influence development of DV policies and legislation.

In addition, this part examines research on DV policies and legislation, the identified factors in policies, and the remedies in DV legislation. Finally, part three discusses research about the role of police and other support services according to these policies and legislation.

Chapter Three details the conceptual framework and methodology. How the frameworks of Heise and Zacharias are modified and integrated for this DV-based research is also detailed. The chapter details research design and provides the rationale for choosing a comparative case study approach. It also describes the sources of data drawn on for the analysis and the methods of analysis. This chapter also provides the background of the researcher of this study and an overview of the social cultural differences of the two case study countries under investigation.

Chapter Four represents the Steering Media in respect to DV. In it DV policies and legislation from both countries are set out, while similarities and differences between the two countries are identified. The implication of naming and framing, together with political influences regarding DV policies and legislations are set out in detail. Further, remedies given by the DV legislation are examined. This chapter forms the first set of research findings for this study, and places into context the primary data findings in the next chapter.

Chapter Five sets out the interview findings. The interview findings from key personnel of the police and CSS from both countries are presented. This chapter is divided into three parts. Part one is about Australia, part two is Bangladesh, and part three identifies the similarities and differences from the interview findings.

In Chapter Six, the findings from Chapters Four and Five are discussed with the gender lens framework developed in Chapter Three. Comparison between the two countries is made and key differences in the ways in which they approach the issue of DV in policy and legislation are discussed. The conceptual framework is used to structure the discussion. The findings are discussed in the light of existing literature under three main themes: the factors (Lifeworld) influencing the extent of DV, the representation of factors in each country's policy and legislation (Steering Media) and how CSS (System) deal with DV victims. Finally, answers to the three research questions are specifically addressed.

In the conclusion to this thesis, Chapter Seven summarises the chief outcomes from the analyses in this study in the context of the research questions. Limitations to this study are then noted. The

interrelationship between Lifeworld, Steering Media and System is then used to bring about change in the System so as to improve the way in which DV victims and perpetrators are dealt with, thus providing key original contributions to the literature. Implications for practice by giving recommendations for policy and legislation change, and CSS implementations are outlined. Finally, recommendations for future research are set out.

CHAPTER TWO

LITERATURE REVIEW

Response to domestic violence (DV) in the West became a strong focus of the second wave of feminist movement in the 1970s (Murray, 2002), with most countries – in the West or East, developed or developing – starting to respond to violence against women actively as signatories to the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) (United Nations, 1979). Alongside other countries in the West, research into DV in Australia began during this phase of responses to DV, with the earliest being feminist perspectives of women's oppression (Summers, 1975) including legal aspects of DV (Allen, 1986; Scutt, 1991), followed by research on public policy areas of DV in the 1980s (Costello 2009; Nancarrow 2010; Murray and Powell, 2011). Later researchers on DV in Australia aimed to identify and understand factors of DV (Grande, et al., 2003; Morgan and Chadwick, 2009; Wendt, 2009; Owen and Carrington, 2015; Miller, Cox, Costa, Mayshak, Walker, Hyder, Tonner and Day, 2016) including research looking at partner-killing by men in cohabiting and marital relationship (Shackelford and Mouzos, 2005). Research also has been done on the needs DV victims from minority groups including immigrant women (Bagshaw, Chung, Couch, Liburn and Wadham, 2000). Current research also focuses on how social and geographical isolation, as well as remoteness, in Australia affects the ability of women to disclose, report, seek help, and receive appropriate intervention following DV (Wendt, Chung, Elder and Bryant, 2015), and the impact intimate partner violence has on women's health (Webster, 2016). Researchers also have noted the importance of an integrated response which is adopted to deal with DV (Ross, Frere, Healey and Humphreys, 2011; Murray and Powell, 2011; Winter, 2012). There have been some cross national studies conducted in relation to DV, comparing Australia with Mongolia (Oke, 2008), Russia (Volkova, Lipai and Wendt, 2015), New Zealand (Chappell and Curtin, 2013), Colombia (Trujillo, 2011) and India (Monani, 2008).

Whilst worldwide research has identified many factors, globally the State system (legislature, executive, and administration) has put enormous efforts into reducing its prevalence by developing policy, legislation and implementation procedures after the United Nation's declarations and resolutions on the elimination of violence against women (United Nations, 1989). In the meantime, services are continuing to develop to support women in their moments of crises. Research now focuses on how the State is responding, particularly related to the interest of political parties (Phillips, 2006) and the mode (Federal or Unitary) of government (Chappell and Curtin, 2013). State initiatives,

their implementation, as well as responses of support services, varies across countries (Ameen, 2005; Monani, 2008; Tually et al., 2008; Murray and Powell, 2011).

Compared to the West, and Australia in particular, little research into DV in Bangladesh has been conducted. With Bangladesh starting to address DV after becoming a member of CEDAW, the early research focus was on violence against women, including trafficking, acid throwing and dowry-related violence (Paul and Hasnath, 2000; Ali, 2000; Anwary, 2015). Later, researchers began to examine factors causing DV in the country, mainly in the rural and low socio-economic areas (Bhuiya et al., 2003; Sambisa et al., 2011), as well as in both rural and urban areas (Naved and Persson, 2005; Naved, 2013). There has also been research to examine the effectiveness of mediation (Ashrafun and Säävälä, 2014) and implementation of the DV Act (BNWLA, 2013; Huda, 2016).

The purpose of this chapter is to critically review the DV literature in respect to factors, policies, legislation, and responses by support services. The chapter is organised into four sections: the first section looks at the factors which influence DV in the society, particularly patriarchy, gender, and specific cultural/social aspects in both Australia and Bangladesh. The second section looks at how politics influence the development of DV policies and legislation. The third section reviews how these factors are addressed by the policies and legislation – strategies taken by policies and remedies offered by legislation. Finally, the response of police and crisis support services in relation to these policies and legalisation is examined. A brief summary ends this chapter.

2.1 CAUSES AND CONTRIBUTING FACTORS OF VIOLENCE

A deep understanding of the factors contributing to violence against women, specifically DV, is critical for the development of policy, law and support services. Much research has been undertaken in Australia and in Bangladesh seeking to identify the contributing factors and causes of DV (Flood and Pease, 2009; Morgan and Chadwick, 2009; Das, et al., 2015; Islam, Tareque, Sugawa and Kawahara, 2015). Furthermore, considerable variability is found for the prevalence of violence against women in different countries and different communities within countries (Wendt, 2005; Naved and Persson, 2005; Webster, 2007; Begum, Donta, Nair and Prakasam, 2015). This suggests that multiple factors, particular to local cultures, are also responsible.

Feminist theory and analysis of race and ethnicity offer the concept of intersectionality to describe multiple axes of discrimination that is the consequences of several categories of identity difference and disadvantage (Cole, 2009). This is often at the intersection of gender, class and ethnicity. The

theory can be applied to the factors that influence DV in that many of the factors, such as race, income and class, intersect and interact and influence men to become violent. Heise (1998), whose ecological model of DV contributes to the conceptual framework adapted to this study, explains that a single factor is not responsible for DV rather there is an interplay between factors at the social, cultural, and individual levels. This interplay of factors as identified in the literature is reviewed in sections 2.1.3 (broad factors in both Bangladesh and Australia), 2.1.4 (on Bangladesh specifically), and 2.1.5 (on Australia specifically).

Feminist theories explain that the underlying factors for violence against women, including DV, persist due to patriarchy and the broader social inequality that is inherently present between women and men (Dobash and Dobash 1979; Connell, 1987; Kimmel, 2002; Ameen, 2005; Murray and Powell, 2011). Kimmel (2002) distinguishes between control motivated instrumental violence where men who feel entitled to having control over women become violent when they feel that they are losing that control and violence that is an isolated expression of frustration or anger. Meanwhile, explanations proposed by other theorists emphasise factors such as the effects of social and economic conditions, the transmission of violence to family members through family events and the impact of alcohol and drug use, age, education, low income and gender power (Smith, 1990; Heise, 1998; WHO, 2002; Naved and Persson, 2005; Webster, 2007; Khatun and Rahman, 2012).

This section examines patriarchy, gender inequality, and other social cultural factors as underlying factors causing or contributing to DV. Attention is given to factors that are culturally specific to both Bangladesh and Australia.

2.1.1 Patriarchy

Patriarchy is defined as a system in which women are subordinate to men. Various researchers describe patriarchy differently. According to Hartmann (1976) patriarchy is a set of social relations in which there are hierarchal relations between women and men which place women in a subordinate position; with solidarity among men which enable them to maintain the control of women (Hartmann, 1976). According to Walby (1990) it is a system of interrelated social structures in which men oppress women. Murray and Powell (2011, p. 39) describe it as patriarchal discourse, and say that in a patriarchal society, within the family “there is a long history of a man’s right to control the behaviour of his wife as his right.” According to Dobash and Dobash (1979), patriarchy defines women’s subordinate position to men, which has been historically supported and reinforced in the society

legally, politically, economically, and through ideological structures and systems. Therefore it is clear that researchers agree that patriarchy is a system where men hold power over women.

According to Murray and Powell (2011) the subordination of women is a function of patriarchal law, religion and other social institutions (see also Jeffries, 2012). Flood and Peas (2009) too think that attitudes towards VAW are shaped by different factors including religion. Ameen (2005) argues that a dichotomy exists between the instructions of religion and understanding and practice of them. Therefore, women especially rural and uneducated women are victims of this dichotomy and face violence. There is no consensus regarding linkage of religion with DV.

There are certain interpretations of religious doctrine that justify patriarchal behaviour, including DV. Religious and spiritual involvements can influence DV. For example, research in Africa and India as well as Australia (among the women of migrant and refugee backgrounds) shows that DV against women is associated with religion, in combination with other factors discussed in this chapter (Semahegn and Mengistie, 2015; Diallo and Voia, 2016; Dutta, Rishi, Roy, and Umashankar, 2016; Kaur, and Atkin, 2018).

On the other hand, some research also has uncovered that religion does not contribute to DV (Berkel, Vandiver and Bahner, 2004), rather religion can be a source of comfort and encouragement for survivors to become empowered and to also seek help (Ellison and Anderson, 2001; Watlington and Murphy, 2006; Bent-Goodley, St. Vil and Hubbert, 2012).

Patriarchal systems impact on violence against women, including DV, in two ways. Firstly, women face inequality in the social structures (social institution) and there is a prevailing ideology of the acceptance of inequality between men and women (Dobash and Dobash, 1979). The patriarchal social structure leaves women at the bottom of legal, political, economic, and ideological structures making it impossible to challenge the societal ideology. Secondly, this societal ideology also prevents women from reaching higher positions in the social structure (Dobash and Dobash, 1979; Martínez, 2008). In addition, the State reinforces the power of the husband and father in the family (Dobash and Dobash, 1979), creating similarities between family structure and social structure, where women are subordinate to men as was also recognised by Murray and Powel (2011). This pattern leads to the family becoming a basic social cell, the basis of the State and foundation of the patriarchal society (Foucault, 1965).

Giddens (1984) theorises on the interrelationships between social structures and individual agency in his concept of the 'duality of structure', which has been adopted in a number of PhD studies (e.g. Zacharias, 2007; Martínez, 2008). This concept is also relevant to this study. The 'duality' of ideology (structure) and individual agency are interrelated, as individuals are members of a particular social structure that is composed of different patriarchal social systems, including the political, class and legal systems; all of which interpret society in this patriarchal context that makes it a bounded system (Giddens 1984). Structure is created through human actions or practice through individuals. The social structures consist of traditions, institutions and moral codes, and establish ways of doing things. These structures are produced and reproduced by individuals in social practice, i.e. structure assumes action. At the same time, as individuals have vast knowledge about the social structure, they act with this knowledge, i.e. all social actions assume the existence of social structure. Connell (1987) notes that while social structures are shaped through the actions of individuals, they in turn influence the individuals.

Social structure changes in two ways. Firstly, if the social structures change, then individuals are likely to adjust their behaviour gradually. Secondly, individuals can change social structures, such that these structures can cease to exist if most of the individuals stop acting according to them (Zacharias, 2007). Applied to issues of DV, the 'duality of structure' implies that in the patriarchal system, where gender inequality exists, structure and ideology are both produced and reproduced, and both are maintained and challenged by individuals and the State. On the one hand, in a patriarchal system, State policy and legislation maintain that DV is a gender issue. However, policy and legislation are also developed in a way that never fully supports women. Instead, it is merely rhetorical. Individual attitudes do not change because of this arrangement, therefore they repeat their behaviour, and over time, this practice is seen as quite logical and normal (Martínez, 2008).

On the other hand, individuals act upon the existing social structures consisting of tradition, institutions, and moral codes, and establish ways of doing things. For example, in many cultures, such as Bangladesh, women may still grow up conditioned in a way where they learn to accept violence as their husband's right, and men to accept it as their right as head of the household. Both learn to tolerate it from their observation of the experiences of their parents. Therefore, while husbands perpetuate this norm of violence, women tolerate it. Because of this duality of the system, DV continues to be hidden due to the unwillingness of institutions of law and justice to listen to the victims and to condemn the behaviour of men (Ameen, 2005; Murray & Powell, 2011) or because of the acceptance of women to this violence, and men conducting the violence which they learn from

everyday practice (Ameen, 2005). In a patriarchal society, men possess power over women, which creates gender inequality in the society.

2.1.2 Gender Inequality

Gender inequality has a powerful impact on DV, because it shows the general difference in hierarchy and power between men and women (Kimmel, 2004). Gender inequality is the major underlying factor for violence against women, including DV (Ameen, 2005; WHO, 2005; Webster, 2007; WHO 2010; Murray and Powell, 2011; True 2012; Wall, 2014; Webster and Flood, 2015). Gender power imbalances between men and women underpin the core causes of violence between domestic/intimate partners; particularly accepted social norms and practices related to violence in general, and lack of access to resources and support systems (Krug, Dahlberg and Mercy, 2002; Ameen, 2005; Naved and Person, 2005; Murray and Powell, 2011). These power imbalances are discussed below under four headings: sex roles, private/public sphere, learned behaviour and community attitudes.

Sex Roles

The definition of gender is disputed because sex and gender are interrelated. Different researchers define gender differently. According to Schur (1984, p. 10) gender is "sociocultural and psychological shaping, patterning, and evaluating of female and male behavior". Researchers who hold an essentialist perspective view sex as a biological and universal category of females and males (Zucker and Bradley, 1995; Dragiewicz, 2009). On the other hand, researchers who take a social constructionist approach view gender as socially and culturally determined (Connell, 1987; Gottschalk, 2003; Kimmel, 2004; Zacharias, 2007). Connell (1987) explains that the differences between men/male or women/female have developed to highlight the differences regarding their identities and roles, which is not biological but socially constructed.

Although biological sex influences gender, it does not fully define gender. Hence, biological sex is generally male and female, and gender is masculinity and femininity, depending on their own identity, the place from where they come from and where they are living now (Kimmel, 2004). Sex roles refer to what is considered appropriate behaviours for men and women in a particular culture (McHugh and Frieze, 1997). Thus, according to the sex and perceived gender differences, roles expected of men and women vary in different cultures. According to constructionists when children are born, they are born gender neutral and develop gendered attitudes and behaviour through socialisation. For example, if a little boy wants to play with dolls he is told that this is not acceptable, for boys or men are not

responsible for child care. In this way the little boy learns to differentiate between girls and boys, and the underlying lesson is that being female is being inferior (Bem, 1996) thus dominant masculinity is constructed. Domination is the result of how different cultures value men's and women's practices. Therefore, to be male is to be powerful, and masculinity is the gender that has dominance. Therefore gender is a social construct as an activity, "doing gender", rather than a static condition, "having gender" (Zacharias, 2007, p. 107; See also Connell, 1987), varying in different cultures.

Public/Private Spheres

Based on the socially constructed roles for the two sexes, the concept of gendered public and private divisions have developed in the majority of cultures. For example, traditionally males are seen in the role of breadwinners and females as homemakers (Pateman, 1989). Connell (2005) states that the creation of work/home or public/private divisions was characterised by two different sets of social logic. While women in the west have made significant inroads to break down this division gender inequality still exists (NCAS, 2014; ABS, 2017; ABS 2017a; ERA, 2018; ABS 2018a). The roles of women in Bangladesh are still firmly rooted the private sphere (Ameen, 2005; BBS 2013; BNWLA, 2013; Anwar, 2015; BBS 2016). The world of work (paid work) is still conceptualised as the area of men, and the private sphere (unpaid work), meaning home and family, is for women. The conception of gendered sex roles and thus the resultant gendered division of public/private spheres create and perpetuate gender inequality in these spheres, and is deeply rooted in patriarchal culture (Ameen, 2005; Das et al., 2015; Jahan, 2017). In addition, in a private sphere, junior males and females observe power differences and learn from that.

Learned Behaviour: Observing and/or Experiencing Violence during Childhood

Gender inequality allows men to be head of the family and women to be subordinate to them. Therefore, male children in a family observe how a man dictates a family as the head and in many cases inflicts violence on women. Having seen and experienced violence in their childhood, they are more likely to commit violence in the future (Heise, 1998; Oxfam, 2004; Naved and Persson, 2005; WHO, 2005; Flood and Fergus, 2008; Holt, Buckley, & Whelan, 2008; Flood and Pease 2009; Naved, 2013), A child models the behaviour and attitudes to which they have been exposed to, and thus male children learn how to conduct violence from their father, whereas female children learn to tolerate it from their mother; in both instances following their basic role model (Heise, 1998; Ellsberg, Pena, Herrera, Liljestrand and Winkvist, 1999; Jewkes, Levin, Penn- Kekana, 2002; Oxfam, 2004; Naved and Persson, 2005; Jin et al., 2007; Naved, 2013; Islam et al., 2015). Thus, when some individual males

grow up learning that women are subordinate to them, these attitudes and behaviours can extend to the community and structure community attitude.

However, not all children who have observed violence in their families go on to commit violence themselves, nor to be victims (Insight SBS, 2014). Holt et al. (2008) comment on how strong relationship and attachment to a caring mother can be a protective factor that mitigates against the impact of a violent father. In an Australian television discussion program, it was noted by victims themselves that it can also be an individual choice of how an adult who experienced violence in childhood wants to see their own life and relationships (Insight SBS, 2014).

Community Attitude towards Violence

Attitudes of community play a significant role towards DV. Attitude of individuals depends on the social structures which are, in turn, reproduced by continuous repetition of the acts of individuals. Individual acts in the community are performed according to the established norms and traditions (Giddens, 1984). Thus, community attitude is shaped by individuals. Also, attitudes and beliefs towards DV “influence its prevalence and impact, and shape community responses and victims’ help-seeking behaviour” (Mitchell, 2011, p. 8).

Attitude of the Australian community towards DV has been established through different surveys from 1995 to 2013. One of these is *Violence against Women (VAW)*, conducted by Mouzos and Makkai (2004). The results show that the ratio of violence differs according to the status of partners: boyfriend (current or previous), de-facto (current or previous), and husband/partner (current or previous). Women experience higher levels of violence from a previous partner than a current partner. In addition, their findings also reveal that de facto women face slightly higher levels of violence from their current partner than married women.

The 2013 National Community Attitude Survey report (NCAS, 2014) reveals a comparison of results across its’ three surveys of 1995, 2009 and 2013. Some positive results emerge, but some challenges remain as well. The main difference between these three reports is that the 1995 and 2009 surveys were conducted to view the attitudes towards DV, while the 2013 survey was conducted to investigate more broadly violence against women. Despite the changed approach, the main focus remains the same.

The 2013 report (NCAS 2014) reveals consistently in all three surveys that most participants recognise DV as being perpetrated mainly by men. Most people see DV as happening primarily due to men being unable to manage their anger, with only 1 in 5 viewing women as bearing some responsibility for the violence. However, since 1995, there has been a decrease in those agreeing that violence is primarily perpetrated by men; 86% (1995), 74% (2009), and down to 71% (2013). Also, the surveys between 2009 and 2013 indicate a slight decrease (from 89% to 86%) in the view that women are more likely than men to suffer physical harm and fear. Further, more than half the participants agree (51% in 2009, 53% in 2013) that women often fake cases of DV to improve their prospects in the family law cases, whereas even more participants view false claims of rape as rarely occurring (59% in 1995, 60% in 2009, 59% in 2013). The surveys show consistently that despite many believing that women fake DV, only a minority view DV as a private matter to be handled in the family (18% in 1995, 14% in 2009, and 17% in 2013).

NCAS (2014) reveals that only 4-6% of Australians believe that violence against women (or DV) can be justified; with a 7% decline since 2009 in young people who hold attitudes which support violence against women (reflecting some success in recent efforts to target young people with messages on prevention of such violence). Consistent with this, “most support the current policy that violent men should be made to leave the family home” (NCAS, 2014, p. 13). On the other hand, many believe that in some circumstances, violence can be excused. The proportion of Australians who think that DV can be excused, if the person is regretful afterwards, has also decreased.

On the positive side, “most Australians support gender equality in areas of public life ... believe that women still experience inequality in the workplace” (NCAS, 2014, p. 14). Yet it is worrisome that over a quarter of respondents think that men make better political leaders and up to 28% of Australians have attitudes supportive of male dominance of decision-making in a relationship, which is a risk factor for DV (NCAS, 2014).

The Victorian Government has consistently remained focused on awareness programs. After the recommendation of royal commission 2015, it released a policy, named Victoria’s 10 Year Plan for Change. One of the aims of Victoria’s Primary Prevention Strategy in 2017 was to promote education, community awareness and targeted programs, with the aim of preventing family violence from occurring in the first place. This is Australia’s first dedicated, funded and enduring plan to end family violence (State Government Victoria, 2016).

In contrast, in Bangladesh, no surveys have been conducted examining community attitudes. Because of this, the attitudes of Bangladeshi males and females have been understood in this work with the help of a variety of scholarly literature. A multi-country study by Dalal, Lee, and Gifford (2012) about male adolescents' attitude toward wife-beating reveals that amongst adolescent Bangladeshi males aged between 15-19 years, 42% of 275 respondents justify wife beating. However, some individual factors are associated with this: rural residency, low educational attainment, low economic status, being unemployed, and having a history of family violence.

The important distinction in Bangladesh is that both men and women justify DV Schuler, Lenzi, and Yount (2011) display through their qualitative findings in rural areas that men and women express various cultural justifications for DV. These attitudes include ideas such as; wives should fear their husbands and that if a woman fails to serve food or neglects their husband they should expect violence. Schuler et al., (2011) found that religious doctrines are interpreted in such a way as to justify men's power over their wives, leading to inequality and VAW. This notion has spread to the community, which views punishment as religiously correct, for example Schuler et al included a comment from one of their participants who said, , "People in this community say that a husband can beat his wife and that the wife who takes her husband's beating will go to heaven"(p. 24). Sayem, Begum and Moneesha (2012, p. 625) research in slum areas of Bangladesh with 331 married women found that half of them justified DV against women by asserting that "...woman who constantly disobeys her husband and does not listen to him is to be beaten". Sayem et al., (2012) claim that one of the main differences between women of East and West is that Eastern women justify violence against women.

Other studies in Bangladesh also discovered that women justify violence against women. They show that gender, patriarchy, and culture shape the attitude of the community where women face violence, not only from their husbands but also from their in-laws (Bhuiya et al., 2003; Koenig et al., 2003; Bates et al., 2004; Ameen, 2005; Khan Aeron, and Townsend, 2006; Rahman, Hoque and Makinoda, 2011). However, social and cultural factors other than gender inequality are also responsible for DV.

There is less focus on community awareness about DV by the Bangladesh Government, although organisations such as "WE CAN" is working in partnership with government to change community attitudes towards gender equality and deal with DV (WE CAN, 2017).

2.1.3 Other Social and Cultural Factors Relevant in both Australia and Bangladesh

A single factor is not responsible for DV (Heise, 1998; Naved and Person, 2005). Instead there is an interplay between factors at the social, cultural, and individual levels (Heise, 1998). As mentioned by NCAS (2014, p. 32) such factors reflect “the characteristics of individuals, and influences in their families, the communities they live in, the organisations they interact with in the course of education, work and leisure and broader societal influences, such as the media, laws and social norms and beliefs”, which is commonly called the ecological approach. This ecological approach is used by Heise (1998) as a framework to appreciate that there is a set of interlocking ‘systems’ in society which embed all the socio-cultural factors that have been identified in her model as underlying causes of DV. One of the interlocking systems which Heise calls the ‘Exosystem’ refers to interactions in the social and socio-economic context; factors in this context include low socio-economic status and unemployment. Heise’s framework will be incorporated into the conceptual framework for this study in the next chapter.

From this ecological approach, the causes of violence against women are a combination of personal, economic, social and cultural factors (Heise, 1998; Koenig et al., 2003; Naved and Persson, 2005), as well as the laws and policies, which constitute rules of patriarchal attitudes that create a “structural or systemic problem” (Zaman, 1999, p. 38; see also Murray and Powell, 2011). These factors have been well researched in relation to Australia and Bangladesh, which in the context of this study are set out under the following headings.

Age

The relationship between DV and age, and age itself, have been identified as leading factors for DV globally (Abramsky, Watts, Garcia-Moreno, Devries, Kiss, Ellsberg, Jansen and Heise, 2011). However, the findings of ‘age’ as a factor vary from country to country. Studies in both Australian and Bangladeshi find that women face comparatively more violence when they are young (Grande et al., 2003; Naved and Persson, 2005; Morgan and Chadwick, 2009; Rahman et al., 2011; ABS, 2013), the level of violence reducing as they grow in age (Rahman et al., 2011). However, although the majority of research in this area points to an interrelation between age of women and the physical violence they face (Schuler, Hashemi, Riley and Akhter, 1996; Koenig et al., 2003), research has also identified that age is not a factor for rural women (at equal risk regardless of age) in Bangladesh, but mainly for urban women (Naved and Persson, 2005) although Rahman, Haque and Makinoda, 2011 observe that the younger generation (age 15–24), illiterate, rural, and the poorest household were much victimised. In Australia, Mouzos and Makkai (2004) find that age of women does not matter. On the other hand

other researchers in Bangladesh observed that age is a risk factor for younger women in rural areas (Koenig et al. 2003), while recent research shows that early marriage makes women more vulnerable, due to their younger age and age gap with husband (Das et al., 2015).

Comparison with other countries shows different results. In Malaysia older men are more likely to inflict daily abuse (Awang and Hariharan, 2011) while in Bangladesh Ameen (2005) finds that it is true for younger men. Justifications for these findings also vary amongst various studies according to motivation of perpetrator. Ameen (2005) notes that younger men commit more violence out of jealousy and aggressiveness. Yet, Awang and Hariharan (2011) explain that older men inflict more violence as they view themselves as more of an authoritative figure than younger men; as a man ages, violent behaviour turns more into a habit, and he gets more used to asserting his dominance in a violent manner.

The relationship between age and the male developmental processes is another factor that shapes an individuals' attitude toward violence against women. Flood and Peas (2009) note that international research shows younger boys favouring violence due to lack of formal education and inexperience of life, while peer pressure can also cause them to like male dominated violence. Specifically, lack of formal education and inexperience of life, men's gender roles attitudes and beliefs and male dominance in families and relationships all play a part in shaping individual's attitudes towards this violence (Flood and Pease, 2009). Earlier Flood and Fergus (2008) had found that boys and young men, more so than girls and young women, have a negative attitude towards intimate partner violence; which is similar to more recent findings of Vic Health (2015), that younger people display a low level of support for gender equality, and a higher level of attitudinal support for violence against women.

Urban/Rural Differences

Although violence occurs everywhere, place of occurrence affects the rate of violence, as exemplified by the fact that rural women face more violence than urban woman in Australia (WESNET, 2000; Davis, Taylor and Furniss, 2001; Loxton, Schofield and Hussain, 2004; Sullivan, 2017) and in Bangladesh (Koenig et al., 2003; Ahmed, 2005; Naved, Azim, Bhuiya and Persson, 2006). However, how much the rate of violence differs between rural/remote and urban areas is a complicated issue. This difference may depend on different methodologies, types of violence and areas where research is conducted.

Research in Nigeria shows that the prevalence of physical violence is higher amongst rural women than urban (37.2% and 23.5%; respectively), although there is no difference regarding psychological or sexual violence (Ajah, Iyoke, Nkwo, Nwakoby and Ezeonu, 2014). In another study in Nigeria,

Balogun, Owoaje and Fawole (2012) find that lifetime prevalence of intimate partner violence is 64% in rural and 70% in urban areas. Women in urban areas report more sexual violence whereas women in rural areas report more physical violence.

In contrast, in Bangladesh, the BBS (2016) report reveals that life time partner violence rate is higher in rural (74.8%) and lowest in city centres (54.4%), however it is almost the same in urban areas outside of city centres (71.1%). The report also reveals that the rate of violence tends to decrease with the increase of wealth and level of education of women. Rural families generally have lower education and less income than urban families; rural women in particular have less educational and employment opportunities (BBSa, 2017). Other research also finds that the violence rate varies according to the type of violence. For example, in contrast to Balogun et al. (2012) above, Naved, (2013) report that urban women face less sexual violence than rural women and regarding emotional abuse, its consequent suicidal tendency is higher in urban women whereas regarding physical violence, its consequent suicidal tendency is higher among rural women (Naved and Akhtar, 2008).

In Australia, greater geographical and social isolation also contributes towards the higher rates of DV amongst rural women identified in Australia (Wendt, 2009; Campo and Tayton, 2015; Owen and Carrington, 2015; Kwok Cox, Russell, Partridge and Zosel, 2017). Access to services is difficult because of scarcity and the distance (Campo and Tayton, 2015). Campo and Tayton (2015) using data from the Australian Bureau of Statistics Personal Safety Survey (2013) show that 21% of women living outside of capital cities experience violence from an intimate partner since the age of 15 (compared to 15% of women living in a capital city) (Campo and Tayton, 2015; Kwok, et al., 2017). AWAVA (Australian Women against Violence Alliance) shows from different research that women living in rural, regional or remote areas are at a higher risk of DV (AWAVA, 2017). Recently the Victorian Government introduced a combined data system, including data from police and Victorian Emergency Minimum Dataset. Based on this data system, these organisations have brought out some region-specific data in Eastern Metro Melbourne, Gippsland, and Greater Western regions (see Victoria Police, 2017). However, this regional data does not present any clear comparative data across these areas, nor show any differences in rates of violence.

Unlike detailed work on rural women, research has done less to identify any specific factors of DV faced by urban women. Gender inequality, the main cause of DV, is applicable for all women, both urban and rural. Traditional attitudes towards gender and gender roles is present even amongst educated, urban people, but is more prevalent amongst uneducated people including those dwelling

in rural areas. These traditional attitudes that normalise male control and abuse contribute to more violence to rural than urban women (Koenig et al., 2003; Bates et al., 2008; Naved, 2013; Volkova et al., 2015). A reason may be more rigid gender norms concerning women's roles and status in rural areas. Therefore, women perform their traditional gender roles in rural communities in both Australia and Bangladesh (Koenig et al., 2003; Sudderth, 2006; Eastman, Bunch, Williams and Carawan, 2007) and inability to do so leads to more violence.

Patriarchal attitudes are more entrenched in rural communities according to Carrington and Scott, 2008 "geography and place have a strong symbolic value in cultural constructions of traditional rural masculinities" (Carrington and Scott, 2008 cited by Wendt et al., 2015 13). There are several social and cultural norms and values that contribute to silencing women and influence them to not seek help (Bates et al., 2008; Wendt, 2009; Owen and Carrington, 2015; Loddon Campaspe Community Legal Centre, 2015). Rural women in Australia are forced to maintain certain cultural norms such as concealment of family problems, displaying a sense of family harmony, fear of shame, fear of partner threats, economic concern, becoming a subject of gossip, amongst other reasons (Wendt, 2009; Campo and Tayton, 2015; Owen and Carrington, 2015). Similar norms are forced upon women in Bangladesh due to greater control possessed by their husbands (Bates et al., 2008), stigma and fear of greater harm at not performing expected gender roles in everyday work (Bhuiya et al., 2003; Naved, et al., 2006), dowry demands at marriage (an inherent traditional attitude), together with poverty, increase the likelihood of DV in rural areas (Naved, 2013).

The influence of religion is a significant barrier faced by rural women in both countries (Koenig et al., 2003; Wendt, 2008; Wendt, 2009; Owen and Carrington, 2015). In Australia Service providers face difficulties in reaching clients in rural areas, leading to under-reporting and making the nature of DV less visible in rural communities (see for Australia, Owen and Carrington, 2015). Closeness and intimacy of small communities create a large lack of privacy in institutions such as police where the police often know the affected family personally (Campo and Tayton, 2015; Owen and Carrington, 2015; Loddon Campaspe Community Legal Centre, 2015). Prevalence of firearms is also a concerning issue in rural areas, affecting vulnerability to harm and death of women who are DV victims (Wendt et al., 2015).

Additionally, rural women face more violence than urban women due to structural barriers in accessing information, the support they require, and other resources in both countries. One of the reasons is the lack of infrastructure and access to support services in rural life, operates as a silencing

form of social control. The structure and scope of support services in Bangladesh is greater in urban areas compared to rural areas (MOWCA, 2017). OCCs are generally situated in hospitals and there are a few small hospitals with less facilities in rural areas. Also in Australia, rural women in higher socio-economic brackets face difficulties because of the policy of giving priority to low income victims under the integrated service provision model. This is problematic particularly for victims from more 'wealthy families', as they do not necessarily have access to their family's assets (Owen and Carrington, 2015, p.236). Thus this difference between rural and urban settings of support services applies to both Bangladesh and Australia (Owen and Carrington, 2015; MOWCA, 2017). Factors in rural Australia include insufficient housing, reduced employment opportunities which can restrict the capacity to earn income, absence of public transport, lack of assistance from police and legal justice systems, and lesser community response (Wendt and Cheers, 2004; Hogg and Carrington, 2006; Wendt, 2009; Owen and Carrington, 2015; Wendt et al., 2015; Volkova et al., 2015; Australian Human Rights Commission, 2017). In Bangladesh, support services are available in rural areas but in a smaller capacity, as there are no Victim Support Centres (VSC) and Government Shelter Homes and One-Stop Crisis Centers (OCC) as a structural scheme is limited in rural areas (MOWCA, 2011; MOWCA, 2017). In both countries, the reluctance of professionals to work in rural and remote areas leads to a large deficiency of support service provision (NCRVWC, 2009; Parvin, Sultana and Naved, 2016).

Family Structure

The relationship between DV and family structure has been identified as one of the factors for DV against women. Family structure can be classified into nuclear and extended family. A nuclear family consists of husband, wife and their children, whereas extended family includes husband, wife, their children, and also other family members such as mother-in-law, father-in-law and other relatives. Family structure is a complicated issue and there are differences in the findings regarding family structures and DV occurring in them.

Developing countries like Bangladesh mainly consist of extended family structures, although many nuclear families are present (Ameen, 2005). In contrast, developed countries like Australia have mainly nuclear families, with extended families more common in rural areas (Wendt, 2009), in migrant households (O'Connor and Colucci, 2015) and within the Indigenous Australian cultural setting. Consequently, studies in developed countries, like Australia, have focused less on the role of family structure as a factor of DV (generally ignoring rural and minority household structures).

Studies differ regarding the role of different family structures in contributing to DV. Naved and Persson (2005) discuss the work of Straus, Gelles and Steinmetz (1980) who found that DV occurs in nuclear families because of isolated social units and weak support networks within and between families. In stark contrast to the research that finds high levels of DV in extended families, Naved and Persson (2005) found that in-laws do not inflict violence themselves. Rather, in-laws instigate violence by complaining against the daughter-in-law; this happens both in extended and nuclear families (if the couple live separately) (Naved and Persson, 2005; Khan et al., 2006; Huda, 2016).

Wendt (2009) finds that in Australian nuclear families, women often sacrifice their own peace and safety for the children and the family. However, she also notes how importance of the extended family impacts on women's experiences of DV because of close-knit family networks. An advantage of extended families is that women develop positive relationships with family members. On the other hand, disadvantages are that they face difficulties in both obtaining support from family members while being abused, and also in challenging an abusive male partner if it is his relatives in the same household. In these families, women are also blamed for their relationship breakdown (Wendt, 2009).

The family structure is a more complicated factor in developing countries. In relation to developing countries, including Bangladesh, studies find that women face violence in extended families (Fernandez, 1997; Ali, 2002; Ali, 2004; Kishor and Johnson, 2004; Ameen, 2005; Naved and Persson, 2005) as well as nuclear families (Ameen, 2005; Naved and Persson, 2005). Particularly in Bangladesh where the woman leaves her family to live in her husband's extended family; Ali (2002; 2004) and Ameen (2005) identify in an extended family that a woman faces violence not only from her husband but also from her mother-in-law or sister-in-law and other of her husband's family members. Ali (2002) noted that in extended families violence is a norm continuing across family structures (via in-laws) and from generation to generation (via grandparents). Studies go further in exploring how and why a woman face violence in extended families in Bangladesh. Ahmed (2005) states that in rural areas women face violence in extended families because they are often too young to adjust to new environments. The Bangladeshi patriarchal system, requires the bride to move into her in-laws' house, which makes the situation worse for them. The expectations of in-laws, especially of the mother-in-law, are unknown when first entering this household, yet failure to comply with expectations may result in DV. In-laws may also have expectations of dowry amounts fixed at the time of marriage; failure to fulfil dowry such demand may also result in DV (Ali, 2002).

Koenig et al. (2003) find that women in Bangladesh living in extended families are at lower risk of facing DV, whereas those who live in nuclear families are at higher risk. Koenig et al., (2003) explain this by elder people working as mediators in extended families that keeps DV in check.

Poverty

Poverty and DV are directly connected in both countries. Poverty can be defined in different ways, it can mean having no income as well as low income. Studies by Hotaling and Sugarman (1986), Heise, (1998), and Black, Schumacher, Smith and Heyman (1999) find that DV is more common in low-earning families and with unemployed men; yet also note a connection between poverty related to lower income of women and DV.

In Australia, despite government support for low earning people (Raper, 2000), low earners and unemployed women experience more violence compared to full time working women (Grande et al., 2003; Taft, Watson and Lee, 2004). There is also evidence for the connection between poverty and homelessness due to DV, which is established (Chung, Kennedy, O'Brien and Wendt, 2000; Wensing Hooloway and Wood, 2003; SHS, 2017), especially for women, suggesting that low earning women face more violence, resulting in homelessness. Further, a report by SHS (2017) reveals that in 2016–17 over half the financial assistance was provided for establishing or maintaining tenancies, and nearly a quarter of this funding (23%, or \$9.2 million) was used to provide short-term or emergency accommodation which refer to women who seek shelter support.

In contrast to Australia, Bangladesh is a poor country where 24.3% live below the poverty line and 12.9% people live in extreme poverty (The World Bank, 2017). Therefore, especially in Bangladesh, poverty is a contributing factor of DV as identified by a number of studies (Bhuiya et al., 2003; Bates et al., 2004; Ahmed, 2005; Hadi, 2005; Khan et al., 2006; Ali, 2006-7; Sambisa et al., 2010). The violence particularly happens when the man is unable to support the family, and the caretaker (female) is the main source of income, predisposing the male towards traditional masculinity and gender norms (Bhuiya et al., 2003; Bates et al., 2004; Sambisa et al., 2010).

Even though VanderEnde, Sibley, Cheong, Naved and Yount (2015) note that women's risk of experiencing physical and/or sexual violence is lower if there is higher household income, there is a contrasting finding that reveals the relationship between household income and physical and/or sexual violence is negative. Naved and Persson (2005) find that when other factors such as education

and intergenerational transmission of violence are controlled, household income is unrelated to physical violence.

Women's Silence and Acceptance of the Violence

English judge, Sir Edward Coke (1552–1634) famously described a man's house thus: "For a man's house is his castle, and each man's home is his safest refuge" (McFerran, 2003, p. 39). This traditional view reinforces the male as being supported by the society and culture around him in which there is a public/private dichotomy, such that DV (as private within his 'castle') is downplayed (Connell, 2005). Therefore, the norms dictate that in case of any violence at home, either women have to leave the home or they need to keep silent and accept DV. There are several reasons women remain silent in an abusive relationship; reasons related to personal and socio-cultural aspects.

Social conditioning of women and men starts in early childhood and enculturation by them of patriarchal norms is an unconscious process. Traditionally both eastern and western cultures place women in a subordinate position (Hartmann, 1976; Dobash and Dobash, 1979; Ameen, 2005; Murray and Powell, 2011) where the male is both breadwinner and head of the household. As head of the household he was traditionally expected to chastise his wife if she failed to fulfil her assigned role (Bem, 1996). From early childhood people learn to differentiate between men and women, and between female and male gendered roles and expectations. In Bangladesh gendered sex roles and resultant expectations of women are still strong, however in Australia second wave feminism challenged the validity of gendered roles and argued for equality, although as discussed above, gender inequality persists (Murray, 2002). As discussed previously, patriarchy (section 2.1.1) and family structure (section 2.1.2) play a major part in gendered attitudes and beliefs as developed in the family, for example by observing parents (Naved, 2013). In addition, in both countries structural barriers exist that make it difficult for women to speak out about violence that perpetuates women's subordinate position (Tausif, 2016; MOWCA, 2017).

Women's silence is another reason men feel free to commit violence against their partners. Consequently, the perpetrators accountability for such actions is dismissed (Connell, 2005). As is set out in this section, this condition of women is present to a greater or lesser degree in both countries but is much more prevalent in Bangladesh where DV can be an expected occurrence. Women in both countries are being entrapped by violence because of the attitudes of the community, economic dependency on men, fear of further violence and isolation, concern about custody of children, lack of support from the community, and other reasons.

Many women in Bangladesh in particular have no option outside marriage; it is difficult for them to gain employment and an adequate income and almost impossible for them to live alone thus they can only continue to live with their husband's family or return to their own family. The issue is of 'prestige' and the wife's primary need to keep family life together, thus they tolerate violence because of lack of alternative choices (Ahmed, 2005).

It is also true that the overall culture in Australia is still patriarchal and men hold most of the positions of power (Oke, 2008). More primary care is done by women, and they still earn less than men (ERA, 2018). Women are still the carers; 95% of primary parental leave is taken by women (Australian Human Rights Commission, 2018).

Because of attitudes of disbelief, often from family and friends as well as police, when women attempt to report DV, they face continuous social pressure to keep their families together (CCD, 2004). Other reasons for women's silence in Australia are if they are socially and economically dependent on men (Tually et al., 2008; Meyer, 2012; Owen and Carrington 2015; Volkova et al., 2015; Carey, 2018). Also, women are afraid to stand up for themselves out of fear of further violence and isolation (Davis, Taylor and Furniss, 2001; Rees and Pease, 2007; Owen and Carrington, 2015). They are also concerned about their future, as DV can contribute to homelessness, which creates several problems such as difficulty in maintaining employment and education (AIHW, 2009). Some women, especially migrant and refugee women and uneducated women lack knowledge about the law (Lynch and Laing, 2013).

Compared to Australian women, Bangladeshi women are forced to remain silent due to their circumstances. One of the main reasons is, being a very strong patriarchal country, social structures keep women silent which forces tolerance of DV (Oxfam, 2004; Ameen, 2005; Naved and Persson, 2005) and acceptance of violence for various reasons including stigma and fear of more significant harm (Schuler Hashemi and Badal, 1998; Naved et al., 2006).

Women grow up learning to be submissive, dependent, tolerant and self-sacrificing (Farouk, 2005). Moreover, women in Bangladesh accept subordinate roles assigned to them and think that violence is normal in married life (Khan et al., 2006). Lack of family and community support is also prevalent (Schuler et al., 1996; Farouk, 2005; Khan et al., 2006) as well as lack access to alternative economic and social options, and lack of alternative places of refuge outside the family home (Bhuiya et al., 2003; Farouk, 2005). Hence women in Bangladesh have less viable options outside marriage (Bates et al., 2008). Women tolerate the violence until it is unbearable (Parvin et al., 2016) and, not

uncommonly, when women face unremitting pressure and violence without any alternative, they resort to suicide (Ameen, 2005; Naved and Akhtar 2008; Khatun and Rahman, 2012). Women's vulnerable condition further confirms the rate of suicide and murder between January to September 2016, when 39 women committed suicide due of DV, and 149 women were murdered by their husbands and 34 by their in-laws (Hossain, 2016).

Comparing the two countries, Australian women too are sometimes murdered by an intimate partner (Mitchell, 2011; Lum On, Ayre, Webster, and Moon, 2016) and DV has been identified as a factor in the majority of Australian homicide cases involving a female victim (Shackelford and Mouzos, 2005; Bryant and Cussen, 2015 Lum On et al. 2016; Ayre, Lum On, Webster, Gourley and Moon, 2016). Data shows that in 2018 by end July forty women were killed, most of them by a male partner or other male family member (Destroy the Joint, 2018). In Bangladesh the most recent figures released was by Ain-O-Salish Kendra in 2018 where 270 homicides of women were reported (The Daily Star, 2018)..

Interestingly, there is a big difference between Australia and Bangladesh regarding suicide. International and Australian research (Vic Health, 2004; WHO, 2013; Stöckl, Devries, Rotstein, Abrahams, Campbell, Watts and Moreno, 2013; Webster 2016; Lum On et al., 2016) identifies that DV impacts on women's physical and mental health, contributing to a range of negative health outcomes and potentially suicide. Lum On et al. (2016) comment that homicide is more common than suicide. Committing suicide because of DV seems to be less common among women in the West, including Australia (Lum On et al., 2016; Ayre et al., 2016).

Often women tolerate violence due to the legal structure and legal system of a country. Good examples can be cases regarding custody of children. Women tolerate violence due to threats against children by partners, or concern for children's harm, or a fear of losing custody of their children (Coorey, 1990; Ali, 2003; Bhuiya et al., 2003; Ameen, 2005; Wendt, 2009; Bagshaw, Brown, Wendt, Campbell, McInnes, Tinning, Batagol, Sifris, Tyson, Baker and Fernandez, 2011; Meyer, 2012; Overingron, 2017).

Also, appearing in front of the court for an intervention order poses difficulties for women as their safety is compromised (Watt, 2014). In the State of Victoria, it is recognised that if children accompany their mothers after leaving home, they have an increased risk of long-term poverty, unemployment and chronic ill-health (AIHW, 2009). This is also true for Bangladesh. Another reason is that women's allegation of DV can be disregarded if sufficient evidence is not present, and women may end up

getting blamed for fabrication of violence by a male, as identified by Fehlberg, Kaspiew, Millbank, Kelly and Behrens (2015) in Australia. Similarly in Bangladesh, an absence of witnesses and absence of physical signs of violence creates difficulties in producing evidence.

A specific factor for tolerance of violence in Bangladesh are the consequences of disclosure for the victim, which include being sent back to their parent's home, divorce or threats of second marriage (Khan et al., 2006) and fear of divorce related to loss of financial support and the social stigma associated with broken marriages (Bhuiya et al., 2003). Men take this social stigma as an 'opportunity' and can easily prevent their wives from escaping from the marriage through divorce (Ameen, 2005).

Australian women are less afraid of divorce as the social stigma is reduced and they have more options than Bangladeshi women. Australian women are usually able to support themselves or can at least receive government financial support, although it is not always straightforward nor adequate (Macdonald, 2012 cited in Cortis and Bullen, 2016). One potential risk area is the period after separation where women are found to be at most risk. It is identified by both international (Campbell, Webster, Koziol-McClain, Block, Campbell, Curry, Gary, Glass, McFarlane, Sachs, Sharps, Ulrich, Wilt, Manganello, Xu, Schollenberger, Frye and Laughon, 2003;) and Australian (Humphreys and Thira, 2003; Bagshaw, Brown, Wendt, Campbell, McInnes, Tinning, Batagol, Sifris, Tyson, Baker and Fernandez, 2010) research that there is increased threat of violence after separation and women are aware and afraid of this. Fear of escalating violence is another reason women may accept violence. As the period of separation lengthens the risk generally slowly decreases. The 12 month waiting period for divorce is potentially a risk insofar as contact with the ex-partner is maintained through the legal process and this forced proximity may agitate the perpetrator. According to Dr Anastasia Powell (RMIT), the waiting period due to 'legal limbo' exposes victims of DV to further abuse (Barro, 2018). The waiting period in Bangladesh for women seeking divorce is three months for an uncontested divorce. This makes an uncontested divorce easier for Bangladeshi women than for Australian women. However, a woman can seek a divorce under the Dissolution of Muslim Marriage Act of 1939 on several grounds including physical or mental cruelty by the husband (Ameen, 2005). If the husband contests the divorce the procedure can be lengthy and pose increased risk to the woman, and as in Australia, this fear can contribute to her reasons to remain silent (Murray, 2008). In Australia there is no-fault divorce and existence of violence or cruelty does not have any impact on the divorce. However, Bangladesh has put a restriction on the section on Article 2 and 16.1 (c) in CEDAW which is about marriage and divorce. The section refers to inequality in marriage such as polygamy and divorce. On the matter of divorce, although a woman can divorce her husband, she needs to meet specific

conditions, whereas a man is given unilateral power to divorce his wife. Divorce in Australia is no-fault for both parties. The Victorian policy therefore has not put any restriction on divorce. In Victoria polygamy is illegal, although a loophole in the law is that there is no restriction on simultaneous de facto relationships (Klapdor, 2016; Marriage Act, 1961), thus it can happen that a man can have children from several relationships. To establish women's rights, other areas, for example marriage and divorce laws, need to be addressed, not only DV law.

Difficulty in obtaining help from support services is another reason which causes women to remain silent and not leave violent relationships. For example, in Victoria, difficulties caused by the justice system, such as being unable to provide enough data to police about breach of intervention order, can put women at risk of further violence (Watt, 2014). Furthermore, professionals including court officials, general practitioners and advice bureaus sometimes fail to support women (Murray and Powell, 2011). In Bangladesh, support services are not yet well-understood or accessible to women in need, and there is also a lack of trained professional counsellors (Parvin et al., 2016). Thus, limited availability of, and difficulty in, accessing these services create a public perception that these services cannot help (Naved and Persson, 2005). For example, in Bangladesh, although sometimes existing SH are not full, there is a lack of shelters distributed in areas where they are needed and the quantity and quality of support services and lack of publicity of these services, suggests that the government has just done it perfunctorily as a signatory of CEDAW (CiC-BD, 2010).

These abovementioned factors are seen in a lesser or greater degree in both countries. However, there are some distinctly different socio-cultural factors that exist within the respective cultures of Bangladesh and Australia that researchers have identified and will be set out in the next two sections.

2.1.4 Social/Cultural Factors in Bangladesh

The cultural factors specific to Bangladesh to be discussed in this section are lack of education, economic dependency, dowry, polygamy, extramarital relations and child marriage.

Level of Education (both male and female)

There is a relationship between education levels of husband and wife and DV. According to UNESCO, in Bangladesh, in 2016, the adult literacy rate was 72.76%, with male literacy at 75.62% and female literacy at 69.9% (Dhaka Tribune, 2018). Education impacts on DV in different ways. People who lack education generally hold strong patriarchal values and traditions supporting male supremacy, superstition, and traditional religious values, and as a result, these people justify DV (Das et al., 2015).

Therefore, an increase in education amongst both men and women should create a gradual decrease in DV (Naved and Persson, 2005; Dalal et al., 2009; Das et al., 2015) as education helps in discounting traditional patriarchal values (Naved and Persson, 2005; Solomon, Subbaraman, Solomon, Srikrishnan, Johnson, Vasudevan, Anand, Ganesh and Celentano, 2009; Sambisa et al., 2011). However, education alone does not address the DV problem, as Australia with a very highly educated population (WEF, 2016; ABS, 2017b) still has a significant DV problem (ABS, 2017d).

Women's education is complicated regarding its relation to DV. Education empowers women, increases their confidence, providing them the courage to protest against DV (Ameen, 2005), and helps them to decide to leave their husbands (Bates et al., 2004). On the other hand, it is difficult for less educated or uneducated women to protest to this violence (Bates et al., 2004; Ahmed, 2005) as they have less or no options (Bates et al., 2004). Yet, both educated and less educated men carry out DV against women due to strong patriarchal values and traditions supporting male supremacy (Alexander, 1993; Sengupta, 2015; Das et al, 2015). It is also true that if the wife is educated, and the husband is not, then the husband feels his masculinity threatened, and thus women face violence (Rahman, Nakamura, Seino and Kizuki, 2013). Therefore, the husband's education may not affect DV directly, rather threats to their masculinity and patriarchal mindsets is the main factor.

Economic Dependency

Economic dependency of women also a contributing factor of DV. However, like education, this is also a complicated issue because women face violence both when they are economically dependent and when not. In Bangladesh, women are generally economically dependent on their parents and husbands (Ameen, 2005). In addition, there is no welfare payment (like in Australia). This means they have no alternative to their parents' or husband's income. Economic dependency thus creates the situation where the husband controls the wife through his income. Women must resort to household tasks such as getting meals ready on time, caring for children and managing the house. If women fail to do carry out these tasks, then they face violence (Mannan, 2002).

Studies vary regarding aspects of whether economic empowerment increases or decreases violence. Some find that although women face violence due to dependency on their husbands, women's empowerment does not guarantee reduction of DV. Instead women face more violence if they want to become economically independent without their husband's support (Rahman et al., 2011). Bangladeshi men are not used to seeing women or their wives with an independent income and they are afraid of losing control over them (Schuler et al., 1998; Ahmed 2005). This suggests that

unemployed women may face less violence because of the social and cultural context, as Bangladesh society likes to see the women behave according to their gender roles (Ameen, 2005).

Other studies suggest that economic empowerment helps women gain respect and improves their position in the family. Therefore empowerment may be able to minimise DV (Schuler et al., 1996; Hadi, 2000, 2005) or decrease the risk when women can participate in household decision-making (Koenig et al., 2003). Rahman et al. (2011) explains that women may allow their spouses to make major decisions in order to avoid conflict. This indicates that empowerment does not guarantee freedom from DV.

Dowry

Dowry is the husband's receiving of property or money from his wife and her family for marriage (Ameen, 2005). Naved and Persson (2010, p. 833) mention that "dowry, a product of patriarchy, represents patriarchy and is linked to violence". Taking, giving and demanding dowry and committing violence for dowry is a criminal offence in Bangladesh under the *Women and Children Repression Prevention Act 2000* (amended in 2003) and the *Dowry Prohibition Act 1980*; however, the practice is still present.

Several studies show the connection between violence and dowry (Bates et al., 2004; Naved and Persson, 2005; Naved, 2013). A poor family is more likely to be involved in dowry payment (Bates et al., 2004; Islam et al., 2004). Women are even murdered for dowry (Khatun and Rahman, 2012). The reasons for dowry-related violence is explained by different researchers. For example poverty motivates a poor family to demand dowry so that they may use it to improve their lives (Bates et al., 2004). However, a dowry demand is more due to attitude rather than poverty. Women are used as a tool to continuously receive dowry, and failure to provide it results in either murder or divorce (Schular et al., 1996; Khatun and Rahman, 2012). The amount of dowry determines a bride's position in the husband's family. Naved and Persson (2010) explain that dowry demands in marriage reflect the prestige of the bride's family and is a barometer for judging women's status. For example, if the bride's family can pay the dowry, the bride becomes a valuable member of the husband's family, and inability to pay dowry shows the poor status of women. Therefore women face higher danger of violence because of unpaid dowry (Naved and Persson, 2010).

Polygamy

Polygamy refers to when men can marry more than one women. Polygamy is one of the factors accounting for DV in Bangladesh (Ameen, 2005; Ali, 2004; Johnson and Das, 2009; BBS, 2016) especially lower socioeconomic strata (Rahman, 2012). There is a law making it difficult for a man to have more than one wife (Ameen, 2005) and man cannot marry a second time without specific reasons and without the permission of the Arbitration Council (Ameen, 2005; Ahamuduzzaman, Hussain and Badiuzzaman, 2009). Polygamy occurs in rural areas in an attempt to gain additional dowry from the new bride's family, or in an attempt to get a male heir (Ali, 2004; Das et al., 2015). A woman faces one of two possible consequences in respect to such permission: if she raises her voice against her husband's second marriage, she may become a victim of violence (Ali, 2004). Otherwise, if she raises her voice, the husband may show his power by divorcing her. Either way, the wife loses her security and living resources (Ali, 2004; Ameen, 2005). Ali (2004) points out that in Bangladesh in polygamy cases most of the time women face violence from their husband for not giving consent to remarry.

Extramarital Relation

In Bangladesh, due to the subordinate position of the women, they are not allowed to question their husband. Das et al., (2015) identifies that culturally women face violence in two ways regarding extramarital relationships. Firstly, the husband and his family members remain alert about the wife's infidelity or any pre-or extramarital affair(s), which can contribute to DV. For example, one of the interviewees in the Das et al., (2015) study faced DV as she conceived in spite of using contraceptives with her husband and even though contraception can fail he and his family believed she had an extramarital affair. Secondly, a wife fears her husband's extramarital affairs and if she discusses this matter with her husband, she faces DV. In addition, men use their power to make their behaviour normal, for in practice men marry the second time or get involved in extramarital affairs, and after such events, start being violent against their first wife (Das et al., 2015).

Child Marriage

Child marriage refers to when a child, that means person under 18 years of age, gets married. Researchers have found early marriage or child marriage of girls is a big issue for DV in developed and developing countries (Ahmed, 2005; Coomaraswamy, 2005; Das et al., 2015; Yetter, 2018). Despite the law prohibiting child marriage, this custom is still prevalent in Bangladesh. One of the reasons is that low-income families prefer early marriage to avoid vast sums of dowry (Ameen, 2005).

In most cases of child marriage, the brides are a lot younger than the grooms, therefore, one of the mitigating reason for the violence is the 'age gap' (Ameen, 2005; Aklimunnessa, Khan, Kabir and Mori, 2007; Das et al., 2015). As the girl has little or no knowledge about sex (Rashid, 2003) she faces violence. In this regard Bates et al. (2004, p. 191) make the point that "[d]omestic violence is often used to establish and enforce gender roles early in marriage and very young women may be particularly vulnerable and unable to resist." Another reason is that, if the boy is also young, these young couples live in a dependent situation, under the care of parents, which causes numerous adjustment problems that also increase the risk of violence (Dalal et al., 2009; Chowdhury, 2010; Rahman et al., 2013). Recently, the government introduced a tougher the *Child Marriage Restraint Act 2017* to tackle this issue. However the law has included a provision that allows child marriage in 'special cases' such as pregnancy, with consent of the court and the guardians in 'special context' for the 'best interest' of the underage female (Dhaka Tribune, 2017). The provision has provided an indirect way that child marriage laws can be circumvented and has raised the ire of rights activists across the country (Alamgir and Chaity, 2017). In Australia there is also legislation permitting marriage of a person under the age of 18 in special circumstances however it applies only to persons between the age of 16 and 18 (Marriage Act, 1961).

2.1.5 Social/Cultural Factors in Australia

The cultural factors specific to Australia to be discussed in this section are alcohol and relationship status.

Alcohol

There is evidence that alcohol is a strong contributing factor to DV. In an international collaborative study alcohol consumption is linked to greater perpetration of DV by men and victimisation for women (Graham, Bernards, Laslett, Gmel, Kuntsche, Wilsnack, Bloomfield, Grittner, Taft, Wilson and Wells, 2018). Although alcohol consumption is seen both in Bangladesh (Dalal et al., 2009) and Australia, it is prohibited in Islam and thus far more widespread in the Australian culture. Drinking alcohol has been identified as a common factor of violence in Australia (Mouzos and Makkai, 2004; Mitchell, 2011; Phokojoe-Niboye, 2016; Quadara, Stathopoulos and Jenkinson, 2015; Noonan, Taylor and Burke, 2017). According to Phokojoe-Niboye (2016) if the battered women and perpetrators grow up in violence-stricken families where alcohol played a major role in the violence between the parents, and they experience this violence themselves, it leads them to DV in their own future. However, service providers in Phokojoe-Niboye's (2016) study denied any relationship between wife-battering and alcohol. Barraff (2012) on the other hand notes alcohol plays a big role in wife-battering, arguing that

alcohol consumption and wife-battering attitudes are interrelated. Other research has revealed a cycle of violence linked with the male partner's heavy drinking. Consuming large amounts of alcohol was found to change the partner's behaviour, leading up to a level of intoxication which then resulted in violence against his female partner (Wilson, Graham & Taft, 2017). Furthermore an association has been found between violence due to alcohol consumption and the presence of children. According to Graham et al. (2018) there is a higher risk of physical violence and DV (IPV) due to alcohol consumption when there are children in the family. The reasons for this are complex but were thought to be because of stress associated with raising children (Nash, 2016 is cited by Graham et al., 2018).

Relationship Status

Relationship status is another DV factor, especially in Australia where de-facto relationships are common. There is a definitional ambiguity that exists on the topic of relationship status, and which relationships will be considered for DV. As Mouzos and Makkai (2004, p. 42) state, "the uncertainty is centred on who should be considered an 'intimate partner' and therefore included in estimates of the phenomenon." For example, Johnson (1996) and ABS (2013) do not classify persons in dating relationships (such as boyfriends or girlfriends) to be in an intimate relationship. However, Mouzos and Makkai (2004) includes husbands, defactos and boyfriends (all of them current and previous) in the definition of intimate relationships.

Research has identified the kinds of violence and the pervasiveness of this violence that is experienced in different relationships. Mouzos and Makkai (2004) recognise that while the age of women does not matter, their relationship status does. Their study shows that the ratio of violence differs according to the status of partners. Women in de facto relationships experience slightly higher rates of violence from their current intimate partners than married women or women who have a boyfriend. Further, Shackelford and Mouzos (2005) show women in cohabiting relationships have a higher risk of homicide than those in a marital relationship.

Explanations by Canadian researchers may help to understand the actual reasons the violence rates differ between different types of relationships, however there is lack of research in this area. Wilson and Daly (1992) believe that registered marriages are firmly reinforced by legal, religious and social institutions, while it is less reinforced for de-facto unions. Therefore cohabiting relationships are more likely to dissolve than registered marriages after controlling other factors such as income, previous duration, and the presence of children. Because of this, men have less control over the women in cohabiting relationships, and thus use threats to establish control over women. However, this is

arguable, because if cohabiting is the relevant factor, then theoretically less violence should occur in other relationships, such as in marriages.

2.2 POLITICAL INFLUENCES TO DEVELOP DV POLICIES AND LEGISLATION

Politics and the attitude of a particular political party can dictate how a country deals with a problem such as violence against women. Political parties' attention to women's issues and DV has fluctuated over time in both countries but have latterly gained more prominence; more recently in Bangladesh. In Australia Labor governments since the 1970s' Whitlam government were more aware of gender, the latter even establishing an Office for Women. Labor governments recognise a gender or power framework, which includes a feminist analysis, in addressing violence against women and for achieving greater gender equality (Murray and Powel, 2011; Chappell and Curtin, 2013). Based on a *National Plan to Reduce Violence against Women and their Children* (COAG, 2011), the then federal Labor government addressed many of the factors of DV in Australia in 2011. The Abbott Coalition Government started to work in 2014 according to that plan. The Abbott Coalition Government however, was less supportive of women's rights and equality and in 2015 demonstrated its lack of commitment towards solving the problems of DV by reducing funding for support services even before the policy was launched, although it later reversed some of those cuts (Metcalf, 2015). The Federal Turnbull Coalition government in 2015 became more aware and recognised DV as a gender issue (Binney, 2015). The Victorian Andrews Labor Government set up the *Royal Commission for Domestic Violence* on 22 February 2015 and released its report in March 2016, which made 227 recommendations for improving the system to tackle DV. This Andrews government has shown its commitment to work on the issue by accepting all of the commission's recommendations to tackle family violence and has committed \$572 million (Savage, 2016). The government also launched a ten-year plan to implement the recommendation (Florance and Edwards, 2016).

In Bangladesh, the confrontational behaviour and attitude of the political parties has resulted in a lack of development and implementation of policies on women. Some special legislation for women has been adopted by Bangladeshi governments, however there has been no women's policy since the country's independence in 1971. Two major parties are present in Bangladesh, both of whom have had women at their head for a long time. Despite this a women's policy has not emerged.

The main reason may be the highly patriarchal nature of the country, leading to a lack of sensitivity about gender equality. Such an attitude has affected women's advances insofar as this has implications for women's rights. A women's development policy has been proposed several times and

developed over the years; was not implemented, and was then rejected (Nazly, 2008). Finally in 2011 the Hasina government successfully implemented the original 1997 policy of women's advancement.

The Bangladesh government has been mindful to establish equal rights for women as such rights are ensured by the Constitution (MOWCA, 2011). The Hasina government has shown its commitment to bring equality of women by actions such as appointing a woman as the speaker in the parliament and a female election commissioner for the first time; also the government has modified several laws by eliminating discriminatory provisions against women (The Daily Star, 2013; Adhikary, 2017).

It is evident that the attitude of the political parties is reflected in the development of laws and policies. Also, political parties' attitude has greater influence on the development of the content of policies and legislation as this has implications for victims and perpetrators. One such issue is that of the label (or name) used for the violence committed on women by men in the domestic sphere as well as how policies are framed and defined. The other one is regarding the nature of the legal approach of the government in dealing with the issue of DV. Each issue will be dealt with in the next two sub-sections.

2.2.1 Name, Frame and Definition in Policies and Legislation

The name, frame, and definition that is adopted by political parties to describe men's violence against women is often a problem. Hearn and McKie (2010, p. 138) believe that "definitions and terms provide parameters in discourses as to what may, or may not, be considered or highlighted in policy work". Similar concerns are pointed out by Murray and Powell (2011) within the already developed policies and legislation. Murray and Powell (2004, p. 44) note that naming of DV is very important because "not only in identifying and claiming the issue to be of serious public importance, and thus the target of a public response, but also meanings and potential implications of the language used". In addition, the name will highlight for whom it matters most.

The term 'domestic violence' is generally understood to describe violence at home, inflicted by a man against his wife/female partner or ex-partner (Laing, 2000). In addition, 'violence against women' and 'domestic violence' acknowledges that women and their children are the primary victims of this form of violence (Murray and Powell, 2011). In contrast, the term 'family violence' de-genders the nature of the violence and obscures the gendered nature of the majority of violence within intimate relationships. It acknowledges that violence may happen not only through intimate partners but by other family members, which according to Murray and Powell and Laing (2000) is more common in

indigenous communities and another reason that the term FV is now used. It also suggests that women can commit DV against their male partners (Laing, 2000; Murray and Powell, 2011). Likewise, the term 'interpersonal violence' when used by the World Health Organization (WHO) captures aspects of intimate relationships, but again de-genders the action (Hearn and McKie, 2010).

Parallel to naming, Murray and Powell (2011) explain the implication of framing and definition. For the framing, implications remain in the way that DV is framed as a policy problem; that is, what is understood to cause violence, and therefore what are the likely solutions. If the framing is gendered, then it focuses on violence against women (Murray and Powell, 2011). The gendered framing of DV recognises structural inequality and informs society that women have the right to participate in the society as citizens, and as citizens, they cannot live in fear. In this regard, Murray and Powell talk about two kinds of impacts. If a woman is treated equally, questions rise about women's capacity to engage equally as citizens in the society. If a woman is treated as a vulnerable being, she needs protection. In contrast, if the framing is not gendered then focus will be on all the people who are included in the definition. In addition, State response depends considerably on how the policy problem is framed 'because these underlying frames evoke different notions of what the problem of domestic violence is about, the way the problem is located in society, and how it should be solved' (Roggeband, 2012, p. 786). Therefore, through naming and framing a policy identifies what will be included and what will not. Also, framing of the issue implies selecting which organisation receives funding for their activities, because if DV is framed as a housing issue or a security issue, then the homeless (for reasons other than DV) and refugee groups may get the funding, but not other organisations that are excluded from the frame (Roggeband, 2012) such as crisis support for women the form of RS and OS.

Further the definition points out what forms of violence the policy focuses on (Murray and Powell, 2011). Although generally, DV refers to criminal, physical and sexual violence, these discourses are not static because of inclusion of non-criminal abuse such as emotional and financial abuse. They argue inclusion of such forms of abuse in the definition is a risk for two reasons. Firstly, including these two forms of violence opens up the possibility of false victimisation claims by 'affected persons' who are not seriously harmed and secondly "measurement of de-contextualized physical violence has been used to claim that men and women are equally violent with equal effects" (Murray and Powell, 2011, p. 54) a claim that Kimmel (2002) through a meta-analysis of research that found gender symmetry in DV showed to be false. Nevertheless Murray and Powell (2011, p. 54) argue that emotional and financial abuse can be 'crippling' and point out that a gendered understanding of the wider context of women's economic and social inequality is needed.

The complication of name, frame and definition may also be result of the men's right/father's rights groups' movement. The movement of these groups influenced changes in family law and child custody disputes in family law proceedings; changes which privilege parental contact over safety as in the claim of their equal rights, these groups insist that men and women are equally violent (Flood, 2010). This belief is also becoming widespread in the community where 22% believe that DV is committed equally by men and women (NCAS, 2010) despite the research by Kimmel (2002) who conducted a meta-analysis of the methodologies used in the research purporting to show that women are equally violent and who found fundamental flaws in the methodologies. Kimmel concluded, "We must also be aware that the perpetrators of that violence both in public and in private, at home or on the street, and whether the victim is male or female—are overwhelmingly men (p. 1358)."

2.2.2 Approach to Violence against Women as a Human Rights Issue

Another political issue is a country's legal approach towards a victim. It can be done in several ways such as through human rights as a signatory of CEDAW, or as fundamental rights are protected by the constitution, or by adopting both human rights and constitution rights. Whatever form it takes, focus in this discussion is its implementation towards women's protection as DV is mainly violence against women (United Nations, 1979).

DV is a violation of the fundamental rights of women. Fundamental rights are the basic rights of a citizen, and how to protect these rights to ensure equality varies from country to country. Some countries protect rights through constitutional law whereas some countries protect rights only through legislation along with International Human Rights Treaties. The differences between how the rights are protected has implications on DV case verdicts (McQuigg, 2010).

Over the past three decades violence against women has taken a myriad of forms while gender violence has been conceptualised as a human rights issue. The first major recognition of women's rights as human rights occurred in the 1970s in the convention for the *Elimination of All Forms of Discrimination against Women* (CEDAW). In the beginning this convention focused on political and economic discrimination and issues in the public spheres of women's lives but not in the private sphere (Craven, 2003). However accepting the concept of due diligence provided scope to include violence committed in private spheres because "a State party to the Declaration has a responsibility to not only refrain from engaging in or encouraging acts of violence against women but to actively intervene in and exercise due diligence in the prevention of such acts" (Craven, 2003, p.5). Thus, women's human rights principles recognise that violence occurs within home, and in the majority of

circumstances, men are responsible for perpetrating the violence against women because of prevailing societal and cultural attitudes. Therefore it is a primary responsibility of the State to protect women from violence.

The State can address women against violence as a principle of human rights by following CEDAW through legislation. The State can also address this issue as a violation of fundamental rights by including women's rights in their constitution. There are differences between addressing this matter by the constitution or by legislation in terms of nature and character (Islam, 2006). Fundamental rights are those human rights which get special treatment by being guaranteed by the constitution of a State. Islam (2012) raises doubt over effective protection of individual liberty without constitutionally guarantying fundamental rights because of the fragile political decision-making that requires majority support. In favour of his argument, Islam (2012, p. 126) cites Lord Scarman, "[w]ithout a Bill of Rights protected from repeal, amendment, or suspension by the ordinary process of a bare Parliamentary majority controlled by the government of the day, human rights will be at risk." Legislation may be reversed by political majorities (Lambert and Scribner 2009) thus liable to revisions to meet different situations (Islam 2012).

Australia does not have a Bill of Rights and relies on legislation. Further the Australia Constitution says little about human rights (Australia Constitution, 1900). Williams (2001, p. 3) explains that the Australia Constitution was more concerned about creating "a treaty between states" than writing a "people's constitution". It includes only a small number of provisions that deal explicitly with rights, for example the right to trial by jury and some rights related to state of residence (Saunders 2010). Not only is gender equality not enshrined in the Australia Constitution, nor is equal rights for indigenous Australians. An example of suspending anti-discrimination legislation occurred in 2007 in Australia when the Racial Discrimination Act was suspended by the Howard Coalition Government to enable them to intervene in indigenous Australian's affairs in ways that were illegal in the legislation (Williams, 2015; Williams and Reynolds, 2015). In addition, statutes approach has "consequences for government policy initiatives as well as the judicial protection and definition of individual rights and State obligations" (Lambert and Scribner 2009, p. 338). Further, McQuigg (2010) explains the obstacles in implementing human rights laws to assist victims of DV. Difficulties are twofold. Firstly, the public/private dichotomy has created major difficulties as "human rights norms were upheld in the public sphere ... but were not applied in the private sphere" (p. 343). Secondly, she explained that "the rights of individuals will inevitably conflict" (p. 344). Therefore, when the DV law is applied through the court, limitations are faced. Alternatively, the constitutional approach refers to "a

document under which laws are made and from which the laws derive their validity” (Islam, 2006, p. 25). Constitutional guarantee is also important as it provides the right to plead before the Supreme Court for the enforcement of such a fundamental right (Islam, 2012).

McQuigg (2010) shows how difficulties regarding separate application of human rights and constitutional rights creates barriers in upholding the rights of a victim, by comparing approaches of the Supreme Courts in India, South Africa and Canada. She showed that in India, where human rights are listed as fundamental rights in the constitution and in South Africa which has a Bill of Rights along with a section mentioning positive discrimination in favour of women to make them equal to men, the respective Supreme Courts have no difficulty in upholding the rights of a victim in a DV case. However in Canada, despite inclusion of similar rights in a human rights schedule attached to the constitution (though not as fundamental rights), the judicial approach of Canada’s Supreme Court focuses more on human rights law, and in the case of DV, tends to act more towards protecting the rights of defendants such as their right to a fair trial, than towards protecting the rights of victims to live free of violence (McQuigg, 2010).

Murray and Powell (2011) too mention that the ARSJ policy in Victoria is guided by the principles of considering violence against women as a “violation of human rights”, which is mainly caused by “unequal power relations ... sex discrimination and gender stereotyping”, thus the authors infer that the concern is the rights of women (Murray and Powell, 2011, p. 47).

2.3 FACTORS AND REMEDIES IN POLICIES AND LEGISLATION

Remedies based on legislation and policy are important in reducing DV. To be successful policy needs relevant plans and strategies to tackle DV, and legislation needs to offer remedies for the victims who are affected by this problem. This section discusses how other researchers have considered the factors in policy-making and remedies in legislation dealing with DV.

2.3.1 Policies

An underlying assumption is that policy is a good thing, because policy is generally associated with government programs that aim to fix problems, and policymakers adopt courses of action to address solutions (Bacchi, 2009). As DV is considered a problem, the State of Victoria and Bangladesh have both formulated their own policies to address it, although in Bangladesh, DV has been addressed as a part of a broader Women Development Policy. Unlike Bangladesh, Victoria has a separate policy for DV.

Australia, and more specifically Victoria, has been dealing with the DV policy and legislation for a long time. Much research has been done in this area (Ramsay, 2004; Wangmann, 2009; Theobald, 2011; Murray and Powell, 2011). There are also research organisations working on this issue, including the Australian National Research Organisation for Women's Safety (ANROWS).

As a result, in Victoria significant progress can be observed in the form of a family violence reform program announced as a separate strategy in *A Fairer Victoria* in 2005. The most recent *A Right to Safety and Justice* (ARSJ) is the continuation of this strategy which focuses on long-term reformation of the system and fundamental cultural change. The ARSJ policy strategy aims to reduce family violence from 2010-2020 by providing safety and proper support for women and children, and holding perpetrators accountable (State Government Victoria 2010). Despite this progress, there is a lack of research on the issue regarding how policies address the significant DV factors.

Trujillo (2011) states that consistently throughout the ARSJ policy document, the government focuses on the community's responsibilities for violence against women, developing a culture of respect and equity, and creating a safer environment for women.

Murray and Powell (2011) refer to the Victorian ARSJ policy, but do not analyse it. Their concern was to discuss naming and framing issues. Murray and Powell also discuss the 'integrated response' strategy which is also included in the ARSJ Policy. Integrated service (multiagency response) provision means appropriate interventions are carried out by all stakeholders collectively, and is aimed at enhancing victim safety and support, and reducing secondary victimisation.

Victoria introduced an integrated system as part of the Women Safety Strategy (2002). It also set up the Statewide Steering Committee to Reduce Family Violence (SSCRFV), (McFerran, 2007). The SSCRVF has developed the integrated response and integrated family violence services regionally, and the Victoria government has allocated a budget for that (McFerran, 2007). Since its launch in 2005 in Victoria, the integrated system involves a 'whole of government approach' which involves five government departments, Victoria Police, as well as non-government organisations, such as women's services, men's services, and CALD agencies (Ross et al., 2011). That means all related organisations, both government and non-government, will work together to combat DV, through a multiagency response.

In the integrated model engagement of support services and responses to DV varies, and are often based on the 'Duluth Model'. Duluth Model – Domestic Abuse Intervention Project (DIAP) is such a program; it was the first integration model initiated in 1980 in Duluth, Minnesota, US. It historically came from the advocacy of feminist activists in the area of DV. In Australia including in Victoria, there are some smaller scale multiagency responses that have arisen at local levels like Ngganyatjarra Pitjantjatjara Yankunytjara, Women's Council for Domestic and Family Violence Services across WA, SA and NT and specialised DV courts in Victoria which have a multi-agency approach. However, once Victoria adopted a State-wide integrated system its governance area covered a very wide domain (Murray and Powell, 2011).

Murray and Powell (2011) express concerns about the implementation of Victorian whole government integrated response model, which included regional Victoria and which developed using vertical and horizontal macro-level and micro-level relationships between government and non-government agencies in a state wide system. Therefore, according to Murray and Powell (2011, p.130), implementation of this model is a challenge, as the increased diversity creates difficulties to "facilitate locally-driven initiatives and their strong inter-agency relationships".

Another aspect of the integrated response approach is coordination across the whole system. One issue of concern is Australia's federal structure which leads to vertical coordination being required between Federal and State governments and territories. Therefore regarding DV, the vertical integration (Federal Family Law and State level Family Violence Law) of the system around families experiencing domestic and family violence within boundaries of family law, can impact on the effectiveness of integrated responses designed to enhance safety (Wilcox, 2010). This means that success of an integrated response depends on working together across the whole system effectively, which in turn depends on common understandings and shared approaches of all stakeholders. In the integrated response approach, to maintain collaboration and overcome competition, agencies can formalise their relationships and agreements through Memorandums of Understanding (MoU). MoUs can be achieved in two ways, either by mandate, which may bring agencies together, or by encouraging relationship building, which may lead to more formal collaboration over time. Victoria has encouraged relationship building among the stakeholders rather than mandate (Diemer, 2012). However, the integrated system covers a large area with no mandate to maintain ongoing collaboration. Instead, integration is done through referral protocols between the family violence services funded by the Department of Human Services and the Victoria Police (State Government Victoria, 2013).

The most recent research by Breckenridge, Rees, Valentine and Murray (2016, p. 3) has uncovered further challenges regarding the implementation of integrated response, such as “power imbalance between agencies, lack of common ground between perspectives and disciplines individual client perceptions of cross-agency control, communication problems between and across services are a cause of frustration for clients and staff, unsustainability due to resource limitation and loss of specialisation and tailored responses.” Furthermore, that integrated responses are diverse, consisting of numerous service models, partnership models and intervention points, and that there is “no shared cross-jurisdictional agreement of what constitutes integration” (Breckenridge et al., 2016, p. 4).

In contrast, Bangladesh has the Women’s Development Policy, which when launched in 2011 was the country’s first policy for women. The policy is mainly for women advancement. As violence against women including DV is a barrier to advancement, it becomes a part of it. Prior to this policy, Afsana, Rashid and Thurston, (2005) researched challenges and gaps in addressing DV in health policy in Bangladesh. Their findings show that DV is not addressed as a separate issue at policy level. No research has been found about this. There are a few news items in the newspapers, but they were published before the policy’s announcement. There is dearth of research on DV policy and law in Bangladesh, despite a need for it. As Khan (2015, p. 76) mentions, it is “urgent to investigate the policy protection available to women experiencing domestic violence and the effectiveness of the policy” as there have been many new developments in Bangladesh.

2.3.2 Legislation

Legislation provides remedies for the DV problem. Legislation has “symbolic meanings and effect as well as specific practical implications, making it a key focus of feminist activism and reform” (Murray and Powell, 2011, p. 101). Therefore appropriate legislation is critical for reducing DV.

In BD DV legislation is recent and there is little research on it. Exceptions are BNWLA (2013), Huda (2016) and Afrin (2017). The research of Huda (2016) has identified about shared residence as a remedy. According to DV Act, with a court order a woman can stay in shared residence. According to her, the residence order is difficult to implement in practice because in a poor nation there are often only one or two rooms in a house where all family members live and do everything. Therefore the concept of residence order about shared residence is impossible in such conditions as separate space cannot be allotted. If she goes to rented accommodation the man must pay the rent but according to a poor respondent in Huda’s study, it is difficult for him to afford to live apart or to pay for separate accommodation for his wife. While this is true for some specific groups, it needs to be stressed that

these problems are not applicable for the whole nation and in less poor situations shared residency in theory can be successfully applied. In contrast, in Australia and Victoria if a woman chooses to stay in the family home OS are available to support her whether or not the residence is shared or the perpetrator is forced to leave the home through an exclusion order, which will be discussed later.

In Australia much research has been done on DV and legislation, but not into ways how legislation addresses the factors including gender inequality. Studies mainly discuss remedies offered by legislation. Some aspects of DV legislation such as civil law provisions, intervention orders and compensation are reviewed below; as well as child custody, which is another DV issue which requires specific remedy, especially for the woman as a mother.

It is not considered an offense if the perpetrator is violent towards a woman (Murray and Powell, 2011), but it is an offense when the same person breaches the intervention order against the State (Monani, 2008). In both countries, DV laws are mainly civil and it is only a breach of a protection order that is a criminal offense. In Victoria, the *Family Violence Protection Act 2008* (FVPA) made significant changes, such as broadening the definition of family violence, and including emotional, psychological and economic abuses, expanding the definition of family members and increasing police powers (Trujillo, 2011) while posing restrictions in courts on personal cross-examination of the victim by the respondent (Alexander, 2010).

As the law is primarily civil, it allows social values that condone violence at home to remain unchallenged and fails to protect women. Furthermore, the FVPA (in the Preamble) accepts that “family violence [is] predominantly committed by men against women”. However, statutes under study in general use gender-neutral terms (Alexander, 2010) and therefore fail to address DV as a gendered issue. Also, the only remedy for the victims is an ‘intervention order’. Murray and Powell (2011) note that the name of the order in Tasmanian legislation is ‘family violence order’, arguing that the name does not make it clear that violence is private in nature, occurring between partners. They criticise family violence law for being civil. They cite Émile Durkheim’s 1893 *The Division of Labour in Society* in pointing out that where criminal law holds the offenders accountable for their behaviours and punishes them, civil law does not provide punishment and merely provides compensation. Therefore Murray and Powell argue that “in response to domestic violence [,] a civil order effectively allows the perpetrator’s past violence to go unacknowledged with a promise of future ‘good behaviour’” (Murray and Powell, 2011, p. 102). They also mention that advantage of targeted civil

orders is to relieve the victim from the burden of proof while not violating the rights of the alleged perpetrator.

It is notable that the FVPA bears some resemblances to criminal laws, such as increased police powers with the police's ability to arrest and detain the perpetrators and to expel the perpetrator from home (Murray and Powell, 2011). However in some cases, perpetrators are not punished; they are merely sent for treatment. Regarding punishments, Monani (2008) suggests that some form of punishment is needed. Murray and Powell (2011) noted the report *Break the Silence*, which mentions that rehabilitative program is gradually becoming an increased option for many offences such as alcoholism and gambling, it is not unique for DV. They criticise the fact that the other types of offences and DV are kept in same scale, despite such offences being 'victimless' whereas DV is an offence which has victims. It shows that family violence is viewed less seriously compared to other offences. Regarding the subject of punishment for violation of an intervention order, Monani (2008) refers to Scutt (1991) who argued that this is an example of conferring secondary status to victimised women behind the State.

As the law is civil, the only protection for a woman is an intervention order which aims to provide protection from future violence, especially in their crisis moment (Monani, 2008). It should be noted that getting an intervention order/protection order is difficult before the occurrence of violence even if the woman feels under threat, which was pointed out by Scutt in the early 1990s (Scutt, 1991). However, it is easier to obtain after the violence under the FVPA because of the lower burden of proof, (Murray and Powell, 2011; Gibb and Easteal, 2015). In 2016-17 total numbers of family violence intervention orders sought by Victoria police was 12,013 (Victoria Police, 2017).

Therefore, to get an intervention order, it is the woman's responsibility to explain to the police and court that a crime has been committed against her. Also, most women would prefer an intervention order for future safety because of the belief that they are safer with such an order (Logan and Walker, 2009; Diemer, Humphreys, and Crinall, 2017). However, the intervention order does not always provide protection. Diemer et al. (2017) found that only a minority of women said that the abuse stopped after obtaining the order. Further there is always a possibility of re-victimisation because perpetrators can easily ignore it (Humphreys and Thiara, 2003; Nicholos, 2013; Diemer et al., 2017). Another increasing issue of concern for women's safety is the cross application of the family violence intervention order. Research shows that couples are lodging cross-applications against each other (Wangmann, 2009; Douglas and Fitzgerald, 2013).

Another important issue mentioned briefly above is the condition of the protection order about exclusion of the perpetrator. A Safety notice provided by the police is able to remove the perpetrator immediately from the family home (DVRCV, 2010). An exclusion order is required through the civil law protection order. Laing (2013) notes that the objective of the protection order is to protect the victims from future violence through civil law remedies. However, as it is difficult to remove the man, especially due to police and courts' reluctance in this regards (Murray, 2008), Breckenridge, Chung, Spinney, and Zufferey (2015, p. 10) think that to succeed, this application "often required along with the subsequent timely and appropriate monitoring and responding to criminal law-related breaches of such orders."

Breach of a protection order is a criminal offense but even with it women are not safe at home with this State-designed intervention order, if the partner is not excluded from home. There is a possibility of re-victimisation if women stay in their homes, as often the protective order is breached, so they are ones usually forced to leave (Diemer et al., 2017). McFerran (2007) identifies that if men are excluded from homes, they become more aggressive and dangerous, which may induce more violence (McFerran cited by Diemer et al., 2017 p.34). Recent research highlighted the fact that a large percentage of professional groups believed perpetrators dismiss the importance of intervention order breaches. Furthermore, a percentage of victim advocates and lawyers felt victims received inadequate support while reporting intervention order breaches (Taylor, Ibrahim, Lovatt, Wakefield, Cheyne, and Finn, 2017).

Another important point is compensation for domestic violence victims. Victim compensation is specifically limited to criminal acts of violence. In terms of domestic violence victims, it depends on whether the form of violence is recognised as a criminal act. Generally in practice physical and sexual violence as well as stalking, is recognised but not verbal, emotional or financial violence. In Australia victim compensation occurs in three ways, under state run and funded schemes, reparation orders and tort-based claims. The difference between these three is that a reparation order may only be made if the offender is successfully convicted. The tort-based compensation is civil litigation. In both cases the process is easier, however, it depends on the perpetrator's ability to pay. Under the Crimes Compensation scheme victim compensation is paid directly by the government (Meyering, 2010).

Meyering (2010) believes that compensation offers to the victims benefits in two ways: practical and symbolic. Practically, its direct impact is in helping victims recover from different conditions, for example, loss of income, which Meyering (2010, p. 2) calls "financial impact of crime on victims". Its

indirect impact, she explains, helps the victim to recover from other economic losses. To explain the effectiveness of victim compensation, Meyering noted Free, 2004, that victim compensation is a statutory scheme which represents a more secure means of obtaining compensation, as most of the time women stay in the violent relationship for financial reasons (Braff and Meyering, 2011). In addition, it also heightens the importance of DV victims, and shows that the State indeed cares for victims and it increases confidence of the victims, as historically the tendency of criminal justice system was to minimise and trivialise the women's experience (Douglas, 2008).

There is lack of research on DV victims' financial compensation in Australia (Victoria). Although, the Victorian Government introduced special financial assistance in 2000, according to Meyering (2010) economic support is minimal. Also, to make the application for compensation process less stressful, Victoria included it in the Family Violence Court Division of the Victorian Magistrates Court at Heidelberg and Ballarat in 2005-6, which according to (Meyering, 2010) has been a success, but it was limited to those few special courts only.

Even with a compensation order, women also face dilemma about custody of children, which is mainly covered by the family law in both countries, but in different ways. Children are the weak points for most women. The patriarchal attitude is reflected in family law in both countries where women may lose custody of their children and thus may be re-victimised by the legal systems (Ameen, 2005; Bagshaw et al., 2010).

In Victoria and federally, there is the *Family Law Act 1975* (FLA) which applies to all citizens dealing with custody of children. The general law is that if a woman is separated or divorced, the *Family Law Amendment (Shared Parental Responsibility) Act 2006* emphasised 'shared parenting', which meant that the children have the right to be taken care of by both parents on the basis of a child's 'best interest'. The term 'custody of children' is a term that refers to with whom the children live, how much time they spend with children, and related matters. This policy, used in Australia and elsewhere, was mainly added in legislation to emphasise children's rights to relationship with both parents (Elizabeth, Gavey and Tolmie, 2012). Generally the process involves Alternative Dispute Resolution. However, in certain circumstances such as in the case of DV the dispute resolution can be exempted (Armstrong Legal, 2018; Go To Court, 2017), or special arrangements can be made, as for example parties can be kept in separated rooms or participate over telephone (Victoria Legal Aid, 2017). In 2006, the Act was amended (Commonwealth of Australia, 2006) to include the presumption of shared parental responsibility, ensuring that both parents equally share responsibility for children (Daniel, 2009). The

legislation did not introduce a debatable proposition that children should spend equal time with each parent after separation despite being advocated strongly by father's rights groups (Flood, 2010). Rather, the legislation refers to options for consideration such as 'equal time' or 'substantial and significant time' with each parent (Laing, 2017). This presumption can be denied in the context of family violence.

From the perspective of this study, the shared parenting scheme has some negative impacts if there is an issue of family violence. Custody disputes are heard under provisions for mediation in the Family Law Act 1975. Firstly, resolving issues of children through mediation rather than litigation implies that DV is a parental conflict, not violence (Laing, 2008). Secondly, there are chances that women and children are at risk of contact with abusive men while accessing the Family law System (Wilcox, 2010; Laing, 2017). For example there have recently been a number of DV cases in Victoria and other states where the father has murdered his children (Fransworth, 2011; Carlyon, 2014).

Thirdly, in the issue of shared parenting both parents need to share all the responsibilities, but in practice, as resident parents, mothers remain primarily responsible for child care, not the fathers (Australian Human Rights Commission, 2018), even when women are full-time paid workers (Craig, 2007). Research from Finland suggests that the mother seems to be seen as the primary parent and the model against which the father is compared and that gender equality is not a reality in case of shared parenting (Perälä-Littunen, 2007). Within this framework women may even face difficulties if they are blamed in post-separation stages, as there are chances that the women's allegations may be found to be false, or may be marginalised if sufficient evidence is absent (Fehlberg et al., 2015; Laing, 2017). USA research found that Judges, private attorneys and child custody evaluators are more likely to believe false accusation claims, while evaluators and private attorneys are more likely to recommend joint custody than sole custody for mother (Saunders, Faller and Tolman, 2016). Recent research also emphasised that professional perceptions are influenced by 'gendered constructions', also serving as a barrier towards effective service response (Heward-Belle, Laing, Humphreys and Toivonen, 2018). Ingridis (2014) notes that when gendered categorisations such as 'male perpetrator' and 'female victims' were utilised by mother's during child custody disputes, the opposing party attempted to undermine such claims through similar re-categorisations, to remove the conception of the mother's alleged fear of the father.

Community attitudes also follow the same pattern, that women's allegations of child abuse and DV are often seen to be tactics used by women to gain advantage in family law decisions (NCAS, 2014).

Because of this accusation and fear of losing her children women may agree to unsafe arrangements involving child contact, which further increases the effects of post-separation violence (Laing, 2017; Thiara and Humphreys, 2017). With regards to shared parenting women have received contradictory advice from various service providers in the two systems of Family Violence and Family Law. This is very confusing (Laing, 2013). Parents even use Family Violence Order (FVOs) against each other to gain an advantage in the parenting proceedings rather than from a larger pattern of coercive control (Ord, 2016).

The *Family Law Act 1975* (FLA) was amended in 2011 and broadened the definition of family violence and child-abuse, and prioritised children's protection (Kaspiew, 2012). However, these amendments mainly focus on the child's safety, not on providing remedies for women to get custody of children. Consequently, women lose their authority. As Elizabeth et al., (2012, p. 245), argue, fathers are prioritised and "mothers are barred from calling on the prerogative powers of the courts to compel fathers to exercise their contact provision". Sometimes some men even use children as tools of abuse towards the mother when they meet children (Bancroft, Silverman and Ritchie, 2012), such as in the extreme cases of murder by the fathers of Darcey Freeman (Fransworth, 2011) and Luke Batty (Carlyon, 2014).

In contrast in Bangladesh, the family law has not included shared parenting and custody is granted either to the mother or to the father. Moreover, Bangladesh law is comprised of secular law and non-secular family law. Whereas the general legal system is a reflection of legal pluralism, the family law is based on religion (Chowdhury, 2002). In Bangladesh, divorced and separated wives are allowed custody of their children up to a certain age, which is seven for boys and attainment of puberty for girls (Kamal, 2001). The legislation gives priority to fathers over mothers regarding male children, and for female child the mothers get priority. As custody of children does not recognise shared parenthood, fathers are considered to be the natural guardians of children and are required to provide maintenance. On the other hand, the courts have introduced the principle of 'best interest of the child', and use this principle to confer parenteral rights and parental status on mothers, which benefit many women (*Fatema v Samudra*, 2008; Chowdhuri, 2016). This practice keeps the women's rights over men as mothers.

The Supreme Court of Bangladesh has deviated from its traditional approach to custody of children by recognising the mothers' preferential right to custody and even a full-guardianship (Chowdhury, 2016). Therefore recent trends show an increasing tendency of the courts to decide in favour of

mothers as custodians and even as guardians (The Daily Ittefaq, 2017). However, there is a dearth of research on child custody and DV in Bangladesh. In addition, the family law has not included any section regarding DV. It should be included in this discussion that no research is done to examine how the policies and legislation address the factors. Also, no comparative research on policies and legislation between Bangladesh and Australia (Victoria) has been conducted.

2.4 POLICE AND OTHER CRISIS SUPPORT SERVICES IN RESPONSE TO POLICIES AND LEGISLATION

Support services are designed in Bangladesh to deal with violence against women and children in general, including DV (MOWCA, 2011). Therefore support is available mainly for women. In contrast, in Victoria, the support services are designed to deal with family violence, therefore, support is available for all, including men as perpetrators (State Government Victoria, 2010) and sometimes also as victims. For the protection and safety of DV victims, these support services need to work according to policy and legislation in practice level. These matters in relation to police and crisis support services (CSS) will be discussed below.

2.4.1 Police

Confronting DV is a common police activity, and police play a central role in dealing with the issue. Most significant is the responsibility of the frontline staff, who are like 'gatekeepers' in the criminal justice system (Rumscheidt, 1996) and who "[bear] a heavy responsibility for the effectiveness of legal measures" (Seddon, 1986, p. 55). Police are key individuals who are responsible for enforcing policies and legislation in practice. So their attitude and culture are vital. Police's responsibility is manifested in two ways. Firstly, according to policy and legislation, their first responsibility is to ensure safety of women. Secondly, how policy will structure the strategies will determine ways of response of the support services.

The personal perception of police officers towards the DV issue is of great importance to work in practice. This perception is also constructed by police culture, which includes entrenched values, informal norms and rules. It also depends on demographic and situational circumstances (Robinson and Chandek, 2000). Research suggests that minimisation of harm by police and prosecution authorities are common in DV prosecutions (Douglas, 2008). Therefore, victim satisfaction and future willingness to report to police both depend on the quality of services (Johnson, 2007).

Victoria has already improved police responses significantly. Victoria Police's objective is to respond to and investigate family violence, and assume a leading role in integrated responses in order to provide appropriate policing response (Victoria Police, 2010). Also, police' response is guided by Victorian legislation *Charter of Human Rights and Responsibilities Act, 2006* and *Victim's Charter Act 2006* (Victoria Police, 2010). Further, at a national forum, *Better Policing, Better Outcomes*, Victoria and Tasmania were represented as 'good practice models' (Marcus, 2009; Murray and Powell, 2011). Victoria Police have developed their own *Code of Practice for the Investigation of Family Violence* in 2004 (two revised editions of the code were released in 2010 and 2014). In contrast, Bangladesh Police have just started their journey towards countering DV. In Bangladesh, there is no provision in the *Police Act 1861* regarding how to deal with violence against women, including DV. However, to deal with VAW, Bangladesh police work according to *Penal Code 1860*, *Criminal Procedure Code 1898*, *Women and Children Repression and Prevention Act, 2002 (Amend 2003)*, and *DV Act (2010)*.

In Australia, police response to DV has changed considerably from the 1980s and 1990s, when police considered DV a private matter. It is now seen as an 'Australian policing priority' (Murray and Powell, 2011) and in Victoria police are key leaders in fighting DV (State Government, 2010). At present, people's confidence in the police has increased, which is evident from Victorian police reports (Victoria Police, 2017). However, although a strong policy of 'zero tolerance' against DV is present, there is still some resistance to intervene and some victims even feel blamed and judged by police (O'Connor, 2015). In addition studies have found that close-knit rural communities can get limited support from police (Websdale, 1998; George and Harris, 2014; Volkova et al., 2015). For example, if the police officer knows the man, their familiarity may make it more difficult for the woman to gain assistance. Recent research highlights that generally "police attitudes towards incidents of intimate partner violence remain overwhelmingly negative..." Police specialisation in dedicated intimate partner violence units, on the other hand, results in more consistent and comprehensive action (Segrave, Willson and Fitz-Gibbon, 2018. P. 99). Furthermore the quality of legal representation when it is initiated by police is a concern for women (Laing, 2013). The definition of FV is another contributing factor affecting police ability to respond. A report by the Crime and Misconduct Commission (CMC) highlighted that workloads of police have increased because of the broadened definition of 'family members' (CMC, 2005).

One of the most critical things is *Family Violence Risk Assessment and Risk Management Framework* (RARM) which must be done accurately to respond effectively. In Victoria, as first contact persons, police officers need to assess the risk of victims. RARM framework is used for assessing family violence

risk for victims (Diemer, 2012). The person at the beginning of the process has the most significant responsibility for doing the risk assessment because any assessment failure can resonate throughout the service delivery system (Robinson and Molony, 2010). Trujillo and Ross (2008, p. 470) point out that “a gap exists between police assessments of risk and traditional risk assessments, the situational factors used by police may contribute to more accurate judgments of risk”. Diemer, Humphreys, Healey and Ross, (2015) finds in her study that while police are aware that risk assessment is compulsory, frontline members evaluate risk at the incident but often complete the paperwork away from the scene which can lead to reporting or assessment failures.

In addition in Victoria, police protect women through the *Family Violence Protection Act 2008 (FVPA)* by protection orders, safety notices and pro-arrest. Pro-arrest means “if there is sufficient evidence at a domestic violence incident on which to base an arrest (e.g. a victim displays injuries or there is property damage), there is a presumption that police arrest the perpetrator” (Braaf and Sneddon, 2007, p. 3). Diemer et al., (2015) suggests that 59% of people think that it is useful when police apply for an intervention order. In addition, safety notice is helpful for immediate support, as police can remove the perpetrators from homes in crisis moments (DVRCV, 2010). The Safety Notice also improves after-hours response (Hynam, 2012). Diemer, et al. (2015) recognise the use of safety notice is increasing and 63% of her respondents found that it was very useful. Also 50% of people found charging the perpetrators useful, while 43% found it beneficial. As a result, it can be noted that Victoria Police (2017) identify increased criminal charges.

However because of the policy of pro-arrest, sometimes police have to make a dual arrest that is, arresting both parties as perpetrator, meaning women may also be arrested as perpetrators. Women’s arrest as perpetrators is due to the conception of women’s use of violence in relationships. Women as perpetrators of DV is a controversial issue as the statistics provide evidence that domestic violence is a gendered crime, mainly committed by men against women (ABS, 2013; WHO, 2013). The problem of dual arrest where women too are believed to have been violent is caused by women’s violent retaliation to a history of abuse, power, control and fear, situational factors such as evidence of injury, use of weapons, Interference with police and credibility at the scene, policing policies (policy of pro-arrest and mandatory arrest), and police practice and views regarding arrest, training and practice (Braaf and Seddon, 2007).

In USA O’Dell (2007) conducted a study regarding the reasons women are arrested as perpetrators. She found two reasons for this: police culture and the myth of mutual combat, both a result of police

lack of training. About police culture, male police officers' beliefs about gender roles and attitudes is another key concern (Robinson and Chandek, 2000; O' Dell 2007).

A gender neutral approach in policing, despite DV being a gendered crime means that police sometimes fail to distinguish between victim and perpetrator, allowing the arrest of women as perpetrators (Dasgupta, 2002). One in eight police applications for intervention orders were made by police against the wrong person and a woman could be made wrongfully perpetrator (Younger, 2018). This has great impact in the case of pro-arrest. Pro-arrest of women accused of being perpetrators impacts on women's safety and protection in three ways: 1) they may lose custody of children, 2) their risk of homelessness increases, 3) criminal charges are may be brought against them (Reeves, 2017). In the Victorian Royal Commission report the issue was raised that Victoria Police are misidentifying women as primary aggressors in family violence incidents (Royal Commission into Family Violence, 2016a). The Commission (2016a, p.17) also understands, "that if it is later established a woman was incorrectly identified as a primary aggressor there is no mechanism, or a perception that there is no mechanism ...to ensure she can obtain appropriate support"; also, of the arrests made in 2013-14 alleged female perpetrators were 15.49% and male 84.51%.

Another issue of concern for police dealing with DV perpetrators is that the number of breach of protection orders is high (Logan et al., 2006; Logan and Walker, 2010; Benitez et al., 2010). One of the reasons for this high number is that the perpetrators show little respect for the order and thus are not afraid of the order. Diemer et al., (2015) show the lack of enforcement and lower efficacy of protection orders. Also, police are not following up. However Taylor et al., (2017) identified that factors affecting police ability to respond to breaches of protection order are 'administrative procedures associated with breaches' (55%), 'limited resources available to police' (50%), and 'high volumes of police workload' (47%).

The importance of Police training on how to deal with DV cases and related legislation cannot be overemphasised as its lack is one of the main reasons why police fail to respond to DV victims. That for an appropriate legal response, whether it is civil or criminal, education or training for the police is vital was identified in the mid-1980s (Seddon, 1986) and yet again 20 years later by O'Dell (2007). Nevertheless the police situation has significantly improved since 1986, with the introduction of special power in the legislation (FVPA, 2008) and compulsory police training (Victoria Police, 2010), which is viewed from the Police report (Victoria police, 2017). Ruff (2012) compares police response

to DV dispute calls and finds significant differences, with improvements in many aspects of dealing with DV victims when police respond positively after training.

Though in Victoria, police response has increased and improved (Murray and Powell, 2011; Victoria Police, 2017) there are some incidences which happen because of lack of training. An example is the case of 'Jane', who went to the police station to report DV but was told she did not have enough evidence. She struggled to get help from the police against her partner, who breached the order (Hannaford, 2015). Despite this she eventually mounted a successful court case against the man who subsequently was imprisoned for 12 months. Even after that Jane struggled to gain assistance to have his possessions removed from her home (Hannaford, 2015). In addition, there are many other recent examples of women having unpleasant experiences with police (George and Harris, 2014; Shircore, Douglas and Morwood, 2017).

As discussed in section 2.3.1, the most important DV strategy is integrated response. Both countries, Bangladesh and Australia, have adopted integrated response as a strategy, although there are differences in their approaches. Victoria has developed an integrated service system among community services, police, and justice agencies. The new Victorian Police Code encourages partnerships between police and the DV sector, those including peak bodies, specialist services and related service providers (DVRCV, 2010; Ross et al., 2011). According to the Code of Practice launched in 2004, Victoria Police is a part of the Victorian integrated family violence service system. Therefore, Victoria Police work with the referral system by government and non-government bodies in the family violence system.

There are thirty Family Violence Units (FVU's) implemented across Victoria which allow policing processes to be managed by dedicated, specialist police personnel (Segrave et al., 2018 p. 110). George and Harris (2014) note that specialist police such as the Family Violence Liaison Officers and the Family Violence Unit are an effective response to DV. However, Murray and Powell (2011, p. 130) express their concern about the police response being "intrinsic to the model itself", as the law and order model approach intrinsically part of police work does not take the gendered nature of DV into account. In the Duluth model (see section 2.3.1), 'Power and Control Wheel' is a tool which systematically illustrates that women are the primary victims and the men who live with them are the perpetrators. Yet, police's response towards DV is one of a policy of 'pro-arrest', which as was mentioned above, means that there is a risk of both partners being arrested.

In Bangladesh, besides police's general activity, there is a separate program to respond to violence against women. In 2009, Bangladesh Police established Victim Support Centres (VSC) at police stations to deal with violence against women which works in collaboration with other stakeholders (Victim Support Centre, 2009). The VSC model is similar to the Duluth model which ensures that a victim obtains all kinds of support in one place. VSC works together with police, health care professionals, social workers, lawyers and ten non-government organisations (NGO). It provides many services such as emergency shelter, health care, legal advice, psychological advice and counselling (Victim Support Centre, 2009). Up to 2012, 1643 women and children received assistance from these centres (Victim Support Centre, 2012). Although it is a promising initiative, the number of centres is still inadequate compared to the numbers of victims.

There are some differences in the functioning of specifically dedicated police DV units in Bangladesh and Victoria; and therefore their effectiveness also varies. This is consistent with international studies which have looked into the impact of such units' effectiveness, which too display mixed results. Whetstone (2001) compared measures of DV in two districts in the USA, one containing a DV unit and one without a DV unit. She found that the districts which have a DV unit experienced a statistically significant increase in the outcome measures than the district without a DV unit. On the other hand, Farrell and Buckley (1999) did a study on the number of annual repeat-calls for DV incidents before and after developing a DV unit in one of seven police divisions. The result was that the division with a DV unit received lower number of repeat-calls; however, in other police divisions, the calls increased. In the city of Charlotte, North Carolina, a significantly lower prevalence rate of recidivism was attributed to the DV unit (Exum, Hartman, Friday, and Lord, 2014).

One factor for variation in outcomes is the recruitment and training of police that work in such DV units. In Bangladesh, as part of the Bangladesh *Police Strategic Plan 2008-2010*, the police recruited nearly 3000 female officers and provided training to support the victims of DV and sexual assault (Bangladesh Police, 2010). Also, the plan developed a module on gender sensitivity policing training but does not mention the necessity for staff training to deal with actual DV victims (Victim Support Centre, 2012). A study by BNWLA (2013) reveals police are not aware of their duties and responsibilities given by the DV legislation, and also that only 10% of police officers had a good level of understanding of how to deal with DV victims, 30% had an average level, and 60% had a below average level of understanding. Huda (2016) also points to lack of training of the police. One of the reasons is that Bangladesh police prefer working under the *Women and Children Repression Act* (amended in 2003) rather the DV law (Mahmud, 2017).

Another factor for variation in outcomes of DV units is attitude. In Bangladesh, although police attitude has changed a lot, police still see DV as a private issue, not as a social issue. Therefore, they often fail to take the complaints of DV seriously (Mahmud, 2017). The general attitude of the police is that a woman is an object of disrespect, and therefore the police are unwilling to file cases of DV, and thus police response is inadequate (Ameen, 2005; Jahan, 2011). Jahan (2011) notes that a report by Naripokkho of October 1998-November 2008 discloses that the function of Women Investigation Cells in setting up a few model police stations to strengthen community participation with security reforms is questionable; with officers not sensitive enough to gender issues. Enactment of new laws and policies has not impacted on police yet who are more concerned about violence against women in the public spheres and not in private spheres.

2.4.2 Crisis Support Services

Crisis response is for the safety and security of women in their moments of crisis. After police, the Refuge/Shelter Homes is the second necessity to work according to policy and legislation for the safety and protection of the women in such crisis moments. According to policy, Crisis Support Services (CSS) is one important strategy in an integrated response system to support DV victims. However, the procedure of providing support is different in individual countries.

As mentioned in section 2.3.1, Victoria has adopted a whole of government approach in the integrated response which offers a wide range of integration, such as family violence services, with legal and statutory bodies and mainstream services (Ross et al., 2011). This whole of government integrated approach raises three issues of concern regarding responses to DV victims. Firstly, in the integrated response programme, there is a behaviour change program for men (although there is no mention of behaviour change for women if they are found as perpetrator) to support them along with women's DV service providers (Tually et al., 2008). Also the policy aim of these services is to increase safety and security, and prevent the re-victimisation of women. The Duluth Model included men's response because of a belief that focusing on perpetrators rehabilitation can enhance victim and child safety. This focus is retained in the MBC program in Australia (Diemer, Humphreys, Laming and Smith, 2013). Yet, men who are perpetrators are included in this approach, despite a systematic illustration that women are the primary victims and the men living with them are perpetrators (Murray and Powell, 2011). Murray and Powell (2011, p. 131) express their concern and explain this issue as "the problematisation of domestic violence as an individual pathology, rather than a systematic gender-based issue plays out here". They further said that the original Duluth model, promoted by feminist-informed programs, by emphasising men's establishment and exhibition of power over females,

focuses towards coordination of community responses, which attempt to empower and protect the survivors of domestic violence, while holding the perpetrators accountable (Pence and Shepherd, 1999). Murray and Powell (2011) noted that in Victoria DV is met with a civil response, therefore “this problematisation of domestic violence as at least partly a family problem requiring a rehabilitative response has remained persistent in recent policy and programing” (p.115). They further note that Howard Federal government (1996-2007) reinforced this as they fund perpetrator programs focusing “more on ‘families’ rather than on ‘women’ per se”. This shift of focus away from women, still continues as funding of perpetrator programs is continuing in new models (Fontana, 2018; The Lookout, 2018). Therefore, men’s program in the integrated system is problematic if men’s DV is seen as an individual pathology. Men’s programs are likely to be seen as ‘treatment’ such as anger management or drug and alcohol rehabilitation. However, human rights framing requires support to be provided to both victim and perpetrator as I discussed above 2.2.1. Sheikh and Karim (2014, p. 10) criticise that in Bangladesh the justice system is still based on “traditional offender-based” approaches where “law enforcement agencies” main focus is the “apprehension of criminals”.

The philosophy supporting behaviour change programs has changed over time from anger management to attempting to modify behaviours and holding men accountable for their actions (Tually et al., 2008). This program can be criticised according to the ecological framework (Heise, 1998), as it is not possible to aim at bringing general changes as there are differences among abusers. For example, an alcoholic man who does not have macro-system issues may behave violently only when alcohol is involved but not in other cases; thus, these incidents and related problems vary from individual to individual. However, if the same man has some problems related to macro-system, alcohol will merely exacerbate the violence caused by issues in the macro-system for him. Therefore, in the first instance, even though the person has problems in the macro-system, if something intervenes to change his behaviour, he would perhaps change; whereas in the second instance, nothing occurs to change his behaviour and he would not become less violent despite all forms of intervention. In fact it is very difficult to change behaviour in the second example (Barr, 2015). Mackay, Gibson, Lam & Beecham (2015) emphasised that assessments of perpetrator intervention programs highlight the insignificant effects that these programs may have. This was the case even when such programs were shown to further reduce violence against women. However, they also highlighted positive impacts such programs may have on large numbers of women, despite such minimal effects.

Secondly, the problem identified by McFerran (2007) in the integrated family violence services (whole of government approach) is related to regional integrated services, where the challenge is to maintain

consistency and focus among the stakeholders. In the new reform system, organisations like outreach and refuges have to compete for funding. Because of failure to secure funds, there is less scope for accommodation, and often no vacancy; consequently, many women are sent to motels and elsewhere whose addresses can be easily located, making women less secure (Monami, 2008; Hill and Cohen, 2015; Murray and Powell, 2011; Selvaratnam, 2016).

Thirdly (and last) issue with the integrated response approach is the method of seeking legal protections orders by a woman in relation to family violence. This may need the use of magistrate courts, criminal courts, children's courts and family courts for various reasons (Astor and Croucher, 2010; Laing, 2013). This is a big problem. Although there are now specialist Family Violence Courts in Victoria dealing with all these issues in a single place, the number of these Family Violence Courts (FVC) is very low and they cannot accommodate all the victims. In addition, Family Law processes may contribute to secondary victimisation when the system requires victims to prove their experience of violence (Wilcox, 2010), and when women fall through the gap due to shared parenting (see section 2.3.2).

Another important issue is the legal responsibilities of the support services. Some countries outline duties and responsibilities of the CSS in their legislation whereas some do it in policies. Some organisations have chosen to make separate policy or codes independently to guide their professionals. To discuss these codes of practice, it may be noted that standards, protocols and professional guidelines are not concrete in their legal bindings (Healey and Howe, 2013). Campbell and Glass (2001) call these professional guidelines or secondary legislations 'soft laws' which guide professional conduct and the development of institutional responses across both human services and justice. They further explain that these types of codes have an uncertain legal status, and therefore it is complicated to apply them by a court as they are not binding. They explain further by noting Appleton and Cowley (1997, p. 53) that "guidelines are designed to aid decision-making processes and therefore used to assist professional judgment" but not in all cases. Therefore if an organisation is added specifically in the legislation they are then legally bound under the legislation (Healey et al., 2013) which means that these organisations are obliged to work according to legislation. It can be said that not adding CSS into such legislation means that the government has no obligation regarding these organisations. For example, funding and training is essential to provide quality services. However, if it is not specifically ordained by the government, organisations will train in their own way. Many women face difficulties to access support, and one of the reasons is lack of proper training, as observed by different researchers. Douglas and Walsh (2010) note that the dynamics of DV are often

misunderstood and inappropriately responded to by the magistrate and child protection workers. It is also true in cases of police responses (Hannaford, 2015) and CSS staff, including government organisations and NGOs (BNWLA, 2013; Sheikh and Karim, 2014). Nonetheless, although codes of practice and legislation is an issue for the CSS to work within, the support system and kinds of support provided is very important in responding to DV and to ensure safety of women.

In Victoria under the family violence services, women's support services fall under specialist services. The name specialist services is used because it targets a particular group and establishes criteria to fix what they can do (Wendt et al., 2015). It includes men's and women's services, and male victims of family violence are referred to the Victim support services (Royal Commission, 2016). Women's services are defined as specialist services only for women. In Victoria, specialist support services offer a range of services such as shelter, safety planning, and outreach (Tually et al., 2008; Under this system, the policy is that if a woman becomes homeless because of DV, they are supported as homeless for their shelter, which includes different models of housing, mainly aimed at safe, secure and affordable housing from short to long term, such as refuges, outreach support. These services are usually provided by a broad range of non-government community service organisations, funded by the Victorian Government (Royal Commission, 2016).

Since 2002 in Victoria there has been increasing strong support for women victims to stay at home and for the violent men to be removed (McFerran, 2007). The 'Safe at Home' program aims at social justice, gender equity and human rights agendas of women, which entitle women and children to live free from violence in all forms, as per CEDAW (Tually et al., 2008; Crinall and Hurley, 2009). Justice frameworks also emphasise ensuring women's human rights by removing the perpetrator, to reverse the cultural mindset bolstering the maxim that victimised women and children should stay at home (Edwards, 2004; Crinall and Hurley, 2009). The message from this is an important one: violence can result in the woman losing the right to housing, and thus prioritising the safety of the 'victim(s)' of the violence (Tually et al., 2008). Thus this program is a very helpful tool. However, to succeed, 'Safe at Home' needs concerted support from both communities and all stakeholders (McFerran, 2007; Tually et al., 2008). Tually et al. (2008) argue that a legal approach is also important. Regarding strong legal approach, they maintain:

Such approaches to addressing violence related homelessness, as with approaches to addressing violence related homelessness generally, are unlikely to be effective unless backed up at all levels by efficient and meaningful legislation which allows the perpetrator of the violence to be removed legally from the home. (Tually et al., 2008, p. 39).

However, 'Safe at Home' is not always safe for women if the support services do not work accordingly, especially in cases where women separate from their partners (Bennett and Goodman, 2005; Spinney, 2012). In addition, funding is critical for the women's services to provide appropriate support. This was also evident from the Weeks and Oberin (2004) report, supported by Spinney, (2012) which noted a lack of funding and resources, and the level of appropriate service response remains low for women opting to remain at home (Oberin, 2006; Spinney, 2012). In addition, decreased safety of women who want to stay at home may motivate the perpetrator to breach the intervention, resulting in re-victimisation (Dimmer et al., 2017). On the other hand, Breckenridge et al., (2015) noted Edwards (2004) and mentioned that sometimes exclusion orders are not granted by the court, for two reasons: complications of the property rights and accommodation needs of the defendants (Edwards, 2004), and whether the magistrate deems the order viable (Kearney, 2004; Spinney, 2012). Interestingly Spinney, (2012) noted that if women self-refer to the court then magistrates are less likely to exclude men from the family home. One of the complication for exclusion order considered by the court is men's accommodation. As I mentioned above that men's program also fall under specialist services, thus the government has introduced funding for men's accommodation if they are excluded (Taylor and Mackay, 2011; Breckenridge, 2015). One reason for funding their accommodation is to encourage the perpetrators to leave home. This innovative policy was criticised, but women's groups cautiously welcomed it despite fears that it could be seen as a reward for violence (Bachelard, 2005). Furthermore, providing men with temporary accommodation may result in the court granting more exclusion orders, creating more opportunities for women to stay in their own homes. Another related consideration is that there is no evidence to date whether this strategy contributes to perpetrators' staying away from the family home or reducing ongoing violence and harassment (Breckenridge et al., 2015, p.7). Due to the complexity with the 'Stay at Home' program, many women do not choose to stay at home because of re-victimisation and potential isolation (Spinney and Blandy, 2011; Dimmer et al., 2017). Another concerning issue is the financial support required to stay safe at home (Tually et al. 2008; Breckenridge et al. 2015). Most of the time women face financial difficulties following DV (Cortis, and Bullen, 2016) although women in Victoria receive Centrelink payments, it is not enough for some women; thus Tually et al., (2008) maintains that 'Safe at Home' can be successful if the women are economically capable.

Effective implementation of a 'safe at home' strategy depends on the successful exclusion of the perpetrator from the home through a protection order. Diemer et al., (2017) found that among 124 women, 77% had contained an exclusion order. However, the level of breaching of the order was high. To encourage the perpetrators to leave home, the Department of Human Services (DHS) also provided

funding for them. The other option is for women to come to refuges when they want to escape from abusive relationships. In Victoria there are 31 refuge sites, 20 of which are 'high security'; in addition, there are currently 57 Crisis Accommodation Program (CAP) properties in Victoria which are determined by individual organisations. Women can access the CAP properties through the homelessness service system. Because the demand for refuge accommodation usually exceeds capacity, women are often placed in ad hoc accommodations until there is vacancy in refuges (Royal Commission into Family Violence, 2016).

To be admitted into refuges in crisis moments, the Victorian Government has the *Safe Steps Family Violence Services* (previous name *Women Domestic Violence Crisis Support Services*), which plays central role in support by aiming to provide support information and referral 24 hours/7 days a week (DV VIC, 2006). These services provide support based on the risk assessment.

Depending on the risk the victim is either provided crisis accommodation or she can stay at home in case of lower risk (Murray and Powell, 2011; Crinall et al., 2014). Also, there are communal refuges promoting self-help and empowerment through shared experiences of women (Monani, 2008; Murray, 2008). Despite the shift of focus from short to long-term housing, there is scarcity of both. In 2008 according to Tually et al., (2008, p. 43) "severe deficit ... means [that] this process [transition to permanent housing] ... can take up to two years." In 2018, according to an article in ABC News there is a shortage of places in refuges which drove some DV victims to sleep rough in bush (Hanifie, 2018).

At a conceptual level, issues around homelessness and women's refuge arose out of the feminist movement. In Australia, as a result of feminist activism, the first refuge opened in 1974, with the aim to provide support to women fleeing from violence. The theme was to "leave the relationship and find a safe place" (McFerran, 2007, p. 1). In Australia, among all assistance seekers, the number of women seeking homelessness assistance because of domestic and family violence is the highest (Homelessness Taskforce, 2008). Many studies highlight the relationship between domestic and family violence and homelessness (Chung et al., 2000; Willis and Craft, 2003; Weeks and Oberin, 2004; Murray and Powell, 2011).

To address the issue of homelessness, SAAP funding was introduced to fund refuges (McFerran, 2007). However, this SAAP funding is complicated when applied to female DV victims for two reasons. Firstly, safety of the women fleeing from DV has been the central goal of refuge services in Victoria. However, a closer look at SAAP policy reveals disregard of this concept of safety, leading to a point where the

idea of safety is largely absent (Willis and Craft 2003). Homelessness is caused by a variety of issues such as shortage of affordable housing, unemployment, mental illness, family breakdown, and alcohol abuse as well as DV (Homelessness Taskforce, 2008). DV may lead those who lack safe shelter towards homelessness. These women are homeless because they have homes which are not safe for them (Johnson, Gronda and Coutts, 2008) and poor women who flee DV often end up homeless (Tually et al., 2008). However, homeless support is designed mainly for other homeless people, who get priority over DV victims.

A second problem with SAAP funding is that organisations funded by SAAP services cannot breach the SAAP service provision framework while case management continues (Monani, 2008). Service providers must use a standardised 'client form' to assess the needs of, and record services provided to those escaping DV. Chung et al. (2000) and McDonald (2005) both note that one of the main aims of the SAAP approach is to assist homeless people to become reintegrated into society. Therefore, Clarke, Gewirtz and Mclaughlin,(2000) says that within the service system, SAAP funded organisations have become more contractual, competitive and calculative.

In 2015 despite publicity and campaigning by Australian of the year Rosie Batty which helped to bring the issue of domestic violence into the spotlight funding for RS and OS remained problematic. After that, VIC Federal government continued to fund family violence services the CEO of Domestic violence NSW said that extensive funding was allocated for campaigns without improving frontline service delivery (Berlage, 2018). In response to the recommendations made by the Royal Commission the Victorian Government announced a \$133.2 million State Government funding package. So the issue of refuges are still subsumed under issues of homelessness and housing (Berlage, 2018). This alliance is problematic because refuges are the frontline and specialist service provider, which are required to provide appropriate cultural and linguistic support, trauma counselling and access to legal advice. Separate and specific funding is essential for such service (Berlage, 2018). Furthermore in the 2018/19 budget in Victoria FV, while considered, was not a major budget item, rather there was more focus on jobs and training. Nevertheless some funding was provided for RS with provision for 12 RS for after-hours services. Further the Wimmera South Mallee area received funding for increased crisis properties (DV VIC, 2018).

CSS in Bangladesh can be divided into two groups, namely One-Stop Crisis Centres (OCC) and Government Shelter Homes and some non-government shelter homes. Both government services are for those women who want to flee from home. However, no outreach support is available as in Victoria, such as home alarm, lock-changing and the like. However, there is a national helpline centre

for supporting violence against women and children in crisis. Furthermore there was an emergency telephone 999 service introduced which could also help women in crisis moment (The Daily Star, 2017a). OCC is hospital based which provides an integrated response and all kinds of support including doctors, police officers, partner NGOs, five Ministries of the Government of Bangladesh, which is important to combat violence against women (MOWCA, 2004). Therefore integrated response functions are in smaller and limited environments compared to Victoria's services that are provided broadly across larger areas. In Bangladesh a woman can report directly to the hospital, or contact the hotline for direct admission. Services include 24-hour emergency and recovery facilities, including a telephone helpline, legal, counselling, medical and police assistance and information according to individual victims (Newsletter, 2017), temporary shelter and safety (Bairagi et al., 2006) which are provided for free (Islam, 2011).

In the OCC the quality of general activities is satisfactory (67%), despite some variables identified in one of the OCCs in a study by Islam (2011). However, to succeed in integrated response, all stakeholders need to work together, which is lacking in OCC from the studies reviewed. As Islam (2011) mentions, to be efficient in general activities of OCC there needs to be proper planning, strategy and help from different organisations. In addition, lack of resources is also evident. Islam (2011) also mentions some challenges such as limited human resources, lack of trained counsellors and emergency staff and legal constraints on the police.

Shelter Homes in Bangladesh provide integrated response in small areas. Both government organisations and NGOs are providing shelter services for the victims. The shelter services are of two types; temporary (or short-term) and medium-term (and long-term) (Sheikh & Karim 2014). Long-term shelter is often the first abode for DV victims, as VSC and OCC provide emergency shelter to the victims of DV. For the medium-term, Government Shelter Homes provide support for women with up to two children under the age of 12 for a period of up to six months and provide shelter and skills training for female victims (MOWCA, 2011a). Up to 50 people can be accommodated at each home where they are provided with food, shelter, health care and legal aid. The homes are run by the Department of Social Services, and Ministry of Women and Children Affairs (MOWCA) which runs one Shelter Home (MOWCA, 2009). It should be emphasised that in Bangladesh this support is provided by Ministry of Women and Children Affairs, whereas in Australia, it is done by Housing Ministry because there is no equivalent department of Women. NGOs run at least 15 other shelters (Huda, 2016). There are also allied NGO Associations for Correction and Social Reclamation, Bangladesh National Women Lawyers Association (BNWLA) that provide medium-term and long-term shelter for the women and children.

During such shelter, victims receive legal solutions and awareness about law and rights. In the shelter house, organisations also provide food, clothes, health and medical check-up, recreational activities, counselling and mediation, social reintegration and basic training. However, challenges faced include financial scarcity, as most NGOs in Bangladesh are providing victim support with foreign aid and grants. In addition there is shortage of a skilled workforce, such as social workers, expert counsellors, therefore victims are getting improper support in the absence of specialists. Further, in the absence of national policy regarding victim support, the NGOs are facing problems in facilitating victim support programmes (Sheikh and Karim 2014). In BD also, Plan International and BNWLA are running a program named Protecting Human Rights (PHR), which has introduced a model of community shelter. A survivor of DV can stay temporarily with a chosen family member or neighbour in the community under the model of community shelter. At the primary level, in six districts, 51 women have received such community shelter and support, most of whom returned to their families after mediation by the program's legal counsellors and community support (Huda, 2016). It is not known whether mediation was effective or not. Ashrafun and Säävälä (2014) emphasise the limitations of mediation in cases of DV, which they maintain often fails to deliver a lasting solution because of the lack of enforcement of the mediated agreement. Hence they recommend it should not be considered an alternative to use of the formal judicial system.

There is also an absence of a legal foundation and national policy to ensure rights of victims, including women and children, to have access to appropriate support and treatment by the justice system, at an appropriate time (Sheikh and Karim, 2014). A study by BNWLA (2013) reveals that none of the staff had any experience about DV Victims. It is evident that shelters and support facilities are inadequate in number to meet the needs compare to DV Victims (CIC-BD, 2010; Sheikh and Karim 2014) and there is lack of skilled professional support (Sheikh and Karim, 2014). The quantity and quality of support services, and lack of publicity suggests that the government has 'paid only lip service' to DV, despite Bangladesh being a signatory to CEDAW (CIC-BD, 2010). Victims face difficulties and harassment while seeking service from Shelter Homes. This situation makes the victims very helpless. This is especially true in some cases, in the face of threats from offenders, or offenders forcing victims to leave the area (Sheikh and Karim, 2014). Furthermore, in practice, if a victim stays in a shelter, either government or non-government, their freedom is restricted and they cannot live a free life; the victims live as though they are in prison, while the perpetrators are able to live freely. This contradicts the section 3 (b) (c) of the *Domestic Violence Act 2010* (Mazumder, 2010).

2.5 SUMMARY

It appears from this literature review that although in Australia much research has been conducted on organisations related to DV, there is a lack of research on whether these organisations work according to DV policies, and esp according to DV based legislation. In contrast, there is very limited research in Bangladesh on DV, before or after the enactment of the new policy and law related to DV against women. Reflection of the new legislation and policies in Bangladesh on organisations and their responses is an area which remains significantly unexplored.

The next chapter sets out a conceptual framework that reflects the literature reviewed in this chapter. Then, the chapter will set out the methodological approach to the data collection and analysis that this study undertakes in order to address the research questions.

CHAPTER THREE

CONCEPTUAL FRAMEWORK AND METHODOLOGY

The socio-cultural context around DV is the source of the factors that contribute to DV. Governments have to identify and address these factors in policies and legislation, while support services need to understand how as organisations they deal with these factors. Therefore a conceptual framework is needed which is able to see the interconnection of the factors, government approach towards addressing these factors and the response of support services according to the government approach. Thus in this chapter, the conceptual framework for DV against women is developed as a guide for analysing the research data. Then, this chapter outlines the research methodology and research design of this study, as well as the specific methods for data collection and its analysis.

3.1 CONCEPTUAL FRAMEWORK: AN APPROACH TO CRITICAL EVALUATION FOR A COMPARATIVE STUDY IN DOMESTIC VIOLENCE

Despite years of empirical research, the conflict about how to reduce DV still exists. Several conceptual frameworks have been used for research into understanding and reducing the incidence of DV. For example, Winter (2012) examines service provision in the Australian context on the criminalisation of what she calls intimate partner violence by using a grounded theory approach, and Costello (2009) examines Australian government approaches to male violence against women during the Federal Howard Coalition Government years (1996-2007) using feminist theory about male violence against women. The conceptual framework proposed in this study is an appropriate tool to examine and explain the relationships between three levels, that is, the common ideology about DV in the form of causal factors, how the factors are reflected in government policies and legislation, and how police and other crisis support services (CSS) respond to legislation and policies to deal with DV.

3.1.1 Amalgamation of Heise and Zacharias to develop the framework for DV

The framework is based on Zacharias (2007) and Heise (1998) with some adaptation for use in this study. Zacharias' (2007) comparative analysis of work-life balance legislation, policies and solutions in both Australia and Sweden developed a framework based on Habermas (1987) model of societal evolution to which Zacharias provides a gender lens to adapt it to the area of work-life balance. Heise (1998) develops an ecological framework to identify and understand the causes of gender-based violence against women, including DV. In this way this study, by appreciating the intersectionality of factors leading to DV, focuses on legal and organisational responses that emerge in respect to DV so

as to address “predictive...abuse at various levels of the social ecology” (Heise, 1998, p. 1). This section explains the two frameworks mentioned above, and how they fit together to form the framework used in this study.

First, a brief outline of Habermas (1987) model of societal evolution, as adapted by Zacharias (2007), is set out. There are three levels in the model by Habermas: Lifeworld (LW), Steering Media (SM), and Systems (SYS). LW consists of elements such as life experiences, attitudes and beliefs. In every society, there is a significant base of beliefs which is widely accepted as valid and true ‘knowledge’ that creates meaning for individuals and guides everyday interactions. Habermas divided LW into three levels, culture, society, and personality. The German word “persoenlichkeit” can be interpreted as both identity and personality. Zacharias adopts this word from the original German to mean “identity” (Zacharias, 2007, p. 93). Through the work of various feminist academics Zacharias gives a gender lens to those elements in LW.

Zacharias (2007) conceptualises the ‘culture’ level of LW with a gender lens as ‘biological essentialism’ with polarisation of gender and the societal norms of ‘androcentrism’. Zacharias explains that a biological essentialist belief is one in which traditional sex differences between men and women are regarded as fundamental and thus determine a polarisation of women’s and men’s social roles. This gender categorisation in Zacharias’s framework is the result of social interaction and life experiences and thus is socially constructed, rather than biological. Drawing on Bem (1993), she maintains that beliefs and assumptions of biological gender differences in almost every society have been defined from a consistently androcentric perspective (Zacharias, 2007). This perspective perceives that what is regarded as ‘normal’ (or ‘neutral’ or ‘natural’) results in defining women as ‘the other’, thus disadvantaging women and providing men, their experience and their perspective privilege in all aspects of life.

Systems (SYS) are the organisations and institutions which are “expressions of the Lifeworld and which follow Lifeworld concerns” (Zacharias, 2007, p. 88). Broadbent, Laughlin and Read (1991) see SYS as consisting of economic or administrative organisations. Zacharias (2007), on the other hand, conceptualises SYS as gendered organisations where men and women both work. In this study SYS is conceptualised as the police and other CSS dealing with DV victims and perpetrators. Furthermore, SYS can also be seen as the institution of the family where ‘doing gender’ as guided by how LW happens. Feminist scholars such as Connell (1987) develops the concept of ‘doing gender’. ‘Doing gender’ is the term also used by Zacharias (2007) to refer to the two sexes adopting characteristics

and behaviours that are not natural, essential or biological but rather are social constructions. Thus, “doing gender” is active rather than a static condition of being gendered or, as Zacharias (2007, p. 107) refers to it, as “having gender”. When individual men and women comply and act according to gendered expectations, they reproduce the existing gender order, and thus reinforce what is commonly believed to be the “essentialness” and “naturalness” of gender (Zacharias, 2007, p. 65). In the context of DV when men in relationships with women behave in a way that subordinates their female partner and Zacharias accepts this as the norm, they are both ‘doing gender’.

Habermas (1987) proposes a third level that lies between LW and SYS. Steering Media (SM) in Habermas’ model describes money and power, but other researchers have operationalised it as governments and other ‘steering’ social institutions. For example, Broadbent et al. (1991) operationalises it as government, professional and financial institutions. Zacharias (2007), using Habermas’ model, names government legislation as SM in that it shapes the work-life balance policies developed by organisations which influence the behaviour of women and men in the context of parental leave usage. In this study, in the context of DV, SM is government policies and legislation influencing workers in CSS.

In the conceptual framework for this study, the ecological framework proposed by Heise (1998) is incorporated into the Zacharias (2007) framework model in order to provide the context of DV against women. Heise (1998) presents an ecological approach to male violence against women in order to find out why individual men become violent and why women as a class are so often their target. Heise (1998) draws on the framework developed by Belsky (1980)’s study of child abuse and neglect. Heise (1998) presents an integrated framework depicted as four concentric circles. At the inner (first) circle, the Personal History level refers to individual risk factors which the individual brings into the relationship, and includes developmental experiences such as witnessing family violence as a child and being abused as a child. The individual factors influence their response to situational and socio-cultural stressors. At the second wider circle, the Microsystem refers to family structure and dynamics and direct interactions with others in the family and how the individual gives subjective meaning to those interactions. These risk factors include whether there is male dominance in the family and male control of wealth in the family and the immediate context of marital conflict and abuse and factors such as the use of alcohol. The third further wider circle, the Exosystem, refers to interactions with the immediate environment, that is, the social and socio-economic context. The risk factors here include low socio-economic status, unemployment, isolation of the woman and children from her family and neighbours and delinquent peer associations, meaning neighbours and/or friends in similar

circumstances. The fourth and widest circle, the Macrosystem, refers to cultural values attitudes and beliefs about gender relationships. It refers to tolerance of male entitlement/ownership of women, wide acceptance of verbal and physical violence, rigid gender roles and a form of masculinity linked to aggression and dominance.

Heise discusses a fifth circle, the Mesosystem, not depicted in the diagrammatic representation of the framework, which refers to various aspects of a person's social environment that includes linkages between an individual's family and other extent of involvement, such as place of work, extended family, or network of peers and additional social institutions, such as the police, courts and social services (Heise, 1998).

In the conceptual framework for this study, Heise (1998)'s five circles depict the personal and social cultural factors that may cause DV, thus forming the LW level. The social and cultural factors reviewed in the previous chapter include patriarchy, gender inequality, urban/rural differences, relationship status, family structure, poverty, economic dependency, women's silence and acceptance of the violence. These personal and socio-cultural factors are referred to by Heise (1998) as the ecological framework (as discussed in chapter 2). Heise model is used in chapter 4, to point out which of her factors are included in the policies and legislation in both Australia and Bangladesh. The presentation of findings from the interviews in chapter 5 uses Heise's framework to point out which factors are identified by interviewees.

Zacharias (2007)'s conceptual framework is specifically developed for a gendered analysis of a social issue. Thus it is suitable for research into DV. Further, DV needs to be analysed through a gender lens to highlight the gendered nature of DV and the gendered nature of factors in the LW that reproduce DV. Through this conceptual framework it is possible to show the invisible interrelation between gendered social structures and institutions, and the beliefs, norms, and experiences used to regulate and police women's and men's roles, and the institutionalisation of such gendered structures in the state and family, as was the case for Zacharias (2007) study into the gendered nature of work-life balance. Zacharias (2007)'s conceptual framework reveals how government is influenced by elements in the LW in the development of policies and legislation through the SM and how organisations in the SYS work according to these policies and legislation.

To identify all factors in the LW is critical, because it will then help to develop effective policy and legislation and will help to develop a more integrated approach to controlling DV. This study aims to

recognise the interrelationship between the three levels of LW, SM and SYS. The existence and role of SM, and SYS as being influenced by the SM is absent in Heise's framework, thus the use of Zacharias' framework as well.

3.1.2 Conceptual Framework for Domestic Violence against Women

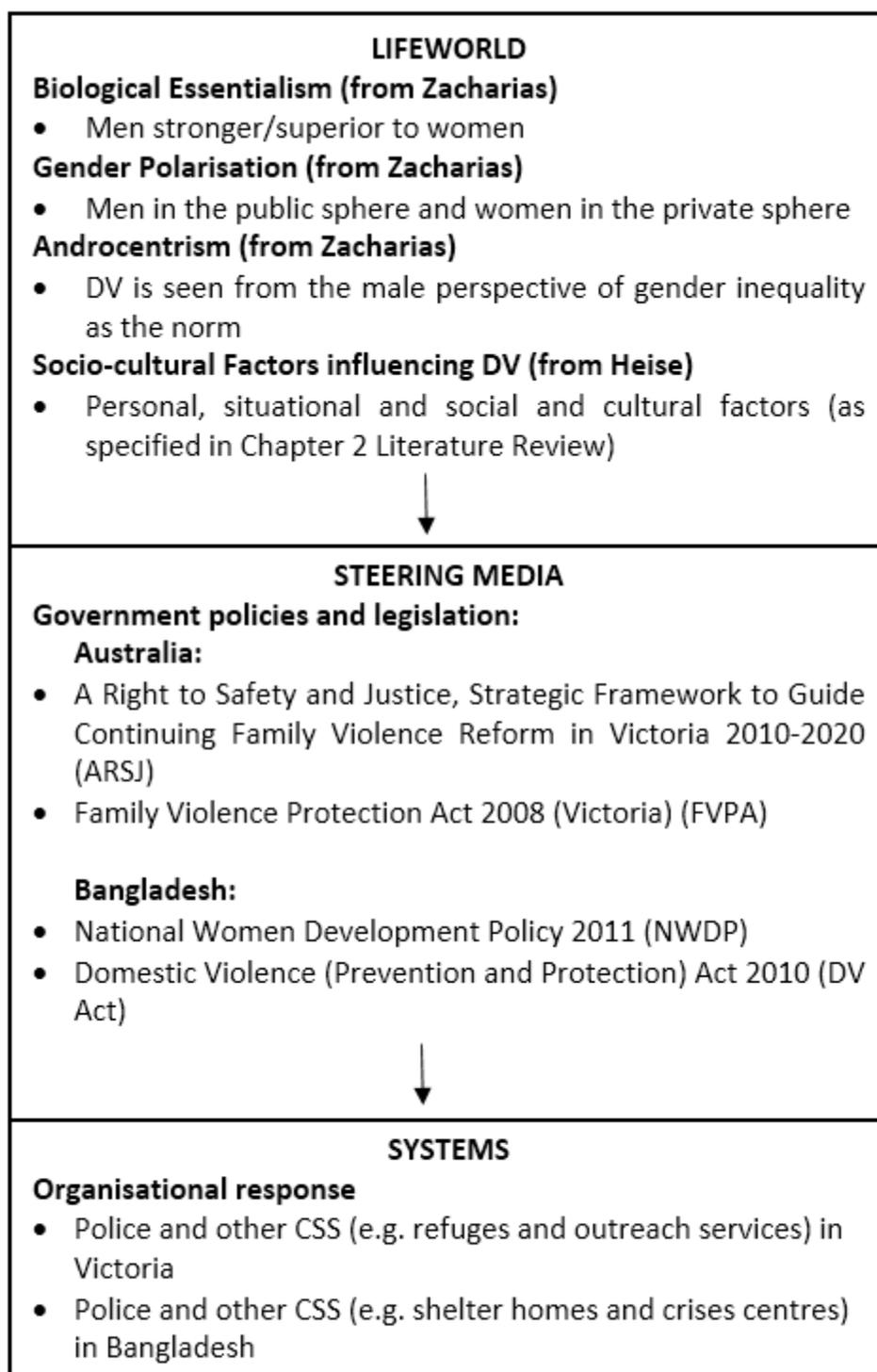
In the conceptual framework there are the three levels of LW, SM, and SYS. The LW consists of the factors that contribute to DV from Heise's ecological framework (1998). SM is government policy and legislation related to DV. Lastly, SYS is the organisations which deal with DV, namely the police and other CSS. This framework, Domestic Violence against Women (DVAW), has been developed specifically to study the role of SM relative to violence against women in the domestic sphere. The DVAW provides a mechanism through which social control as exercised by the steering media, can be examined. The SM which have the potential to perpetuate attitudes that normalise patriarchal control and condone violence against women include not only policies and legislation, but could also include visual and print media, cyberspace, religions, and organisations such as education, Health, Welfare and others.

Figure 3.1 presents the conceptual framework giving details of the elements in each of LW, SM and SYS. Figure 3.1 shows how each of the elements found in Zacharias and Heise are incorporated into the framework for this study. Detailed description of the Figure 3.1 framework follows.

LIFEWORLD

LW contains the traditional values, attitudes, beliefs and norms around the issue of gender and power relations between women and men and how such attitudes and beliefs can impact on relationships and potentially present risks of DV. Zacharias (2007) sets the LW gender lens with three characteristics (biological essentialism, gender polarisation and androcentrism), while Heise (1998) operationalises the LW by providing details about personal, situational and socio-cultural factors which influence gender based DV.

Figure 3.1: Conceptual Framework for Domestic Violence against Women



a) Biological Essentialism

Beliefs in biological essentialism impact on every aspect of women's lives in terms of education, economic dependency, social mobility and isolation as well as relationships (Connell, 1987; Kimmel, 2004). In addition, norms accepted as valid knowledge in various societies, such as family as the private sphere and under male control and men in the public sphere with women being expected to be homemakers and carers of children are inherently gendered norms and the accepted platform for 'doing gender' (Zacharias, 2007). Therefore, beliefs in biological essentialism enable society to see women as subordinate and men as powerful. The result is that women face discrimination in every aspect of society as well as in the family. To maintain what are believed to be essentialist norms, men use violence among other means.

b) Gender Polarisation

Gender polarisation stems from the belief that men and women are biologically or essentially different and thus should perform different social roles allotting men to the public sphere where power resides and women to the private sphere performing the gendered role of housekeeper and mother. Bem, (1993, p. 80) defined gender polarisation as the "ubiquitous organisation of social life around the distinction between male and female", emphasising the view that conventional gender roles are 'natural' arrangements. Such beliefs can lead to the social isolation, which is identified a risk factor by Heise (1998). Such polarisation creates gender inequality which gives the man power over the woman; women may be economically dependent on men though this varies from culture to culture. It should be noted though that even in cultures where women are economically independent, violence still often exists. Therefore, to understand this reality of male power even in more developed countries, it is important to recognise the essentially invisible lenses of gender. Such arrangements are socially constructed as pointed out by Bem (1993), Gottschalk (2003) and Zacharias (2007).

c) Androcentrism

Androcentrism means that people see, organise and understand the world from the male perspective, that is, the male norm is the default. Bem (1993, p. 2) noted that "it is thus not that man is treated as superior and women as inferior, but that man is treated as human and woman as 'other'." In an androcentric culture beliefs in biological essentialism mean that social structures and institutions can be organised to suit men. Therefore men can dominate the powerful public sphere.

d) Socio-cultural Factors

Gender inequality, which is developed from beliefs in biological essentialism, gender polarisation and androcentrism, is the main underlying factor for DV (Murray and Powell, 2011). Gender inequality is related to personal, social and cultural issues (Heise, 1998). Chapter 2 review of the literature identified the social and cultural factors that influence, and thus operationalise, DV as they apply to Australia and/or Bangladesh.

STEERING MEDIA

SM in this study is government policy and legislation for DV. Zacharias (2007) demonstrates the importance of government intervention in a work-life balance context; her cross-country study showed that if gender equality is included as a policy objective, it is possible to design work-life policies and legislation that break down structural barriers, such as the idea that men will work outside the home and women will work in the home which prevent work-life balance. Therefore, the analysis of DV policies and legislation will show how SM (government) develops, and thus directs, the approach to DV in that society.

SYSTEMS

SYS are the tangible economic and administrative organisations which gain influence from LW and its implementation through SM. SYS consists of Heise (1998)'s five circles (or sub-systems) of life which come under the direction of the SM. In this study SYS are the tangible organisations that have been set up to support women in response to the DV problem. In particular, this study focuses on police and other CSS which are also gendered organisations where men and women both work.

According to this conceptual framework, the government needs to include and explain gender equality in DV policy and legislation objectives, thus DV is revealed as a social problem rather than an individual problem. Recognition of DV as a social problem opens the possibility of breaking down structural barriers and traditional norms around the issue, and it may be ultimately possible to reduce DV. Furthermore, if the government in its legislation and policy recognises DV as a gendered social issue women could get support from the government as full and equal citizens through the support services which are guided by the policies and legislation. Additionally if legislation and policies identify and name all known risk factors and point out the relationships between them, strategies can be put in place by support services that are better able to focus on and target the behaviour that reproduces violence, as well as build in accountability.

In chapter four and five, the conceptual framework will guide the analysis of the policies and legislation and interview findings. Focus will be particularly on the potential of the SM to alter the LW and SYS. Due to the focus of this study on the SM, the analysis will be structured into two distinct but interrelated parts by investigating first the policies and legislations as SM and then the interview findings as SYS.

3.2 METHODOLOGY

Methodology provides information about a researcher's choice of philosophy and strategy, while highlighting why a researcher chooses particular methods to reach their research objectives (Crotty, 1998). In this section the methodology for this study on DV is set out, starting with the ontology of DV, followed by research philosophy, choice of qualitative method, case study research design, data collection process, sampling of case studies and data analysis. The researcher's own perspective and addressing ethical concerns round off this methodology section.

3.2.1 Ontology of Domestic Violence

Ontology is perceptions of the nature of reality; essentially what the study is on about. That means a researcher's ontological assumption is shaped according to how the researcher sees and studies their research object (Saunders, Lewis and Thornhill, 2016). Researchers make ontological assumptions about DV which may be that gender differences are essential or biological in which case the possibility of change is restricted. This study views DV as a socially constructed issue arising from gender inequality as set out in the conceptual framework.

Epistemology is "theory of knowledge embedded in the theoretical perspective and thereby in the methodology" (Crotty, 1998, p. 3); essentially how to conduct the study. There are two broad views on epistemology; objectivism and subjectivism. Objectivism upholds that there is a meaningful reality apart from human consciousness. Crotty (1998, p. 8) explains that from the point of view of objectivists if a researcher goes about their research 'in the right way' they can discover an objective truth. For a study of DV, objectivism's view of male and female behaviour is that it is independent from the unconscious because it is essential or biologically based. Subjectivism holds that meaning does not come out of an interplay between subject and object as in objectivism, but rather it is imposed on the object by the subject. Saunders et al. (2016, p. 130) maintain that "social reality is made from the perceptions and consequent actions of social actors (people)". Subjectivism in the most extreme form considers that the order and structures of social phenomena are created by the social actors and their consequent actions. A less extreme version of subjectivism is social constructionism,

which believes that reality is constructed through social interactions in which social actors have partial involvement in creating meanings and realities (Saunders et al., 2016). This study adopts a social constructionist epistemology.

The view of social constructionism is that peoples' behaviour is dependent on consciousness and life's experience. That means what they see, what they do and what they learn constructs their behaviour; this implies that different people see the same phenomena in various ways, and learn different ways which construct the meaning differently. Such life experiences influence many men to be violent. From their consciousness, they follow the norms, values and beliefs of their culture. Almost all cultures in the world are patriarchal to a greater or lesser degree, and women hold subordinate positions in them to a greater or lesser degree. The level of gender inequality differs according to LW norms, and DV rates differ in different cultures depending on the level of gender inequality. Thus, gender inequality is socially constructed (Gheradi, 1995; Gottschalk, 2003; Zacharias, 2007).

All Western and Eastern cultures are patriarchal to a greater or lesser degree, and women hold subordinate positions in them. Therefore violence rates differ in different cultures, as will become evident through using the conceptual framework to demonstrate this pattern. A social constructionist view is that such behaviour can be changed. Social constructionism is appropriate in this research due to the gendered nature of the issue of DV (Heise, 1998; Oakley, 2005). Also, constructivist epistemology is common in gender research (Connell, 1987; Bem, 1993; Zacharias, 2007).

The socio-cultural contexts around DV differ as was shown in the literature review which explored the social and cultural contexts of Bangladesh and Australia. The legislation and policies aimed at dealing with DV and organisational responses to DV also differ. The fact that DV is a gendered issue is strongly influenced by beliefs of biological essentialism in the LW of both countries. Despite significant differences between the two countries under investigation, the LW of both lead to a research methodology of social constructionism.

3.2.2 Research Philosophy

Research philosophy is the term which is related to the development of knowledge. The theoretical perspective is the philosophical position that informs the methodology and provides a statement about some assumptions related to the chosen methodology and describes how those assumptions are grounded in the researcher's view of the human world and social life within that world (Crotty, 1998). This study focuses on the reality about DV. This reality is multiple and differs in time and place

depending on societal norms about DV as represented in the conceptual framework by the LW. This philosophy rejects the positivists' ontological assumption that reality is objective, singular and separate from the researcher and that their research is value-free and unbiased. Instead, the philosophy underpinning this study is interpretivism, which relies on the assumptions that social reality is in mind. Thus, it is subjective and there are multiple realities as seen by the participants in the issue under investigation (Saunders et al., 2016). Interpretivist researchers acknowledge that research is value-laden and biases are present (Saunders et al., 2016). Given the gender lens described in the conceptual framework, this study leads to adoption of interpretivism.

3.2.3 Choice of Qualitative Method

Research methods are usually categorised as quantitative and qualitative (Crotty, 1998; Saunders et al., 2016). Fundamentally the difference between the two is that quantitative research adopts statistical methods to obtain the findings while qualitative research uses non-statistical methods (Saunders et al., 2016). Quantitative methods, such as questionnaires, are generally used by positivists to study human behaviour. Qualitative methods are used by interpretivists as they provide greater depth of understanding of the perspectives of research participants through exploring people's experience and behaviour (Crotty, 1998). Qualitative methods include observations, interviews and focus groups. Both qualitative and quantitative approaches can be used under the interpretivist paradigm. This research uses qualitative methods.

Qualitative research seeks to understand what is happening in a situation. The research objectives of this study include examining legislation and policies designed to support DV victims, and also how the police and other crisis support services deal with implementing these DV policies. Qualitative research design for this study is basic to an in-depth understanding of human behaviour and enables seeing how human behaviour differs in the DV cultural context. As the current study is about DV in the distinct cultures in two countries, thus it enables the capturing of individual experiences in their environment.

3.2.4 Case Study Research Strategy

The research strategy for this study is a comparative analysis in the context of two countries Australia (Victoria) and Bangladesh. The jurisdictional comparison in this study is based on understanding the different legislation (at SM) in the jurisdictions of the State of Victoria (in a Federalist system) and Bangladesh (in a Unitary system) with a variety of abilities of social actors across these two Systems by legislators to implement DV legislation and then responders to implement. The intersectionality of discrimination factors in the DV space underpin these System issues that are in focus by this study,

but these underlying factors are not able to be addressed in themselves given the research questions that have been set for this study.

Both jurisdictional systems under enquiry have developed different approaches to DV through policies and legislation. According to Lee and Greenwood (2006), cross national comparative research can be categorised as case studies where a study uses surveys, experiments, and other methods to collect data in two or more countries. Comparative analysis of countries as the case studies has also been used by Zacharias (2007) in a cross country comparison of policies on work-life balance between two countries, Australia and Sweden. Closer to the theme of this study, Monani (2008) examines DV in two countries, Australia and India. Although both India and Australia have federal systems and Bangladesh is a unitary system of government, a comparison is nevertheless valid in this study as Bangladesh and Victoria in Australia are the two analogous jurisdictions that have authority over strategies to deal with DV.

A case study approach is useful in that the comparison between jurisdictions makes it possible to outline differences and similarities about factors which influence DV against women, in two entirely different cultural contexts. Further a case study approach allows for an in-depth examination of practical legal reforms to address social problems such as abuse of women (Rumscheidt, 1996). The studies of Monani (2008) and Perez Trujillo (2011), by examining policies and legislation of both countries in two separate jurisdictions and cultural settings, demonstrate different outcomes which then enable the drawing of conclusions regarding the effectiveness of the institutional intervention in the two countries. Comparative case study analysis also offers a tool to unmask some of the 'taken-for-granted' assumptions about DV and appropriate interventions.

As a research strategy, case studies are generally (but not always) associated with interpretivism and qualitative methods of data collection (Saunders et al., 2016). Case study research is useful in qualitative research to generate insights from intensive and in-depth research into the study of a phenomenon in its real-life context, leading to rich, empirical descriptions and the development of theory (Yin, 2014).

There are several reasons why Australia, a developed country and Bangladesh, a developing country, were chosen to conduct a comparative analysis of DV policies and legislation. First is the socio-cultural differences in the two countries. Perez Trujillo, (2011) and Monani (2008) point out that cultural and social factors play key roles in the way service agencies (and the State) respond to DV. Therefore, as

these two countries differ according to history, social structures, and culture, they make a useful comparison. The social and cultural differences may help to demonstrate the influences of societal values, attitudes and beliefs on government policies and legislation to address DV. Bangladesh with more recent action to curb DV may benefit from the experience of Australia with a longer history of intervention. Further understanding of similarities and differences in both jurisdictions may help to explain the fact that despite intervention, DV rates are still high in Australia.

The second reason for comparing Australia and specifically the State of Victoria with Bangladesh is due to the objectives of this research and also because both jurisdictions follow the English Common Law principles and tradition. Generally, cross-country comparisons are done due to the symbolic significance of comparing two different nations. However, the decision about choice of jurisdictions to compare must also take into consideration the objectives of the research to determine the suitability of the comparison. As Zweigert and Kotz (1998, p. 34, with original emphasis) state:

...the basic methodological principle of all comparative law is that of *functionality*. From this basic principle stems (sic) all the other rules which determine the choice of laws to compare, the scope of the undertaking, the creation of a system of comparative law, and so on. Incomparables cannot usefully be compared, and in law, the only things which are comparable are those which fulfil the same function.

De Cruz (2006) also supports his proposition. As mentioned in section 1.2, CSSs in Bangladesh work under national policies and laws and in Australia they work under state policies and laws. Thus both CSSs do the same function and are comparable according to the test of 'functionality'. For example, Perez Trujillo (2011) compares the two cities of Melbourne (Australia) and Bogota (Colombia) since the focus is on interactions of family and friends within an urban space. Whereas in this study the focus is on legal and organisational responses within jurisdictions that control such responses. In Australia specific legislation to deal with DV is at State and Territory level, with each such jurisdiction having its own policies and legislation guiding DV support services. Whereas, under the unitary Bangladesh system, the same jurisdiction is national. As the objectives of this study include the analysis of how support services such as police, the courts and refuge services interpret policies and legislation through the strategies they adopt to deal with DV, it was not possible to compare federal policies and legislation in Australia with the unitary ones in Bangladesh. Furthermore, the Federal National Plan in Australia merely sets the parameters around which State and Territory policies and legislation are framed; thus, this study addresses this National Plan only in the context of how it impacts on the Victorian situation.

The final reason is that of interest and convenience. As a Bangladeshi national, the researcher lived and worked as a lawyer in the field of DV in Bangladesh, but also worked in the area of DV while living

in Victoria. As an investigator who speaks both English and Bengali, data collection is made possible without the use of an interpreter.

3.2.5 Methods of Data Collection and Justification for their Use

In this study in-depth interviews, based on the Interview Schedule as set out in Appendix 1, is the central data collection method. This is supported by examination of original source documents, namely government policies and legislations, and secondary sources from television and print media reports about DV incidents. When more than one data collection method is used, as in this study, it is ideal to ensure there is triangulation of the data collected. Triangulation involves confirming the validity/credibility/authenticity of research data, analysis and interpretation from multiple data sources (Saunders et al., 2016).

This study examines the actual policies and legislation that are released by governments related to DV. Secondary data sources are also included in the form of information collected from the police and other CSS, such as statistics, press releases and brochures. The policies and legislation represent the SM in this study. This data is a vehicle to focus the inquiry towards a society level analysis because, in comparing the two countries, it is possible to examine the differences between the two governments' values and attitude with regards to DV. Furthermore, through the comparative analysis, it became possible to unpack the gendered 'taken-for-granted' assumptions and norms which underlie DV policies and legislation, and that are not easily visible (Bacchi, 1999), and are likely to differ in the two countries. In addition, the differences can be shown to result in different outcomes, as policy and legislation design can either facilitate or hinder victims and support services, as Zacharias (2007) also demonstrated in her comparative study about parental leave provision between Australia and Sweden, and the different outcomes they provide. As only one senior police officer in Victoria was able to be interviewed, therefore determining from interviews how police 'on the ground' deal with DV was highly limited. To overcome this, an analysis of the Code of Practice 2004 developed by the Victorian police to deal with DV, along with supplementary information on CSS activities and television and print media reports were examined.

In-depth interviews are useful for research because they allow a researcher to collect rich and detailed data (Saunders et al., 2016). They provide in-depth information and allow a researcher to view an interviewee's expression of attitudes and behaviours, as the interviewee's perception is able to be expressed during the interview process (Pomerantz and Zenel, 2004). Thus it gives insight to the issues which they have experienced. The conversation during the interview is not general; rather it is steered

by the interviewer, who introduces the topics and primarily relies on the information given by the interviewee (Kvale, 1996). The key person's perception of how they are working in the DV space according to legislation and policies at the practice level is the core information source for this study. The interviews of key personnel from police and other CSS are necessary, because these are the people who are adopting, promoting, supporting and implementing DV policies and legislation in their work.

3.2.6 Sampling and Conduct of Interviews

The sampling method used for this study is non-probability sampling in line with interpretivist research which means that the findings are explanatory with the potential for transferability to other DV studies in this area, with possible future development of generalisable outcomes. The choice of case studies, that is, Bangladesh and Victoria, Australia is influenced by relevance, interest and convenience. The State of Victoria has established itself as taking a leading role in tackling DV by setting up the Royal Commission into DV. As a developing Asian country with a British colonial past and Bengali culture Bangladesh provides an interesting comparison to Australia (which is also in the Asian region, but with a western culture). Further, the researcher has lived and worked in both Victoria and Bangladesh, and as such the choice was also a pragmatic decision.

Within the two countries, police and other CSS were chosen as the focus of attention as these organisations are the front line for support of DV victims as the first responders for women in crisis. Legislation and policy in the various states of Australia are generally similar, but there are a few differences which will be highlighted through the analysis. In Victoria, personnel from police and other CSS (refuge and outreach services) were interviewed, and in Bangladesh, the Bangladesh police (VSC) and other CSS (shelter homes and One-Stop Crisis Centres, OCC) were interviewed.

The sample for this study consisted of female and male key personnel in Bangladesh drawn from Bangladesh police, shelter homes and OCC. In Victoria permission was given by the Victoria Police Ethics Committee to interview only a senior police officer with DV expertise working in the area of DV in Victoria. In addition key staff from refuges and outreach services were interviewed. A total number of 25 interviewees from both countries participated in the qualitative research. Table 3.1 summarises the demographics and codes of the interviewees in both countries.

Snowball sampling method was adopted. Snowball sampling is preferred when it is difficult to find members of the desired population (Saunders et al., 2016). In this study, snowball sampling was used

because generally CSS staff cannot be identifiable through external sources, as they need to maintain secrecy because of their job nature. Participants were identified once inside the organisation such that personal contact and networks could be used. By snowballing, 16 staff participants from Bangladesh and nine staff participants from Victoria were recruited, for a total of 25 participants, as set out in Table 3.1. Participants ranged in age from 24 to 50 years. The majority of participants were over 30 years and worked in CSS in both countries, while 15 worked in government agencies in both countries.

In Victoria, the participants were mainly from non-government organisations in refuge and outreach services. Most interviewees were Officers in Charge and three were senior co-workers. In Bangladesh two interviewees were from the top rank of the CSS in which they worked, six were Officers in Charge of their CSS and five were second in charge. Interviewees were given pseudonym codes to hide their identities and to distinguish them in the findings and discussion chapter, see Table 3.1.

In both countries participants were recruited through snowball sampling and with the help from local NGOs (in Bangladesh) and the organisation Domestic Violence Victoria (DV VIC) which is the central organisation in Victoria to contact the CSS. In Australia (Victoria), emails were sent to potential participants inviting them to be interviewed. In Bangladesh, the organisation Bangladesh National Women Lawyers Association (BNWLA) assisted in contacting the CSS centrally (Dhaka) and in other parts of the country. Potential participants in Bangladesh were contacted by phone as email is not always viable. The organisations are geographically located in different regions of Bangladesh for the interviews. Thus, during the visit to regions for the interviews, opportunity was taken to also visit the shelter homes, OCC and VSC, in order to gain practical knowledge about the workings and the structure of these organisations.

In both countries, the interviews were conducted face to face and audio-taped. Organisations assisted by allocating private space for interviewing in their organisations. This helped to discuss the issue in private and to maintain confidentiality which also protected them and the researcher from potential aggression by perpetrators should the nature of the interviews become known.

Two sets of interview questions were designed, one for the police and the other one for the other CSS. The questions were organised into three areas: (i) description about the practical nature and structure of the organisation, (ii) understanding about the factors that influence or contribute to DV, (iii) knowledge about the policy and law, and the how they are addressed, as well as barriers faced. As this study focuses on the process of service delivery according to law and policy, the questions asked did

not focus on right or wrong, rather the questions focused on understanding the participants working duties and responsibilities. The interviews in Australia (Victoria) were conducted in early 2014 with the exception of the police officer who was interviewed in November 2013. To conduct interviews in Bangladesh it was necessary to travel to Bangladesh and interviews were conducted there from August to October 2015. Overall the interviews took approximately close to three months in each country, and the length of each interview took on average one hour.

3.2.7 Data Analysis

In Australia (Victoria), the interviews were conducted in English, recorded and transcribed. One interviewee was emailed the interview questions, and the responses were returned by email. In another interview from CSS, two participants answered the questions together, the manager of the organisation and a senior co-worker, which were then separated into two separate transcripts and giving them two distinct pseudonym names.

Table 3.1: Demographics and Codes of the interviewees of both countries

Name of the Country	Name of the Organisation	Code of the interviewee	Number of participants	Sex	Educational qualification	Present position
Australia: Victoria	Victorian police	VP	1	Female	Staff holds tertiary qualifications. For most of them the minimum degree is in psychology or social work or welfare equivalent.	Key persons
	Australian outreach services	AORS	3	Female		
	Australian refuge (which includes Australian refuge/ outreach services)	AR and AR/ORS	5	Female		
Bangladesh	Bangladesh Victim Support Centres	BVSC	3	Female/ Male	Master's degree or equivalent	Key persons
	Bangladesh One-Stop Crisis Centres	BOCC	6	Female/ Male		
	Bangladesh shelter homes	BSH	7	Female		

In Bangladesh, the interviews were in Bengali, therefore first they were transcribed into Bengali and then into English. For these two tasks, two transcribers were hired. The quotes are presented verbatim

in this thesis unless there were serious grammatical errors in which case the grammar was corrected without changing the meaning. For some quotes clarification was added in square brackets. In Victoria all transcripts were sent back to the participants for review. In Bangladesh, the participants were contacted by phone and only four chose to review the Bengali transcript. As in Victoria, two participants from CSS answered the questions together, the Officer in Charge and a co-worker, which again were separated into two transcript and given different names.

A 'thematic analysis' was used to analyse the interview data. Themes were identified in each transcript and coded through several readings of the transcript. A set of categories (codes) of analysis were established in light of the research questions for the interview transcripts, those are firstly identifying the factors from the experiences of the interviewee, and secondly, their understanding about the policies and legislation and how they work according to policies and legislation in practice in response to DV. In the final thesis, interviewees are quoted verbatim, and appear in chapter 5 as part of the text or (where noted) as supporting evidence in Appendix 2. Sometimes in quotations, details are written in square brackets for clarification and also to obscure any detail that might identify the interviewee. In addition, focus was given to identifying the main similarities and differences between the countries.

Primarily data analysis was guided by the research question and objectives. A thematic analysis has been conducted for both text (secondary data) and interview transcripts according to the research questions. The conceptual framework guided and helped focus the findings of the data and the whole thesis. Based on the conceptual framework, the LW elements were sourced from a critical review of the literature. The SM elements were sourced from secondary data consisting of policies and legislations. The chosen organisations, police and CSS and the interview data, were placed in the SYS.

The theoretical perspective and research strategies and methods used in this study were chosen on the assumption that violent behaviour can be changed if the issue is appropriately addressed by policies, proper implementation of legislation and appropriate responses by organisations with the responsibility to deal with DV.

3.2.8 The Researcher

I analyse my research through a 'gender lens, a term used by Bem (1993) and Zacharias (2007) to analyse the gendered power relations between women and men. The concept of looking at the world through a gender lens was an entirely new one for me. I have developed a greater depth of understanding of gendered power relations by conducting this research. Likewise my understanding

has developed about feminism. I saw and understood how gender roles are socially constructed. Women struggle to maintain their family lives and careers. Alternatively, they do household work every day, which is imposed socially onto them.

However, I believe that nothing is static in this world and it is continuously changing. I envision gender inequality and violence against women as a social construct which is maintained by patriarchal social mechanisms and thus can be changed. Thus my desire is to see a society in which acceptance of violence against women is unthinkable.

The researcher has lived in both countries and worked for DV victims for five years in Bangladesh, including as a lawyer. This background and experience is the main motivator to engage in this study which has helped in understanding the feelings of the key personnel of the organisations and to conduct the research.

3.2.9 Ethical Issues

As DV is a sensitive issue, ethical concerns exist. Participants' rights, safety, privacy, and confidentiality must be, and was, ensured. The research project went through several approval processes in each country, including Federation University Australia, the Victoria Police, one of the CSS in Victoria, and the Bangladesh police. For the latter two I had to apply formally in writing. For the University and Victoria Police I had to complete formal ethics applications. I gained permission from all of these organisations to interview participants in their respective organisations, and submitted the permission of police from both countries with the ethics application in Federation University. However, for the Victoria Police, authorisation was received to interview only one person, a senior officer with DV expertise working in the area of DV. The ethics application to the Human Research Ethics Committee (HREC) at the Federation University (previously named University of Ballarat) considered the principles of confidentiality of the information and potential risk to the participants.

As the sample size was small, there was a small chance that participants might be identified; anonymity is a necessary measure of protecting the participants. Every effort was taken to maintain anonymity and confidentiality. The names and identities of the interviewees from either country have not been revealed nor any information about them that could identify them. Pseudonyms are used where interviewees are quoted. The names of the organisations in which interviewees worked are not named in the thesis. Before conducting the interview, I tried to develop rapport with the interviewee to gain their trust, and ensured them they could speak freely, that their information would be

confidential, they would not be able to be identified, as advised by D’Cruz and Jones (2004) and Pitts and Miller-Day (2007). No incident of concern occurred at any point during data collection in Bangladesh or Victoria. See Appendix 1 for all relevant ethics documents.

3.3 INTRODUCTION TO THE CASE STUDIES: AUSTRALIA AND BANGLADESH

Australia and Bangladesh have distinctly different approaches to addressing DV. This section places the study into context of Victoria, Australia and Bangladesh in terms firstly of the differences in the socio-cultural context. Secondly the legal address to DV is noted, and thirdly, organisations in dealing with DV in the both countries are outlined briefly.

3.3.1 Australia

Socio-cultural Context

Australia is a developed country with low levels of poverty, although an estimated 13.3% of all people live below the internationally accepted poverty line (SPRC, 2016) and 116,427 people are experiencing homelessness (ABS, 2018).

Australia is divided into six states and two territories. It has a low-density, multicultural population with an estimated 24,422,123 million (ABS, 2018b). Most of the population are of British and European origin (approximately 94%) plus a minority population comprising of Asian, Middle Eastern and African people (4.5% overall). The Indigenous population is 2.8% (ABS, 2017c) and lives in great disadvantage (AIHW, 2017). It is a secular country. According to the 2016 Census, 30% of Australians noted that they do not have religious beliefs and only 52% identified a Christian background (ABS, 2017).

According to Hofstede (1983), Australian culture is characterised by low levels of power distance (36), and high levels of masculinity (61) and high individualism (90). Individualism refers to people’s self-image defined in terms of ‘I’ and ‘we’. According to Wang (2015), low acceptance of unequal power distribution in organisations is influenced by respect for individualism relative to respect for authority (Wang, 2015). In gender equality terms, individualism according to Archer (2006) is closely related with women’s empowerment and thus lower victimisation rates. Furthermore according to Yoshioka and Choi (2005) women have a greater range of work and lifestyle options available in individualist culture. People mainly live in traditional nuclear family households. However, according to the 2016 Census data about less than half (46.3%) of the families in Victoria are nuclear families comprising couples with children, followed by couples without children 36.5%, and one-parent families’ (15.3 %).

Other type of families represent only 1.8% such as group or extended households of 4.5% and single person households of 24.5% (ABS, 2016).

The dimension of masculinity alludes to masculinity being the dominant gender role in a society. A society with a high score of masculinity clearly differentiates gender roles (Hofstede, 2001). In respect to this dimension, according to the World Economic Forum (WEF, 2017) an international measure indicates Australia is ranked 35th in the world on gender equality. This suggests that gender inequality is relatively low in Australia, but it still very much exists. Australia has made significant advances in the area of educational attainment; for primary education the ratio of female to male is 97.3:96.7, secondary education 88.8:86.4 and women were more likely to be enrolled in formal tertiary study than men at 106.3:75.4 (WEF, 2017). Progress still needs to be made in the areas of economic participation and opportunity lack of which potentially makes it more difficult for them to leave an abusive relationship and earn enough to support themselves and their children. Women are mainly represented in the part-time and casual workforce which contributes to the lower average income of women. Women still earn significantly less than men and the national gender pay gap is at 15.3 percent (ERA, 2018). In terms of political empowerment, WEF (2017) shows women hold only 27 seats in parliament and men 73, with the ratio of men to women in ministerial positions being even greater at 17:83. In addition, 68% of Australian women are engaged as primary carers for older people and people with disability (Australian Human Rights Commission, 2018), as well as children (ERA, 2018). In addition, women spend three times as much time taking care of children each day than men (Australian Human Rights Commission, 2018).

Since 2011 there has been no department in any Federal Coalition Government that addresses specifically the needs of women and children. The Abbott Coalition Government created an 'Office for Women' within the Department of the Prime Minister and Cabinet. This Office could possibly indirectly influence the passing of women-centred social policies, such as the struggle to make DV a gender-based approach. However, in Victoria there is a Minister for Women, and a Minister for Prevention of Family Violence was appointed by the Victorian Andrews Labor Government in 2015 (Willingham and Cowie, 2014). Also, the Commonwealth and State and Territory governments have introduced legislation to help protect people from discrimination and harassment, amongst these there is the Commonwealth *Sex Discrimination Act 1984* and the *Equal Opportunity Act 2010* (Victoria).

Historically the proportions of employed and economically independent women has increased during the last 25 years (ABS, 2017b). However employment growth, especially for women, has been mainly

part-time, casualised jobs, despite their higher education. The Federal Howard Coalition Government introduced the *Workplace Relations Act 1996* with the concepts of 'mutual obligation' and individual contracts, while encouraging part-time work in the name of flexibility and work-life balance (Weeks and Hutchinson, 2004).

In Australia and Victoria, the majority of people who report DV are women (Victoria Police, 2017). There are various sources of the data, such as Victoria Police, Australian Institute of Criminology, and the Australian Bureau of Statistics. According to 2012 personal safety survey (ABS, 2013), more than one in four women experience emotional violence from an intimate male partner since the age 15. However according to ABS (2017d) statistics, one in six Australian women have been subject to physical and/or sexual violence since the age of 15 from a current or previous cohabiting partner. Also, more than half (54%) of women who had experienced violence from a current partner, reported the occurrence of more than one violent incident (AIHW, 2018). The proportion of women experiencing sexual violence over a 12 month period remained steady over 2005 to 2012, but increased in rate between 2012 to 2016 (ABS, 2017d).

Legislation and Policies to Protect Women from Domestic Violence

In Australia, at the Federal level, legislation with particular relevance to DV include family law, whereas civil and criminal law are state matters (Murray and Powell, 2011). The national *Family Law Act 1975* (FLA) is concerned with family law parenting orders, social security law, and child support law and family laws relating to property. The FLA, amended in 2006, focuses on family violence and child abuse in the context of the family law overall. The amendment about 'equal shared parental responsibility' (FLA s61 DA) created confusion and misunderstandings among professionals (Kaspiew, Gray, Weston, Molony, Hand, Qu, 2009, p. 207-210; Chisholm Report, 2009, p. 8). The law was amended again in 2011 which broadened the definition of family violence and child abuse and prioritised protection of children from harm (Kaspiew, 2012). However, these changes mainly focus on child's safety rather than women's remedies. The *Family Law Amendment (Family Violence and Other Measures) Bill 2017* was passed in 2018 in part to resolve the family matter by state and territory courts and strengthening the powers of the courts to protect victims of family violence.

From this national context in Australia family law has impacts on DV intervention directly or indirectly (Wilcox, 2010). However family (or domestic) violence legislation in Australia is a state matter. Australia is a signatory to CEDAW while Victoria's legislation and policy aims to implement and give substance in this field of violence. In Victoria, there are four pieces of legislation regarding family

violence; the *Magistrates' Court Act 1989*, the *Magistrates' Court (Family Violence) Act 2004*, the *Charter of Human Rights and Responsibilities Act 2006*(CHRR), and the *Family Violence Protection Act 2008* (FVPA). When the FVPA came into effect it made the definition of family violence gender neutral (and not using the term DV), even though the approach is gender-based; it gave police extra power (safety notice and holding the perpetrator) and broadened the definition of family member. In 2017 this legislation was amended according to recommendations of the Royal Commission (2016).

The *Magistrates' Court Act 1989* introduced a definition of family violence and established the Family Violence Court Division (James McConvill and Associates, 2017). In 2002 the Magistrates' Court of Victoria established internal specialist family violence listing protocols, led by a supervising magistrate appointed by the Chief Magistrate. These protocols, along with a family law and family violence steering committee of magistrates and registrars, helped establish better, more consistent family violence listing practices (James McConvill and Associates, 2017).

In 2005, FVCD of the Magistrate Court of Victoria commenced sitting at Ballarat and Heidelberg (James McConvill and Associates, 2017) providing specialist services such as easy access to the court, safety of people affected by violence (Magistrate Court of Victoria, 2015), and it has been described as an example of a 'one stop shop' model for victims of family violence (Lauritsen and Chambers, 2015). That means a victim gets several kinds of support in one place; from support workers, magistrates, registrars, police prosecutors, outreach workers, and lawyers all especially trained in DV issues.

Further, the *Magistrates' Court (Family Violence) Act 2004* gives power to the court to direct men to attend treatment programs to help them stop their violent behaviour (Trujillo, 2011; Magistrates' Court of Victoria, 2015). The court also has the capacity to hear other matters at the same time with intervention orders such as bail applications, lawsuit about criminal cases involving either the defendant or affected person, family law parenting order matters, and victims of crime applications related to DV (Magistrate Court of Victoria, 2015). The court provides short-term assistance for accused persons prior to sentencing in order to address the causes of offending behaviour through individual case management through the program the Court Integrated Services Program (Lauritsen and Chambers, 2015).

In 2006 the Victorian Bracks Labor Government introduced the *Charter of Human Rights and Responsibilities Act 2006* which established the main rights that the Parliament and public authorities must seek to protect and promote. Included in these rights are equality before law, right to life,

protection from torture and cruel, inhuman or degrading treatment, freedom from forced work, freedom of movement, protection of families and children, cultural rights, property rights, right to liberty and security, humane treatment when deprived of liberty, fair hearing, rights to criminal proceedings, and retrospective criminal laws for all Victorian people.

In Victoria, policies and strategies that respond to family violence are set out in several documents, notably *Women's Safety Strategy: A Policy Framework: A Co-ordinated Approach to Reducing Violence Against Women 2002 -2007*, *A Fairer Victoria: Creating Opportunity and Addressing Disadvantage, 2005*, *A Right to Respect: Victoria's Plan to Prevent Violence Against Women 2010-20*, *A Right to Safety and Justice*, *Strategic Framework to Guide Continuing Reform in Victoria 2010-2020*, *Code of Practice for the Investigation of Family Violence*, *Supporting an Integrated Response to Family Violence in Victoria, 2004* (State Government Victoria, 2002; 2005; 2010; 2010b; Victoria Police, 2004). For non-government DV support services there are codes of practice, in particular the *Code of Practice for Specialist Family Violence Services for Women and Children* (DV VIC, 2006) and the *Practice Guidelines: Women and Children's Family Violence Counselling and Support Program* (Grealy, Humphreys, Milward and Power, 2008).

In Victoria the greatest change happened as a result of the death of Luke Batty at the hands of his father in 2014. After that incident a first ever Royal Commission into Family Violence in Australia was established in 2015, to investigate family violence reforms. In 2016 this commission submitted 227 recommendations to transform Victoria's response to family violence (State Government Victoria, 2016a). The Victorian Andrews Labor Government created a ten year Action Plan in order to reform the system. The plan called *Ending Family Violence Victoria's Plan for Change*, aimed to achieve the vision of a Victoria free from violence by implementing all its strategies. The plan includes prevention of family violence, access to housing, changes to the family violence law, establishment of a network of support and safety hubs and a new coordination agency (State Government Victoria, 2016). As at 2018, the Family Violence Rolling Action Plan 2017-2020 is being actioned (State Government Victoria, 2017).

Outline of the Support Services

Support services are mainly developed to support DV victims and perpetrators, although the focus of policies is violence against women including DV. The focus is coordinating support through inter-agency collaboration between government and non-government organisations, which was initiated in the mid-2000s (Murray and Powell, 2011). The aim of the integrated family violence reforms focussed

on enhancing the safety of the women and children and holding perpetrators accountable (Hynam, 2012). In Victoria, in a coordinated response, government bodies are the Department of Human Services, the Department of Justice, the Department of Planning and Community Development, the Department of Educations and Early Childhood Development, and Victoria Police. The Department of Human Services, Victoria Police, and the Department of Justice provide direct services to victims. Victoria's family violence system offers victim based justice system meaning priority is given more to the victims.

Victoria police as a government organisation is the key leader in the DV support system. In 2004 Victoria police developed their code of practice for the investigation of family violence and revised it in 2010 and 2014. This code of practice provides directions about police response and investigation on how to deal with DV, investigation procedures for both criminal and civil cases, how to make referrals and their duties and responsibilities according to the case of civil and criminal (Code of Practice, 2010). The aims of this code are to increase the level of safety for all victims of DV, particularly women and children, and hold perpetrators of DV accountable for their behaviours, provide early intervention, encourage reporting of incidents of DV and support an integrated response to family violence in partnership with other agencies, government and non-government (VAWC Strategy Group, 2012).

The Victoria Police department organisational structure places a high emphasis on DV. In Victoria, there is a Family Violence Coordination Unit which is located within Crime Command in the Crime Department. This department has a State specialised approach to DV and has developed strategies, policies and frontline staff to implement it in practice. This unit looks at how the policy and strategy is working in practice level, and continuously works towards improving the system. Family Violence Liaison Officer (FVLO) is a senior police officer responsible for providing a consistent and coordinated approach to DV according to the guidelines set in the Code of Practice. In addition, there are 17 Family Violence Advisors across the state whose role it is to provide a focal point for the interface between operational police, FVLOs and local agencies such as refuges and Outreach (Code of Practice, 2010). There is also a Family Violence Manager who provides a regional contact point for external and non-government agencies. In addition, in 2015 Victoria Police established Australia's first Family Violence Command to assist police to develop a more effective response to DV (Hosking, 2015). Also, there is a Police Services Area Inspector who is responsible for ensuring that all police in the PSA and all stations in that area are adhering to the Code of Practice.

As a result of the 2016 Victorian Royal Commission, various recommendations to improve police response were implemented, including improving police education, strengthening police practice in identifying the primary aggressor, and establishing a Family Violence Centre of Learning with external academic governance. The Commission endorsed Victoria Police's steps to encourage cultural change in keeping with the recommendations of the Victorian Equal Opportunity and Human Rights Commission's Independent Review into Sex Discrimination, Sexual Harassment, including Predatory Behaviour. The commission proposed a trial of body-worn cameras for collecting statements and other evidence from DV incident scenes (State Government Victoria, 2016a).

Police work in a coordinated system with other women's support services. These services are under non-government specialist support services funded by the State government. They offer full services for women, such as outreach and shelter support. Another organisation, Safe Steps Family Violence Resources Centre (SSFVRC) aims to provide crisis support, information and referral 24 hours a day, 7 days a week. Besides the support organisations, there are some organisations which work to coordinate the women's support services. Amongst them the peak advocacy body in Victoria is Domestic Violence Victoria (DV VIC), which acts as a central point for services to facilitate communication and coordinated responses between government and community-based agencies. DV Victoria also holds a central position in the Victorian integrated family violence system.

DV outreach and refuge services operate within the Victorian Department of Human Services (Monani, 2008). Outreach services main aim is to provide information about relevant services, referral and case management support for those who cannot leave the home but are experiencing DV (DV VIC, 2006). Women's refuge services are provided for women and children who need to leave the family home. The main aim of refuge services is to provide women and children with safe and secure but temporary accommodation, offer confidential, professional and relevant services according to their needs, referrals and case management support (DV VIC, 2006). In Australia, among all assistance seekers the number of women seeking homelessness assistance because of DV is highest (Homelessness Taskforce, 2008), which leads to continuous demand on refuges that are almost always full and often women need to stay in other (less supportive) places such as motels.

The 2016 Royal Commission recommended funding for specialist DV services, including funding to expand after hours responses and has required and recommended new and better methods of service delivery, enhancing staff capability and improving access to victims who face specific barriers and for additional information for friends and family to be made available through websites (State Government Victoria, 2016a). The Commission recommended the implementation of a substantial

program of individualised packages to fund rental subsidies and other associated costs for access to private rental properties for people fleeing violent relationships and to provide support for any ongoing tenancies. This will greatly expand the range of available housing according to the needs of the victims and build on existing Family Violence Flexible Support Packages. The Commission also recommended the development of 'safe at home' programs, to make it available throughout Victoria, and increase measures to improve crisis accommodation options (State Government Victoria, 2016a).

3.3.2 Bangladesh

Socio-cultural Context

Bangladesh emerged as a sovereign country in 1971 when, through a war of independence, it separated from Pakistan due to the desire for political, economic and linguistic self-determination (UNDP, 2017), and cultural disparity, and further decided that their first allegiance was not to religion as in Pakistan but to a common language. As Choudhury (2002, p. 212) note:

...the four basic principles of the state – nationalism, secularism, democracy and socialism as laid down in the Constitution of 1972 – were not accidental accretions; they were born in, and nurtured by, the very struggle of the people for liberation, and represented cleanly and conclusively the rejection of the founding ideology of the state of Pakistan, the cornerstone of which ideology was religious nationalism.

Bangladesh is a densely populated country divided into eight states, called divisions. The Bangladeshi population includes different ethnic groups and religions such as Islam, Hinduism, Buddhism and Christianity, although most of the population are Muslim.

Bangladesh is classified as a developing country (IMF, 2018; BD News 24, 2018). Social Indicators such as gender disparity in education and maternal mortality have improved vastly, while poverty is declining steadily. Furthermore, the country has diversified towards a manufacturing based economy, with rapid growth in the garment industry (IMF, 2018), although it remains a poor country. Bangladesh's economic and social structure is changing through rapid industrialisation, structural change in the economy and substantial rural and urban migration and the country is moving towards middle-income status (UNDP, 2017). The country has achieved success in some areas, such as reducing population, child malnutrition, rural-urban gap in human development, human poverty, and a modest pace of income-poverty reduction (Sen, 2002).

According to the Hofstede cultural dimension, Bangladeshi culture is characterised by high levels of power distance (80), Individualism (20), and masculinity (55) (Hofstede, 2017). Power distance means that organisations and institutions (like the family) expect and accept that power is distributed

unequally (Hofstede, 1991), and hierarchically (Hofstede, 1983). In such a culture both women and men are conditioned to see violence as the norm. As Bangladesh falls in the 'high levels of power distance' category, it infers that people see power distance or power inequality as something natural, accepted and expected by the less powerful members of society and work organisations (Trujillo, 2011). Power within the family resides with the male head.

Furthermore because Bangladesh scores low in individualism, it means the country is considered to be a collectivist society. Collectivist society manifests in a close long-term commitment to the member group (a family, extended family or extended relationships). Archer (2006) revealed that collectivism dimensions are strongly correlated with DV victimisation. As Bangladesh is also a collectivist culture this could also be true of Bangladesh.

In addition, Bangladesh is high in masculinity and distinguishes men to be more powerful than women; the culture expects women to be modest and submissive. According to Hofstede (1983) masculinity is visible in line with the dominant patterns of sex roles, boys are socialised toward assertiveness and self-reliance and girls toward nurturance and responsibility. Trujillo (2011, p. 76), in her description of Columbian culture, notes Hofstede's words that masculinity "...in combination with values of power distance, this also means that the cultural norm encourages a strong dominant father and a strong but submissive mother". This could also be applied to Bangladesh. Thus, gender equality is a great challenge in Bangladesh.

Three dimensions are mentioned by Korpi (2000) to be critical in assessing equality of men and women in a country. Those are, women's political representation, tertiary education, and participation in the labour force. According to World Economic Forum (WEF, 2017) advancement of women in Bangladesh has had some success, especially in the areas of education and female representation in parliament where women hold 20.3 seats and men hold 79.7. Although in ministerial positions there are only 6.3 women to 93.8 men. Moreover two female Prime Ministers, Khaleda Zia and Sheikh Hasina, have been leading Bangladesh alternatively since 1990. There are also gains for women in other areas such as in labour force participation where the ratio is 45.1 women to 83.3 men, while professional and technical worker ratio is 29.1 female to 70.9 male. These achievements and others means Bangladesh has achieved the leading position in south Asia regarding gender equality (WEF, 2016; 2017). Notably, Bangladesh has given equality to men and women in the Constitution, while the Hasina Government has initiated policy and action plans to create equality in every sector and budgeted funds to achieve

such goals. The Bangladesh government also established a separate Ministry of Women and Child Affairs (MOWCA).

Despite these gains, Bangladesh is still a country with a patriarchal culture (Ameen, 2005; Chowdhury, 2009; Rahman, 2014) and the conditions of women in Bangladesh are unequal to those of men in all areas. Bangladesh acknowledges this inequality and emphasises its' drive to achieve equality through the Constitution, through women's policies such as the Seventh Five Year Plan FY2016-2020 (SFYP) and National Action Plan (NAP) to Prevent Violence Against Women and Children (2013-2025). However this progress is hampered by the lack of women's representation in the decision making levels in legislators, senior officials (13.2) and managers (86.8) and ministerial positions in government (6.3). (WEF, 2017)

According to a Bangladesh Bureau of Statistics survey (BBS, 2016) women compose a greater number of victims of violence than men. For the 2015 report, 21,688 women aged over 15 were interviewed. This survey included questions to determine from whom women were facing violence and the demographic differences of victims and perpetrators. Most of the women (72.7%) who reported violence in the survey did not make a complaint about it, nor even take support from support services. Rather they talk about their experience of violence to their family, mother-in-law's family and even the neighbours, but they do not go to the police, health officer, religious leader or community leader.

According to the BBS (2016) report, 72.6% of women who had ever been married had been the victims of DV. One quarter (27.3%) said that they faced sexual abuse from their husband and 55.4% percent said they were controlled by their husband. Emotional violence was experienced by more than one quarter (28.7%) and 11.4% experienced economic violence. In spite of government progressive investment in more resources to tackle violence against women including DV, the information and data about family violence characteristics and victims is limited, and sometimes contradictory. Another problem is under reporting (BBS, 2016) that is wide spread and police headquarters has records of only cases lodged (CEDAW, 2015).

Legislation and Policies to Protect Women from Domestic Violence

Although Bangladesh is a developing country with economic limitations and high inequalities, the country has still offered considerable efforts in its legal response to violence against women, including DV. Legal sources can be divided into the Civil, Criminal and Special protective legislation for women (Ameen, 2005) and the *Domestic Violence (Prevention and Protection) Act 2010*.

The criminal law that deals with violence against women generally is the *Penal Code Act XLV 1860*. It offers some remedies for all forms of physical violence and some forms of psychological violence, murder, slavery or forced labour, wrongful restraint or confinement, adultery, fraud, deceit, rape, acid throwing, offence affecting body life, causing miscarriage, and criminal force/assault. Civil laws that are applicable for women include the *Dissolution of Muslim Marriage Act 1939*, under which a woman can seek divorce; the *Muslim Family Laws Ordinance 1961*, which deals with family matters such as divorce, maintenance and child custody while for guardianship of children there is the *Guardians and Wards Act 1890*.

Special protective legislation for women is also present in many forms, such as the *Women and Children Repression Prevention Act 2000* (amended in 2003) which deals with dowry-related matters, including murder of women for dowry; the *Child Marriage Restraint Act 2017*, the *Dowry Prohibition Act 1980*, and (because throwing acid on women is not uncommon) the *Acid Crime Prevention Act 2002* and *Acid Control Act 2002* (Ameen, 2005). Finally, with growing awareness of DV against women, the government passed the *Domestic Violence (Prevention and Protection) Act 2010*. The limitation of this act is that as a civil act it does not provide punishment for the perpetrator.

The only policy in Bangladesh to promote the role of women is the *National Women Development Policy 2011* (NWDP) (MOWCA, 2011). There is also a development plan that focuses on promoting equality through the implementation of the NWDP for the period 2010 to 2021. This provides a framework for the implementation of the government's vision for the role of women by 2021. The NWDP incorporates provisions for equality and non-discrimination in all spheres of life and *National Action Plan* (NAP) provides guidelines to prevent violence against women and protect and ensure women's human rights (CEDAW, 2015). In addition, to implement the NAP, a National Centre on Gender Based Violence has been established. There is also a National Council for Women and Children Development chaired by the Prime Minister and consisting of representatives of government, civil society and women's organisations for providing policy guidance and monitoring the implementation of women's and children's development (CEDAW, 2015).

Outline of the Support Services

Although Bangladesh has initiated several strategies to create gender equality and deal with violence against women, the system of responding to violence against women including DV has not developed much. In Bangladesh, government agencies are in charge of providing direct support to victims. Domestic violence law has given importance to agencies, and their duties and responsibilities are

identified. Different ministries of government, like Ministry of Education, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Home Affairs, Ministry of Women and Children Affairs (MOWCA) have staff and departments dedicated to women's welfare and are working for the rights of women (Safiullah, 2014). Amongst them MOWCA is in a leading position.

There is a Multi-Sectoral Program on Violence against Women (MSPVAW). Under this program, different kinds of support is provided, however refuges are not mentioned. This support includes a national helpline for women in crisis, which remains active for 24 hours, and provides information and advice about services. Other forms of support under MSPVAW are available throughout the country, such as the One-Stop Crisis Centre (OCC) in the divisional Medical College Hospital, which provides short-term shelter. There are also OCC cells at district and sub-district levels (CEDAW, 2015).

Under the jurisdiction of the police there are, in some police stations, Victim Support Centres (VSC), which have been established to provide legal support, medication, counselling, and emergency shelter to women and children (CEDAW, 2015). There are eight VSC located in different police stations in Bangladesh. The Bangladesh government provides all kinds of support in the VSC, such as food, clothing, legal, counselling and medical supplies to the women and children in these centres, free of cost. One of the eight VSC extended its area of services in 2011 to become a separate division called the Women's Support and Investigation Division (WSID) operating under the auspices of the Dhaka Metropolitan Police. The WSID works with the collaboration of three units, VSC, Investigation Unit and Quick Response Unit. The Investigation Unit investigates the cases related to *Women and Children Repression Prevention Act* (Amended in 2003) within 49 police stations of DMP (Investigation Unit, 2017). The quick response team/unit's role is to rescue women from the place where the incidence occurred. In addition, the Community Policing Forum operating in 64 districts includes 33% female staff and cooperates with the community in dealing with sexual harassment and DV. Thirty two out of 35 Model Thana (police stations) have women police officers (CEDAW, 2015).

The MOWCA runs five divisional shelter homes (SH) which provide shelter for up to six months for female victims of violence, includes support for up to two children under the age of 12, and provides shelter and training to the women and education for the children (*Bangladesh* 25, 2011, p. 16). NGOs like Bangladesh Legal Aid Service Trust, BNWLA, and the Association for Correction and Social Reclamation provide shelter support as well.

Both government organisations and NGOs currently provide legal advice, counselling, and education/prevention programs for women. Mediation is an Alternative Dispute Resolution practice in Bangladesh, to resolve disputes (Sheikh and Karim, 2014) to negotiate victim's rights and let their voices be heard, where formal judicial services are flawed (ASK, 2012). Mainly some NGOs and government SH do this in the case of dowry money, divorce, custody of children, and DV (Sheikh and Karim, 2014). Despite the high rate of DV, Bangladesh has a limited number of refuges compared to the number of victims (Sheikh and Karim, 2014). Also, none of the agencies working on DV issues do so exclusively. The OCC are situated in the emergency divisions of government medical colleges and their aim is to provide all services in one place, such as health care, police assistance, DNA testing, social services, legal aid, psychological counselling and rehabilitation free of cost. Besides OCC, there are two other kinds of SH existing in Bangladesh, non-government and government. Commonly, in one government SH at least 50 women and 100 children under the age of 12 can be accommodated in hostel style accommodation and are able to stay for a minimum of up to six months and a maximum of 12 months. SH provides food, clothing and other daily necessities, legal support, police protection and health support; everything is free of cost. Non-government SH work for human rights and women's rights, provide legal support and shelter support to the women also cost free. The duration of stay for the victims in the non-government SH is decided on a case by case basis depending on the needs of the victim. Both government and non-government SH in Bangladesh are structured like a hostel with shared bedrooms.

Overall, whereas many government and non-government agencies are dealing with DV, appropriate, timely and professional support is a significant problem. To start with, many of agencies are present only in the main cities of the country and do not cover small cities or rural areas. Also, many of these service agencies are under-resourced and poorly supervised.

3.4 SUMMARY

This research aims to utilise comparative case study analysis to gain in-depth understanding of the situation surrounding DV in Bangladesh and Australia (Victoria). This chapter sets out how such a program of study is to be conducted. The conceptual framework used to analyse the data is based on Habermas (1987), as modified by Zacharias (2007) to provide a gender lens. It is further adapted using Heise (1998) to make it suitable for study into DV. There is a two stage data collection process. First there is a comparative analysis of DV related to legislation and policies, followed by in-depth interviews with senior employees of police and other CSS. The data from legislations and policies pertaining to DV in each country is presented and analysed chapter 4. The primary data from the in-

depth interviews is presented in chapter 5. The context of DV in the two countries completes this chapter.

CHAPTER FOUR

COMPARATIVE ANALYSIS OF POLICIES AND LEGISLATION IN AUSTRALIA (VICTORIA) AND BANGLADESH: STEERING MEDIA

Initiatives to deal with DV vary from country to country. More recently in most countries, including Australia and Bangladesh, effort has been invested towards developing policies and legislation which aim to help victims of DV. Their focus and strategies however differ.

In order to make a meaningful comparative analysis as stated in section 1.2, the legislation and policies in Victoria are compared with those of the national Bangladesh laws and policies. This is because these two jurisdictions are the legislative Steering Media (SM) and operational systems (SYS) in both the countries from the perspective of the protection of victims. In Victoria, there is a broad policy framework named “Victorian Women’s Policy Framework 2008-11, In pursuit of women’s equal participation in all aspects of Victorian life” and in addition there is a separate and specific policy for DV. Whereas, Bangladesh has developed a broader policy for women’s development, of which DV is a part. In addition, both countries developed their policies and legislation as signatories of CEDAW and undertook to protect equal rights; in Victoria through the *Charter of Human Rights and Responsibilities Act (CHRR) 2006* and in Bangladesh through the *Constitution of the People’s Republic of Bangladesh*.

For Bangladesh, the national policy namely the *National Women Development Policy 2011 (NWDP) (MOWCA, 2011)* which is the first and only policy in the country and which deals exclusively, albeit broadly, with women’s issues. In addition, the *Domestic Violence (Prevention and Protection) Act 2010 (DV Act)* is the main legislation used in Bangladesh. In Australia (Victoria), the most recent Victorian policies are *A Right to Safety and Justice, Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020 (ARSJ) (State Government Victoria, 2010)* and the Victorian legislation, the *Family Violence Protection Act 2008 (FVPA)*. This chapter is a comparative analysis of these four documents that form part of each respective country’s SM in order to identify which factors from the LW are mentioned.

This chapter follows the conceptual framework by viewing action of the SM as change agents to contribute to changes in the LW, as well as changes in institutions which make up the SYS such as Police and other CSS. Specifically, policies and legislation are examined to see how factors that can contribute to DV are addressed, and what these strategies within these policies and legislation suggest

for dealing with DV and any redress available. In the process, the extent of gender stereotypes and gendered hierarchies implicitly still present in these policies and legislation are noted.

4.1 THE CHALLENGES OF A FEDERAL VS. A UNITARY SYSTEM OF GOVERNMENT

Australia and Bangladesh have different political systems, and the complexity of policy and legislation differs. Australia is a federal system with relatively independent states, so Australian policies and legislation are developed both federally and at state level whereas Bangladesh is a unitary country with a centralised political system able to develop policies and legislation only centrally. Being a federation of states gives Australia some advantages, in particular, the different states can learn from each other's strengths and weaknesses, thus they are more able to apply such learning to pursue reform of policy; whereas a unitary country has less scope for experiential learning (Chappell and Curtin, 2013). For Bangladesh, because it is one state, learning can only come from reflection rather than from other states' experiences.

A disadvantage of a federal system is that it creates complexity as each state has its' own policies and legislation as well as federal policy and legislation. However, the major problem is that a federation faces barriers to achieving a coordinated and integrated policy response (Chappell and Curtin, 2013), whereas a unitary country has the opportunity for a greater coordinated response because they have only one parliament and national policy and legislation. Further, as a developed country, Australia has potentially more resources such as funding, though the amount of funding is mitigated by the political views of the government of the day. In contrast, Bangladesh is one of the poorest countries in the world and depends on international funding from sources such as the World Bank or the United Nations, which brings into the decision-making the views of the international funders. The political views of the government of the day is an important consideration (Phillips, 2006). This applies to both Australia and Bangladesh as political views also have a high impact on DV legislation and policy development and implementation.

The cultures of both Australia and Bangladesh are patriarchal. Gendered practices that perpetuate gender inequality exist in both countries. However, such practices are more institutionalised in Bangladesh, for example, child marriage, dowry, and others. Nevertheless, a government that is sensitised about gender equality will generally act to work on promoting gender equality and give more emphasis to DV legislation and policy than a government that is not sensitised to gender equality. Even when a government is sensitised and wants change, it is extremely difficult to change longstanding cultural practices.

4.2 NAME, FRAME AND DEFINITION

The naming, framing, and definition of a problem should make clear what the problem is about. As discussed in chapter 2, the way a problem is named, framed and defined in policies and legislation is interrelated and influences how the problem is understood, how it is acted upon and the types of strategies proposed to deal with the problem. Appropriate and accurate naming, framing and definition makes the issue easier to identify, understand and act upon. The name, frame and definition is an example of the interrelationship between the LW and the SM insofar as the way the problem is presented in policies and legislation. Such decision-making documents reflect the attitudes and beliefs about the problem in the LW and influences how the issue is brought to public awareness through the SM. Thus naming, framing and defining in policies and legislation not only sets the context, but also influences community attitudes towards victims and alleged perpetrators of DV, and potentially steers the response of police and other CSS (i.e. SYS) such as in the way these institutions carry out their duties changes. There are differences between name, frame and definition in both policies and legislation in Victoria and Bangladesh which are summarised in Table 4.1 and discussed below.

While DV can be framed as gendered or gender neutral it can also be framed as a societal or individual issue. If the framing is developed as an individual issue rather than a social problem, then focus may fall on individual men to change for their behaviour, however this obscures the issue as a societal problem and the idea of social change is not considered. Policies in both countries address gender equality and frame as a societal problem. Both country's policies treat DV as a problem, and put plans and strategies in place to combat it. In addition, both governments have passed legislation to support DV victims. Further, both countries' policies accept structural gender inequality as the main factor in DV, and that the State will work to diminish gender inequality through legislation and community awareness. This shows that both countries focus on DV as a social, as well as an individual, issue. Victorian policy mentions promoting respectful gender equitable relationships in communities and homes. In Bangladesh policy (NWDP 16.12) mentions to "establish gender equality in politics, administration, other areas of activity, socio-economic activity, education, culture, sports and in all areas of family life". However, the Victorian policy (ARSJ) also focuses on the individual male perpetrator and has created men's behaviour change program to help this man deal with his anger in non-violent way, which is absent in Bangladesh.

Table 4.1: Differences in naming, framing and definition in policy and legislation in both countries

Component	Bangladesh	Australia (Victoria)
Policy and Legislation	Policy: National Women Development Policy 2011 (NWDP). Legislation: Domestic Violence (Prevention and Protection) Act 2010 (DV Act).	Policy: A Right to Safety and Justice, Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020 (ARSJ). Legislation: Family Violence Protection Act 2008 (FVPA).
Acknowledgement of gender	Gendered in the title of the policy. In name frame and definition – both policy and legislation use the term DV	Non-gendered in name frame and definition – uses the term ‘family violence’ in both
Focus on victim	Women and children (both)	Victim can be any family member (both).
Focus perpetrator	Male and female in family relationship (legislation)	Any family member including women and children (legislation)
Definition of the family members	Any person related by blood or marriage or adoption or member of a joint family (legislation)	A broader range of family members such as from spouse, domestic partner, relatives to any type of dependence or interdependence between the victim and another person (legislation)
Term used for victims of DV	Aggrieved person refers to a child or women (legislation)	Affected family member refers to any person (legislation)
Type of violence mentioned	Physical, sexual, economic and emotional violence (legislation)	Physical, sexual, emotional, psychological, economic abusive, threatening, coercive and damaging property (both)
Redress	Only for women (legislation)	For any family member who becomes an affected person (legislation)
Acknowledgement about women’s human rights	Both policy and legislation acknowledge DV is a violation of women’s human rights by mentioning CEDAW and Bangladesh Constitution.	Policy acknowledges DV is a fundamental violation of human rights. Policy also specifically acknowledges that it is a violation of women’s human rights by mentioning CEDAW. Legislation acknowledges that it is a violation of human rights, but does not mention women’s human rights nor CEDAW.
Contradiction	Both policy and legislation clearly says that women and children are victims, therefore there is no contradiction regarding who is the victim of violence.	Both policy and legislation have adopted the same gender neutral definition, which suggests that anyone can be victim or perpetrator. On the other hand, they acknowledge that family violence is predominantly committed by men against women and children, yet much of the language refers to women and children.

The definition in Victorian legislation FVPA is also non-gendered. It defines family violence as follows, “behaviour by a person towards a family member of that person.” (FVPA, 2008) The term “person” instead of woman, also suggests a framing of the protection of human rights for all. In addition, the FVPA section 5 defines DV as behaviour which is “physical or sexual, emotional or psychological, economic abusive, threatening, coercive”. It is noteworthy that while under gendered naming and framing any family member, including the woman, can be assumed to commit the acts, some of the acts named in the definition are themselves essentially gendered, for example ‘sexual violence’ which is violence that is usually committed by a man, as is most DV (Kimmel, 2002; See for Bangladesh Ameen 2005; and for Australia Murray and Powell, 2011; ABS, 2017d; BBS, 2016).

In Bangladesh the title of the policy *National Women’s Development Policy 2011* (NWDP) is clearly gendered but the title of the legislation *Domestic Violence (Prevention and Protection) Act in 2010* (DV Act) is not gendered. Furthermore in Bangladesh the DV Act defines DV in gendered terms: “physical abuse, psychological abuse, sexual abuse or economic abuse against a woman or a child of a family by any other person of that family.” That means according to the legislation, women and children are the only victims although any other family member can be an alleged perpetrator.

In Victoria, the attempt to be gender neutral in name frame and definition is problematic, as was discussed in the literature review. As was pointed out by Murray and Powell (2011) the term ‘family violence’ is problematic because it is difficult to designate the victim and the alleged perpetrator whereas the term ‘domestic violence’ through common usage in the Lifeworld infers that men (current or ex-partner/husband) are generally the ones who commit the violence against women (current or ex-partner/wife). The title of the FVPA is in terms of family violence, and section ‘Part 2 Interpretation’ refers to the victim as an ‘affected family member’ which also obscures the fact that the victim is usually a woman. Further when any person is potentially a perpetrator or victim it becomes more complicated in making decisions about resourcing and remedies. In Victoria women’s advancement is dealt with by legislation in the form of *Equal Opportunity, Affirmative Action and Sex-discrimination* legislation.

A seeming contradiction in Victoria is that although the policies and legislation use gender neutral terms and definitions, the policy, but not the legislation, acknowledges that it is mainly women and children who are the victims of this violence and men the alleged perpetrators. In addition the policy acknowledges power imbalance and gender inequality as the main factors of violence. Furthermore according to the FVPA, although women and children are acknowledged to be the main victims, the

gender neutral definition of 'affected family member' (victim) is pictured as a person instead of a woman. In addition, it acknowledges 'other vulnerable persons' with women as a primary victim which further distracts from women. In addition, the legislation in the preamble clearly states that family violence is a fundamental violation of human rights, but has not specified it as the violation of women's human rights, nor mentioned CEDAW, therefore infers to violation of all person's human rights.

Bangladesh, by using gendered name, frame and definition avoids the naming problems identified in Victoria. The Bangladesh policy (NWDP) is a broad policy aimed at advancing women toward greater independence, as is clear in the name 'Women's *Development*'. Although the policy includes DV, it places a broader emphasis on advancing women in general, but having a broader aim may also obscure the focus from violence against women. However, the word 'women' in the title reinforces the emphasis on gender; it infers that gender inequalities are present in society and that action needs to be taken to achieve equality for women.

The advantages of a gendered naming, framing and definition is that women and children are recognised as the primary victims and redress offered is only for the women as well as children, as is the case in Bangladesh. The policy and legislation clearly recognises DV to be an issue of violation of women's human rights by mentioning Bangladesh is a signatory of CEDAW and furthermore by noting the protection of fundamental rights of women according to the Bangladesh Constitution. Therefore the policy aims to uphold the equality of women. In Bangladesh, policy, and legislation clearly defines DV as a gender-based offence, framed in a gendered way and makes explicit that women and children are the main victims.

However, the NWDP policy of Bangladesh does not define DV specifically nor is there clarity about the alleged perpetrator, rather the policy names domestic violence law under the broad heading of 'Women and the Law' and describes the purpose of this DV law. The DV legislation defines and also states that the violence can be committed by any person who is related by blood or marriage or adoption or member of a joint family, for example by the husband or partner, by a mother in law or any other relative. This is because the alleged perpetrator may in some cases be the husband's mother or his family member. However, most importantly the redress in the law is only for women. Like the Victorian legislation, Bangladesh DV Act clearly specifies in the definition physical violence, sexual violence, economic violence and emotional violence. However Bangladesh does not recognise broader forms of violence, such as damaging property.

In addition, Bangladeshi legislation refers to the woman who is a victim as an 'aggrieved person' however the legislation gives the definition in DV Act section 2 of an aggrieved person as "a child or woman who is, or has been, or is at risk, of being subjected to DV by any other member of the family to whom a family relationship exists". In Victoria by referring to physical violence, sexual abuse, economic violence and emotional violence toward a family member of that person and includes damaging property the law has extended the definition and recognises a wider context of the problem area which implies that family violence is general violence .

4.3 FACTORS

No single factor fully accounts for DV, rather there are many other factors that contribute. Consensus is emerging that gender inequality and other social and cultural factors combine to cause DV (Heise, 1998; WHO, 2002; Webster, 2007). The social and cultural factors that influence DV in both Victoria and Bangladesh were discussed in chapter 2. Not all of the factors identified and reviewed in the literature are given recognition in the policies and legislation of the two countries although some factors are recognised in both. In addition, Victoria ARSJ policy has stated that increasing understanding of the factors that increase the risk to women's and children's safety needs to be a focus (ARSJ, 2010). In Bangladesh the policy, although it identifies some factors that are barriers for women's advancement, does not mention anything about wanting to understand factors. Table 4.2 identifies the factors from the literature that can contribute to DV and the extent to which they are common in each country and whether or not they are mentioned in their respective countries' policies and legislation. Gender inequality, which is the power difference between men and women in society, is the underlying factor in both countries and is mentioned and addressed in the policies and legislation in both countries as noted in Table 4.2.

4.3.1 Gender Inequality Addressed by the Policies and Legislation in Bangladesh and Victoria

The fundamental factor causing DV is gender inequality in society and power differences between women and men. Social and cultural attitudes and beliefs around gender equality influence an individual's attitudes around the issue of DV. In addition, how the State addresses the equality of women in policies and legislation also impacts on social attitudes towards the issue of DV which, in a culture that does not view women as equal to men, can influence men to commit violence.

Table 4.2: Similarities and differences in factors

Factors	Bangladesh	Australia (Victoria)	Noted in Policy	Noted in Legislation
Gender inequality	Very high	Medium to High	Noted	Noted
Patriarchy	Very High	High	Noted in Bangladesh, but not in Victoria	Not noted
Learned behavior: Observing and experiencing violence during childhood	High	High	Not directly noted, but in the Victorian policy it is mentioned indirectly that is 'violent family background'	Not noted in Bangladesh, noted in Victoria
Community acceptance of DV	High	Medium to Low	Not noted	Not noted
Extra marital relationships	Increasing issue	Medium	Not noted	Not noted
Dowry	Common but a law against it	Only present in some minority communities	Noted in Bangladesh, but not in Victoria	Not noted
Polygamy	Not common (but more common among lower classes)	Not present except illegally in some minority communities	Not noted	Not noted
Alcohol	Islam forbids alcohol	Socially accepted and a common factor	Not noted in Bangladesh, but noted in Victoria.	Not Noted
Poverty	Exists both rural and urban areas but more severe in rural areas	Exists both rural and urban	Noted in Bangladesh, but not noted in Victoria	Not noted
Low education women	High	Low	Noted in Bangladesh, but not noted in Victoria	Not noted
Low education men	Medium	Low	Not noted	Not noted
Women's economic empowerment	High	Low	Noted in Bangladesh, but not in Victoria	Not noted

Table 4.2: Similarities and differences in factors (cont'd)

Factors	Bangladesh	Australia (Victoria)	Noted in Policy	Noted in Legislation
Child marriage	Medium though illegal	No child marriage except illegally in some minority groups and special circumstance at age 16	Noted in Bangladesh, but not in Victoria	Not noted
Women's silence and tolerance/ acceptance of violence	High	Low to Medium	Not noted	Not noted
Family structure	Medium to High	Low	Not noted	Not noted
Place (rural and urban) of living	High	High	Noted Victoria, but not noted in Bangladesh	Not noted
De facto Relationship status	Not present	High	Not noted	Noted in Victoria, but not noted in Bangladesh

There are significant differences in the way gender equality is addressed in Bangladesh and Australia (Victoria) in both the policies and legislation. In Bangladesh both policy and legislation acknowledge the fundamental right of equality and have noted gender inequality as a factor of DV. Both policy and legislation state the need to establish equality of women with men according to the Bangladesh Constitution as well as a signatory of CEDAW. In the NWDP, gender equality is stated in the context of women's development which includes freedom from violence against women (including DV).

Like Bangladesh, Australia is a signatory of CEDAW, and in line with CEDAW requirements, it upholds women and children's rights along with all countries (United Nations, 1979). Victoria as a State of Australia is directly linked to Australia's participation of CEDAW. For example when implementing the rights enshrined within the convention in Australia there is the Sex Discrimination Act (SDA) 1984 (Cth), and all states (including Victoria) and territories have established their own anti-discrimination laws. Regarding Domestic Violence, there is a *National Plan to Reduce Violence against Women and their Children 2010-2022* at the Federal level, which is a broad statement of approach by the Commonwealth Government that needs to be legislated and implemented by each state and territory. Also the Commonwealth Government and all states and territories contributed to CEDAW reports (Australian Government, 2015). The Victorian policy ARSJ (p. 15) also mentions "It is important to ensure International context that the innovative and substantial work already occurring in Victoria is

further supported through the implementation of the National Plan, and *A Right to Safety and Justice* reflects this relationship between state and Commonwealth policy on violence against women reform. This statement reflects this relationship between state and Commonwealth policy on violence against women reform. In addition, policy ARSJ itself names CEDAW as international policy context of violence against women.

In Victoria, "legislation on family violence is strongly related to international law, and specifically to CEDAW" (Trujillo, 2011 p. 80). Reflection of CEDAW in the Victorian policy is also observed in the policy ARSJ. In Victoria both the policy and legislation acknowledge that gender inequality and power imbalance is central to family violence. The policy acknowledges that unequal power relation between men and women and adherence to rigid gender stereotypes are the contributing factors for violence against women. Further the ARSJ policy also aims to protect gender equality and the human rights of women through the *CHRR*. However while the policy mentions both CEDAW and the *Charter* (CHRR), the legislation mentions neither. The legislation however does state clearly that family violence is the violation of human rights. This could be interpreted as a focus on all people's human rights, not specifically women's.

There is a major issue to consider here. Both countries are signatories of CEDAW which has influenced how they address DV and gender equality in policy and legislation. CEDAW however does not have the power to enforce gender equality or human rights for women if they are violated. On the other hand Bangladesh has also enshrined gender equality for women in its constitution which means Bangladesh provides much stronger protection for women than Australia which relies on human rights legislation. Legislation can easily be changed by successive governments whereas a constitution is more difficult to change. Table 4.3 summarises the differences in the way gender equality is addressed in the two countries.

To address structural inequality of women and men, gender inequality must be addressed through the law in such way that men and women are equal before the law. It is also important for equality to be addressed in some specific areas where there is explicit inequality between women and men. Thus, addressing attitudes of society about gender equality and implementation measures that can prevent the violence before it occurs is critical. Preventative measures may be through educating the public that men and women are equal and addressing equality through legislation that protects women as equal citizens.

Table 4.3: Cross-Country Comparison between Australia (Victoria) and Bangladesh about addressing gender equality: Findings from policies and legislation

Component	Bangladesh	Australia (Victoria)
Acknowledgement in policy and legislation	Both NWDP and DV Act acknowledge fundamental gender equality as a factor for male violence against women.	Both ARSJ and FVPA acknowledge that power imbalance is central to family violence ARSJ policy also mentions adherence to rigid gender stereotypes as a contributing factors for violence against women.
Constitution	Equality for women and men is stated in the Bangladesh Constitution NWDP and DV Act establish equality of women with men according to the Bangladesh Constitution.	Equality for women and men, not mentioned in the Australia Constitution.
CEDAW	Both NWDP and DV Act acknowledge that Bangladesh is a signatory of CEDAW.	ARSJ policy, but not the FVPA <i>legislation</i> acknowledge that Australia is a signatory of CEDAW.
Human rights	Both NWDP and DV Act mention women’s human rights only NWDP states “to ensure human rights of women in all areas” and take necessary steps to do this; in addition it states need to take necessary steps to publicise and implement CEDAW. Legislation mentions DV law developed as a signatory of CEDAW to prevent DV, protect women and children from DV.	Both ARSJ policy and FVPA legislation mention human rights. Policy specifies women’s human rights. ARSJ also protects human rights through the CHRR; FVPA does not mention Victorian Charter. ARSJ specifies DV as a violation of human rights and also mentions specifically women’s human rights as a signatory of CEDAW FVPA acknowledges family violence is the violation of human rights but does not specify women; its focus is on all people’s human rights not specifically women, like the policy ARJS.

Table 4.3: Cross-Country Comparison (cont'd)

Component	Bangladesh	Australia (Victoria)
DV as a barrier to advancement, development and participation in all social life.	NWDP includes gender equality as an element of women's <i>advancement</i> , and identifies violence against women (including DV) as a barrier NWDP targets equality in all areas, social, cultural, community level and legal.	No mention in either ARSJ or FVPA of DV and general violence against women as a barrier Federal <i>National Plan</i> mentions need for equality and empowerment in economic and leadership positions.
Community education	NWDP mentions primary prevention of abuse of women NWDP mentions women's advancement, empowerment and prevention of violence through social awareness program. NWDP focus on community education about respectful relationships, gender equal relationships regarding DV.	Main focus of ARSJ is on primary prevention and community accountability for family violence. ARSJ aims to educate community to promote respectful and gender equal relationships in public and private spheres and enhance community accountability.
Accountability	Both NWDP and DV Act do not mention community accountability.	ARSJ mentions about community accountability.
Victim and redress focus of policies and legislation	Both NWDP and DV Act focus on women as the primary victims Redress is offered only for women by DV Act legislation Children are included with women in the DV Act.	Both policy and legislation use a gender neutral definition Focus on any family member as a possible victim by policy ARSJ and legislation FVPA. Redress is offered for all men, women and children who are included in the definition of family member.
Perpetrator focus	Neither NWDP nor DV Act focuses on any intervention for the perpetrator.	Both ARSJ and FVPA focus on perpetrator intervention through men's behaviour change program.

Gender inequality can be addressed in two ways, firstly through primary prevention and secondly through legal means. Primary prevention refers to taking action to stop violence before it occurs. For example, it may entail changing the attitudes and social conditions that allow DV to happen. Secondly gender equality and prevention of violence can be addressed through inclusion in the constitution and through policy and legislation.

The NWDP policy in Bangladesh addresses primary prevention through government organisations and NGOs who have developed and conduct various programs. These programs take the form of awareness programs for legal education and advice about issues such as filing cases to court, safe shelter and financial assistance available for victims. NWDP also mentions raising widespread awareness in the mass media by involving men and youths in prevention of abuse of women in all the levels of the society (19.9; 19.10; 19.11) and publicity to stop violence against women (40.2). It also mentions the need to work with the NGOs (s 43). However, because the policy focuses on barriers to advancement of women, community accountability is not mentioned.

Community accountability for DV is mentioned in the Victorian policy where it is stated that “speaking out against violence to challenge violence-supportive attitudes and stop violent behaviour” (ARSJ, 2010, p. 22). ARSJ explicitly states that unequal power and control is central to DV. In addition, it mentions that family violence is a violation of human rights and that central to this violence are gendered issues of power and control. The specific words are:

Central to this violence are gendered issues of power and control fixed in cultural and community norms and societal structures that perpetuate unequal relationships between women and men (ARSJ, 2010, p. 8).

ARSJ further mentions that unequal power relations between men and women, adherence to rigid gender stereotypes, and broader cultures of violence as the key elements and contributing factors to perpetrate violence against women (ARSJ, 2010). Also, FVPA (p. 2) recognises power imbalance using the words “Family violence may involve overt or subtle exploitation of power imbalances.” One of the purposes of Victoria legislation is to “maximise safety for children and adults who have experienced family violence” (FVPA, p.2). By using the word ‘adults’ instead of women, it suggests that the victims of family violence can be either men or women. This re-enforcement by legislation provides support for men as perpetrators.

Like Australia (Victoria), Bangladesh policy (NWDP) and legislation (DV Act) were developed as a result of becoming a signatory of CEDAW however the focus for Bangladesh was to establish equal rights of women which is also guaranteed by the Bangladesh Constitution. In addition, the preamble of the policy acknowledges that women were historically discriminated against because of Bangladesh’s patriarchal culture and acknowledges that there is still gender inequality in the society. Thus, in Bangladesh the policy and legislation focuses on women as victims and does not provide funding for men’s services.

Victorian policy (ARSJ) acknowledges gender inequality but does not specifically address it, rather it refers to other policies such as *National Plan to Reduce Violence Against Women and their Children (NPRVAWC) (COAG, 2011)* and *A Right to Respect: Victoria's Plan to Prevent Violence Against Women 2010-2020 (ARR) (State Government Victoria, 2010b)* to address gender inequality. ARSJ is mainly for family violence system reform, and guides the government's planning and investment to keep women safe and, hold perpetrators to account (ARSJ, 2010, p. 13). The policy mainly focuses on strengthening the support services to keep women safe and to guarantee their immediate and future wellbeing. The Federal *NPRVAWC* has been a central reference for the Victorian government on the topic of violence against women including prevention of violence before it occurs through the encouragement of respectful relationships. Besides working in partnership with the *NPRVAWC*, ARSJ also links with other state policy, *ARR*, which is a 10-year framework to promote respectful and gender equitable relationships in communities and homes and the focus of which is cultural change by encouraging attitudes and cultural values that reject violence.

In addition, Victoria has also two pieces of legislation to advance gender inequality, those are *Equal Opportunity Act (2010)* and the *CHRR*. Victorian government has put forward a gender equality strategy named *Safe and Strong: A Victorian Gender Equality Strategy* to promote equality in Victorian communities. In addition, the Victorian Government launched Victoria's Action Plan in 2012 to Address Violence against Women and Children 2012–2015. Victorian government also focuses on education programs to raise community awareness and change attitudes and behaviours in organisations, communities and families across Australia.

In contrast the Bangladesh Policy NWDP and the DV Act both address gender equality by referring to the Bangladesh Constitution which mentions gender equality in several sections. For example in article 27, the Constitution has said that "all citizens are equal before law and are entitled to equal protection of law", and in article 28(2) it states that "Women shall have equal rights with men in all spheres of the state and public life." Moreover, it empowers the State to make special provision "... in favour of women or children..." (article 28(4)). NWDP addresses gender equality in the first objective of the which says the policy is to "remove existing male-female disparities" (sect. 16.8) and to establish equal rights in the areas of the State and public life, in line with the Bangladesh Constitution (NWDP, 2011, art. 16.1) and to establish human rights of women (16.4). In addition the policy also addresses equality in line with CEDAW and intends to take necessary steps to make CEDAW *public*. Overall, the NWDP in sect 16.12 encapsulates its interpretation of LW by stating that the policy aims to "establish gender equality in politics, administration, other areas of activity, socio-economic activity, education, culture,

sports and in all areas of family life”, establishing equal rights in all spheres state and public life and ensuring security and safety in all areas of state, social and family life.

Like the Victorian government, in Bangladesh the government has modified several laws to encourage gender equality by eliminating discriminatory provisions against women, and has enacted some new laws to stay consistent with CEDAW. In addition, special legislation on behalf of women, such as the *Child Marriage Restraint Act 2017*, the *Women and Children Repression Prevention Act 2000 (amended in 2003)*, the *Domestic Violence (Prevention and Protection) Act 2010*, the *Prevention and Suppression of Human Trafficking Act, 2012* and *Control of Pornography Act, 2012* has been enacted. Programs also aim to eliminate harmful practices such as child marriage, dowry and eve-teasing, the term used in BD for general harassment of women in public. *The Child Marriage Restraint Act 2017* has the provision of punishment for offending parents or guardians and the marriage registrar, and compulsory production of the birth registration certificate before a marriage. Local government institutions are working against dowry. Eve-teasing was declared a punishable offence in the *Mobile Court Act 2009* to control harassment of women and girls. Magistrates were given the power to impose on the spot fines or for prison sentences of up to one year. The High Court reinforced the need for the government to address sexual harassment in public places. The *Control of Pornography Act 2012* declares any pornographic recording and broadcasting as a criminal offence.

NWDP does mention creating widespread public awareness for prevention of the abuse of women through the mass media (19.10) with publicity to stop violence against women (40.2). It also mentions the need for a “prevention of women abuse program” (46.8), however it is not clear about who the target group might be, nor which body should develop such a program. The wording of 46.8 suggests the program is for awareness of the general public and for the benefits of women.

Further, in recognition of the fact that men and women are considered to be equal in all areas of human rights and to ensure women’s human rights and fundamental freedom, NWDP focusses on addressing and eliminating all forms of discrimination against women. In addition, one of the objectives of this policy is to ensure women’s socioeconomic, political, administrative and legal empowerment (article 17.1). Thus the policy addresses most areas required to bring equality to women, although legal inequality remains in some areas such as in divorce and marriage (such as polygamy). Furthermore, the government has proposed identification of children by the name of the both father and mother in any kinds of documents such as birth registration, passport, national identification card, certificates (NWDP 17.3; 17.4; 17.5; 17.6; 17.7; 17.9). The NWDP has also

mentioned the *Citizenship Act (amended) 2009*, in which the provision for giving citizenship to the child through the mother was made.

In addition to eliminating all forms of abuse against women, NWDP highlights some strategies in article 19 aimed to eliminate all forms of ill-treatment against women including DV (such as physical, psychological and sexual harassment) from the family, society and the workplace. NWDP also aims to amend existing conventional laws to include protection of women from violence and to make them suitable to the policy requirements and DV legislation, increase the numbers of women in the police force, to extend legal support and other support through the support services such as OCC (NWDP Art. 19.1; 19.2; 19.3; 19.5; 19.8). The policy highlights education about human rights and women's rights related laws, increasing sensitisation about gender equality (article 17.8) providing training to the judiciary and the police department in the matter of legislation regarding women's rights, and making these departments gender sensitised (19.6). In addition NWDP also discusses increasing efficiency and skills of researchers to conduct wider research in the matter of gender equality and to set up separate gender research and educational institutes (44; 45).

Bangladesh has undertaken other initiatives to ensure women's equality. These include abolishing all discriminatory laws and legislating new laws which do not discriminate against women, revising and amending existing legislation, and not legislating any discriminatory law, not allowing the growth of social customs which may be discriminatory, ensuring equal rights in other areas such education, employment work place health and safety, social security and health care. At the local levels the high court specifically restricts giving any statement (fatwas) which are against the interest of women on the basis of misinterpretation of any religion or any doctrine or existing laws (CEDAW, 2015).

4.3.2 Factors Other than Gender Inequality (Social, Cultural Factors)

The social and cultural context differs in the two countries though many of the factors are common to both. In both countries factors such as age, place of residence, family structure, poverty and women's silence and acceptance of the violence can influence DV. Some factors in Bangladesh are less relevant in Australia except among some ethnic groups. For example in Bangladesh, traditional practices of dowry, child marriage and polygamy are unknown in mainstream Australian culture, but occur among some ethnic groups. Australia has made some of these practices illegal. However the practice of dowry is not. For example Dowry is illegal in India but still not outlawed in Australia (Jopson, 2018). Interestingly the Vic government recently passed a bill which includes amongst other measures redefining the definition of family violence to include using coercion, threats or abuse to demand or

receive dowry (Acharya, 2018). Another factor in both countries is poor understanding about gender equality; however more so in Bangladesh where there are low levels of literacy for both women and men. Many rural and/or poor people in Bangladesh are illiterate or have only a few years primary education. Therefore they are more likely to hold traditional views about gender roles and take literally the teachings of right wing religious leaders.

In Australia, there are also some social/cultural factors that impact on DV against women that are not common in Bangladesh such as drugs and alcohol driven violence. Factors other than gender inequality mentioned in the ARSJ include general stress, unemployment and financial stress, a violent family background, mental illness, and socio-economic status. According to the ARSJ these are contributing factors but are not causes themselves. Also ARSJ does not specify for whom these are contributing factors, men or women. ARSJ also mentions that there are factors specific to indigenous communities, such as dispossession of land and traditional culture, the breakdown of community kinship systems, racism and vilification, economic exclusion, entrenched poverty, alcohol and other drug abuse, effects of institutionalisation and child removal policies, inherited grief and trauma and loss of traditional roles and status. As has been noted previously the 'factors' in Bangladesh are in fact named as barriers to women's advancement.

In contrast to Bangladesh, in Victoria the ARSJ recognises factors specifically applicable to minority groups as well as to mainstream victims. However, the same redress is offered for all victims of DV whether they be women, men, children or minority groups. As well, in ARSJ there is mention of factors affecting indigenous peoples, some women who may be more vulnerable are explicitly referred in ARSJ. These are Culturally and Linguistically Diverse (CALD) communities, women with a disability including women with a mental health illness, older women, women in rural communities and gay, lesbian, bisexual, transgender and intersex people. These groups are at risk because of factors such as age (older), place of residence (rural), disability and mental health. They may also face barriers to assistance, services, and supports. When women have less opportunity to access services, they may become more vulnerable to violence because the men know the women have nowhere to go for help. For example, CALD women may face additional barriers to accessing services because of language barriers and lack of access to interpreters. Rural women may face barriers because of geographic isolation, limited access to appropriate services and transport. Further in small rural communities there is the difficulty of maintaining confidentiality. An added security risk is the easy availability of guns in rural areas. In urban areas guns are less common, nevertheless FVPA mentions weapon and firearms in relation to serving of a family violence safety notice or intervention order. In this case if a

police officer knows that there are firearms or other weapon in the house, the officer can direct the person to surrender them (FVPA, sec. 158). The FVPA makes a connection between gun violence and power and control.

Children who have experienced various adversities in their families can be a factor for DV, insofar as male children exposed to violence and not taught to respect others including mothers and female relatives, learn behaviour that is disrespectful to the female and that needs are met and conflict resolved through violence. Also female children, observing the family dynamics, learn to accept behaviour as the norm. The FVPA understands such social conditioning and addresses such learned behaviour and in its definition of family violence includes behaviour that may cause children to be exposed to violence through observation or hearing, (sec 5(1b)).

As a result of the Bangladesh policy NWDP being aimed at women's advancement overall with prevention of DV as part of the policy, the policy does not name the factors specifically for DV, rather it mentions barriers for women's development. Violence against women including DV is named as one barrier to women's development. Many of the mentioned factors named in the policy are also applicable as factors for DV. For example, NWDP mentions the following factors other than gender inequality and patriarchal culture namely religious bigotry, narrow-mindedness about women's place and role in society and social myths (common community beliefs that have no basis in reality such as heaven lies under a husband's feet), child marriage, dowry, women's low level of education, women unemployment, low socio-economic status. One strategy to remove barriers that is mentioned in NWDP is to ensure women's political rights and appointment of substantial numbers of women in higher levels of decision making. The policy mentions the need to motivate political parties to aim for increased participation in political parties, to raise number of women's seat in the parliament to 33%. Furthermore to provide adequate health care and family planning, to alleviate poverty, to increase women's economic self-reliance through education and to aim for more equal participation in socio-economic activities. A major reason for women not leaving abusive relationships is lack of housing and shelter, and lack of security for women living alone. These are mentioned in NWDP through some of the remedies and some of the strategies. Some factors are mentioned indirectly in NWDP, for example child marriage and dowry are not stated as factors, but the policy does mention the *Child Marriage Restraint Act* and the *Dowry Act*.

4.3.3 Factors Not Mentioned in the Policies and Legislation

In both Australia and Bangladesh there are factors that are in the literature but not mentioned in their policies nor their legislation. Factors that are not mentioned in the policies tend not to be given focus nor resources for strategies to eliminate those factors and to prevent DV. For example in both countries, and especially in Bangladesh, gendered roles and acceptance of DV needs greater focus. For Bangladesh important factors not mentioned are learned behaviour, polygamy, extramarital relationships, family structures, urban/rural differences, women's silence and acceptance of the violence. These factors are important to mention as they are some main factors for Bangladesh, as identified by literature such as Bates et al., (2008) and Dalal et al., (2009).

In Victoria factors not mentioned in policies and legislation include relationship status (noted in law but not in policy), family structures, poverty, and women's silence and acceptance of the violence. Relationship status especially needs to be addressed to reduce violence because there is evidence, as discussed in the literature by Mouzos and Makkai (2004), that male de-facto partners are more likely to commit DV.

Not identifying some of the factors in the policies and legislation is problematic in that it has resulted in a lack of strategies to tackle those factors. The main underlying factor of gender inequality is mentioned in the policies and therefore is being addressed in Victoria through public awareness programs and through legislation dealing with issues such as sex discrimination. In Bangladesh, gender equality is enshrined in the Constitution and factors such as child marriage, dowry and poverty are also mentioned and being addressed through related policies and legislation such as the *Dowry Prohibition Act* and *Child Marriage Restraint Act* as well as through public awareness programs. However, strategies directly related to DV are not addressed in these matters in either country, and thus not specifically resourced.

4.4 STRATEGIES IN THE POLICIES AND LEGISLATION TO HELP DV VICTIMS

To tackle DV, strategies are suggested in the policies and legislation. Both country's legislation offers remedies for DV victims and in Victoria for the perpetrator as well. Dealing with DV is more complicated in Victoria than it is in Bangladesh. As stated above there are several State and Federal interrelated policies that deal in some way with family violence, notably the Federal *NPRVAWC* and the Victorian, *ARR*. Likewise there are also several acts at Federal and Victorian levels set out in section 3.3.2 of this thesis that deal in some way with DV and are linked with the *FVPA*. Further, other laws have been amended as a consequence of the *FVPA* and growing awareness of the wider context of

DV; the *Justice Legislation (Family Violence and Other Matters) Act 2012* was amended in 2012 regarding contravention of family violence safety notice and family violence intervention orders, also the *Tenancy Act* was amended to allow DV victims to take over tenancy leases.

4.4.1 Strategy in the Policies

Policies in both countries focus on safety, wellbeing, and empowerment of the women. The Victorian government has already implemented many strategies and is continuously working to strengthen the family violence system. Some of the strategies are noted in the ARSJ policy and are intended to reform the family violence system which include primary prevention, legislative change, coordination among the stakeholders, accountability of the perpetrator, improved police and court response, strengthening the RARM framework (State Government Victoria, 2010). To do this the government invested \$100 million since 2005 to reform the family violence system.

In contrast, as Bangladesh policy NWDP is not specifically for DV, its programs and responses are not specifically for DV. The aim of the policy is to reduce all violence against women including DV; violence of any kind is treated as part of the overall women's advancement policy and puts a long term plan in place from 2010 to 2021. The preventative measures mentioned in the policy do not refer specifically to violence against women, rather they are aimed at removing barriers to women's advancement, their empowerment and prevention of abuse including DV. The overarching aim being to bring about the equality of women and to improve women's participation in all areas. The policy does not mention any particular strategy to provide support to women who are victims of DV. It only names the support services for violence against women and explains how and where a woman can get help. Although the Bangladesh policy does not have strategies for the support services which are working to support DV victims, there are related policies that do have strategies for women's advancement.

The following sections discuss the strategies being implemented to address DV in both countries.

Integrated Response

Both countries aim for an integrated response from various agencies. However there are some differences in the approach used by the two countries. The Andrews Victorian Labour Government, through the ARSJ policy, aims to provide a leadership role to strengthen collaboration between government and non-government partners by 2020. An integrated family violence system is the central part of the response, where police, courts, community services, government departments and agencies work together; where women's safety will be assessed wherever they seek help and where they will receive appropriate referrals. The integrated response system is supported by well-

established governance structures that oversee family violence reforms, continue to manage the reform process and set priorities and direction. These include a group of senior ministers including a group of Family Violence Ministers, an Interdepartmental Committee on Family Violence and a Regional Integrated Steering Committee operating across Victoria. The Family Violence State-wide Advisory Committee, the Indigenous Family Violence Partnership Forum and the Indigenous Family Violence Regional Action Groups provide advice to government on the direction and issues related to the reform program. The Victorian policy mentions the FVPA, specialist DV court and also the Victoria Police as key leaders in the reform. In addition by 2020 the policy also aims to put in place an effective intervention to respond to perpetrators and to make sure that they are accountable and take responsibility for their behaviour. In addition the policy aims to provide support to perpetrators with opportunities to learn non-violent ways of behaving.

To make the system stronger the ARSJ policy notes the need to continue to embed and expand the capacity of practitioners and professionals and to make linkages with mainstream services to broaden the capacity of the integrated system to identify family violence and respond effectively. The ARSJ highlights integrated response by promising support for continual development of effective linkages and partnerships between specialist family violence services and other branches to ensure service delivery that is culturally competent. It also acknowledges the highly skilled and complex nature of the family violence sector, and accepts the critical need for investment in workforce development.

In contrast, Bangladesh the NWDP policy does not focus on an integrated response for DV specifically. It does mention that Women Abuse Prevention Committees are to be developed at district and sub-district levels and that Women and Children Abuse and Repression Tribunals are to be set up to deal with these case quickly. Further, NWDP aims for strategies that work cooperatively with government organisations and NGOs, and to promote a program for the development of women including a program for the prevention of abuse of women.

Family Violence Risk Assessment and Risk Management Framework (RARM)

The Victorian government focuses on a significant tool, the RARM, which is used in the coordinated services system (both mainstream and specialist) across Victorian courts, police and a broad range of services providers. The ARSJ policy mentions that the integrated system together with this risk assessment framework builds a strong family violence system, which ensures that a woman is able to access consistent assistance, and well informed advice and support. With RARM, her level of risk is

properly assessed and in turn the CSS (including police) and agencies are able to develop an effective safety strategy and risk management program.

The ARSJ policy aims to strengthen RARM by 2020 as the foundation of the integrated response which the policy says will “support one way of developing a shared understanding and approach to responding to family violence that prioritises the safety of the women and children and holds perpetrators to account for their violent behaviour” (p. 32). Therefore for a more effective risk management process the policy aims to expand the integrated system to encompass services such as health and mental health, housing and homelessness, aged care, disability support, and drug and alcohol services, and to increase opportunities to report family violence. The policy also has a focus on support for men to change their violence-supportive attitudes and to stop their violence.

In contrast, in Bangladesh the NWDP policy does not mention any form of DV risk assessment and management framework to assess and manage women in highly vulnerable DV situations.

Education of the Support Services Staff

In Victorian the ARSJ policy mentions the need for a highly skilled and trained professional specialist workforce. Thus professional training and development for all service providers to strengthen their ability to deal effectively with DV by providing up-to-date information and skills development of both the specialist and mainstream DV services sector. The groups specifically named are general practitioners, disability support workers, men’s behaviour change workers, court workers and police. Such professional development is the strategy suggested to strengthen the integrated family violence system mentioned above. The policy adds that building effective risk assessment and risk management practices depends on building Victoria’s workforce capacity to identify clients affected by family violence and then to respond effectively and that “the better the response is, the more likely it is that women and their children will report family violence” (ARSJ, p. 41).

In Bangladesh there is also mention about education for staff in various government and non-government organisations such as that noted in NWDP, article 46.8, about adopting programs to prevent abuse of women such as awareness raising, legal advice, filing cases to the court of law, and safe shelter. Section 19.6 specifically mentions training judiciary and police in these matters. However, unlike in Victoria, the policy does not include education for staff of the support services although the DV Act (2013) mentions that the Ministry of Women and Children Affairs (MOWCA) will provide the training to the support services staff and the police.

Evidence based Support by Undertaking Research and Evaluation

In Victoria the ASRJ policy also indicates the importance of providing evidence based support and notes the importance of conducting research as well as listening to the community, stakeholders, service providers and women. In addition, the policy talks about improving data collection for effective monitoring for the quality of service provision, analysis of outcomes of court proceedings in term of justice, and improved access for minority groups. In contrast, Bangladesh NWDP policy mentioned increasing efficiency and skill to conduct wider research in the matter of gender equality and to set up separate gender research and educational institutions. In addition, all research institutions shall be encouraged to conduct research in the issues pertaining to women development, empowerment and women and children's rights.

4.4.2 Strategy Provided by the Legislation in the Justice System

The legislation provides strategies for the judiciary in order to gain justice for the victim and to make the perpetrator accountable such as expert evidence, punishment for false certification and punishment for false complaints. These strategies are discussed in this section and will use the term 'victim' to refer to the affected family member and 'perpetrator' to refer to the respondent.

Expert Evidence

The Victorian FVPA legislation makes provision for evidence to be given in court by an expert witness. According to FVPA section 73, the court may admit expert evidence from people such as an academic or a worker with qualifications, training or expertise in family violence. The focus of evidence includes the general nature and dynamics of relationships affected by family violence including the possible consequences of separation from the person committing the family violence, the psychological effect of violence on persons who are, or have been, in a relationship with the perpetrator or part of a family affected by family violence. Evidence also relates to social, cultural or economic factors that impact on individuals who are, or have been, in a relationship affected by family violence (FVPA, 2008). This person can comment on the details of the case being heard, including the evidence of the actions of the perpetrator and the impact on the victim.

In Bangladesh, DV law does not provide for evidence from an expert. However, Bangladesh law includes an option in section 24 for 'local inquiries' where the court will collect information from the affected couple's neighbours or relevant others. The DV law states, "in the process of disposal of any application or proceeding the court may direct, after due notice to the parties, to make a local inquiry to ascertain the truth of the incidence and such inquiry shall be completed within the stipulated time

given by the court.” This, in reality, is the collection of witness statements, though it is not from experts. Upon that information, the court will try to understand the context and the reality of the situation.

Punishment for False Complaints and False Certifications of Documents

Bangladesh DV Act makes provision for false complaints from the victim whereas Victorian FVPA does not. A false complaint, according to Bangladesh law, can be made by a woman or an associate of a woman who is applying for an intervention order. The Victorian FVPA, on the other hand, makes provision for false certification whereas Bangladesh DV Act does not. A false certification occurs when a person certifies a document to be genuine and correct to the best of the given person’s knowledge even though it is not (FVPA, Sec. 153).

The difference is that the Bangladesh legislation allows the perpetrator to accuse the woman who is a victim of making a false complaint for which she may be punished. Bangladesh DV Act allows for the punishment is one year imprisonment or a fine or both; if a woman or other person on her behalf makes a false claim. A false complaint may refer to a scenario where a woman or someone on her behalf files a case against her husband or another member of his family knowing that it is not true, with the intention of causing harm to the person they are accusing. In Victoria there is no punishment for making a false complaint.

Victoria makes provision for false certifications of documents made by a person who is related to the case. The example given in the FVPA legislation in section 129 (a) is a specified approved person is to give a report to the court about whether the respondent is eligible to attend counselling or not after interviewing the respondent. Any person who certifies a document needs to verify that document is genuine and correct to the best of the given person’s knowledge. If the person certifies document knowing that it is false, then that is punishable under this law. Fines are imposed for providing false certification (sec. 153).

In summary a false complaint in Bangladesh suggests a woman may act maliciously whereas this is not provided for in Victorian legislation.

Special Arrangements in the Court Procedure

Special arrangements in the court proceedings exist in both countries. In Victoria, according to FVPA section 70, if the courts declare a person to be a protected witness they are given protection from

giving evidence in the presence of the respondent. A protected person is someone who the court considers to be vulnerable in a court appearance and who needs the protection of the court. This person can be the victim, a child or other member of the victim's family. Further it can apply to a witness who has a cognitive impairment. A victim may appear in a public court (sec. 68, 69) or if court considers, another arrangement may be to conduct the court proceedings in a closed court or limit the persons who may be present during the procedure (68 (1)). Another special arrangement may be to conduct the court proceedings in a setting other than the courtroom or to enable the victim to give evidence without having to face the alleged perpetrator such as by using closed circuit television or enable her to give evidence behind a screen to remove the respondent or witness from direct line of vision. The court may also permit a support person to be beside a victim or witness to provide emotional support while giving evidence. Furthermore, a protected person will not be cross-examined by the respondent. Cross-examination however can be done with the protected witness' consent if the protected witness is an adult and if the court decides that cross-examination will not be harmful to the protected witness. However, this protection is only from cross-examination by the alleged perpetrator; the respondent's legal representation can conduct a cross-examination.

In contrast in Bangladesh section 23 of the DV Act states that during proceedings the victim can appear in a closed court with the consent of the concerned parties or if the court thinks it is necessary. Here the legislation has uses the word 'parties' which suggests that the accused perpetrator can object to the victim not appearing in person. However, the DV Act in Bangladesh does not give any directions about cross-examination of the victims.

4.5 REMEDIES AND ACTION IN THE LEGISLATION

Both Australian (Victoria) and Bangladeshi legislation offers redress for the victim, although because of the non-gendered name, frame and definition Victorian legislation does not name them as women. In addition Victorian legislation also offers services for the alleged perpetrator although for the same reason it does not name them as men.

The FVPA (2008) has been amended three times, 2011, 2014 and 2017. The most recent *Family Violence Protection Act 2017*. As this amendment is not due to come into effect until later in 2018, this will not form part of the comparative analysis of legislation and policies; however, changes that are significant will be noted. The legislation in both countries mentions support services for the victim, however there are differences in their approach.

The DV Act in Bangladesh has a separate section under the heading ‘The rights of victim, remedies, attainment, etc.’ in which the rights and remedies available for the victims are stated. On the other hand, Victoria family violence law does not have any section mentioning rights for women victims, like Bangladesh DV Act. The rights listed for women in the Bangladesh legislation are the automatic right to custody of children, right of residence and the right for compensation.

4.5.1 Custody Order (Custody of Children)

There is a difference regarding getting custody of children under the DV laws in Victoria and Bangladesh. In Victorian DV law there is no provision for custody of children whether during the crisis moment or after separation. Custody is dealt with by the Federal *Family Law Act 1975*. In contrast, the Bangladesh DV Act clearly provides for the automatic custody of children for women in a crisis moment. However, according to the *Muslim Family Law Ordinance 1961* women are only allowed custody of their children up to a certain age, which is seven for boys and attainment of puberty for girls.

The decision about who gets custody of children is complex in the Victorian FVPA. Under the heading ‘Interpretation’ (part 2) and ‘Definition’ (sec 4,) a child is defined as “a person who is under the age of 18 years” (p. 5). The definition in the FVPA (p. 10) of parents of a child is given in two ways: (a) “a person who has responsibility for the long-term welfare of the child and has, in relation to the child, all the parental powers, rights and duties that are vested by law or custom, in the guardian of a child”, and (b) “a person with whom a child normally or regularly resides”.

The FVPA devotes one division (3A) to the child and additionally the child is mentioned in some other sections. For example, section 47, states that in the application of an intervention order, if a child’s parent is the applicant and if the child is also an affected family member, then the child is also included in the same application if the application arises out of the same or similar circumstances. Section 62 states that if a child is an affected family member but not the applicant then a legal representative may represent the child in the proceedings although legal representation depends on the court’s own initiatives. In section 67, the law said that “a child, other than a child who is an applicant” for family violence intervention order or a respondent, is not allowed to give evidence for the purpose of the proceeding unless court grant leave to do so. According to FVPA of Victoria, in section 89, prior to making decisions involving a child, the court has to check for any relevant existing orders in force in relation to the child either in Federal *Family Law Act 1975* or the *Children, Youth and Families Act 2005* before making the final order. If the court finds any *Family Law Act 1975* order in force then, the court

can revive, vary, discharge or suspend the *Family Law Act 1975* order to the extent that it is inconsistent with the intervention order. However, FVPA only gives the power to the court about decisions regarding contact with the child, which includes spending time with the respondent. The FVPA has no section dealing with on-going custody of children.

Although it is acknowledged in the policy that generally it is women who are the victim and it is they who get the children when DV happens, a woman can also be accused of being the perpetrator and the man can claim custody of the children. Furthermore when the woman goes to a refuge she usually takes the children with her, however the man may apply for custody of children. If he does, then the woman has to deal with two cases; one is the DV case and the other one is custody of children.

Victorian FVPA does not make an automatic provision for custody of children for the women if they are victims, although in practice the children go to the refuge with the mother. However, after the crisis, custody may be disputed and the father may sue for full or partial custody. Custody disputes are not the responsibility of FVPA and are heard by the Family Court. The FVPA only can include a condition in the intervention order about contact time with the child for the respondent if the protected person and respondent are their parents.

In contrast, Bangladesh DV Act has made the provision for custody of children to automatically go to the women during and after the DV crisis moment. In Bangladesh, if a woman comes to get relief under this act the temporary custody of her children will go to her or the applicant who made the application on behalf of the women and if necessary, the arrangements for any visit by the respondent (sec. 23). In both countries, women have to apply for permanent custody under another law.

4.5.2 Protection Order/ Family Violence Intervention Order

A Protection Order (according to Bangladesh DV Act) or Family Violence Intervention Order, FVIO (according to FVPA) is the only remedy for DV legislation in both countries as both laws are civil. In Victoria, there are two kinds of FVIO, an interim order and a final order. The FVPA Act says a 'person' can get an interim order in two ways. The first one is through the court which can issue a temporary order if the FVIO application is made to the court by a police officer, an affected family member, or, if the affected family member is an adult, then any person on behalf of the affected family member and in case of children a parent or any person with a written consent of a parent of the child can make the application (sec. 45). The decision to grant an interim order is made if the court considers it necessary

to ensure the safety of the affected family member, to preserve any property of the affected family member or to protect a child, and the respondent does not oppose it (sec. 54).

The second way to get an interim order is through a police safety notice. If a Family Violence Safety Notice (FVSN) is issued for an affected family member and the court believes that the person is protected, then the court will grant an interim order. In addition, an interim order may be made whether or not the respondent has been served with a copy of the FVIO or whether or not the respondent is present at the time of making order (sec. 54). If after a hearing, the court is satisfied that the respondent has committed the family violence and such violence is likely to be continued and has not opposed the application, the court can issue a final order under section 74.

The Victorian legislation also stipulates how the FVSN, interim and final order should be served to the respondent and the protected person. Previously, if the court made an interim order, it was registrar's responsibility to provide a written and oral explanation of the order to the respondent and affected family member (57(1)), (57(2a)). The 2017 amendment to the FVPA (2008) changed the procedure regarding the explanation of the FVIO and transferred the responsibility from the registrar to the court. In the final order, the court can include any condition that appears necessary or desirable to ensure the safety of the affected family member and any children (sec. 80). Such a condition may be excluding the respondent from the family home. Cases of the exclusion of a child under 18 who may be a perpetrator are dealt with under section 83. Other conditions of an order relate to the use of personal property, for example the respondent should return the protected person's personal property or property belonging to a family member of the protected person when that property is used for everyday life. In addition a condition may be to prohibit the respondent from approaching, telephoning or otherwise contacting the victim, or contact with the child (81(2)).

FVPA also refers to the consequence of a warrant to arrest the respondent. A magistrate or an appropriate registrar of the court may issue a warrant for the arrest of a respondent to ensure respondent attends court at the mentioned date and to ensure the safety of the affected family members (50(1)). In addition, an applicant can ask for warrant in the first instance in the FVIO (51). Further, the court may issue a warrant to arrest to a witness who fails to appear (sec. 67A).

In Bangladesh, according to the legislation the only the court can make an interim and final protection order. An application can be made to the court by the victim or served on her behalf by an enforcement officer, a service provider or any other person (sec. 11 (1)). After receiving the

application, if the court is satisfied that the respondent has committed, or there is the possibility of him committing or abetting, DV then an *ex parte* interim protection order may be issued against the respondent under the DV law. Simultaneously there is a show cause notice to the respondent to reply within seven working days as to why a permanent protection order shall not be issued against him (sec. 13(1)). The show cause notice will be issued by registered post, a process server, law enforcing agencies or by any other way prescribed by the rules (13(2)).

After giving the parties the opportunity of being heard, if the court is satisfied that the DV has taken place or is likely to take place, the court will issue a protection order in favour of restraining the respondent from committing some acts (sec. 14). The court can include in the protection order a list of those acts against the respondent necessary or desirable for the safety of the women such as restraining the respondent from committing any acts of DV, prohibiting him from entering the place of the victim's employment, business or educational institution or other institution, or engaging in any written, telephone, mobile, email or any other kind of communication, prohibiting him from committing violence on the dependents of the victim or any relatives or any person who gives assistance to the victims from violence or any other act that may be cited in the protection order (sec. 14). Finally, the court can issue a warrant if a respondent is issued a 'notice of appearance' to attend a court hearing and but does not appear. In addition, according to section 26, if the respondent does not appear before the court at the mentioned date after the notice was served to the respondent, the court may dispose of the case *ex parte* in the absence of the respondent.

In summary the differences in Bangladesh and Victorian DV legislation for issuing orders are in Victoria the court and police can issue interim orders, whereas in Bangladesh only court can. In Victoria, a police officer, an affected family member or any person on behalf of the affected family member can be the applicant. In the case of children, parents or any person with a written consent of a parent of the child can make the application. In both countries an interim order can be made even without the presence of the respondent. In the final order, the court can include any condition that appears necessary for the safety of the affected family member and any children. A warrant can be issued by a magistrate or a registrar. Warrant can be made for arrest a respondent, or the arrest of a witness. In contrast, in Bangladesh an applicant can be the victim or served on her behalf by an enforcement officer, a service provider or any other person. An interim order is given either because violence has already been committed. As part of the permanent order the court can include some restriction against the respondent for the safety of the women. The court can issue a warrant if the respondent

is not present in the court. The court may also dispose of the case *ex parte* in the absence of the respondent.

4.5.3 Compensation for the Victim

Provision for compensation means that if a perpetrator causes any damage to someone else, then the victim needs to be reimbursed for this damage. In both countries a DV victim can be compensated. In Bangladesh, the DV Act provides an option for the victim to claim compensation however only the perpetrator is obliged to pay the compensation. In Victoria, a provision for compensation is not included in the Victorian FVPA because a victim can seek compensation through Victims of Crime Assistance Tribunal (VOCAT). In Victoria, either the state or perpetrator is obliged to pay through the *Crimes Compensation Act*. Having the perpetrator pay compensation can also be considered a kind of accountability for an individual who commits an act of violence. VOCAT generally compensates for pain and suffering, counselling and medical assistance, safety related expenses, loss or damage to clothing worn at the time of the incident, loss of earnings and funeral costs (Victims of Crime, 2017). This compensation is provided by the government. In addition, in 2000, the Bracks Victorian Labor Government introduced special financial assistance for victims of crime who suffer a “significant adverse effect” as a result of the violent act committed against them, including ‘grief, distress, trauma or injury’, with DV victims able to get this financial assistance which is minimal (Meyering, 2010, p. 7). Applications for DV victim compensation is only heard in the Family Violence Court division jurisdiction of the Victorian Magistrates Court at Heidelberg and Ballarat in 2005-06. That means a DV victim can apply for the FVIO and claim the compensation in the same court.

In contrast, in Bangladesh, under the DV Act (sec. 16), a victim may claim for compensation against the respondent if there is personal injury, financial loss, psychological trauma or damage to property or any possibility of such damage or loss as a result of DV (16(1)). The woman may file a claim for compensation either with the protection order application or later on. When deciding whether compensation is warranted the court will consider a victim impact report about the actual loss or damage and the pain and suffering of the victims including the extent of the physical and mental injury suffered and its temporary or permanent effects. In addition, the court may consider the cost of the medical treatment for such injury, the amount and value of the damaged or destroyed properties, the expenses which have already been incurred by the victim or on behalf of the victims of any person because of DV (sec. 16(4)). The court may order an unlimited amount while granting the compensation order (sec.21 (2)). Moreover, if the respondent is employed, the court sends a copy of the compensation order to the employer so that if the respondent fails to pay the compensation the court

may direct the employer to directly pay the compensation into the victim's bank account (16(8 &9)). Further, the Bangladesh court may pass an order against the respondent for the maintenance of the victim and her children under the DV act (16(5)). In contrast in Victoria child support is compulsory for the earning parent, which is generally the father, but maintenance of the woman (mother) by the man (father) depends on individual 'needs'.

4.5.4 Residence Order

A residence order refers to the right of the victim to live in the family residence. Right of residence is given to the victims under the DV law in both countries. However, there are differences in the application of these orders. In Victoria a residence order and exclusion of the perpetrator from the residence is given as a condition of an FVIO. The notation about the residence order is included in the section titled 'Conditions of Family Violence Intervention Order' rather than in a separate section of the Act. In the FVIO the court can include any condition(s) which it deems necessary or desirable in the circumstance by giving paramount consideration to the safety of the affected family member and the children. Thus, the residence order is related to, and dependent on, the granting of an intervention order. The order is given regardless of any legal or equitable rights the parties have in the residence FVPA (82(3)). The condition(s) are firstly about restrictions on the movement of the respondent from the protected person, and where the protected person lives. The stronger exclusion order is the second condition. Before adding this condition the court will consider the consent of the protected person insofar as whether she is comfortable with such an arrangement and agrees that the residence order should be in place. Although the court recognises that the victim is usually a woman there is still the potential that, because of gender neutral naming and framing, a respondent may also be a woman and in such a case she too could be excluded from the family home. The FVPA legislation also changed tenancy laws to support victims in rented premises to become the legal tenant rather than leaving them in a situation of having to relocate. Thus in Victoria, to provide the residence right of a victim, the FVPA gives emphasis on excluding the perpetrator from the protected person's residence, rather than expecting the victim to leave the residence.

In Bangladesh, the DV Act (sec. 10) has a separate section with a heading 'Residence Order'. It states that "the victim shall have every right to reside in the shared residence due to family relationship". Therefore, because only women are recognised as victims of DV, the law specifically acknowledges women's right in the legislation. According to the DV Act, 'shared residence' means a residence is where, a victim and respondent may live either singly or jointly with the respondent in a family relationship, and either the victim or the respondent or both have the right to that residence (DV Act,

sec. 2(15)). Such a mention confirms the right of the women in the residence. The law also makes the perpetrator accountable for his behaviour by giving an order for him to pay rent for alternative accommodation if the woman needs to relocate for her safety. In addition, for the safety of the woman in the residence, the law gives the right to the court to exclude the perpetrator from the residence or execute a bond to confirm that the respondent or any family member of the respondent will not commit further acts of DV, so that the woman can stay at her home. Whatever decision the court makes, it will inform and direct the officer in charge of the nearest police station to provide on-going protection for the victim and the children.

4.6 PERPETRATORS IN POLICY AND LEGISLATION

In Victoria, gender neutral naming and framing has caused many contradictions and complications. None more so than in the discussion of the perpetrator. The terms 'affected family member' and 'protected family member' are used to cater for the possibility that women too can be perpetrators of DV. Yet in the sections of the policies and legislation that refer to the perpetrator, the proposed strategies seem designed to view men as perpetrators. The ARSJ focuses on rehabilitation of the perpetrator and alludes to accountability rather than punishment or more rigorous accountability. The policy states that men's behaviour change programs allow men who are perpetrators to acknowledge responsibility for their own use of violence. The policy adds that through such a program that "sustaining behaviour change can provide opportunities for perpetrators to positively re-enter the community and this possibility may be a strong incentive for changing their violent behaviour and taking responsibility for their actions" (ARSJ, p.21). The FVPA has an option of applying for the Family Violence Court Division to make an order to send the perpetrator to a Men's Behaviour Change program and counselling. Clearly the legislation sees perpetrators as men. There is no recommendation to send women to women's behaviour change programs, nor do such programs exist. The program clearly focuses on helping men to become less violent. By aiming to reduce or eliminate violent behaviour in some men, the intention is to protect women.

In contrast, Bangladesh policy does not mention men's behaviour change workshops or initiatives. Bangladesh law has options for perpetrator's accountability such as paying compensation to the victim or paying rent for the victim's accommodation.

Both countries laws have the option for punishment for breach of an intervention order, which is considered a very serious crime. In fact this is the only DV punishment provision in Bangladesh. For a first offence the punishment is imprisonment for maximum six months, a fine, or both. There is also

the possibility for the perpetrator to do some community work in lieu of punishment. The penalty is more severe for a repeat offender; it can include imprisonment for a maximum of two years imprisonment a fine, or both. In Victoria the punishment is imprisonment and fine. For the breaching of a safety notice or intervention order the punishment is up to two years imprisonment but the punishment for breaching the order with intent to cause harm is up to five years imprisonment. In both countries without a court order the police can arrest a perpetrator for breach of the order. In Victoria the police can arrest and detain the person without warrant even before the court procedure, which is not possible in Bangladesh. Bangladesh does not have any DV provision for rehabilitating an offender, nor support to find or pay for their accommodation if they have to leave the family home. Nor is their privacy protected by Privacy Legislation as Bangladesh does not have privacy legislation. Whereas in Victoria, violation of the safety notice or failure to attend an assessment interview or attend counselling are also punishable by law.

Individual accountability of the alleged perpetrator is a stated aim of the Victorian policy, as is accountability at the system level and community level. Victoria's ARSJ policy aims to ensure perpetrators stop their violence and are held to account for their behaviour. In addition, the policy also mentions making Victoria's justice response to perpetrators stronger through effective interventions and sanctions and to maximise the application of the criminal law to the family violence related crimes which include breaches of family violence intervention orders. The policy states that at an individual level perpetrators should acknowledge responsibility for their own use of violence. Therefore, whether the situation is treated as a civil or criminal matter, accountability means responses are based on understandings of family violence as a serious matter and that it is unacceptable. The Victorian FVPA mentions counselling orders for the respondent in part 5 and gives the court the option to send certain respondents to a behaviour change programs and counselling. This has been actioned in the form of behaviour change programs which include counselling. The purpose of the law in regards to this section is to increase the respondent's accountability for the violence they have used against a family member and to encourage them to become less violent and to develop and use non-violent conflict resolution skills (127(b)). To attend such programs, the respondent must pass an eligibility assessment interview from which a confidential report will be written about their character, personal history, language skills, any disabilities, any severe psychiatric or psychological conditions and any alcohol or other drug problems. If the report finds that the respondent is able to be rehabilitated they will be considered for a particular program.

Victorian law classifies it as an offence if the respondent does not attend the eligibility assessment interview without reasonable grounds and they are liable to a penalty not exceeding ten penalty units (129 (5)). Further, if a respondent contravenes an order to attend counselling then they are guilty of an offence and are liable to the same penalty as above (130 (4)). However the respondent who contravenes an order will only be prosecuted once for an offence regardless of how many counselling sessions they fail to attend (130 (6)). In addition, there is a section in the FVPA which is about maintaining the privacy and confidentiality of the alleged perpetrator under the heading 'Disclosure of information by organisations' (sec. 207). This would also apply to counselling.

There are differences as well as similarities regarding punishments across the two countries. The similarities are that there is a penalty and potential imprisonment to a lesser or greater degree in both countries. The differences are that the Victorian legislation includes mental harm to the victim as a contravention of an intervention order. Further in 2012 Victoria also added persistent contravention of an intervention order as an offence, if the order is violated on at least two other occasions within a period of 28 days. In Bangladesh, instead of passing prescribed custodial sentence, the court may give an order to the respondent to perform various community welfare services and responsibility may be vested upon any institution or organisation for which the respondent is ordered to work is expected to supervise such service.

4.7 CRISIS SUPPORT SERVICES IN POLICIES AND LEGISLATION

In Victoria, the ARSJ policy refers to specialist support services which work to help women and children. They are special units of the Victorian Police called Family Violence Coordination Unit and a special court (a Family Violence Court Division, and introducing specialist court services in the Magistrates' Court of Victoria). In addition, the policy names two kinds of support services. One is mainstream support services including education, mental health services, and legal services. The other one is specialist service such as case management, housing, practical support and counselling, and Men's Referral Service. In addition, Victorian legislation also names the police plus it names men's counselling services. Although there are CSS such as refuges and outreach, neither the policy nor the legislation specifically names any women's support services.

In Victoria, protocols, tools, training and standards have been introduced across key sectors such as the *Code of Practice for Specialist Family Violence Services for Women and Children, Enhancing the Safety of Women and Children in Victoria* (DV VIC, 2006), *No To Violence: Men's Behaviour Change Group Work A Manual for Quality Practice*, and formal accreditation and continuous quality

improvement processes for organisations funded through the Department of Human Services. DV VIC (2006) is funded by the Department of Human Services and developed to establish a foundation for collaborative practice among services and across sectors responding to DV which is consistent, transparent and accountable (DV VIC, 2006).

In contrast, Bangladesh NWDP policy names the government support services specifically which work to prevent abuse of women, such as VSC, OCC and shelter homes. It also notes how a woman can get the support from these organisations. There is emphasis on working together with other organisations which play a role in the advancement of women. A complication is that the DV legislation does not give a clear definition of support services as service provider and shelter homes, which does not reflect practice where there are such services. According to the definition of service provider any voluntary association, a non-profit company organisation, and any organisation approved by the government (under any other law which protects human rights of the women and children and provides legal aid, medical, financial or other assistance) shall be treated as a service provider for the purposes of the DV Act. To complicate matters, though according to the *Domestic Violence (Prevention and Protection) Rules* (2013) any non-government services provider can work under the DV Act as a service provider, that provider must make an application to the Ministry to do so. However, the legislation is not clear about the government support services to be provided. According to the wording of the act, VSC falls in the category of police as well as that of service provider. Likewise, medical service and OCC both fall into the category of medical service provider as well as service provider. Furthermore according to the definition of service provider, the definition of shelter homes in the act is clear and states that any government or non-government home or institutional residential facilities will be treated as such where victim can stay safely on temporary basis. Further, this act compels the person in charge of any medical facility, hospital, clinic or medical centre to provide medical aid to the victim, indeed the OCC throughout the country are situated at the medical centres specifically to provide support to the women and children.

4.7.1 Police in Policy and Legislation

As the police are generally the first contact person for DV victims, the policies and legislation in both countries name the police. Family violence is a priority area for Victoria Police which have set up specialist family violence department and units. The ARSJ policy highlights the police as a key figure to manage and reduce DV. Victoria Police maintained this priority by developing and implementing a strategic plan, the *Way Ahead 2008-2013*. In addition they have another strategy named *Living Free From Violence-Upholding the Right, Victoria Police Strategy to Reduce Violence against Women and*

Children 2009-2014 and the more recent one is, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023*. Victoria Police introduced its own *Code of Practice for the Investigation of Family Violence, Supporting an Integrated Response to Family Violence in Victoria* (Victoria Police, 2004) in 2004 and amended it in 2010, and again in 2014. Victoria Police support a pro-arrest approach to Victoria policing of family violence, meaning that police have been given the power of arrest and can use that power to arrest any identified offenders.

In contrast, in Bangladesh on the issue of prevention of DV, Bangladesh has just started its journey and has begun to improve its justice and police systems to take prevention into consideration. However, there is no code for dealing with violence against women and no code of practice for Bangladesh police providing guidance for managing DV. The NWDP policy mentions VSC, which are situated in a number of police stations and designed to support women and children who are the victims of violence. In addition, the policy mentions the need to ensure increased participation of women in the police force, to train the judiciary and the police department in the matter of DV and related legislation and to make these departments more sensitised to gender issues.

The legislation in both countries gives various powers to police, however the Bangladesh DV Act does not provide any special power to police other than what would be the norm in dealing with cases of violence. The Victorian FVPA law gives police power to give protection to the victims before the court case is heard by introducing the FVSN and Holding Powers. The law has also given police the power to enter and search premises and arrest a perpetrator without a warrant. The FVSN can be used by a Sergeant or a higher ranking officer to ensure the security of the affected family member, preserve property or protect children (sec. 26 (b)). In addition, police officers have to take into consideration certain criteria before issuing the FVSN namely, the respondent has to be an adult and have no cognitive impairment. Further, they need to ensure that there is no FVIO or child protection order in force at that time and no intervention order or no community correction order in place. The police can issue FVSN 24 hours a day, seven days a week. The police can also include any condition that the court may include under 81 (2) (a) to (f) in any intervention order such as an exclusion condition that excludes the respondent from the family home or prohibits the respondent from going near the protected person (sec. 29). The 2016 Royal Commission on Family Violence recommended changes to the time frame for the FVSN notice which is currently five days (31) (3) (b) to no more than 14 days after the notice (Family Violence Protection Amendment Act, 2017). The differences between interim intervention order and FVSN is that first the FVSN is provided by the police and it is turned into an

interim order later on by the court. Therefore police are able to provide support to a woman in her crisis moment before the court through the FVSN.

Another important power the FVPA law gives police in Victoria is the Holding Power (Division 1). Holding Power means that the alleged perpetrator can be held in custody; it can be used by a police officer in two circumstances, firstly if the police officer intends to make an application such as an application for an FVIO, an order varying an FVIO, or an FVSN against a person; and secondly if an FVIO or FVSN has already been made against the person but not served and the police officer intends to serve it or the FVSN notice on the person (13 (1)). Holding Powers can be used by police in two ways; 1) direction and 2) detention. A police officer can direct the alleged perpetrator to remain in a place nominated by the police or stay in the company either of a police officer (or any other person nominated the police officer) (14 (1)). Also a police officer can detain a person if they refuse or fail to comply with a direction under section (14) (1) and if the officers consider it necessary to prevent them from escaping from detention or for the protection of any person the alleged perpetrator may harm (15)(2).

Victoria Police have also been given the power to search the respondent and the premises. Under section 16 of the legislation if the police officer gives the person a direction then the police officer can search the respondent and can seize the person's objects. Furthermore, according to the FVPA part 7 sections 157, a police officer can enter and search premises, if necessary with the use of reasonable force without a warrant if the officer reasonably believes that the person has assaulted or threatened to assault a family member or the person is on the premises in contravention of an FVIO or FVSN. The FVPA, also gives the police the role of a referral provider; they can refer the victim to the relevant support services such as a women's refuge or the alleged perpetrator to Men's Referral Service which provide free, anonymous, and confidential telephone counselling, information, and referrals.

A police officer is not obliged to secure accommodation either for the victim or the alleged perpetrator after serving the FVSN to the respondent, as noted in section 36 (3) "the requirement under subsection (1)(b) or (2)(b) does not include an obligation for the police officer to provide free accommodation for the respondent." However, according to section 36 (1), if a condition of an exclusion order is included in the FVSN, then the police officer considers the issue of accommodation and may take any necessary steps for access to temporary accommodation for the alleged perpetrators. On the other hand, accommodation for the victim is considered if an exclusion order is not included in the safety notice and she needs to leave the family home for her safety. In that case

the police officer considers accommodation or takes any necessary steps for the access to temporary accommodation in a RS for the victims (affected family member) and dependent children (36 (2)).

Serving documents is another issue mentioned in the FVPA. The FVIO and FVSN documents need to be served by a police officer to the alleged perpetrator in person to certify confirmation to the court that the order has been served. This, it is believed, could only be done if the document is served in person. However, there can be complications about the alleged perpetrator's address. According to the Sec 33(1) (a) if a police officer issues an FVSN the address of the alleged perpetrator needs to be included on the document. The alleged perpetrator is not obliged to obey the request to provide an address (sec. 33 (3)). However in section 207 (1) (b) the law states that a police officer can apply to a public service organisation such as the Electoral roll or Australian Bureau Statistics for information "to assist a police officer in locating the respondent to enable a police officer to serve the respondent with a document under this Act". In response, the 2016 Royal Commission recommended the FVPA be amended to restrict the number of documents which must be served in person to the FVSN and any document which is child related. Other documents no longer need to be served in person. Under the recommended provisions alternative services such as a prepaid post or ordinary post or registered post and even email can be used.

As in Victoria, according to the DV Act in Bangladesh, a police officer is recognised as the first contact person and referral provider. However, police powers are not as broad as in Victoria. In Bangladesh the DV Act does not give power to the police to arrest the alleged perpetrator search the premises before the case goes to the court. The wording of the DV law is not clear about whether or not a police officer can make an application to the court on behalf of the women. The law mentions the duties and responsibilities of the police in section 4 but is only specific about information police can provide to the women. For example, to inform the women about her right to make an application, the availability of medical services, the availability of services of the Enforcement Officers and so on. According to DV Act, police are only information providers for matters such as to explain the woman's rights and to make an application for a remedy according to the DV Act, to give information about the availability of medical services, the role of enforcement officers, how to get free legal services, and the right to file a complaint under any other existing law (sec. 4). Further, according to the *Domestic Violence (Prevention and Protection) Rules (2013)*, after receiving the report of DV a police officer will collect any material or paper related to this case. After that, according to the need of the Enforcement Officer, police will help her/him in collecting information and in other needs. There is no mention of

being an applicant on behalf of the women for court intervention orders nor to arrest the alleged perpetrator.

Further, section 7 of the DV Act specifies the duties and responsibilities of the service providers, who are not mentioned at all in the Victorian legislation. According to the definition of the service provider given in the legislation, the VSC which is situated in the police station falls under the category of service provider. In addition, the policy names VSC as a support service. Although the VSC can make an application on behalf of women it is not clearly stated whether the police can. In section 11 it specifically states who can apply for a protection order which can be the woman herself, enforcement officers, service providers or any other person on behalf of the woman. Therefore theoretically the police (VSC in the role of service provider) may be able to apply for a protection order even though the DV Act designates the role of the police as information providers.

According to DV law, the police, as well as an Enforcement Officer can serve documents to the parties such the perpetrators and the victims. According to the legislation “any order issued by the court under this Act shall be served by the process server of the court or by the police officer or by the Enforcement Officer” (250 (1)). However, about the serving of the paper the wording of the legislation is not clear. The legislation states that the police officer or the Enforcement Officer has to submit the confirmation of delivery notice to the court as evidence that the order was duly served, but there is no direction about what will be happen if they are unable to serve the document. The DV Act does not use the words ‘in person’ in reference to the serving of documents or orders, rather the direction is given that the document can be served in different ways such as by registered post or a courier or by any other methods prescribed by the rules (25 (4)). Whatever the process used to serve the documents, direction is given that the document must be served within three days and receipt of delivery needs to be provided to the court as evidence that the document was duly served (25 (3)).

4.7.2 Crisis Support Services in Policy and Legislation

In both countries, there are other CSS (apart from the police) to help women and children. Although in Victoria in DV policy and legislation there are services for men as well. The support services for men however are targeted toward men as alleged perpetrators rather than as potential victims of DV. The aim is to reduce men’s violence and thus make women safer. A basic service that is not mentioned in the policy is the telephone counselling and referral service for men. It provides initial counselling and referral for partners and advice to agencies requiring assistance. Mentioned in the policy and legislation is the behaviour change programs for men aimed at reducing their violence. Victorian ARSJ

policy allows for two kinds of services for women in DV situations. The first is specialist support such as emergency housing in the form of refuges through the Supported Assistance Accommodation Program (SAAP). In the refuges staff use case management to be able to provide effective assistance. They may refer women to counselling and medical services. Specialist services also includes Outreach where women get information and support if they want to stay at home, however Outreach is not mentioned in ARSJ policy. The second kind of service for women in DV situations are mainstream support that women can tap into as needed such as education, health care, mental health services, drug and alcohol services, legal services, family services (e.g. Relationships Australia), and disability services. However, the ARSJ policy does not mention anything about the duties and responsibilities of any of the support services including CSS although it does mention a code of practice for specialist services.

Victorian policy ARSJ explicitly expresses the aims of support for victims of DV (affected family members) to be that a woman should be safe at the every point in the integrated system and about system level accountability. On this topic, the policy recommends that “amongst other things, implementing standards of policy and practice across the integrated system that continuously prioritises women’s and children’s safety at every point and over time” (ARSJ, p. 22). To do this, the policy focus is on system development. The policy states that to develop efficient system strategy for women and children and names DV VIC code alongside the RARM framework.

In Victoria, FVPA does not have any section dealing with support services except police and men’s counselling services, however in Bangladesh support services/service provider are specifically mentioned and are held accountable under the Bangladesh DV law. In contrast to Victoria, the Bangladesh policy explicitly names women support services that a woman will receive integrated support such as shelter, medical, legal, police, and rehabilitation. Also it specifies that women will receive counselling services through the National Trauma Counselling Centre at the Women Affairs Department. The policy also specifically mentions various kinds of training to empower the woman to become socially and financially independent. However, there is nothing mentioned about men’s support services, whether as perpetrators or as victims.

The FVPA in Victoria refers to the duties and responsibilities of the police and men’s counselling services. The absence of mention of other CSS such as refuges and Outreach in the law means the government does not demonstrate clear accountability for women’s support services including their training, liability to fund them, although in practice funding is indirectly provided by the government

through a tendering process. This inconsistency creates a gap between the policy, legislation and support services regarding support given to a victim in a crisis moment. Therefore, system level accountability is difficult to achieve in practice for the safety of the women.

In contrast, in Bangladesh DV law has included naming the duties, and responsibilities of the women support services as well as for the police. Also, Bangladesh policy names the government support services specifically. However NGOs are mentioned but it has not named specific NGOs, despite the DV law has included the NGOs as service providers. Neither the policy nor the DV law has said anything about men's support services. According to DV Act, the duties and responsibilities of the support services include recording the incident if the victim decides to take legal action and forwarding a copy to the Court and the Enforcement Officers. Further, the DV Act provides for any referral by the support services of the victims for medical examination to be documented and forwarded to the Enforcement Officers and the nearest police stations. It mentions referring the victim to shelter homes and informing the nearest police station that the women have been referred. In addition, according to law, support services can apply for a protection order on behalf of the woman victim.

4.8 SUMMARY

This chapter detailed how the Steering Media (SM), through policies and legislation, has been set up in both Victoria and Bangladesh to protect victims of DV. Comparative analysis was conducted on the two countries' SM documents in the context of their respective Lifeworlds (LWs) in order to appreciate how women victims of DV are provided with rightful assistance, services, and support. Both countries have recognised as signatories to CEDAW that legal policies and legislation need to uphold women's human rights that are under attack by systemic DV, focusing on gender inequality as the main cause. The analysis explicated how each country frames DV, then sets up strategies to support the victim and address actions of the perpetrators. Not surprisingly, given the vastly different cultural and social LW settings of both nations, despite broad agreement, the detail of SM develop to address DV differs. Framing in gender-neutral Victoria (with Federal legal variances) is compared with the gendered centralised constitutional setting of Bangladesh. Support for DV victims with a strong integrated risk assessment framework in Victoria is lacking in Bangladesh where the response relates to a more gender sensitive police department. Rehabilitation of perpetrators is emphasised in Victoria, compared to the more accountability provisions under Bangladeshi law. Both countries provide support services, but in Victoria a code of practice and varied specialist services is in contrast to explicit government support services across a broad range of integrated services. With this SM in place, the next chapter delves into the respective countries' Systems (SYS) by interviewing personnel that

implement the DV policies and legislation to appreciate the extent and effectiveness of the SM provisions.

CHAPTER FIVE

INTERVIEW FINDINGS

In chapter 4 the policies and legislation in Bangladesh and Australia (Victoria) were compared and analysed. In the conceptual framework for this study, the policies and legislation are the Steering Media (SM) that influence a society's values, attitudes and beliefs, the LifeWorld (LW), and guide and direct the actions of responders, that is the police and other Crisis Support Services (CSS) to DV, in the System (SYS). This chapter focusses on the SYS by presenting the findings from the interviews of the key personnel from police and other CSS in both countries. They are outlined in two parts: Part A presents the findings from nine interviewees in Australia (Victoria), Part B shows the results from 16 interviewees in Bangladesh. The chapter ends with Part C which is a brief summary that highlights similarities and differences in the way DV is managed in each country.

PART A: AUSTRALIA (VICTORIA)

In Australia federal and state governments deliver very few DV services directly. Both levels of government fund NGOs to provide DV outreach and refuge services for women. Key personnel from Victoria Police and other CSS in Victoria, including Outreach Services (OS) and Refuges Services (RS), were interviewed. A senior female police officer with DV expertise and working in the area of DV in Victoria was interviewed (labelled VP). OS provide support for those women who want to stay at home; three key personnel from three OS were interviewed (labelled AORS). RS are mainly for women fleeing from DV and afraid to stay in the home; two key RS person were interviewed (labelled AR). Among the service providers some organisations provide both outreach and refuge support (labelled AR/ORS); three key personnel from such organisations were interviewed. Altogether nine key people were interviewed in the State of Victoria.

5.1 UNDERSTANDING AND EDUCATION ABOUT DOMESTIC VIOLENCE

As for Bangladesh, education is important in Australia for both community and staff of the support services, firstly for cultural change, and secondly to provide effective and efficient support to the women. There is extensive community education in Australia, including brochures and pamphlets in public places and an on-going television advertisement campaigning against DV and for respect and equality for women. Cultural change is one of the main foci of the Australian Government as well as the Victorian Government. Victorian policy specifically mentions community accountability, which means people standing together against DV. To do this, attention is placed on the whole community,

as well as individuals in different settings within the community such as schools, local communities, sports and the media. Organisations like police, OS and RS work towards bringing about cultural change. Interviewee AR/ORS2 mentioned working in different groups, such as in football clubs and churches. AORS1 mentioned working in schools to teach students about their rights. VP said that because of the community awareness program people are now more confident to report to the police:

It has been very topical over the last 12 months or more about increasing demand for family violence. Now in my mind this is about the fact that there has been a lot of community awareness building and it seems that the community are now far more confident to report and as a consequence the Victoria Police are taking a lot more reports, which is a really good thing.

This increased awareness has not yet reached all members of the community as interviewee VP mentioned that Victoria Police still face problems working with some victims who are reluctant to report to the police and with women to whom they were unable to communicate the risk of DV and its impact. Thus, police still find it difficult to support women in the community. Furthermore attitudes are difficult to change particularly men's attitudes about respect for women and gender equality.

Education of the support services staff is also vital. The Victorian *Right to Safety and Justice 2010* (ARSJ) policy mentions the need for shared understanding about the nature and dynamics of DV throughout the integrated system. The ARSJ aims to strengthen professional capacity of the service providers in both specialist and mainstream sectors to identify and respond to DV properly by providing up-to-date training and professional development. Specifically, it highlights priority action areas for responding to family violence, that being "GPs, disability support workers, men's behaviour change workers up to court workers and police." (ARSJ, 2010, p. 41)

All formal training for Victoria Police is provided through the Police Academy. Besides this, there are several other ways police are provided with *ad hoc* training such as monthly meetings with family violence advisers, forums and events, position-based email accounts, website information, and on-the-job station training. Further, Victoria Police's FVCU is a specialised department to deal with DV, including developing police policies and strategies. The Unit comprises of Family Violence Liaison Officers (FVLO), Family Violence Advisers (FVA), specialists in Community of Practice for Family Violence, Regional Training Officers, and frontline officers. The FVCU develops strategies and policies, while frontline officers implement policies and procedure. Police are transferred into FVCUs from the general Victoria Police, although all general police respond to DV victims. FVCU training is especially developed around the issue of DV. A DV victim in crisis must be able to approach any police station, where police must have the knowledge and skills to attend to DV victim's needs. Every police station has a FVLO at Sergeant rank available 24 hours per day.

There are 17 FVA across Victoria who have monthly meetings with central FVCU to exchange information about policy and practice and other relevant matters related to their DV duties. About this, VP said, "They come here [FVCU office] and we share with them what is happening strategically and they share with us the themes that are happening from a practice level and community engagement locally." There is also what VP referred to as a position-based email system from the field to the FVA across Victoria for communication or seeking any assistance. This email system allows members of the police station's Family Violence Team to send queries from FVLO Sergeant to the FVCU. The FVLO is first in the chain and any frontline officer can seek advice from their Sergeant. If the Sergeant is unable to help, the query is escalated to FVA who are placed divisionally across the State. If the FVA are unable to answer the questions, it is escalated to the FVCU, who if they cannot respond to the query, can do research on the issue. As part of the research process, the Unit shares the findings with a specialist in community of practitioners (including women's services) so that all the support services learn and benefit. About this system, VP said:

It may be as part of our research that we will either tap into other internal resources, so that it might be that we would speak with our Corporate Strategy Group or might speak not through a different supervisor, but with Legal Services or might (in fact) seek legal advice from the Victoria Government Solicitors Office. Whatever needs to be done we will be sure that we make those enquiries and get a response back to that member, but also share that with the specialist community of practice so that we all then work from it.

After the *Family Violence Act 2008*, there was mandatory training for police who deal with DV. The police have now reinforced that training through various means. One way is to include family violence information in all station-based training. About this, VP said:

When the Act came out we had mandatory training across the force for everybody and what we do now is build on that. We have station training days where family violence is always on the agenda and there is always something to update about family violence, so we have got a really strong regime of training, we value education.

At the time of interview the FVCU was working to develop what they call a "Victoria Police Learning Hub", the purpose of which is to provide training electronically. Since the interview it has commenced operation. Electronic training is not mandatory and this has caused some tension because staff frequently change and new staff need to be trained but may choose not to undertake non-mandatory training. In addition, FVCU arranges an annual forum where members of the Family Violence Team of the police and all the specialist community of practice are included. In this event various speakers talk about issues related to DV.

Training in other CSS (Outreach and Refuges) is less structured. The main organisation that provides training is DV VIC, the peak body for family violence services in Victoria and Domestic Violence

Resource Centre Victoria (DVRCV). There are different ways CSS staff receive training firstly from DV VIC and also from their employer organisation. About this several interviewees said:

Training comes in many different ways, and I think as an organisation, this is not set in concrete, but you balance around 70% of your training through modelling and through practise (on the job experience) and through supervisor or with your leadership team, with your community. About 20% of your training comes from having other specialists come in, and bring their skills, or having the capacity to consult (specialists), and about 10% is paid training that, somewhere around that, it changes and it varies. (AR/ORS3)

Huge amounts of training in refuges. Refuge workers work through various organisations. To tender each year to provide training and the training is not specifically on policy but is on how we work on family violence, taking legal notes, what family violence or domestic violence means, dealing with cultural needs, so there is training. (AR1)

Internally we provide training in case management, case noting, file noting, more risk assessment training in our own systems. If they [AORS staff] go on the "after hour" roster they would receive training in responding to crisis. (AORS1)

Some training is mandatory which was mentioned by all interviewees. The regular staff of women's support services including OS and RS, receive basic training mainly about RARM and also other topics such as the FVPA and how to respond in a crisis moment.

AORS2 explained that, in the recruitment and selection process, they try to employ people who have a background of DV in their own families, however this is not always possible. Nevertheless it is not uncommon for workers in CSS to have a background of DV in their own lives. Such women have learned from their personal experiences about what a victim is experiencing. About this AORS2 said:

A lot of people who work in this field have a background with family violence, so they actually know from personal experiences. That is why they do the job that they do, and appreciate how that woman is at that time, in her head, and where she is at; is she at breaking point, or has she still got some years left in her to put up with these behaviours.

For all staff, whether they do or do not have personal experience of DV, OS and RS organisations have training programs such as organised weekly staff meetings, seminars and workshops to train them about DV. Workers learn on-the-job and from through their supervisor who also acts as a trainer:

Absolutely, on a daily basis, there's a team leader that sits right next to them, so there's a lot of group supervision around case direction and there's regular supervision where we talk about practice issues and the gaps in the practice, and how they feel they're going, any new situations that arise, so constant monitoring and evaluation around staff. (AR/ORS1)

We have structure that means all staff will receive supervision so the line management will supervise those, below we got policies around supervision so all staff would generally receive fortnightly individual supervision for one hour where they would be supervised around their case

of practice. And also a good supervisor helps develop the skills of the worker and also helps them manage their emotions in response to these works. (AORS1)

RARM is a major component of training. As the worker's receive specialist mandatory training on RARM, it is much easier for them to conduct risk assessments. As well as specialist training, two interviewees from refuges commented on how new staff are supported when they start to conduct RARM. The new staff work under supervision or pair up with an experienced worker in the risk assessment process:

When they [staff] are new, they pair up with the experienced workers, so, if we have a new worker, they certainly won't go in there on their own. We never ask them to do risk assessment without notice, that our newer workers will have a team leader present, or an experienced worker present, and they don't actually. It's a real team sort of working environment, because a worker won't go in there and say that's my assessment, you find they come back in the office and say, what is this, or I'm a bit concerned about that, and there's usually a discussion, so each case is a comprehensive risk assessment. (AR/ORS1)

In addition, according to AR\ORS3, if the victim has sought help previously the workers use her case history as a part of the conversation to understand the current risk.

Three interviewees, AORS3 and AORS1 from outreach services, and AR/ORS3 from the combined refuge/outreach service agreed that to carry out an appropriate risk assessment requires training and good personal judgement:

It comes down to a lot of professional judgement, I think. And sometimes, so the quality of the training, skills of the worker, in terms of conversation around it, so, you know yourself, it's not enough, and, so clearly it's about that training, and skills of the worker, in terms of having those conversations, and collecting the information in a way that is working for her. (AORS3)

5.2 CRISIS SUPPORT SERVICES UNDERSTANDING OF FACTORS THAT CAUSE DOMESTIC VIOLENCE

As was noted for Bangladesh, effective responses to causes of DV in Victoria is reliant on understanding of factors that contribute to violence by all professionals working with victims and perpetrators. The ARSJ mentions gender inequality along with some other factors, such as alcohol and drugs, unemployment and financial stress, violent family background, stress, mental illness, and socio-economic status. Drawing from their work experience the interviewees from the support services identified various factors that contribute to DV. As was the case in Bangladesh, in Australia the main factor identified was gender inequality. A summary of the findings from the interviewees are presented in Table 5.2 which also indicates whether or not the factor was mentioned in the ARSJ policy and/or the FVPA Act.

Table 5.1: Factors identified by Victorian interviewees and whether they are mentioned in policy and legislation

Factor	ARSJ	FVPA Act	Police (n 1)	OS (n3)	RS (n5)
Gender inequality	Yes	Yes	1	3	5
Cultural norms	Yes	No	1	1	3
Weak enforcement of laws by police and courts)	No	No		1	
Drinking alcohol	Yes	No		1	2
Drugs	Yes	No			2
Financial difficulties	Yes	No			1
Learned behaviour	Yes	Yes		1	1

All interviewees agreed that the underlying factor or cause for DV is gender inequality which results in power imbalance. AR/ORS1 said, “Causes of DV are the power imbalance, purely power imbalance.” This power imbalance is abused by men against women. Men choose to be violent to maintain their power and thus seek to control over women’s lives. If women resist control by such men they face violence. About this AR/ORS1 continues:

...it’s the desire of the perpetrator to have control. There are other factors that contribute. Yeah, probably don’t involve [inequality]...there are other factors that contribute to situations and incidents, but they are not causes, it is pure power imbalance. (AR/ORS1)

As well as recognising the power imbalances between women and men, interviewees spoke of laws relating to DV as being weak (or inadequate) and thus indirectly influencing men and essentially facilitating their violence. AORS1 talked about this:

Basically we would say that domestic violence is an individual choice within a social context, so we would say that everybody makes a choice about their behaviour and men make a choice to be violent. They choose to because they want to maintain power or get back power over women and children. And that’s generally been sanctioned by our culture and legal system. And it’s very recent that we have laws that protect women from this, and they are quite weak. I think it’s quite a myriad [of factors] when we look into it, there are cultural issues also, but I think across all cultures and classes, power [imbalance] issues exist. (AORS1)

Gender inequality as a cause of DV is explained by VP and AORS1 as the result of a culture of masculinity which supports men’s violence (see Appendix 2).

Victorian policy (ARSJ) and (FVPA) law both acknowledge that gender inequality is one of the main factors for DV. VP, while also identifying gender inequality, seemed to separate it from power and control as a factor. There is an interrelation between power and control and gender inequality (Victoria Health, 2004). As a factor of gender inequality, VP referred to the work done by Victoria Health in 2004 about causes of DV and contributing factors “The key determinants of contributing

factors to the perpetration of violence against women are – unequal power relations between women and men, adherence to rigid stereo types and broader cultures of violence.” VP agreed with the findings of Victoria Health, that gender inequality is the one of the factors for DV, but did not elaborate further. In addition, VP identified and described power and control as a general issue. VP separated power and control from physical violence, saying that psychological abuse is as (or can be) more harmful than physical violence:

Where you have got that coercive controlling dominating sort of dynamic that is a point from which things can escalate, so it can escalate to a physical sense or whatever. I say escalate but the reality is that I am acknowledging that that emotional impact can actually be far more long reaching than physical.

AR/ORS2 agreed with AR/ORS1 that the inequality exists because of the power imbalance inherent in a patriarchal culture. Although in the early 21st century there is greater gender equality in Australia than there was before the 1970s second wave feminist movement, there is still gender inequality and Australia is still a patriarchal culture. Patriarchal values and traditional attitudes are still embedded in mainstream Australian culture and perpetrators come from all walks of life, including educated professionals. Furthermore even those charged with caring for DV victims and dealing with perpetrators may hold stereotypical patriarchal attitudes. Therefore interviewees feels the need for greater education to change these attitudes:

We still sometimes, the social perception, we still sometimes hear from professionals, he is a good bloke, he is a decent bloke, a nice bloke, he just does this, there still needs to be some work done with that, we have heard that from the police, oh he’s more reasonable than her, so it’s more education I think around that its important. (AR/ORS2)

Furthermore for some men gender equality has gone too far as they do not want independent women in their lives. Therefore such men often get brides from overseas in order to get a submissive wife. DV in such cases is often extreme:

And we are finding that more women experience [violence] who have been brought into this country under false pretences, and they are being very isolated and there are some horrible experiences of violence in this country. And unfortunately a high proportion of those men are Australian men who have bought their brides to bring her back home. (AR/ORS3)

We live in a society that is basically patriarchal. Women [overseas brides] often feel they don’t have many choices, and they are told information that they have to believe, they have to stay or they get deported, get beaten up if they don’t behave in a certain way, power, all of these issues. I think it’s quite myriad when we look into it, there are cultural issues also, but I think across all cultures and classes, power issues exist. (AR1)

Gender inequality was clearly recognised by interviewees as a major DV factor and also the underlying cultural norms. They also mentioned a number of additional DV factors; those being alcohol and drug abuse, financial difficulties, and learned behaviour.

In western countries, including Australia, drinking alcohol is a cultural norm. Misuse of alcohol was identified by AORS1 as a factor. AORS1 thinks that DV is an individual choice and that men choose to be violent against women and children but acknowledges that alcohol can make people aggressive and when men are drunk they often lose control over their behaviour, and become violent:

We acknowledge that when men are drunk, they more likely, when they drink alcohol, some men are more likely to be more violent in that situation, if the woman is drunk she is at higher risk. So there is a whole range of risk factors that increase the risks, but not as contributors.

Meanwhile, three interviewees specified things such as drugs, along with alcohol, as factors for this violence. AR/ORS1 also agreed with AORS1 that drugs or alcohol increases the risk of a basically violent man becoming more violent, rather than drugs and alcohol being the primary factor for DV (see Appendix 2). In addition, two interviewee also mentioned finance as one of the factors or possibly financial issues related to alcohol and drugs. For example from AR1, "Lots of causes, but financial is often an amazing issue. Drugs, alcohol, finance all those issues", and from AORS2, "There are lots of reasons family violence happens, it could be drugs and alcohol, and it could be problematic financial".

Two interviewee recognised the culture of masculinity, mentioned above, as a factor; one which supports men's violence and where the perpetrators themselves may have grown up experiencing violence. This results in what they identified as learned behaviour. AR/ORS1 said, "It could be learned behaviour. So they've grown up experiencing violence. The perpetrator knows no difference. Narcissism, we see a lot of that, that they just enjoy it" and AORS2, "It could be social conditioning, and so people have learnt from their own peers, or their own father".

5.3 VICTORIA POLICE FAMILY VIOLENCE COORDINATION UNIT

Both policy and legislation mention the police. According to the policy, police are in the leading position of the Victorian 'family violence' system. This is also reflected in the legislation where it gives extra power to police to protect the victims in their crisis moment. As noted earlier, only the person in charge of the FVCU was interviewed for this research as per approval from the Victoria Police Ethics Committee, therefore no interviews could be conducted with members of the Family Violence Teams. Due to this limitations only police response is from VP, however some secondary data from the media in the form of visual and print reports and articles about how police have dealt with DV incidences

have been studied and included in this section. Also included is an analysis of the *Code of Practice for the Investigation of Family Violence 2004* – as updated in 2014 (CPIFV) (Vic Police, 2014) which was developed by Victoria Police to serve as a guideline for the staff working with DV.

5.3.1 Victoria Police’s Procedure of Providing Support

Any police officer in the performance of their duties may detect DV and take action. According to the CPIFV (2014) a victim of DV, or a member of their family, including children, a friend, neighbours, anonymous person or someone from another agency can report to the police physically or by telephone or by some other means. There is one police officer available who specialises in DV, “Every 24-hour police station has a FVLO at the rank of Sergeant, who can provide response regarding domestic violence” (VP). CPIFV provides guidelines to the police for their work. Escalating from the Family Violence Team at a station, there are specialists in DV who work in (and with) Victoria Police that follow CPIFV, as outlined in the family violence communication system set out above.

As well as working collaboratively with non-government crisis support services (OS and RS), as part of the Victorian Integrated Family Violence Service System, police work together with government organisations such as the courts and Human Services Victoria. Police coordinate with other organisations generally through meetings. A model was developed in Victoria named *Regional Risk Assessment Management Panels in Victoria*, where police and other agencies such as OS work together with the affected family members. Also, part of the procedure includes police and agencies visiting the affected person together:

Police are doing work with agencies, for example in some areas police and agencies will make joint visits to support a person. Now is that a police role? Yes and no. We are trying to support agencies to increase engagement because we do want to prevent any more incidents. It is a bit of grey field and I don’t think anyone has enough visibility at the moment around engagement rates and you have to get engaged with the person to actually assist them. (VP)

VP also showed concern about the nature and effectiveness of police responses:

...it is really important for first contact, victim first contact with police for that police officer to take the time to build rapport because I am aware that research shows that if a person can see that a police member is genuinely engaged in assisting them that they will build up their confidence actually to seek support and use the system.

How well police respond to DV could not be gauged from the VP interview. According to an ABC News report (Blumer, 2015a), police response to DV has improved. Blumer (2015a) states that Australian police deal with an estimated 657 DV matters on average every day of the year (one every two minutes), with Victoria Police dealing with 187 “family incidents” every day in 2014. However, in some

cases, police fail to respond. A 2015 West Australian parliamentary committee report noted that sometimes police do not support victims because of the culture of not taking the issue seriously, rather seeing it as “just a domestic” (O’Connor, 2015).

According to VP, Victoria Police do the initial risk assessment and make referrals to other agencies as needed. According to the FVPA Act, the police are responsible to make referrals for both the victim and perpetrator, however priority is given to the affected family member (victim) and referrals for the perpetrator is for accommodation if they are excluded from the family home or anger management programs if appropriate. VP also confirmed this explaining that if the victim is a woman she is referred to women’s services, if a child referred to “Child First” and family services (community-based agency that works with children at risk), if the perpetrator is a male he can be referred to a men’s service. The comments of VP suggest that police response is based on human rights approach and it is also acknowledged by VP that the police are required to refer all parties involved men, women and children including the perpetrator, VP states, “...we make a referral for all parties so that they can get the support and assistance that they need.”

Besides making referrals, Victoria Police response includes procedures such as how they assess the risk to women, and how they provide support to the women for their wellbeing and empowerment.

For the Victoria Police action is based on first, a risk assessment (RARM framework) which is part of the Integrated Family Violence Response. Police repeat the risk assessment each time there is a breach of any order such as intervention order. After the risk assessment is done the organisation to which the women are referred such as a refuge, also completes a risk assessment using a tool called a Comprehensive Risk Assessment Framework (CRAF). It is in the victim’s best interest that the risk assessment is done twice according to VP:

I don’t necessarily agree the first [police] person [should be the only one to conduct risk assessment] and the reason I say that is because police attend at the time of crisis and it’s very difficult to get all the information whilst a crisis is occurring, so yes we will build up rapport, but for example it would be very unusual for an affected family member to reveal a sexual assault at first police attendance, because that is something that requires quite a bit of trust to be built up. So we really can only assess in a crisis situation and that is why we are not the agency doing the comprehensive risk assessment, so I would expect the next person in the chain, the specialised family violence service, when they do a comprehensive assessment at a time other than crisis would actually get more information than the first person. That is why I don’t necessarily agree that it is the first person that will get the most information or the most accurate information. I think it is all essential.

The risk information is then shared with all the stakeholders who are involved in the process. This is so that the woman does not need to repeat the information when she presents at other organisations.

To facilitate this VP suggested:

Ideally what I would like to see is everyone along the service system sharing a continuum of risk, so I would like to actually see some sort of electronic application where police could feed in preliminary risk assessment, specialised services could feed in their comprehensive assessment so that at any point in time any service provider could go in and see where that level of risk is at. Now are you aware of the strengthening risk management demonstration site?

However currently there is no feedback to the police about how the risk has changed since the crisis, nor what has happened to the victim:

From that, my expectation is that the agency to whom the person is referred will conduct a comprehensive risk assessment, so at a time other than crisis they actually get to sit down with that person, if that person chooses to engage, and conducts a comprehensive risk assessment. Now at this point of time Victoria Police don't get any feedback as per what happened in the comprehensive assessment, so I think that is a bit of a gap in the system so I am certainly looking for electronic means to overcome that. (VP)

Completing a risk assessment is not only a matter of filling out forms, rather it requires some basic professional skills. According to CPIFV, the risk assessment done by the police will include investigation of the victim and perpetrator's background and identification of the recent pattern of violence, if any, and the victim's personal assessment of their level of fear (CPIFV, 2014). Police will then do risk assessment using the Family Violence Risk Assessment and Management Report (VP Form L17). After the risk assessment is completed a risk management plan needs to be drawn up.

Wellbeing is a necessary part of the risk management plan. However, there is nothing mentioned specifically in FVPA about the wellbeing of the women, although the policy mentions wellbeing in general. In the CPIFV the only mention of wellbeing is that police will look at the urgent medical needs during the time of their response to any incident.

5.3.2 Implementation of DV Law

FVPA is the DV law in Victoria, which is mainly civil in nature. There is also the *Crimes Act 1958* that is still in force to address criminal cases and that applies to a DV victim who presents with physical injury, then the case will be treated as criminal case. The code of practice gives guidelines for Victoria Police as to whether the case should be civil or criminal and how to proceed. In the section of the FVPA detailing the duties and responsibilities of police (part 3), it is noted that a police officer is able to apply for an intervention order against the perpetrator on behalf of the woman in crisis. In addition, FVPA has given extra power to the police to protect the victims before going to court in the form of

“holding power”. This involves holding a person, the perpetrator, mainly for the safety of the women, and also a “safety notice”, which involves an order given by the police to restrict the perpetrator’s movement; it is similar to an interim intervention order provided by the court. Police are also able to exclude the perpetrator from the family home and can arrest the perpetrator for breach of intervention or safety notice. According to FVPA, a police officer may exercise holding power if they intend to apply for an intervention order or safety notice for the safety of the affected family member or act to preserve any property of that family member.

In terms of holding power, FVPA states that a perpetrator can be detained at a police station or another nominated place for two purposes; one if they refuse or fail to comply with the direction of a police officer, and secondly if the officer considers it necessary for the protection of a victim or their property, or to prevent the perpetrator escaping from detention. Police use of holding power is based on the risk assessment, that is, the level of risk to the victim. According to VP, holding the person does not refer to protecting the person; rather it means keeping the person temporarily detained to ensure the victim’s immediate safety. On the other hand, because of human rights legislation, Victoria Police need to be cautious about everyone’s rights which includes the perpetrators rights. About this, VP said:

It’s not that we need to protect this person that we need to hold that person indefinitely because we do have a Human Rights and Responsibilities Act in Victoria and really all of my work revolves around using human rights, so I am all about practicing, promoting and protecting human rights.

Therefore, according to FVPA, holding power is used to protect any other family member or any property from the perpetrator. This can also apply to a woman who is suspected of being the perpetrator and the risk assessment shows the risk of further violence to the male victim to be high, then men too might need protection.

A Family Violence Safety Notice (FVSN) is similar to an interim intervention order, which can be applied for by an attending police officer to protect a family member or property, by checking with a Sergeant or a higher ranked officer. According to FVPA 2014, a safety notice can be issued 24 hours a day and will be valid for five working days. While a safety notice can be issued relatively easily in urban areas and larger towns it is more complicated to implement in rural and remote areas, because it is very difficult to access authorised persons:

There is also the power to do remote applications, so in rural areas to ring up a Sergeant who might be 100 kms away and get their authorisation. Now that has never worked and members don’t use it because it actually requires you to cross-check every word on the application. It is not feasible; it has never been used properly, so in my mind that means that there is less access to justice in the rural areas. (VP)

However this is the only mention in FVPA of the particular concerns to do with rural and remote case.

VP further explained that generally it takes a long time to comply with all of the preparation of drawing up an FVSN. Primarily it takes a couple of hours to input the data into the data system. After that, there is no fixed time for the other issues at hand like to go to court, or to call the person back to try and provide support. Part of the reason for the delay may be because of the broader definition of “family violence” in the legislation. During the period of support, a police officer has to be concerned about several things such as determining what the kind of violence it is, whether it is physical or emotional, the safety of the children, or preservation of property, and if there are counter accusations determining who the victim is and who is the perpetrator. These issues can make the procedure complicated and time-consuming for the police officer. According to VP:

Because the definition of family violence is extremely broad, so it could absolutely be emotional abuse, it could be financial abuse, and we are talking civil applications, so we are not necessarily talking criminal things, so yes to ensure safety, preserve property, protect children, absolutely applies to all of those things in the definition of family violence so we are not limited to where there is criminal offence at all.

In spite of this complication, VP commented that a safety notice is very useful for a victim in the short-term, specifically to protect a victim in a crisis moment. At the time of separation of the victim and perpetrator, the risk to the victim is statistically high and if she wants to proceed to take criminal action she may face further violence:

We know that sometimes when a person decides to take action there is a grave risk. I understand that even calling the police can mean that that person suffers further family violence. So it [FVSN] is a very short-term measure to diffuse whatever was happening and really to give the affected family member a bit of space to consider their own safety and to seek assistance.

Police action such as issuing a safety notice can be of benefit to the victim. It means that police are taking responsibility for the affected family member and initiating action and therefore it is more difficult for the perpetrator to blame the woman for taking action against him, as VP further said, “Actually it was quite good because he was blaming the police; the police chose to take action”. However a safety notice is not always effective. AORS1 said that the safety notice is not safe for some women:

The problem is that for a lot of women, it’s not a safe option, because, then the men ignore the safety notice, they go straight back to the house and do a lot of harm before the police can get there. (AORS1)

Another action police can take to protect the victim is to exclude the perpetrator. The decision to issue an exclusion order is also based on the risk assessment. According to VP, “It is an excellent policy

to keep women safe at home and pressure the perpetrator to think about their accountability. However, police have less power than a magistrate.” However, as discussed in chapter four, because of their human rights responsibility, if police intend to issue the FVSN with an exclusion order, they should be responsible for arranging accommodation for the perpetrator if needed which may be complicated. In practice the police refer the perpetrator to the related organisation asking for support for accommodation.

In terms of criminal actions police can take against a perpetrator, a breach of a protection order is the only possibility of a criminal remedy in FVPA. According to VP, police look for two kinds of evidence, tangible evidence, such as visible physical injury or documented evidence such as text messages and intangible evidence such as a witness statement or signs of mental distress and fear. In terms of abuse such as emotional abuse, sexual and economic abuse usually only intangible evidence is available. Police must then use their judgement. For using their judgment police can refer to the CPIFV which provides direction about whether or not to take action about this issue. A police officer may use their professional judgment, and assess the likelihood of future risk to determine the most appropriate risk management strategy. If there is a witness for example in cases of emotional abuse, the victim or any other person who witnessed the incident needs to be present as a witness in the court. Tangible evidence might be the police providing evidence from their observation of an injury, the victim’s distress, damage to property, and frightened children:

For example, police attend, whatever we see, we might see that there is an injury or we might see that someone is upset or we might see the property has been damaged, we might see the children are scared, we can use our observations to actually help to prove that [need for action] even if we have a reluctant victim. (VP)

VP explained that it is hard to use intangible evidence, and therefore it is helpful if the affected family member is able to provide tangible evidence as it is visible:

Some [evidence] is tangible and some is not so tangible. So the tangible stuff is easier. For example, if the breach is a text message which is very common then that is tangible the affected family members could give us a copy of those messages on their phone and that’s evidence, and that’s direct evidence...If it is less tangible than that and we have more difficulty if the affected family member is not supporting the police case...if we have an affected family member who makes a statement and then says I don’t want to proceed, that doesn’t mean that we can’t use that statement and it doesn’t mean that we can’t use our observations.

Getting support from the affected family member can be difficult in criminal cases if women are reluctant to proceed; often because of fear:

...Because of the family violence dynamic that affected family member won’t always support criminal action...We know that sometimes when a person decides to take action there is a grave risk [to herself]. I understand that even calling the police can mean that that person suffers further family violence. (VP)

VPs summary at the end of the interview reveals both the police achievements and their frustrations.

I don't know that it is up to us, it is our responsibility to engage and try and build rapport with victims and I think a lot more can be done by DHS [Department of Health Services] funded services to improve their engagement with victims, because I don't think this is all about police. I mean we are first responders and we work very closely with agencies, and particularly now you see the teams work very closely locally with agencies and quite often it is those individual relationships with people that drive the work locally. We do what we can but ultimately a lot of that is beyond our control.

VP strongly recommended an integrated response specially a strong integration with the women support services.

5.3.3 Barriers to Effective Police Response

In Victoria, FVPA has increased police power making it easier to support a victim in crisis moment. For example, through a safety notice police are able to restrict the movement of the perpetrator around the victim, can exclude the perpetrator from the family home, and hold the perpetrator or search the premises if needed for the safety of the victims; none of these actions were possible prior to the current FVPA. However, Victoria Police still face some difficulties in practice during the time of response.

Often women do not realise that what they are experiencing is DV, nor do they understand the mental and physical damage that it is doing to them. In a patriarchal culture that sees men as the strong and dominant force in a relationship, abuse of power can often become invisible and seen as the norm and many women living in high risk situations minimise their situation. This lack of unawareness makes it difficult for police either to support them or to convince them that their lives may be in danger. The lack of understanding by women and their reluctance to seek help or press charges against a violent partner is a strong barrier for police and one which the police are taking action to overcome. VP's comment about this is:

What we have found from the Western High Risk Client model and having women at the table to share their experiences is that, that has given them a greater awareness of the seriousness with which all agencies including police take their situation and I think that has driven home to them the seriousness of their situation. Some women are absolutely aware but quite a few tend to minimise and don't seem to understand the risk they are at. Now it makes police very nervous when we assess that someone is at risk but that person doesn't think they are at risk.

VP goes on to explain how issuing notices and orders as provided for in the legislation is hampered by the victim's reluctance, when in spite of identified future risk, some women reject support, which frustrates the police:

Now there is conflict...because we will then want to take out a safety notice or an intervention order which may not be supported. That is not the only reason why it won't be supported, but it is difficult because if we do risk assessment and we think the risk of future violence is likely we really feel very strongly about we need to take action and we try to take action – does it always happen, no it doesn't. So it is a frustration but we will try in every instance.

A major barrier is the difficulty of presenting evidence of abuse in court as mentioned above, especially where there is no visible injury. One of the common forms of violence for which there is no tangible evidence is psychological abuse. Furthermore, there is a lack of clear direction from the policy and law about how to identify psychological violence, nor how to deal with it; which exacerbates the problem of addressing psychological abuse. Due to the difficulty and lack of direction, VP explained that in practice without any alternative, Victorian Police tend to use an intervention order on the assumption that it might stop the future violence; "When it is emotional [abuse] there is no law, there is no legislation, and however what we would do is assist that person to take out an intervention order to try to prevent that happening again."

The official procedure for taking out an intervention order and serving the related documents to the perpetrator can be lengthy; which is another barrier to effective police support. According to FVPA, a police officer has to serve the case related documents such as intervention order, or an application for variation physically to the applicant and the respondent. This involves finding the perpetrator which can make the process lengthy as well as complicated for police. Sometimes if the court makes, varies, extends or revokes a family violence intervention order, Victoria Police have to serve the papers to the perpetrator each time. Therefore, this is a complication between what the law says and the application of the law in the court system, which may be giving the opportunity for the perpetrators to escape:

So at the moment many intervention orders before the Courts have adjournments some have three or four adjournments, and every single adjournment you need a police officer to go out and serve documents on both the applicant and the respondent. If there is an application for variation police will go out. If a person chooses to go direct to the court and not come through police they will still have a policeman on the door serving documents. (VP)

About the issue of serving documents, in response to the 2016 Royal Commission recommendations, the FVPA was amended to restrict the number of documents which must be served in. However, VP suggested that this problem could be overcome by using an electronic device. Electronic devices are already introduced in the Victorian Police system:

We now have an electronic means of referral which was introduced by mid this year. So we have now moved from a fax-back system, you might have heard of a fax-back system. We now do it electronically from our end, so I am negotiating and we will develop a Memorandum of

Understanding and there will be capacity in the future to refer any of these parties for legal advice. (VP)

5.3.4 Police Recommendations to Reduce Domestic Violence

Police recommendations are crucial in the endeavour to deal with DV effectively and to help reduce DV as they are working as leaders in the family violence reform system. VP made several recommendations. Primarily she recommended a whole of society response for individuals and agencies to work together. She strongly felt that more men who were not violent should take a stronger stand and that those men who were standing against DV should be strongly supported.

The time has come for men to make a stand and I really do think that we are mature enough as an integrated sector to support that stand and support men in making that stand because if we are always responding and not preventing then the situation is never going to change. (VP)

About the role of men in preventing DV she had much to say, noting in particular that the successors of former Victorian Commissioner of Police, Christine Nixon, that is, Simon Overland and Ken Lay were committed to reducing violence against women:

Men need to take a stand. It is now time for men to stand up. This is not about being a bystander in life. Most men don't use violence, it is time for good men to stand up and say "I don't accept that" even "I don't accept a comment which degrades women" and if you ever have the opportunity to hear him (Ken Lay) speak he is absolutely inspirational. He is consistent and he is driven. So we got this. He leads an organisation of which 75% are men, so it is a really good time to be working in this field.

VP also suggested several practical measures. One suggestion was the use of electronic information at every step to improve the system. She also placed emphasis on training for all sectors:

Ideally what I would like to see is everyone along the service system sharing a continuum of risk, so I would like to actually see some sort of electronic application where police could feed in preliminarily risk assessment, specialised services could feed in their comprehensive assessment so that at any point in time any service provider could go in and see where that level of risk is at...I think there is a lot more potential to use a lot more electronic information in a much smarter way to improve timeliness, improve service delivery, and not for example be intruding into people's lives when we don't need to be. I think that's perhaps where our greatest capacity in the short-term is to improve the system.

She also has emphasised the importance of education. For example, she said that educated magistrates are providing quality judgments, which is essential to make the perpetrator accountable for their behaviour. "There still can be inconsistency, but any magistrate who has been educated I think gives a much more consistent quality response. But I do think they are a really important part of holding perpetrators to account and keeping victims safe". (VP)

5.4 CRISIS SUPPORT SERVICES: REFUGE AND OUTREACH SERVICES

There are two kinds of support services available in Victoria, one is Mainstream Family Violence Services which covers issues such as education, health care, mental health services, drug and alcohol services, legal services, family services and disability services. The other one is Specialist Family Violence Services, specifically women's support services, i.e. OS and RS (DV VIC, 2006) covering issues such as case management, practical support and counselling, housing through Supported Assistance Accommodation Program, peer support, healing centres/Indigenous family violence initiatives and men's referral service (ARSJ, 2010).

There are some women's refuges which only provide shelter support and some that provide for both combined OS and RS. Some OS do not have refuges attached but can refer women as needed. Unlike Bangladesh where support services are provided for women victims of any violence, in Victoria support services are designed specifically for the victims of DV who are usually women and children, but may also be men. The role of OS is to provide safety for those women who want to stay in their own home. Keeping her safe can involve any measure available to police and other CSS, including an intervention order. Home security measures can be provided by a safety pack which includes actions such as changing locks, installing alarms, and/or a security camera, and providing adequate safety. Although the emphasis of OS is enabling the woman to stay in the home and being safe there, some are able to provide shorter term transitional accommodation if the woman is threatened in the home. RS are mainly for those women who are fleeing from family violence (Monami, 2008). RS provide safe accommodation for the women and their primary concern is to support and empower them. The type of accommodation provided by RS is the traditional home with living areas, kitchen, laundries and bedrooms. Women are provided a private bedroom but share the rest of the house with other women.

5.4.1 RS and OS Procedure for Providing Support

The main aim of OS is to support women who prefer to stay in their own homes, either with the perpetrator or without. OS provide information about available options and make referrals according to the need of the women as AORS3 said: "So women that we work with might still be in a relationship, someone who is using violence and abuse, they might be wanting to leave, might be wanting to stay, they might have left." Some OS have RS as well and may also provide short and long-term emergency accommodation. A woman can become a client of OS through referral from the police or the police request the OS to make contact with the woman. In this process police and the OS work together. As mentioned above, sometimes the police and OS visit the women's house together to inform her about her risk and the support available to her.

As well as working with police the OS works in collaboration with other women's support services, some men's support services such as Men's Referral Services and child support services. The stakeholders have regularly weekly or monthly meetings, to share information and planning:

So every Thursday morning, I meet with the police, I meet with justice corrections, I meet with child protection, Bethany, men's behaviour change worker, etc. We sit down with the police and they have a target list, and you could have 15 people up there, they have the perpetrator and the victim. (AORS2)

AORS3 also commented on collaboration with other services:

So, we work closely with police and the court, we attend with police in what's called a recidivist offenders meeting. So, round the table is ourselves, women's service, Berry Street who also provides women's services, CAF, child family service,...men's service, child protection, and we are looking at the police recidivist list, and working out how we are going to support her [the victim], her safety, address his accountability and so forth. So, they meet monthly around the town, so that's the example of coming together, collaborating.

AORS2 talked further about the RARM risk management program mentioned in chapter 4 which is a collaborative work of government with NGOs with the focus on high risk victims:

We also have a [RARM] which is a pilot [program], with the government. The [RARM] is all senior level managers within the police, justice, child protection and housing, any specialist area. It's about making [decisions about] the high risk clients to that meeting, and we talk to about ten clients in a meeting, and it occurs about once a month.

RS are places where women come to stay for a longer period because they need to leave the family home which has become unsafe for them and intervention orders or safety packs are considered to be inadequate to overcome the risk. Generally high risk women go to refuges, as AORS2 notes:

So the refuge would become where the woman wound up. So WD [Women's Domestic Violence Unit] in Melbourne, allocate our refuge clients, or we could have a woman say that I'm in [name of the place withheld], he's gonna be awake in two hours, I need to get out of the house, and so we would find her accommodation.

The choice of whether to go to OS or RS depends on the risk to the woman. In Victoria, risk is assessed and managed by the RARM tool. The Victorian policy calls for all organisations who work in family violence sectors that is, OS and RS as well as police to use the RARM tool. All interviewees from both OS and RS commented on doing a Comprehensive Risk Assessment (CRAF) at the beginning of every initial contact with a victim (see Appendix 2 for AORS1 comment). The CRAF assessment tool has two parts, one is the woman's understanding about the risk to herself and then the person completing the assessment determines the woman's risk from the information given by her. To do this they talk with the women face-to-face or over the phone to get a full picture of the risk she faces. In all cases it is necessary to build rapport with the women:

So one of the things that I am intending to do is at the moment, the risk assessment framework looks at evidence factors that research has proven indicate high risk. It also asks for the women understanding her risk and then the person doing the assessment needs to bring their own wisdom to that. So the evidence factors her assessment and what the practitioners thinks. So this sort of the three areas that our risk assessment framework is. (AORS1)

The risk assessment tool is designed so that the risk to the woman can be comprehensively and accurately assessed to ensure maximum safety. Effectiveness of the risk assessment and management plan is crucial and if the risk is not assessed correctly the woman may face further violence. There have been several media reports about women being murdered by their partners because the risk to them has not been assessed properly. For example, the death of Sargun Ragi who was killed by her husband Avjit Singh in 2012 highlights a failure by police to recognise of the extreme risk to her and their failure to see and comprehend the bigger picture and to act accordingly (Farnsworth, 2015).

According to ABC News some victims feel 'blamed and judged' because of lack of consistency in the police approach to DV (Blumer, 2015). A Western Australian Parliamentary Committee evaluated police performance in dealing with DV in that State and found that police are doing a much better job than in the past, but there is still room for improvement. Sometimes police are slow, or even fail to attend reports of DV. Even when they turn up, they appear unsupportive, confused about the correct procedure or unwilling to take action. The Committee noted that this is happening because of inadequate training, poor awareness of police policy, and labouring under extreme workloads (O'Connor, 2015). Sometimes some police fail to assess the proper risk of the victim as well, which could be life-threatening for victims.

If the risk is assessed properly then the risk management plan is helpful to reduce or manage the risk to the women as the plan was made according to the risk. AR2 maintained that the risk assessment could actually place the victim in increased danger of violence if the person doing the assessment believes the CRAF tool to be the industry standard, becomes complacent and does not consider how perpetrator's violent behaviour can change and escalate when there is intervention by police or CSS:

No it is just the beginning of the risk; there is a danger that it can be considered to be a one-off assessment without recognising the fluid and changing nature of domestic violence. The CRAF assessment can be too subjective so the quality of the assessment is grounded in the depth [of understanding] that the practitioner has. I think too that there is the danger that once someone has been trained in the CRAF that there is an assumption that it is the best industry standard and therefore they may not keep abreast of new research and review the value of the document. (AR2)

Interviewees had different opinions about the effectiveness of the CRAF tool. AORS2 said that the tool is very useful, "It covers everything from your animals to your..., from your children to grandparents, its got everything there. It's very very in-depth." (AORS2)

AORS1 on the other hand pointed out that the tool does not provide any details about the type of risk in each of the three levels of risk in the CRAF, nor what the actual risk is at what she described as lowest level of risk, elevated risk and highest level of risk. She considered the levels as given to be too simple (see level of risk comment in Appendix 2 by AORS1). AORS1 suggested how better training can help the staff to assess the risk when there is complexity involved in any case (see suggestion in the Appendix 2). Further, AORS3 recognised CRAF is good tool, however, she noted there are other tools like the "inter justice scale" as well which are also good to assess risk (see comment in the Appendix 2). Thus, as can be seen risk assessment is complicated and sometimes the effectiveness of the CRAF tool is questionable, although it is nevertheless considered to be a useful tool.

In term of assessing and managing risk for the woman there is a potential problem if she stays with friends or family rather than going immediately to the police or a support service. In this case, as it is not recognised that she is in a crisis situation, she will be deemed not to be at immediate risk, and her case is not assessed for risk, rather it is treated as a homelessness situation. About this one AR/ORS2 said:

If the family violence affected your family a week ago, and you went to stay with a friend for two nights, and then you went to stay with another friend for two nights, because you're never going to get into welfare before, and you don't want to do it, your family are saying go back to him, don't be ridiculous, and your mates are going we've had enough of you, finally someone tells you about the domestic violence service, and you ring them, sorry it's not immediate family violence it's now housing issue. So that woman may end up in the boarding house for a week. (AR/ORS2)

If the case is treated as a homelessness issue it is further problematic for some women as the refuge and homelessness are confused. Homelessness is literally a need for accommodation while in contrast, women who seek refuge are DV victims, not necessarily poor nor technically homeless. They are homeless because they have had to escape violence, not because of poverty. Thus, some DV women victims are provided refuge under the homeless services.

Often women's first need is safe accommodation during the crisis moment. To get into a refuge for a longer period a woman needs to meet stricter criteria, unlike for crisis accommodation. The criteria are the violence needs to be domestic with an immediate and potential future high risk and the women need to be willing to keep the address of the refuge confidential. Then there needs to be a

vacancy at a refuge which can be problematic. Even if a woman fulfils the criterion she still may not get straight into the refuge as they are often full due to high demand and there are insufficient refuges to meet this demand. In that case, she first needs to stay interim accommodation such as a motel and then be moved to a refuge when a place becomes available, even if that refuge is far from where she lives (see two comment in Appendix 2). The main concern in cases where interim accommodation is used is the difficulty of keeping her safe if she has elevated risk.

Although there is a shortage of refuge places the process has become easier due to increased publicity about DV and options for women:

...the process is a lot easier, because when the police, if the police are involved, they're actually giving the women the information now, so, and there's lots of posters, lots of information, there's television commercials, so knowing what's out there is a lot easier, but I like I said, demand far outweighs resources. (AR/ORS1)

When women are in the higher risk category, they can directly call SSFVRC which is a 24 hours central contact point for the refuge services. However, the demand for this service is also high and often women need to ring several times to get through. About this two interviewees commented, one is mentioned below:

Usually it is, sometimes, like a lot of people call Monday, Mondays is not a good day, usually you just keep calling and you will get through, I would advise anyone who is in a domestic violence situation to keep trying and they will get through. (AR1)

Refuges provide all of the women's basic needs such as food, shelter, and additional services such as relocation and assistance to get long-term housing, furniture, medical needs. To help the women to re-establish themselves, the refuge staff work collaboratively with them:

We have a planning sheet, and we will sit down with the lady, when she's calm and settled, we don't do it the first or second day, because there's no point...So we sit down with her a few days on, and say, okay, let's look at your housing, what do you want to do? Where do you want to be? How many bedrooms do you need? Do you have any special needs? Are there places you can't go? Look at medical, look at the kids' education, her future, she might be doing a course somewhere, and want to transfer it, so we help with that. (AR/ORS1)

Refuge also work with other organisations, in the integrated system, such as, SSFVRC, counselling, education or health and make referral to these other organisations. For example, refuges do not provide counselling services, therefore for counselling they refer the women to other organisations.

5.4.2 CSS Response to Victims According to Policy and Law

To provide safety, wellbeing and empowerment, the ARSJ policy specifically mentions system-level accountability, which means victims will receive support from CSS wherever she goes. The FVPA also

provides for system-level accountability mainly through the police. However, although the policy mentions system-level accountability, it does not name women's services, RS and OS specifically; it only names Mainstream Family Violence Services, Specialist Family Violence Services (SFVS), housing, and counselling. Likewise FVPA does not say anything about women support services RS and OS. There is a *Code of Practice for Specialist Family Violence Services for Women and Children*, developed by DV VIC (2006), which is a guideline for the staff of the SFVS that are mentioned in the policy, as discussed in chapter four. This section looks at how OS and RS are responding according to policy and law.

One central focus of the AJRS Policy is to ensure the safety and security of the women. OS and RS have programs to make sure their operations are in line with the policy; they do so in two ways, providing protection for physical safety and protection by law. In addition, FVPA also proposes various strategies for safety and security. The first concern of CSS staff is the physical safety of the women. That means that the nature of support is designed to prevent the perpetrator from doing any further harm to her. Therefore CRAFT risk assessment is on-going to continuously monitor the changing risk. Women at very high risk are not expected to stay in their homes rather they are placed in a secure refuge. Also, to maintain safety the refuges are situated in secret locations. One safety feature common to all refuges is to place women in refuges remote from where they live. Three interviewees, two from OS and one from RS commented on this (see Appendix 2).

When a woman relocates, but needs to stay in a motel because a vacancy cannot be found in a refuge, it becomes complicated to maintain her safety. First, she moves to a new place; then, the condition of the motel varies; sometimes it is good, and sometimes it is not. This all adds to the stress of DV victim. Therefore, the women may face some uncertainty in those situations. About this AR/ORS3 said that:

So when women come in the first need is safety from the violence, they will often be accommodated in a motel. While in the motel there is no outreach case management, and we believe from an early intervention point of view the women are in crisis that time – we are intervening early to try and work through with women; can we make it safe for you to return home? The consequences of women not returning home are becoming more and more difficult and the women become a part of the homelessness sector and when they are a part of the homelessness sector, the women become more vulnerable to violence in the future.

Once women are accommodated in a refuge, they are provided with the highest safety and care. According to AR1 a woman can live a normal life in the shelter; she can do her job and her children can go to school. During the women's stay in the refuge, they sometimes need to be referred to other organisations such as counselling or have to go outside for some purpose. In this case, again the safety of the women is given the utmost priority. For the first month, some refuges organise someone to accompany the women in every aspect:

Yes for the first month. It might be even further down the track, but on average for about the first month, we will be right there with them for everything, take them to their doctor's appointments, well, if they need to go back down to attend their case in Melbourne. Often court cases are in Melbourne central, so a worker will go down with them that day and sit in the court with them, all of that, then we sort of slowly start to ease back a bit and, it's like, some women are really dependant, and some women are really independent. So we can't treat them all the same. (AR/ORS1)

However, the decision of going outside the refuge depends on each individual's need. Before giving any permits, the RS assess the situation of the women. Therefore, if the women are at too high a risk, for her own safety she does not get permission to go outside. AR/ORS1 gave an example of how some women are at high risk:

We had a man yesterday in court stand up and tell the magistrate to get F***ed, nothing done about it. That was his tenth one, tenth intervention order, he was handed, and he laughed, "yeah whatever". Didn't care, so and we know that women...like his partner, is one of the most high risk women we are working with at the moment. We've got her locked away, not even going to walk down the streets, whilst he's just strutting around, thinking the whole system is a joke. (AR/ORS1)

It all depends, like I said, on the situation by situation, they can go anywhere in [name of town], but if they're going to leave town, they've got to discuss it with their worker first, about why and how and all that, because they can be followed back, so it can be, some women have left with a key and never put the key back, and then it cost us a fortune, to get locks changed and all that kind of stuff. (AR/ORS2)

Also, for the safety of the women, refuges impose certain rules which women need to follow. Although rules differ from refuge to refuge, there are some general rules. The first and universal rule is that women have to keep the address a secret. The primary concern for refuge workers and indeed the women, is that the perpetrators might come to the refuge and become violent. The second one is refuges do not allow visitors, especially the perpetrator and also other male visitors. The third one is they have to keep their mobile phones turned off. Four interviewees from refuge commented on this issue, AR/ORS2 said, "We do have security of address; you can't have visitors." (see also AR/ORS1 comment in Appendix 2).

The ban on male visitors creates complications when the male visitor is the woman's father or brother or her adult son. For example, if a refuge gives permission for any male (other than the perpetrator) to visit, it creates discontent. This rule puts off many women in their decision to take refuge. AORS3 noted, "We've had issues when an adult son came in; there were complaints from other [refuge] services, because it was a male in the property."

Two interviewees said that refuges are very strict about their rules and regulations. If anyone breaks the rules three times, a refuge takes action according to their policy and the offending woman may have to leave. Usually the refuges try to find other alternatives for them, which may mean a motel (see comment in Appendix 2). Because of these rules some women are reluctant to go to a refuge as AORS3 said, "There are rules, and those rules, in my opinion, can make it difficult for women. Some women who are eligible for refuge will not go to the refuge because of the rules. That is the reality." Also, many women do not want to stay in a refuge because of communal living. Therefore many women go to family or a friend's house first if they are able; they try for the refuge as a last resort.

CSS Implementation of Legislation

Safety and security is also provided for by law. Under FVPA, legal support depends on the woman and what she wants; it also depends on the police in terms of whether or not they feel action should be taken. The intervention order provided for support of the women is under FVPA. Police work within the sections of an intervention order as mentioned above in the police section. However, because FVPA does not mention women's support services let alone their duties and responsibilities; it is therefore not clear in the law whether or not these CSS (notably OS and RS) can apply for the intervention order on behalf of women. According to FVPA section 45 (c), "...if an affected family member is an adult, any other person with the written consent of the affected family member can apply for the intervention order." Therefore, theoretically, the refuges can apply for an intervention order on behalf of the victim. RS can also add conditions according to the need of the individual woman victim, such as excluding the perpetrator from the family home. But AORS1 noted that in practice, the women's support services do not apply for the intervention order by themselves, rather they help the women to do that through services such as legal aid (see confirmation by AR1 and AORS3 in Appendix 2). As discussed in chapter four, obtaining an intervention order is not difficult; a fact that was confirmed by AORS1, who said, "...it is quite easy to get an intervention order, you probably know that the burden of evidence required to get an intervention order is only on the balance of probabilities." AR1 confirmed that it is much easier to get an intervention order if the woman is in a refuge.

Interim intervention orders, as noted in chapter four, can be given without the presence of the perpetrator. However three interviewees identified some issues of concern about interim intervention orders from the perspective of the women, perpetrator and police. AORS1, AR1 and AR/ORS1 talked about the effect of interim intervention order on a practical level where the perpetrator does not need to acknowledge their own behaviour in the court. AR1 explained that the easier process of getting an

interim intervention order is not always safe for women, particularly when an interim intervention order is given without the presence of the perpetrator. This dilemma faced is reflected in the comment by AR1:

There is a thing in the [interim] intervention order which makes it easier. They [the perpetrator]...don't admit to doing anything,...[thus]...allowing an [interim] intervention order to take place without admitting [guilt]; that is the most common way you get an intervention order. So the perpetrator will not acknowledge his violence, but allows the woman to get an [interim] intervention order.

This fact that the perpetrator does not need to be present when the interim intervention order is issued can also be seen as a weakness in the law insofar as the ease of issuing one could also influence the police to apply for an interim intervention order instead of charging the perpetrator. Especially in criminal cases, when evidence is necessary but difficult to collect as most of the time the victim is the only one who can provide evidence which they may be reluctant to provide. Therefore police go for this easier option (see two comments in Appendix 2).

The decision to apply for an interim intervention order is not only up to the police, it also depends on the women. Two interviewees talked about the positive and adverse side from the perspective of women regarding whether to apply for an interim intervention order or to lay criminal charges. According to AORS1 some women prefer to avoid criminal charges. Criminal charges usually mean the woman has to leave the perpetrator for her safety. Often victims do not want to do that for reasons of fear of the perpetrator and concern about financial survival. They may still love their partner. Further, they may fear that they will not be believed by the courts. Finally, they may fear the impact on their children of taking legal action or even fear that they may lose custody of their children:

I've seen women lose their children to the men, because the family court – if women make allegation of domestic violence or sexual abuse of the children or anything like that in the context of family violence; for many men will argue that they are making it up to get an advantage towards the custody or property, it is a strong belief in the courts that's the case. (AORS1)

Fear of the perpetrator is a strong factor in women's decisions to not lay charges or even apply for an intervention order. According to AR1, some women do not want to take out an intervention order because it can lead to further violence:

I have seen women in refuge who often, one of the reasons would be they feel, what comes out of getting an order would may lead to further violence. They don't want to do it. They're definitely in domestic violence. They don't want to do [an intervention order] because of the outcome, and they go back to their community, and they don't want to do it for that very reason. (AR1)

Besides reluctance by women to ask for an intervention order, another interviewee, AR/ORS1, identified issues with the law caused by the way the police handle the case. AR/ORS1 highlighted how

a perpetrator may commit various kinds of offences and it is then left to the police to work out how to manage them. They may group all of the offences and take court actions for all of them at once. This assembling of offences will result in a longer period of time before court action is taken. As a result, women face continuous pressure, while the perpetrator moves about freely. AR/ORS1 considered this an example of how the legal system lets women down (see Appendix 2).

AR/ORS2 highlighted another problem for CSS, related to the serving of documents such as an intervention order issued by the police to the perpetrator when the perpetrator is unable to be found. The difficulty with serving an order for the CSS is that women are at risk longer and more in need of shelter in a refuge. AR/ORS2 even believes that some offenders take these opportunities to prolong the investigation; as a result, women are deprived of justice and need to wait for a longer period:

Guys that are the recidivists, who know the system, been in and out of gaol, they don't care, they have no respect for police, no respect for intervention order, police have trouble serving orders on men because they have to serve it in person, so they knock on the door and say, ok, Joe Blogs is here, he could be hiding out the back, sitting in the laundry and the guy or whoever comes out says sorry don't know, who are you talking about, and they get away. So the woman goes to court after court after court, and still can't find anyone that will serve him, and can't get an order.

In addition, the willingness of the magistrate to believe women is another issue in the endeavour to have the case considered a criminal offence. Even though a breach of the intervention order is a stated criminal offence it can be difficult to prove. The attitude of the magistrate is crucial and much depends on how the magistrate dealing with the case sees the problem. Four interviewee spoke about this. AORS1 commented on the fact that magistrates rarely give perpetrators the maximum prison penalty even for recidivist offenders. Two other interviewees mentioned that magistrates are reluctant to impose custodial sentences:

The next step of course is the magistrates. They have to be willing, and then ok, he gets found guilty for breach, what is the penalty, they can get several years of prison, but they seldom do, so behind the law are all those other things that need to back it up (AORS1).

Never have I seen anyone get imprisonment for more than a couple of weeks, or a fine of more than a couple of hundred dollars (AR/ORS1).

And I've had women who've worked with women, I've had one that had eighteen breaches to her intervention order before he even got to court (AR/ORS2).

The magistrate holds in their power not only the decision about whether to lay charges for a criminal offence but other actions as well, for example the decision to exclude the perpetrator. Interviewee AR/ORS1 explained how the women's organisations advocate to exclude the perpetrator:

[What] we advocate for really strongly is [that] they should be removing the perpetrator, whether the perpetrator be male or female, the perpetrator should be removed, and the victim and the children should be staying in the home, and be supported.

AR1 commented that some magistrates are influenced by the belief that men own the family property, stating that when the men pay the mortgage and the woman is a full-time house wife than it depends on the court to make the exclusion order:

So it depends, she [the magistrate] would be one who says you need to leave the house, whereas one [another magistrate] in [another place] might say, no you need to move. He's paying the mortgage, it's his house you need to move. So it all depends on the magistrates, my understanding is that all magistrates should receive the same training, and they don't.

AORS2 also inferred that magistrate's attitudes about ownership of the family property differ and that their judgements are inconsistent:

Yea it can happen, very rarely it does. Scenario: you've got a married couple, he works, he pays the mortgage and she's in the house with the children with him. So he's been supporting her. She's now reported him for family violence, so they come along and removes him, how does that work? He's not gonna go, it's his house, it's his mortgage, so there's a fight, so unless it goes to court and there's some sort of legal input, he's not going anywhere.

In some cases women are wrongly identified as the perpetrator. A final issue spoken about by two interviewees is the problem of women being accused of committing DV on their male partners. This issue is identified by AR/ORS2 and AR/ORS3:

The women that are victims, they get classed as perpetrators, because they've got to a stage in the violence, where they have had enough, so they start standing up for themselves, so when the police come over, the guy is crying, he looks calm, but the woman is on fire, so she's got to stick up for herself, so she classed as perpetrator, in the things [as it has unfolded] quite often she is not. Some of them can be perpetrators, but some of them can actually be at a stage where they have had enough and they just [angry]. (AR/ORS2)

The definition of family violence too places the support service in a situation of having to determine what family violence is and what it is not:

There are other complications that come with that, that's a part of what we need to do now in our assessment. Family violence, when we work with [an] elder woman sometimes, can be when you drill into to it manifestations of the persons Alzheimer's, so that's not under the family violence but violence under a different context. So then we need to work with who might be able to come in to it. Sometimes family violence can be mental health, so we had one case come in where one couple where he [the perpetrator] had acquired a brain injury and before the acquired brain injury there had been no challenges at all. Part of the injury was this aggression that he took out at home. So we need to be very careful of where the violence comes from. (AR/ORS3)

Security and Safety for Women Who Choose to Stay in their Home

Many women prefer to stay in their homes and avoid uprooting themselves and their children. If the CSS deem it possible for them to stay safely in their own homes efforts are made to facilitate this by putting in place various safety measures. The role of OS is to ensure safety at home if a woman does not want to leave her home. Two interviewees revealed that there are various strategies used by OS for keeping women safe in their homes. One strategy is 'safe at home' which, although not mentioned in the ARSJ policy, was developed as a result of the power of exclusion, discussed above, that excludes the perpetrator from the home which police are able to do through the safety notice. An intervention order is taken out to stop the man from approaching the victim (see two AORS comments in Appendix 2 on support for legal advice in such action). Security measures are put in place in and around the home to prevent him gaining access to the home. The safety organised by OS to increase security of the home includes such things as changing locks, making the door safer, increasing lighting, providing personal alarms, and locking manhole covers. This is highlighted by AORS1 and AORS3 in Appendix 2.

In some situations the woman prefers not to go to a refuge however her home is not able to be made safe. In such a situation the OS will endeavor to relocate her to a safer space. AORS1 sets out all the options from staying to relocation in the Appendix 2. In staying at the existing home, OS provide what they call a safety pack containing information and guidelines useful to the women's safety, according to three interviewees AORS1, AORS2, and AORS3. It also includes the kinds of things the women need to have ready in case they need to leave home in an emergency situation. Preparatory actions includes charging the mobile phone, having a packed emergency bag kept ready with the car key (see AORS1 comment in Appendix 2). Despite extensive security measures the safety of some women is not confirmed, be it with an intervention order or by excluding the perpetrator:

If they are at home and let's say he is not there, he's gone; so if he is gone on a safety notice or intervention order, we can help increase, so we would help her make sure that the intervention order has the right conditions on them for a start and that she understands it. We would advise her on keeping a record of any breaches to provide evidence to support the police, try and get enough evidence for criminal conviction or breaches. (AORS1)

According to two of the interviewees exclusion does not happen often enough for example AR2 said, "The latter point [exclusion] does not happen enough" and AR1 commented on the fact that men are rarely excluded and the risk to women if the men are allowed back into the home:

Sometimes, not as much, it [exclusion] can be done, but it can be quite unfortunate because men are not held in prison for long, or if [held] they're held overnight, they can come back and obviously [get] involved. But I've heard that it [exclusion] can work; it depends if the perpetrator is willing to abide by the law and leave her alone. (AR1)

AR1 added that if men can be successfully excluded (and more frequently) from the home it may reduce the high demand for refuges, “Well if it totally works, you wouldn’t need refuges, so sometimes you need refuges, sometimes it obviously works.” (AR1)

Removing the perpetrator can also be problematic for the victim in that making him homeless could cause him to be an even greater danger to her. Furthermore, making him homeless could be a violation of his human rights. Therefore there is an option for accommodation support for men if they are excluded from the home. OS work with these men to keep the women safe as the men know where she is and unless the locks have been changed, he has a key to the house as well. Two interviewees spoke about the system of providing accommodation for men who have been excluded and noted that they do so for the safety of the woman:

In Victoria, police can remove the male perpetrator linking it with that program (men’s family violence program). They’ll provide emergency accommodation and support with establishing some secure housing from there, and we can work with her to keep her safe at home. (AORS3)

So we have accommodation for those men, so if men are excluded from the home in the safety notice, police can ring us and they can say “I’ve got John Smith here, I’ve issued a safety notice”, they have to assess that he is willing to go, so he has to be cooperative. So, but if all of those boxes are ticked, they can come up, we can put them in a motel, and then provide support to him, give him advice about the intervention order, basically our job is to try and get him to stay away from her, to respect the order, to take responsibility for his behavior and keep her safe. That’s our job. (AORS1)

Sometimes some men are not prepared to be cooperative when excluded from their home. Another problem may arise when sometimes the perpetrators are accommodated near the victim’s house after they are excluded. This makes it difficult for the women to stay safely in the home as the perpetrator may come back and try to harm them. AORS3 gave an example:

We’ve had experiences where he’s been removed, but he’s been placed around the corner at his brother’s house. Drinks regularly, when he’s had a few drinks he can just walk around and start harassing her. (AORS3)

Therefore the success of ‘safe at home’ program depends on the perpetrator’s intention and their respect for the law. AORS1 also maintains that:

Not many men are interested [in cooperating]. And therein lays the problem with the whole situation. They have to be cooperative, they have to be, and it has to be safe for her to stay in the home and for him to be over here. He knows where she is. He has a key, all of that. So by the time you exclude the men, that it’s not safe. (AORS1)

Wellbeing and Empowerment

Generally wellbeing refers to health issues and empowerment refers to the ability for the woman to become financially and socially independent, with general counselling as one means to achieve it. Both OS and RS provide support for women's wellbeing. The Victorian ARSJ policy refers to long-term wellbeing and mentions housing and counselling as examples of the types of services that must be provided for an appropriate justice response. Interviewees interpreted wellbeing differently. One RS interviewee, AR1 understood wellbeing to refer to both health and food. She explained that because Australia is a multicultural country refugees provide different kinds of cultural food. They also catered for the different needs of the women such as if someone is diabetic or vegan. Wellbeing, according to AR1 can also refer to the opportunity for social inclusion by meeting with different women, and socialising. AORS1 and AR/ORS1 refer to wellbeing as a health issue and mentioned that women are referred to other organisation for this:

Well, certainly in terms of wellbeing let's say she has got some health problems, we would assist her to get help for her health so that might be help her make referrals knowing here she can go to get medical treatment. (AORS1)

Both OS and RS generally referred women for counselling, and the first few sessions are free, "But the counselling is usually, you can get six sessions [free]. Then, she probably would pay, if she has income." (AR1)

Empowerment is also a priority in the ARSJ policy which states "The empowerment of women and their children is critical to recovery from violence, and links to broader efforts to secure economic, social and political equality of women and men found in the *Women's Policy Framework and A Right to Respect* (ARSJ, 2010, p. 30)." Empowerment is a priority concern for both OS and RS. To empower women, the staff encourage the women to be aware of their weaknesses including how and why they resist leaving an abusive relationship and help them to recognise and focus on their strengths and capabilities. This helps them to move on with their lives. Importantly the staff encourage women to understand that the violence they are experiencing is not their fault. As AORS1 states, "We do a lot of kind of moral support for the woman to help her understand, what she is doing is not the wrong thing. If she didn't feel safe there we might help her move somewhere else." AORS3 tells that this is support is demanding but also consciousness raising:

So, you don't actually have any control over that, and part of the behaviour of the perpetrator is to stop her [victim's] resistance, so for example, smashing the phone so she can't call for help, taking her keys so she can't leave, they're all deliberate acts to stop her resistance, to fuel his control with violence and so forth. And so we work with her around kind of recognising that helping her see that pattern and put it into context. We'll work with her in terms of helping her see it in a

broader social and political context, in terms of gender and power and so forth, so in our experiences, it's kind of consciousness raising in that kind of sense.

Counselling for the women includes a focus on empowerment. The aim is to help the women to overcome the trauma and to be able to make their own decisions. The counselling process is based on a balance between the nurture given during case management and the encouragement of independence which leads to individual empowerment. Workers in refuges are also trained to encourage empowerment through programs such as workshops. Five refuge workers interviewed commented on the topic of empowerment, focusing on the critical balance between nurturing victims through case management and giving them space and independence that leads to empowerment (see all five comments in Appendix 2).

The ARSJ policy does not mention financial empowerment. No program or funding is provided that is specifically for empowering women financially. The staff at OS and RS however recognise the need and use their initiative to provide some help for the women to manage financially. There is a recognition that financial management skill is a big gap in women's empowerment, and all these workers can do is try and link them to some sort of financial training. Most of the interviewees confirmed that there is no program for financial empowerment, see four lengthy comments in Appendix 2. One reason behind not providing a program for financial empowerment is that generally women in Australia are already independent and have jobs or can get financial support from the government. In addition, interviewee AR/ORS1 highlighted that financial support may be needed more by single mothers:

We work primarily with women with children; women without children are the ones that are more disadvantaged. They can't get housing, there's no 'one bedroom' properties, there's no 'one bedroom' stock at all, and they're the ones that we probably [need], because we've got a big referral. Refer[ring] to another program in (name of place), we support those women, they're the ones that get the extra support to get social inclusion, so around education and employment. The women that we work with, we only have them for a certain amount of time, so we usually only plant seeds around that [financial empowerment]. (AR/ORS1)

Barriers Faced by OS and RS

The OS and RS workers interviewed identified three main barriers that made their work at times problematic. One such barrier is limitations of the data system, another is the process of applying for funding and the last and most significant is lack of resources. AR/ORS3 highlighted that in this current system, staff need to spend a great deal of time on case planning and inputting information into a data system in an environment of limited resources, which means spending less time with the women:

I think it's like any data system, we could do more, but if you spoke to a case manager, who can spend three quarters of an hour just administratively opening a client on a data system, an hour

administratively closing a client on the data system, when they put their case notes in, then going up and adding the extra complexities or adding the extra, so you know, the more complex the data system becomes, the more administrative requirements there are, so how complex can it become with the current resources we have?

Also a lack of resources for DV overall, and in the OS and RS specifically, creates frustration and barriers which affects the quality of services provided and forces the workers to juggle “reality, time and money” (AORS3). This was identified by four interviewees commenting in Appendix 2.

To get the funds, social violence-related services (such as OS and RS, men’s services, culturally and linguistically diverse agencies) have to compete with each other in a competitive tendering process. For example, in every region there is a family violence integrated committee, which is composed of all the family violence services in that area. These family violence services have to work in partnership. This funding procedure raises two problems. First is that the system creates competition amongst the family violence services rather than helping them work together in the integrated system:

Obviously there are large organisations, and there’s really small organisations. Up until 18 months ago, our program was part of a very small organisation, and we felt the effects of larger organisations saying, no you’re doing it our way, or in a pool, you’re our support. So we experienced that. (AR/ORS1)

The second problem is unclear demarcation where initiatives as well as funds are a reason for competition. AR/ORS3 talked about this:

We all played together [in the integrated system]. And then they [family violence integrated committee] say that we’re all out, so some agencies want to be the agency in that government area, and to do that, those agencies need to take out the competitors, and so they don’t come to integrated meetings anymore, because they are doing something over there independently. And I could be doing something similarly here and taking it to an integrated meeting, and there have been examples where we have had some very good ideas. We are small, we started to get the idea and being very transparent, taking it to the integrated committee, and the next thing you know, one of the people that you have integrated [with] have partnered [and] will say that this agency is making enquiries about doing this. So you get to a point where you don’t take those ideas to your integrated committee anymore, unless you’ve got a very good plan behind it. (AR/ORS3)

Another problem may arise when providing various services they have to charge the women a token amount. In a funding application, organisations need to mention whether the program is for-profit or not-for-profit. If they are for-profit, they may have to take a nominal fee from the women, which although it is a token amount of money, could be a lot of money for someone, as is explained by AR/ORS3 and AR1:

And the competitive tendering now also needs to include for-profit within any program plan, as well as not-for-profit, which, then that’s a challenge as well, because if you look at fee-for-service, and for-profits we would be looking at fee, so your counselling is available to you, but you need to pay five dollars on top of, and five dollars can be a lot of money for people. And is that where we need to go? (AR/ORS3)

As I said before, health, we have links with local doctors, dentists, food, we supply food, when they have an income, they pay a slight fee, like a community charge, which is a token amount of money. (AR1)

Lack of funding is a major problem and may be one reason that nominal fees are considered. One interviewee talked about this:

Probably resources, money and resources. Always been difficult because it's harder and harder for women to exist, often women who have access to some Centrelink payments, sometimes they can't. So money, resources, things like that, sudden [need for] housing, where women go, there's a limited amount of housing we can get. So women have to wait until, so they're waiting longer and longer, and the housing line is longer and longer, people waiting for public housing. I think it sort of works to some degree. We try as best we can, and with the limited resources. I think it would help if we had more resources that's always been the cry for many years, but I think the workers in refuges do a pretty amazing job. (AR1)

Recommendations Made by OS and RS Staff to Reduce Domestic Violence

The staff from OS and RS made various recommendations, commenting in particular on gender equality and the political situation of the country. They highlighted the need to improve the overall living standards of people to alleviate poverty, the law relating to DV, the way support is provided to the women and men, housing situations, and the attitude of society (especially men's attitude about gender relations).

The first recommendation is to achieve greater gender equality. For this to happen, men must be willing to change and to support equality, however gaining support from men is difficult. Two interviewees from OS commented on this point, one is mentioned:

So there aren't enough men willing to do this work. So there aren't enough men, who will change the attitudes of the other men, if you know what I mean. Most of the people who do social work courses are women, most of these areas are dominated by women, and the people we need to influence are men. (AORS1)

AR1 talked about the political situation and the attitudes of political parties toward DV and their willingness to support refuges and services, the circumstance of the refuge and working conditions of the staff of the shelter:

People are living in a terrible situation, lots of poverty, workers conditions is pretty bad, but the women in refuges [their] refuge conditions are pretty bad too, getting on Centrelink, getting permanent residency, a lot of waiting, a lot of misery, we've now got a very conservative government, then it can only get worse. (AR1)

Three interviewees recommended changes to the legal system. One legal issue that was mentioned was the government's initiatives to support men's behaviour change programs which interviewees felt divided the DV resources among support for the women and funding men's program. Therefore,

the interviewees recommended that the government needs to evaluate the effectiveness of the behaviour change programs but to also make perpetrators' accountable and to take responsibility for their behaviour through such men's behaviour change program:

I think the government is certainly heading down the right path, that we've got all the right ideas. Men's behaviour change, they've tried it, I don't know that there's even been an assessment of its effectiveness, I don't know, I know that there was a start [on men's programs] nine years ago, but it never got through, never finished the assessment. They need to look at resources going towards men's behaviour change, when there's no evidence [that] it works, and [instead] possibly put in those resources, which sometimes work in a women's system. But...we are seeing the men come through again and again. (AR/ORS1)

Men's behaviour change is not something I've experienced personally. So if you have 20 men who go to address their behaviours, they're there because of a court order, so they don't want to be there. So if you want to change behaviour in any human being, then you have to take steps to meet that behaviour change. If you're forced to go and deal with men's behaviour change, then you probably get only one or two out of 20 will make positive changes. (AORS2)

I worked in the men's behaviour change and I've felt concerned about some individual men who are in [what] you really...felt not appropriate; and you need to remove them from the program. And there's reality in terms of accountability, and that [at] community level I think sometimes we need a law response [This] is my personal belief. (AORS3)

AR2 talked about holistic reform of the whole system. Her recommendations are summarised here. Firstly she talked about gender inequality and the need to value women and children socially and politically, suggesting that more media campaigns and other preventative work than is currently happening need to be developed. She suggested separating the refuges for DV victims from the homelessness sector. For more accessibility in the service system, she recommended more police training, increasing outreach services and a safe house refuge model. More support for access to justice and ongoing child protection. She also commented on the importance for women to be able to access to justice without financial barriers.

Two interviewee also talked about the legal system in relation to children. The legal system is structured in such a way that children need to face up to their father, which sometimes turns to bitter end. Children are killed by their father. Another concerning issue is mentioned by the interviewees is that the children are learning behaviour from their father:

I would also say legal aid needs to be looked at. We need more funding for women in legal aid, and funding for law, because a lot of these kids are being forced to see their violent fathers when they shouldn't be...And there's need for a lot of work in that [legal] area, because there are often children being killed by their fathers, and we've had mums saying, he is going to hurt him, then they get thrown off bridges and whatever. So this needs to be looked, and also the system around the intervention orders (and all that kind of stuff) – the legal system about recuperations for men, and actually following through with them, and not giving them a slap on the wrist, because there

no beards in prisons and stuff like that. So they are all on good behaviour bond and they just go off. (AR/ORS2)

And working with a kid, the kids that we are seeing, the second generation; like I've only been here nine years, and I'm already seeing the kids that we had in refuge are now the perpetrators against the young women that we are working with. (AR/ORS1)

AR2 and AR/ORS2 felt that the media should be educated so that they will treat family violence as a crime with the same gravity as street violence when they report violence against women:

And I hope that we don't end up, because I notice sometimes the media, there was recently a very unfortunate death of Jill Meagher. That was not family violence, that was street violence, and at the same time, there was another woman who was burned to death, that was family violence. The emphasis on the woman that was murdered in the streets, and the lack of thought to the woman who was burnt to death, I found quite concerning. So hopefully we get some clarity on what the different issues are and that we keep that clarity, because I think that will also have to change. (AR/ORS2)

Six interviewees overall suggested a primary prevention program. They agreed that for such programs to work there is need to change the attitudes of society and the broader culture, emphasising that more education is needed with more resources; and to reject social perceptions that support violence. Four suggestions are set out in Appendix 2. The same interviewees agreed that prevention programs dealing with respectful relationships is not only a theory; the principles need to be applied in real life. To do this AORS2 emphasised the need for the programs to be supported by the entire DV system. For example, stricter punishment for perpetrators, such as prison, to make it very clear that DV is unacceptable. She also suggested that some reformed perpetrators could participate in education as an example to the young people still in school of how unacceptable it is to commit DV:

Well, leopards don't change their spots; so it's never going to change. All we can do is educate. And I think what we can do is imprison people who have offended, and [allow them to speak in] schools to educate young people about "look what happened to me, I did this, this is what happened, I've lost my children, my wife". That has more impact on young people. But it's also about parenting. It's the way they are brought up, not to be told they are worthless, that's normal behaviour. So how do you break that cycle? I don't know. (AORS2)

Recommendations by the support service workers are helpful in order to review DV policy and law since they are working at the practical level according to the existing DV legislation and policies. Therefore, their experience will verify problems in implementing current DV law and policies, and thus it will help the government comprehend the problems, which may bring real change in this sector.

PART B: BANGLADESH

Generally the police do not have specialised departments for DV, nor a dedicated code of practice to deal with DV. However Victim Support Centres (VSC) have been established under the auspices of the police, the purpose of which is to provide support to the women and children who are the victims of any violence, including DV. Three senior police in three VSCs were interviewed.

There are two kinds of other CSS providing crisis support for victims of violence, including DV. They are Shelter Homes (SH) and One Stop Crisis Centres (OCC). Both organisations fall under the auspice of the Ministry of Women and Children Affairs (MOWCA). There are also some non-government SH, mainly in Dhaka, the capital city. Five key personnel from three government SHs, and two from a non-government SHs were interviewed. Another six key personnel were interviewed from OCC.

5.5 UNDERSTANDING AND EDUCATION ABOUT DOMESTIC VIOLENCE

Education for all people involved in the support and management of DV is important to promote understanding of the complexity of DV, to provide effective support for victims, to manage perpetrators and to encourage and support change in community attitudes. This includes attitude change in potential victims and perpetrators. Education therefore is important for the staff of support services who deal directly with victims and/or perpetrators, for linked services such as legal and health and also for the community.

Interviewees mentioned that as far as community education about DV is concerned it is only on Facebook and on some billboards and again only in the capital, Dhaka. In addition, there is a government multi-sectoral program on violence against women and a few NGOs (such as WE CAN Alliance) which work to increase the awareness of the general public, including raising the awareness of men to stand against DV. The 'WE CAN' campaign started in 2004, before the Bangladesh DV legislation was passed. WE CAN is part of a South Asia regional campaign with the objective of challenging and changing deeply entrenched patriarchal attitudes and practices that endorse gender discrimination and violence and criticising behaviour and practices that maintain and promote DV against women. WE CAN aim is to highlight the issue of DV by breaking the silence, rejection, shame and stigma around the issue of DV against women to bring it into the public domain and to promote accountability (WE CAN, 2017).

For DV education of support workers, the NWDP specifically mentions the need to motivate all organisations, such as police and judiciary, to adopt programs covering topics such as legal advice,

how to file and conduct a case in the courts, providing safe shelter for victims, providing financial assistance for victims (see section 4.3.1). This was reinforced by the most of the interviewees who identified education as one of the important ways to prevent DV. They spoke of two issues related to education, one is the lack of community education that focuses on equality of men and women, respect for women and understanding of the rights of women and men, and the other one is that women are generally less educated about personal rights within marriages. Such lack of education about women's rights, respect and gender equality is identified as a reason for DV by several interviewees, such as BOCC3 who said:

Both sides must be educated; otherwise no change in their mentality will occur...Lack of education, socio-economic conditions, difference in mentality, social customs, etc. are the main causes for domestic violence. (BOCC3)

Due to the lack of education, traditional patriarchal community attitudes are still constructed in such a way that women are blamed for most issues around marital breakdown which was mentioned by interviewee BSH3, "In case of getting divorced, we mainly blame the female person, but not the male person, and living alone (for women) is insecure." Furthermore, because of the lack of awareness about gender equality and DV people hold gender stereotypical views about relations between women and men and their respective roles and apply double standards to entitlements like paid employment. They are superstitious and rely on their understanding – often misinterpretations – of religious doctrine to justify subordinating women which was identified by interviewees BSH4 and BSH2:

Apart from this lack of education, superstition and mentality of perverted choice, [such as sexual perversion or watching pornography], is what we are facing now. (BSH4)

There are many reasons [for DV] but poor education [of the man and women], poverty, lack of awareness about right and wrong in relationships, women rights and religion, misinterpretation of actual religious knowledge, etc. are the main reasons. (BSH2).

Women who are uneducated are economically dependent on their husbands increases their vulnerability. According to BOCC1 when men are uneducated they are not aware about their wives' marital rights and their own marital responsibilities. Such lack of understanding can then turn into a factor for DV. Women with traditional ideas about marital responsibilities may place all of their efforts on meeting their husband and family and extended family needs and have little sense of themselves and their right to have their own needs met. This was explained by BOCC1, "Next issue is that women are uneducated, with no family ideas or self-ideas. Their husbands also don't know what their responsibilities towards their wives are." (BOCC1)

While lack of education about DV and rights within a marriage are a potential factor for DV, according to BSH1, the level of education *per se* is not a factor for DV as both uneducated and educated men commit violence:

You will see it in both educated and semi-educated families. Husbands do some good job, people know them to be a good person, but in reality, they don't want to give a bit of freedom to their wives. The wives live like a servant, in his control. They want that their wife will never be disobedient. (BSH1)

The government has introduced awareness programs to educate the community. In addition there is a government expectation that CSS in Bangladesh (including police) will conduct programs to educate the community about gender equality. One such awareness program is intended mainly to raise public awareness in both cities and rural areas. Four interviewees talked about community awareness programs:

We organise seminars on it. I personally organised 5/7 seminars on it in my village. We are trying to uphold that females are also equally participating in the society and they are equal. (BVSC1)

Our teams work at different schools. The young girls there do not want to speak, are hesitant, and finally say that it is quite natural. (BVSC2)

Yes, we have a project implementation unit, which works for it [DV], holds seminars, symposiums, publicity. (BOCC1)

We sensitise some stakeholder with whom we meet. We also train Imams. We train them extensively because people abide by the persons who belong to this group. (BSH3)

Actually there are some manuals for training, and there are also training manuals for stakeholders. We give training in the community by providing these manuals, and there is a policy for legal service delivery. Our organisation has gender friendly policy. So there is some policy in the organisation for training. Besides that, we do sharing session on awareness raising about DV in the community. (BSH3)

Despite efforts at community education such as billboards and Facebook sites, education about DV has not yet fully reached the general community, including women who need help. For example, according to BSH3, much of the community is still not aware of DV and are not ready to protect the women. In addition, BVSC2, found that women who come to them are often not aware of their rights nor understand that the behaviour of their husband and family members towards them in some instances actually constitutes DV, "If you ask a female whether she has become a victim of domestic violence, they will be surprised and will answer that 'women are born to fall victim to domestic violence. It is quite usual' "(BVSC2). BVSC2 added that this attitude is prevalent even among the younger generation.

For all professional staff who deal with DV victims and perpetrators, education is vital as they need to have an in-depth understanding of the nature of DV and how to deal with it. The NWDP places importance on social awareness programs. It does not mention whether CSS staff should be included, but notes that special attention be placed on all administrative staff who deal with violence against women including law enforcement agencies such as police, and the judiciary as well as officials of government organisations and NGOs. The awareness programs focus on sensitisation of women's issues (NWDP, sec. 46.7) and include topics such as gender relations, women's and men's rights and issues pertaining to women's development. The DV Act too mentions that the appropriate ministry MOWCA will provide training to the service providers and police. However, at the time of the interview, BVSC3 mentioned that such training had not yet started, "Actually, I don't know. But, so far as I know, there is no system of training about the law [DV Act] or its implementation" (BVSC3).

The police who were interviewed gave differing accounts about police education on DV and DV law. The Bangladesh Police Academy is the main training institution for the Bangladesh police. In one professional training course there is a session included about DV. A more common but less formal way of educating police is on the job training by more senior and experienced officers; for example, giving a brief about the law to the junior officers who are provided with a copy of it. In addition, *ad hoc* training programs are outsourced by government and non-government training institutions as interviewee BVSC2 said:

We come to know about this [DV] whenever we go to any training, in reports from different sources, different forums, and victims of eve-teasing also inform us about this...So far as I know, this course [about DV] is done in various institutions in keeping with the other courses. I cannot say how much funding they have, how much they need as I do not belong to the Institute. (BVSC2)

Most of the police interviewees agreed that they need training in what the policy and law says about DV, awareness about DV, and how to deal with victims and perpetrators. In this way, to be better able to respond and to work according to the law. Furthermore, all interviewees from OCC and SH said that there was no fixed schedule for formal training. Interviewees gave mixed answers to questions about how they are educated about the law and policy. The interviewee from OCC said that the only training they were given was in 2010 when the OCC first started. The staff from other organisations such as lawyers who work with staff from the OCC received training from their employer.

Although technical training such as computer skills and general skills training is provided, normally the staff at the SH and OCC do not get training related to DV and handling of victims. The training that does occur for SH staff is *ad hoc*. According to interviewee BSH4, "No specific training is given as to

how they will deal with violence. But our officers are given training for building capacity” (BSH4). Eight of the interviewees from both the OCC (4) and SH (4) who are in senior and leadership positions, have not received any DV training. Interviewee BSH6 thought that they might not be entitled to receive the training because they are not directly involved in implementing the law and that those who are working at the district and sub-district level and who participate in implementing the law have the right to receive the training. According to BSH6, “Training on family violence...as I mentioned, those in district and sub-district level receive training on family violence. We are not a part of that.”

Therefore, the limited amount of training provided means that the interviewees were not able to say anything about the positive and negative aspects of the usefulness of job-related education. However, they are aware that training would provide them with the knowledge skills that they may not have.

5.6 CRISIS SUPPORT SERVICES UNDERSTANDING OF FACTORS THAT CAUSE DOMESTIC VIOLENCE

A summary of the findings with respect to factors contributing to DV as identified by all 16 interviewees in Bangladeshi CSS are presented in Table 5.1. The first column sets out the findings in the context of the factors noted in the literature (see chapter 2), while the next two columns indicate whether or not each of these factors were mentioned in the DV Act and the NWDP. The final three columns identify the number of interviewees from police/VSC, OCC and SH, respectively, that noted these factors in their interviews.

Gender inequality is the major underlying factor identified in some way by 12 of the 16 interviewees. Bangladesh has a strong patriarchal culture which was recognised by most interviewees. The various comments made by interviewees about this demonstrates that they recognise the problems of a male dominated society. As BSH6 notes, “The percentage of domestic violence is greater due to inequality. This inequality is due to Bangladesh being a patriarchal society, and hence the rate of violence is greater, because we are a male-dominated society.” Reflecting such male dominance, without referring to gender inequality BSH1 says, “Some with no causes that means - their husband has tortured them neither for dowry, nor has he engaged in extramarital relations. He does it because that is his mentality. It is his style to torture his wife.”

Table 5.2: Factors identified by Bangladeshi interviewees

Factor	NWDP	DV Act	Police/VSC (n:3)	OCC (n:6)	SH (n:7)
	NWDP	DV Act	Interviewees	Interviewees	Interviewees
Gender inequality	Yes	Yes	2	4	6
Cultural norms and social superstition	Yes	No	2	3	2
Economic dependency	Yes	No	3	2	4
Interpretation of religious scripture	Yes	No	1		1
Child marriage	Yes	No			1
Dowry	Yes	No	2	3	2
Education	Yes	Yes (Staff education only)	1	1	1
Poverty	Yes	No	2	1	1
Politics	yes	No			1
Tolerating the violence	No	No	1	1	1
Drug addiction	No	No		1	
Ill-breeding (children who have experienced various adversities in their families)	No	No	1		
Extended family dynamics	No	Yes	1	1	
Extramarital relationships	No	No		2	1

Note: Interviewees columns refer to the number of interviewees who mentioned the factors

Four interviewees, BOCC1, BSH3, BSH4, and BSH5 recognised that gender inequality is institutionalised, and as far as men generally are concerned, such inequality is, and always has been, the natural way. As was explained by one SH staff member:

If you really want to know the main reason behind it, I will tell that the mindset is a great issue here. Mindset towards women. The other reasons are the conventional thoughts and ideas about the treatment of women. How a woman should be treated in a male dominated society is a great thing. (BSH3)

Due to lack of respect for women, men see them as not being their equals. Thus, a husband treats his wife poorly as he believes himself to be superior to his wife. If she protests, she becomes the victim of violence, as men will not tolerate her resisting or disobeying him:

Generally, the husband thinks themselves in a bigger position from his wife because he is man. Therefore when the husband comes, he talks in a loud voice, orders his wife, maltreats her, puts pressure on her, and actually tries to suppress her in different ways. She becomes much depressed after enduring the ill behaviour by her husband. She has mental outburst [breakdown]. (BVSC2)

Nevertheless, interviewees recognised that society would benefit if men had a greater understanding of gender inequality; BOCC5 was of the opinion that, "It [gender inequality] exists, with no doubt. The more understanding there is about gender inequality by the men, the better for the society (BOCC5)."

Two of the interviewees BSH3 and BOCC1 explained the traditional patriarchal mindset which allows men to subordinate women and impose strict roles for women along gendered lines, such as that she should stay at home, cook and look after the children whereas men are entitled to the public sphere, and thus can work outside the home in paid employment. This "[m]indset towards women... the conventional thoughts and ideas about the treatment of women. How a woman should be treated in a male dominated society is a great thing." (BSH3), means, "...mothers play the main role in this regard. Therefore, mother engages to bring up the children and father does the paid job. Therefore they [women] are suppressed and even after being educated they cannot do the paid job." (BOCC1). This creates financial dependency to the extent that even paid work once they have had children is not possible due to pressure from the husband and his family, as noted by BOCC1, "...even those who have received higher education cannot do service after they have become mothers, from the pressure of the mother-in-law's house. Moreover, many husbands don't allow them to work outdoors."

An interesting comment made by two interviewees about gender inequality was attitude toward men's greater physical strength. BVSC3 and BOCC5 think that as men have more physical strength than women, this may influence them to believe that they are superior to women thus giving them permission to commit domestic violence. The women who cannot compete with a man on a physical level have to accept it and stay in the violent relationship, as noted by BVSC3, "Men think themselves to be superior to women, maybe because of physical strength. Physical strength also helps to develop mental structure [attitudes and beliefs], and it has taken them to this stage."

The reasons for gender inequality were not well understood. BOCC3 saw gender inequality as being caused by economic dependency of women on their husband, rather than economic dependency and other factors being the result of gender inequality, "I mean one of the three, education, social or economic reason might cause gender inequality". There seemed to be no understanding that women have less opportunity for education because of gender inequality and therefore are more likely to be economically dependent. Furthermore through socialisation, gender inequality is internalised by women themselves who come to believe that the violence carried out by husbands is quite normal, and they accept violence from their husbands or other family members as a normal fact of life for a woman. This was mentioned previously by BVSC2 in the "born to fall victim" comment. Whilst the

impact of gender inequality is widely understood, not all recognise gender inequality as the main factor underlying other factors.

The interviewees mentioned some factors other than gender inequality which result in DV. Some of these were identified by the interviewees such as economic dependence, dowry, traditional patriarchal attitudes, poverty, drug addition, interpretation of religious scripture, extramarital relationship, women's and men's level of education, and dynamics of the extended family where the wife holds a subordinate position in the family and the fact that she goes to live in her husband's family home. Other behaviours or attitudes were named by interviewees as factors however they will be discussed in this section as contextual issues, for example dysfunctional dynamics of the extended family, entrenched patriarchal attitudes which are held by the community that violence is normal and acceptable under certain circumstances by the victims themselves and disturbingly also held by some support workers.

A major factor which subordinates the woman in the house and which makes it difficult or impossible for her to leave a violent relationship is economic dependency. Economic dependency, as well as lack of education are outcomes of gender inequality as was identified by BOCC3 who said, "I mean one of the three: education, social or economic reason might cause gender inequality" (BOCC3). In total nine interviewees out of 16 referred to economic dependency. Some also described a social context that infers economic dependency for example BSH5 when speaking of gender inequality as a factor referred to men as bread winners and women as housekeepers:

Gender disparity between male and female, it is one of the main reasons for domestic violence. One is an earning body; another is a dependent, on his income. Therefore because of the difference between the incomes, the woman has no source of income at all, and this is a source of domestic violence.

BVSC2 identified the importance of economic independence for women as a means to empowerment and linked it with education levels, recognising that women who are poorly educated would find it more difficult to become economically independent. BVSC2 also recognised the emotional toll that dependency has on women:

If a wife is uneducated and economically dependent, there is no alternative for her other than doing household work. Economic empowerment is the most important thing in a person's life. As they (women) are not empowered, they end up doing stereotypical work within the household. She becomes driven to distraction day by day; therefore she becomes annoyed in the smallest of matters in the family and in the society.

Poverty *per se* is a separate factor. Women's economic dependency, according to one interviewee, is more visible amongst women from low socio-economic backgrounds who are more likely to present at a CSS than women who are from higher socio-economic backgrounds:

But the most evident one to me is social superstition [widely held superstitious beliefs] along with economic ones. These two are controlling the total system. We can see that victims of domestic violence are from lower-middle class family. (BVSC1)

Poverty in low socio-economic groups is also linked to low education levels, in this case both men and women.

To gain economic independence women need paid employment and this is a problem sometimes exacerbated by the husband and sometimes even the mother-in-law – as noted by BOCC1 and BSH4 (see Appendix 2). By prohibiting the wife from paid employment this prevents her from gaining financial independence, as expressed by BSH3, “Moreover, it seems to me that women's participation or engagement with any profession is also another big issue”.

Any show of assertiveness or independence by a woman might motivate violence from her partner. It was disturbing to note that the community attitude mentioned above about men's rights and women's responsibilities is institutionalised to such an extent that some CSS workers explained women's assertiveness as a factor causing DV. Two interviewees mentioned that women are also responsible for the violence committed against them. One interviewee, BOCC5, referred to women's assertiveness and desire for independence in both positive and negative ways. On the one hand, it was seen as a positive outcome that women no longer accepted such a subordinate position as before when they tolerated the violence without protest. On the other hand, BOCC5 further added the negative outcome of women's assertiveness was that some women now protested about even “petty things”. BOCC5 did not specify what “things”, in her opinion, could be classified as “petty”, but she identified any issue on which women raise their voice to as “petty things”, adding that it is disturbing for men as they are not used to such assertive behaviour from women. Some men therefore use violence to control this situation:

The reason is they have no economic freedom. Conflict might occur between husbands, wives and mother-in-law. In case of injustice to the wives, she can protest it. But the matter of fact is, after protesting it, they cannot stand, and that is the concerned issue. The thing that is happening now is that whenever they are raising their voice, they are being assaulted. (BOCC5)

Along the same lines, interviewee BOCC3 as well as BOCC5 think women are also responsible for the DV committed against them (see Appendix 2). However, BOCC4 sees women's advancement in a

positive way and hope for a better future, “I think there is a disparity in the society, but it shouldn’t exist any longer. Our women have advanced a lot. It [inequality] never should exist between them.”

Acceptance and adherence to traditional ideas about gender roles and subordinate behaviour by women can also be a factor. Some groups of women tolerate violence, as interviewee BSH3 said, “The second obstacle is that the victims always endure torture [violence] by keeping their mouth shut”. Though she commented in the context of supporting women’s assertiveness, there was an identification of tolerating violence as an obstacle to equality. Tolerance of the violence by the women is identified as a factor by three Interviewees BVSC2, BOCC5 and BSH3. Tolerating violence gives the message to the perpetrator that they will not be accountable for their behaviour, which influences them to conduct more violence.

It cannot be assumed that only one single factor is responsible for DV. Often several factors have come into play for DV. Seven of the 16 interviewees – BOCC3, BOCC6, BVSC1, BSH1, BSH2, BVSC3 and BSH4 – mentioned multiple factors such as dowry, poverty, drug addiction, unemployment, cultural norms, lack of education and superstition. As was said by BSH1, “Some come with dowry cases; someone’s husband has extramarital relations (BSH1).” Poverty in particular was highlighted by BSH2, BSH6, and BOCC6 (see Appendix 2).

BOCC3 also talked about differences between the husband and wife in their social and political beliefs including religious beliefs, and one or both are not prepared to negotiate an agreement. Differences in beliefs leads to a different mentality between wife and husband, which can result in an absence of conscience and leading to social or sexual perversion on the part of the husband. This was referred to by two interviewees as different kinds of mentality. BOCC3 identified “difference in mentality, social customs, etc., are the main causes for domestic violence.” BSH2 spoke of poor morals and lack of conscience. “In addition, people have absence of morality, conscience, and reasonability for which torture and violence occur.” BSH4 gave an example of a clash in religious beliefs where the husband followed a fraudulent guru who sought to have sexual relations with the husband’s wife (see full quote by BSH4 in Appendix 2). Similarly BVSC3 talked about the character of the husband in terms of ill-breeding, by which the interviewee meant poor upbringing, together with misinterpretation of religious doctrine insomuch as they use it to subordinate the wife, “But in my opinion, ill-breeding, poverty and then misinterpretation of religion are main factors.” See Appendix 2 for more examples of interviewees identifying misinterpretation of religion as major factor in DV.

Drug addiction is also a contributing factor of violence. When a man becomes addicted to drugs, such as hashish or heroin they frequently commit violence. Drug addiction can lead to poverty or if the addict may be poor to start with, in this case the combination of poverty and drug addiction exacerbates the DV. When a husband spends the family income on drugs it creates problems with living expenditure and if the wife then asks for money for food and other family requirements she faces violence, “On one side they are addicted. On the other side they cannot maintain the family expenses because of their addiction.” (BOCC5)

Cultural practices such as child marriage and dowry are also factors. Only one interviewee, BSH5, named child marriage, as a reason of this violence without elaborating. However, the dowry custom was seen as an extremely important factor for DV, as mentioned by six interviewees – BOCC5, BOCC2, BOCC6, BSH1, BSH6, BVSC1, and BVSC3. Dowry in itself is a factor however there is, as well, a link between dowry, poverty, and DV. Frequently for the husband to gain further dowry goods women face physical abuse. Traditionally the dowry was paid before the marriage but now it is commonly demanded after the wedding. Despite dowry being illegal in Bangladesh, according to interviewee BVSC1, the reason for asking for dowry after the wedding is to avoid making it known publicly that dowry has changed hands. Therefore, women are expected to bring dowry after the marriage. Failure to pay can result in women facing violence. BVSC1 made the link between dowry and poverty, noting that dowry is basically for economic reasons rather than cultural and social ones:

Dowry system still exists in the society. People can't demand dowry in public because of the police and various NGOs, but it impacts in another way. When the women come to the husband's house, she is forced to take electronic devices, furniture, money, etc., from her father's house. Her mother-in-law, brother-in-law tortures her for these. It is an economic reason. Those who are affluent don't cause this sort of occurrence.

Furthermore, there is also a link between drug addiction and dowry. If men are addicted to drugs they may ask the wife to bring more dowry, and if her family fails to pay the dowry, the woman becomes a victim of DV. When the husband spends the money on his addiction the couple face problems in meeting daily living expenditures. Thus the men become violent towards their wife:

Their mental state is too weak to bear their wives' presence or whining [complaining about his drug addiction and asking about daily living expenditures]. They start beating them with no rhyme and rhythm. They tell them to bring money from their parents' house. (BOCC5)

Another cultural factor for DV in Bangladesh is the influence and dynamics of the extended family. The extended family comprises the married couple, the mother and father-in-law, sister-in-law, and brother-in-law. Three interviewees, from OCC, VSC, and SH, commented about extended families. The woman can become a victim of violence from any of these family members, but most common is the

mother-in-law and sister-in-law. Conflict arises between mother-in-law and daughter-in-law about who will hold power and control and thus violence ensues, as is mentioned by BOCC2:

Domestic violence or torture starts at home in this tough situation. Mother's fears that her son gives too much priority to his wife. If it happens, she will be like a third person singular number in the family, with no mental peace. This situation happens because the mother-in-law may already have received the very behaviour that she shows to her daughter-in-law.

Often the husband is caught in the middle and eventually will attack his wife because it is culturally unacceptable to contradict or question his mother. The quote below highlighted this view: These women complain that her husband does whatever their parents say. The matter is not like that. Their mother's influence them to tell their wives to do something. The women in return want their husbands to disobey their mothers. It is not natural. One should judge it himself, that if he scolds his mother, what will happen to the wife then? The husband then gets into trouble, for he can do nothing to both his mother and wife in most of the cases. (BOCC2)

Even if the couple live separately from the husband's parents, her husband may still be influenced by his mother and other family members, thus violence can still be perpetrated by the extended family even though they are not living in the same household. BVSC1 gave as an example that it may be that the wife is spending money without specifically asking permission from her husband, or she may have behaved in a way that the family considers unacceptable and his family note this and complain to the husband, "There is another general reason for this violence, which is that one family member influences others in the family."

Extramarital relationships by the man is another reason for DV as noted by two of the 16 interviewees. As noted by BOCC6, "The reasons behind the physical assaults mostly dowry, extramarital affairs, family dispute, [and] poverty." In this case the wife faces violence in two ways. Firstly the man may not want to continue living with the first wife. Therefore they commit violence to force her to leave them. On the other hand, men may be reluctant to divorce their wife because they will need to repay their wife's dower money. At the same time there may be pressure from the other woman to marry her. Divorce occurs in Bangladesh and it is relatively easy for a man to divorce his wife, nevertheless some men have extramarital relationships but want to keep their family intact. They commit adultery knowing their wife will never leave them, but even if she divorces him, he will not have to repay the dower so he uses violence to force her to sue for divorce. However as BOCC2 pointed out he would still have to repay the dower:

Extramarital relationship is one of the biggest reasons of violence. That is why the husband is torturing his wife, for he cannot marry the very woman with whom he has sex. The woman wants him to divorce his previous wife. He cannot divorce her for want of bride money [dower]. He does not know that he must (also) pay the bride money if his wife wishes to divorce him. He keeps torturing his wife.

According to BOCC2 the incidence of extramarital relationships is on the rise. Though extramarital relationships are also present amongst the women it is less so than men. According to the interviewee BOCC2, the percentage the ratio is about 2:25 (women to men).

Therefore, many kinds of factors play a role in influencing DV and there are various kinds of support services available to support the women if they choose to leave. Nevertheless many women find it difficult to impossible to leave an abusive relationship and instead put up with the violence. Women tolerate the violence for various reasons. Firstly, because they have no alternative options as they are economically dependent on their husband. Secondly, a woman may wish to avoid the shame of making public her broken relationship; she may also fear being negatively judged by others. Further she may be afraid that the shame of a broken marriage or the shame of a court case, as identified by BSH1, may negatively impact on her children for example:

She fears the society will see her to be a bad woman. The women also think about their marriageable daughters. If the woman leaves the family, then it is as though they will not able to give their daughter marriage. They are neglecting to leave their husband because of this reason.

The women may also fear for their children's future, their concern being that separation from the father's family home may be harmful to them, as BOCC1 said, "but when they [women] leave home, their children get insecure".

A woman's fear of being isolated socially, shame or shunned by the family may cause her to tolerate the violence. A possibility is identified by BOCC1 is that women's protestations, which not only make them a victim of further violence, but also the wider society including sometimes their own parents and family may blame the woman, as BOCC1 said that:

When she files a case against her husband, she loses her family support. Her parents don't allow her [to go home because of the expense of supporting her] for more than a year, her brothers avoid her. Then they [women] become a burden for everyone. So, she had best stay with her husband and with her kids despite weal and woe.

In the context of the wider society, BSH2 notes:

If you cast your eyes to the state apparatus, you will see the existence of unhealthy politics there. Even the teachers have lost their values. All of society has lost their values. The society is unstable because of a lack of these values. And this situation is also one of the causes for domestic violence. (BSH2)

Thus, tolerating violence is due to a lack of safety and security when the woman cannot find accommodation with family or friends. Three interviewee, two from SH (BSH2, BSH3), and one from OCC (BOCC1) talked about this. Lack of safety points to the fact that it is hard for a woman in

Bangladesh to live alone. Women living alone are seen as targets for attack by strangers, as well as by her husband. Ultimately it is difficult, if not impossible, for women to live independently if she does not have a job or any income. The difficulty women face if they try to live independently was recognised by BOCC1 and BSH2 (see Appendix 2).

5.7 THE PRACTICES OF BANGLADESH POLICE VICTIM SUPPORT CENTRES

Police stations in Bangladesh are charged with supporting the people for any crime related problems, including violence against women. Therefore a victim of DV can make complaints in any police station. However, general police officers are not trained to deal with DV. Furthermore individual police stations do not have specific departments or dedicated officers to deal with DV victims except for the VSC which is attached to eight police stations in seven out of eight divisions. Most VSCs are located in the major cities. The VSC, which is managed and run by the police, was developed specifically for providing support to the women and children who are the victim of violence, including, but not only, DV. The VSCs are staffed by specialist male police officers with one exception because there is a shortage of senior female police officers. Nevertheless, immediate support to the women in crisis is mainly carried out by women police staff where possible. According to the definition given by the DV Act, VSCs are service providers' equivalent to the OCC and SH. Therefore VSCs are able to perform their duties and responsibilities as both police and service providers. Three people overall were interviewed from three VSCs.

5.7.1 VSCs - Procedure of Providing Support

While the NWDP names the support services, including VSC, that are set up to help women who are victims of violence, it has not provided details about how such support is to be provided. According to the three interviewees, the VSC nevertheless does have some criteria about who can receive support and how. For example, when a woman reaches the VSC, she can normally only stay for five days but can stay for more than five days under special consideration, such as if on-going shelter is needed. There is no particular policy about how many children can accompany a woman. After five days, it depends on the woman's intentions as to whether she will return to the marital home or another place, like her parent's house. If she cannot go back to her husband or family she may be transferred to a SH.

Once the woman lodges a legal case against her husband, it is difficult for her to go back to the family house. It may be that she is afraid of her husband or he or his family may not allow her to come back.

In those circumstances, she returns either to her parents, or goes to another place. If needed, a partner NGO which works with the VSC in an integrated system will arrange accommodation in a SH:

When police are filing FIR [First Information Report], there is no possibility for the women to go back to their husband's family, because in these cases, the accused is their husband, or husbands' family. Therefore most of the time in these cases – if police files FIR that means women are going against their husband, as a result they have no way to return to their husband's home until the court order. In this circumstance, they are sent back to their family [father's family]. However, as she is an adult, her intentions are given priority. If she wants to go back to her husband, she can do that. (BVSC3)

It is important to mention here that the VSC operates in collaboration with government and NGOs – such as Ain-O-Salish Kendra, BLAST, and BNWLA – for reasons of providing a range of services to the women, such as legal assistance, counselling, and rehabilitation. The role of NGOs also includes finding employment for them or arranging for life skills training for the women to help them get employment:

If they need more shelter or training after five days, we will refer them to those NGOs. They will then reintegrate the victims or train them or try to help them to get a job (BVSC3).

VSCs work with these organisations through referral, mostly for medical treatment and/or legal support, to other organisations involved in the integrated system. To coordinate these activities all organisations in the integrated system maintain communication through monthly or quarterly meetings.

Although the NWDP does not direct the VSC to send the women to a SH, according to the DV Act, the VSC is able to send the women directly to the SH if they deem it necessary. However, the VSC staff have not fully accepted the DV Act and still tend to use *the Women and Children Repression and Prevention Act 2000* (amend in 2003) (WCR Act) rather than the DV Act, thus using the powers given by the DV Act such as referral to SH may not happen. Instead they may send the women to one of the partner NGOs who in turn send the women to a SH.

One of the main foci of both policy and law is to provide safety and security for the women. Undertaking an assessment of the risk of further violence is critical at the beginning of the support process. However, as was explained in chapter 4, neither Bangladesh policy nor the legislation mentions risk assessment. Neither do the Bangladesh police have policies about risk assessment and management or any code of practice to respond to violence against women. Therefore there is no structured framework to assess the women's risk. However in practice it is done unofficially.

Police tend to conduct risk assessments by using personal judgments based on their work experience or what little training they have had. Usually they try to understand the women and their circumstances by listening to them, as interviewee BVSC1 said, “first, we consider ourselves in the position of the victim, what she is thinking. We try to understand her”. After the informal risk assessment, the officers have to decide whether it is safe for the woman to go back home or whether the woman should be sent to a SH or some other place, such as back to their parents. They also need to decide whether to go for legal action, mediation or some other solution.

After assessing the risk, the second most important matter is to confirm the physical and mental wellbeing of the women, as interviewee BVSC2 said, “It is our prime concern to take care of the victims who have made complaint or who have a case here, to give them mental and physical support on a temporary basis”. Medical support is part of the VSC’s policy however it depends on the women’s condition and her needs. All interviewee commented on the conduct of ‘medical support’ (see Appendix 2).

For medical support sometimes women are referred to other organisation such as OCC, “If a victim comes to us, and we feel the necessity of sending her for treatment, we send her to the OCC.” (BVSC3)

Sometimes women come to the VSC after having had medical treatment:

OCC is working in the medical colleges. Those falling victims of violence need medical treatment before legal action, they might go to the medical colleges if need, after which they are referred to VSC. (BVSC3)

Emotional wellbeing is also a consideration so after medical needs have been met, counselling is another critical part of the procedure. For counselling there is no fixed procedure, as BVSC2 said, “The pattern of counselling varies from time to time. Counselling is unofficial [not done in a systematic way].”

Initial counselling is provided by the VSC staff as there is only counsellor available in Women’s Support and Investigation Division (WSID). BVSC1 said, “I counsel them, so do my certified psychologists as well” and BVSC2, “If she is mentally depressed, she is counselled. We have counsellors all the time for her proper mental treatment.”

If on-going counselling is required, the VSC receives help from one of the partner NGOs or sends the woman to an OCC. In addition, the partner organisations provide counselling support including

psychotherapy, “We try to co-operate with them [the victim] based on this experience. On top of that, we give them psychotherapy.” and:

Their counselling keeps going on, in the interim of this procedure. If needed, they are sent to OCC. Those who are in an extreme position need institutional counselling [professional psychotherapy]. We take support from the NGOs in this regard. (BVSC3)

After conducting a risk assessment and confirming the women’s wellbeing the next step is to decide whether legal action should be taken.

5.7.2 Implementation of Legislation by VSC

Legal action is considered if the case is considered serious enough. Here in practice the two pieces of legislation in Bangladesh complicates the issue. Under the WCR Act, DV is a criminal offence for which the perpetrator can be punished only when it is dowry related. Alternatively under the DV Act, DV is treated as a civil case and if the woman decides to use this act she can only get a civil remedy such as monetary compensation. To take civil action she needs to file the case in court or seek formal mediation. If she intends to leave her husband either temporarily or permanently and lodge a legal case and if there is evidence, the VSC lodges the case on her behalf. If she wants to go back to the family home the VSC refers both of them to one of the partner organisations for mediation.

Sometimes the nature of the case is so severe that police must lodge a criminal case under WCR Act against the perpetrator. This would happen if the woman is severely beaten and there is physical evidence of violence. Then it is the police’s responsibility to file a case, as interviewee BVSC1 said, “if the husband makes a grave mistake like if he beats his wife, hurts anyone else, we receive the case and take necessary steps according to law.” The most appropriate act under which to take action if there is physical injury is the WCR Act. The police have less power under the DV Act as it is civil law. Therefore, women get a quick and positive result using the WCR Act because the perpetrators can be arrested and charged, as noted by BVSC3, BVSC2 and BVSC1 (see Appendix 2).

In addition to general DV cases, the VSC also provides legal support to the women for dowry issues, which is identified as one of the main factors of DV by the interviewee BOCC5, BOCC2, BSH1, BVSC1, and BVSC3. Interviewee BVSC3 said that:

The reason is that, women are being victimised by her husband and in-laws for dowry. Dowry related violence is so common in Bangladesh that it is covered by legislation that is specific to dowry violations. Maybe many women are being affected by domestic violence such as for dowry.

There are two laws that deal with dowry related cases, the *WCR ACT 2000 (Amended in 2003)* and the *Dowry Act 1980*; both are criminal acts. VSC files the case under WCR Act as it is the most appropriate act for dowry related offence, as BVSC1 said:

There is also a dowry law. Therefore, we cannot take the case in domestic violence law when physical assault is happening for dowry, murder is happening for dowry. We then take these cases under *Women and Children Repression Prevention Act* or *Dowry Law [Act]*.

The women who are victims of dowry often carry some visible sign of violence; clear evidence of physical abuse. Therefore police lodge the case under the WCR Act.

5.7.3 Barriers to Effective Police Response

The DV Act explicitly specifies the roles, duties and responsibilities of the police and service providers, including the VSC, which operates under the auspices of the police. However, as noted above VSC do not fully practice the duties and responsibilities detailed in the DV Act despite clear directions given in the Act. A major factor that prevents an effective police response is lack of knowledge about the *DV Act* and lack of awareness of their duties and responsibilities under the law which results in an inability to provide women with remedies according to the law:

Our police, who work in the field, they have lack of awareness, for they don't know about domestic violence law, because of lack of implementation of this law. Many of them don't know the picture of domestic violence. It has been unclear in this regard; not clear in the sense that nobody is taking this opportunity, even after this law was developed. Nobody means that not even victims are not talking this opportunity. In this circumstance, we are confused, about how we can support them or for how long. (BVSC3)

The comments immediately above by BVSC3 and BVSC1 on the dowry situation shows the dilemma the police face in deciding which act is the most appropriate. When the case involves dowry generally there is evidence of physical violence. In such cases the WCR Act and Dowry Act are the most appropriate.

Police do not understand that according to the DV Act women are also entitled to get remedies where there is physical violence, whether or not it is dowry related. Women are also entitled to remedies if they are victims of verbal and economic abuse. Because of the lack of knowledge, the practice of the police and VSC is to only deal with dowry cases according to the WCR Act which does not recognise non-physical violence such as psychological violence, verbal abuse or economic deprivation. BVSC2 has a comment which shows the lack of knowledge about the DV Act even though it was introduced in 2010 and speaks of lack in current training:

We know the act [DV Act], but its implementation is not related to the police. We officers are being informed of this law through training in various institutions. No case is normally lodged under this law by the police.

BVSC2 also commented about the preference for working under the *WCR Act* and explained the reason they do not to work under the DV Act:

When a law is passed, obligation is sure to come. If one complains, we must respond, react and rescue her if she is vulnerable. We will give her legal support. The work of the police is to prevent, protect, and prosecute. But in the prevention, police cannot do anything directly, especially in this domestic violence case.

There is a perception amongst the police that violence is only serious and merits action only if the women come to them with bruises and injuries. Many police view verbal or other forms of violence as 'petty violence' and do not take the women seriously if there is no sign of physical violence. Therefore, for cases where there is not physical abuse, the first reaction of the police is to provide counselling. Next, they refer such a case to partner organisations for mediation instead of taking legal action. This is especially so for verbal and economic abuse. The following quote reflects this view:

This type of case [verbal, psychological and economic abuse] is rarely seen. Whoever comes to us we file their case, as we have legal obligations. But if there are petty things involved, like family quarrelling, those are solved with the intervention of the NGO's, who work as mediators. (BVSC3)

The main concern of both the police and the victims is that the DV Act does not give power to the police to arrest the perpetrator. However, according to the law, the police are the first contact persons. BVSC3 commented that generally the public's perception is that police as a first contact person can protect them from any danger. Women's expectation is the same, but under the DV Act police are restricted as to what action they can take, and thus some women are not coming to them. In answer to the question about how effectively police are able to work as a first contact person, BVSC3 responded (for another comment to this question see Appendix 2):

When they come to police, they do not expect the referral role of the police. They come to police with a view to take direct action. But the police are not able to take direct action. Therefore, they [victims] think that the police are not performing their duties properly. Women expect that the police will arrest the criminals, take them to gaol. There is opportunity to get the remedy with another law [*WCR Act* or *Dowry Act*], which is criminal in nature, and they get the remedy quickly, and also the accused gets punishment. Therefore, the victims are not enthusiastic to take the opportunity under domestic violence law.

Lack of evidence is another issue regarding non-physical violence such as verbal, and economic violence. In addition sexual abuse too usually leaves no visible injuries. For any violence, physical or non-physical, the husband or in-laws are both the witnesses as well as the accused. Finding independent witnesses is difficult to impossible. Police send such cases to the court for a hearing,

however, most of the time such cases fail to succeed because of lack of evidence, which is mentioned by interviewee BVSC3:

When the incidence is happening, the relatives of the women are far from her, therefore all the people who will give the evidence on behalf of her are afar. On the other hand, there is her husband and in-laws, who are all the accused and become witnesses. Do you think her husband and in-laws will be witnesses on behalf of her? Getting witnesses is tough. Our morality has been demolished. The mother of the accused said boldly, that her son is not guilty. This is the reality of life in Bangladesh.

BVSC3 reiterated this point later in the interview to underscore the seriousness of this barrier: Therefore, whatever the violence; violence against women or domestic violence, the main problem is laying the investigation, those who are the accused, they are the witness. This kind of violence is happening because of lack of appropriate witness. In all the family cases, the family members themselves are witnesses. There is want of proper documentary evidence, which results in a big problem.

5.7.4 Police Recommendations for Managing Domestic Violence

Police, as first responders and having an extensive role in dealing with DV victims and perpetrators, are in an ideal position to provide recommendations for improvement of the procedures in place for dealing with DV. Through their experience, they are able to uncover flaws in the system and suggest improvements that could help to reduce DV or at least deal with it more effectively.

One major recommendation made by interviewees is the need for police to recognise and understand the factors which contribute to violence and the nature of the violence. As is clear too often police have little or no understanding of psychological violence and the violence of restricting women socially, such as in denying education and financial independence. The need for this knowledge to be included in training was understood by all three VSC interviewees. One interviewee recommended awareness programs for police and others working with DV to recognise factors that contribute to DV and the social context in which factors are more or less likely to occur:

Maybe economical and verbal abuse is not happening in rich family, and physical abuse is higher in poor family. On the other hand, sexual abuse is higher in educated family in the society. Therefore it is difficult to say where it is less and where it is higher. Therefore, there needs to be awareness and education.

Also, all interviewees mentioned the need for social awareness programs about the harmful impact of DV not just on the victims but also on the perpetrator and their families and the wider community. Further, the need to change community attitudes was recognised and the need to educate the

population about the benefit of the DV Act and to work together to end such violence. Thus, the prevention of DV becomes everyone's social responsibility, as noted by all VSC interviewees:

The most important thing is awareness. Everyone can perform their responsibility. Like NGO workers, newspaper agents, advocates, police, and many other organisations can raise consciousness. (BVSC1)

First we need to increase mass awareness, then education. Not only education [for women] women need to work as well. We are Muslim dominated. Islam has given equal rights to the women. We are equal; women will get equal rights as mothers, sisters. If this awareness is given by the religious leaders, preachers, Muazzins, teachers of Madrasa, NGO workers, social workers, then mass awareness will be possible, and gender discrimination will reduce to as close as zero. (BVSC1)

It is not only the duty of police. Everyone needs to come forward. We have to work with a social responsibility and need to work collectively. If everyone in the society does not come forward, it is not possible to uproot the cause of domestic violence. (BVSC3)

One interviewee focused on empowering women. BVSC1 identified women's economic dependency as a major cause of their vulnerability to DV. BVSC1's recommendation is to place emphasis on women's education and economic independence, which can help them to overcome the obstacles:

She herself is enough for her own safety. When she is economically independent her husband cannot treat her 'just' as a woman [disrespectfully]. Even if she remains separate, the first word of her husband is: 'if you talk like this, I will kick you out'. If she is economically solvent she does not have fear to go out of the house and live separately. (BVSC1)

5.8 CRISIS SUPPORT SERVICES: ONE STOP CRISIS CENTRES AND SHELTER HOMES

The three different types of CSS (aside from police-based VSC) are described in chapter 3. The OCC and SH work in conjunction with the VSC in that women are referred from the VSC by the police into the SH after five days and if needed for any medical assistance like counselling. The role of OCC and SH is to provide emergency shelter and other services such as health care, police assistance, DNA testing, social services, legal aid, psychological counselling and rehabilitation; all free of cost. Six people were interviewed from OCC and five from government SH and two from non-government SH, a total of 13 people from both organisations.

5.8.1 OCC and SH Procedure for Providing Support

According to NWDP policy, a woman may get support in OCC and in SH, however, as in the case of VSC, the policy does not provide details about procedure. The DV Act on the other hand, does mention the duties and responsibilities of the SH and OCC as well as the duties responsibilities of medical and service providers. The OCC and SH provide almost the same kinds of support, however, the priority of the support differs. Generally when a woman is injured, she goes to the OCC and later, if she needs

on-going accommodation, she is referred to a SH. At the same time a woman who is at higher risk, or who has filed a case against her husband, needs a secure place for a longer stay to continue her case, she will go to a SH.

The SH's priority is to provide long-term shelter, legal support and financial empowerment. The SH is divided into two sections, accommodation support and legal support. Unlike the OCC, the SH provides support for women who have been victims of DV and also victims of other forms of violence such as rape and trafficking and for women who for some reason are homeless. OCC's priorities are to provide temporary shelter and wellbeing, and also provide different kinds of support including legal in one place. The OCC team includes police, lawyers, social worker, counsellors, nurses and doctors. The OCC deals exclusively with victims of DV. There are various ways a woman can come to know about the OCC, like through police, lawyers or from other victims of DV.

The OCC's are located in a general hospital and therefore women need to come to the emergency section of a hospital where she will be admitted and referred to the OCC by the emergency doctors after confirming that she is a victim of DV. If the woman is severely injured she is referred to the respective ward for treatment and brought back to the OCC after treatment. If she has comparatively minor injuries the OCC's doctors treat her. However, in both cases a woman is also provided with additional support such as counselling and legal help. About the combined support, both BOCC1 and BOCC2 agreed:

We give them medical support if she is injured, next counselling, then legal and police support. Then shelter support, follow up support and DNA support are given. Then we rehabilitate them for integration. (BOCC1)

If the women have only minor injuries or are victims of verbal or economic abuse they are not admitted into OCC, rather they are referred for consultation with medical staff at the hospital or other support according to their needs such as counselling and legal support:

Besides, 2, 3 or 4 women come to us for consultation through outdoor system [women who discuss their needs with the OCC team but who do not qualify to stay in the OCC], they are not admitted here, but they come to us. In this case, our lawyers, police officers counsel them. If the case is for admission, then OCC advises them to get admitted here. If needed, we refer her somewhere else for further assistance or consultation. (BOCC5)

When it comes to SH, a woman may be admitted either by referral or she may approach the SH by herself. All interviewees explained that mostly women come to the SH through referral from the court, or some other organisation, or the women may have previously received support from SH. When women present at the SH without a referral, they are required to provide two kinds of documentation

for identification, such as a Bangladesh national ID card, and evidence of abuse, such as a letter from any influential person in the community like an elected local government official:

She must come with a certificate stating that she is helpless, insecure and needing shelter, from an influential person, i.e. chairman and so on. Otherwise she must have an ID card to apply for a refuge. (BSH5)

About the need for identity verifications BSH6 said:

In terms of documents, we require the marriage certificate mainly, sometimes pictures, national ID, etc. If they do not have it in their possession at the time of the interview, we tell them to bring it in later. To get admitted into our shelter home, we require pictures and national ID.

While the SH requires a referral or letter of support with identification papers to be admitted into a SH, it became clear that in practice staff treated such cases differently. BSH1 maintained that in practice a woman in need is not refused entry:

If she reaches us by any means possible, we don't send them back. It does not matter whether it is day or night. She can also go to the SH directly by herself. Someone may phone me for the SH to let me know. And she can stay there for the night and we do the procedure the next day. However, we never send them back, because we realise that she is in a crisis moment.

BSH2 insisted that a woman must come through the correct channels, "No, they cannot come directly. They must come through her [the magistrate]". Then she backtracked and conceded that the rules are relaxed for women in crisis, "If it is an emergency, we admit her instantly and keep the entry as the night after. However we consult our magistrate as well. And the very next day we make the file on her."

Lack of knowledge about the SH among the general public including victims is a barrier for women in need. On the topic of whether a woman can come to the SH in an emergency situation by herself or not, especially at night, contradictory answers were given by the interviewees. In this regards, the DV Act states that "on request of the victim" the authority of the SH shall provide shelter to the victims. There was some confusion among interviewees about the DV Act's direction to provide shelter upon request of the victim. There is no direct telephone number advertised for the SH, and further the general population have little knowledge about the existence of SH or their role. BSH5 commented that it is easy if women know the procedure, "Of course, easy, it is very easy if she knows." Further,

It depends on how much she knows. If a woman comes out of the home and stands agape beside a road – she won't be able to know where to get the support. She needs to know first, where she will get it and we are lacking there. (BSH4)

Two interviewee talked about the way SH are publicised, however it is mainly for rural women who are poor and uneducated:

The problem is the general people do not know much about our Shelter homes. We are trying to create huge publicity right up to the grass root levels, as the women from grass root levels are most badly affected by domestic violence. In most of the cases, they are not aware that much, as they are not literate. We try to make the message reach the grass root levels so that they can come to us based on need. (BSH4)

We have several offices in the Upazilla and district levels that are specifically for this kind of violence. The women-related officers that are in these Upazilla offices provide this support. We deliver and publicise information through leaflets and letters to the Upazilla, to let the women know that there is a shelter home here. It provides these kinds of facilities, facilities such as food, shelter, basically the five fundamental needs that every person should be given are provided here. (BSH6)

Lack of knowledge of what the DV Act says about entry to a SH causes confusion amongst service providers which might pose problems for women in need. The result being that potentially women in crisis could be deprived of shelter or, if it is at night and she cannot get in, she might be harassed. For example, if a woman is abused and in such a condition that she needs to leave the house, and thus needs a safe accommodation, and if in that time she is unable to get into the SH she might be vulnerable, if she stays in the home she may be re-victimised by the perpetrator.

Once a woman is accepted in a SH, the procedures depend on their individual circumstances. One example was described by BSH4, if the court refers the women to the SH, and the SH continues and follows up the case:

It is fixed by the court under various organisations like OCC and the likes. These organisations select where they send the victims for shelter, after supporting them for a few days. The victims who are badly in need of shelter, and are suffering from insecurities come to us. We take them to court, do follow up, etc. (BSH4)

There are two main actions after the woman enters the SH whether under her own initiative or by referral. If the first step is mediation both parties have to attend. The procedure involves informing the perpetrator about the complaint filed against them and advising them to be present in the SH on the mentioned date. If the issue is solved through mediation the woman goes back to the husband's house and the SH staff monitor her for at least six months. If the case is not settled through mediation, the woman is provided with legal support mainly for dower and maintenance as the SH mainly does the civil cases. Alternatively, if the woman has come to the SH through referral the SH first hears her story. After this, she may be referred to other organisations such as to police or OCC (for medical treatment) or any NGOs/private organisations if needed for legal support, especially for those cases that are mainly criminal in nature. The reason for this is that if the women have physical evidence of

injury the OCC is able to provide a written statement that they have observed physical injury, which then allows the police to file a case under the WCR Act or the Dowry Act.

5.8.2 CSS Response to Victims According to Policy and Law

Both policy and legislation dealing with DV have in them information about DV, with provisions and strategies that guide support services including police, to deal with it. This section explains those provisions and strategies and how effective they are to give support to a woman affected by DV. An assessment of the extent to which the woman is at risk and a plan for risk management when the woman is in crisis are vital for proper support. However, as is the case for VSC, neither the policy or legislation provide the staff at OCC and SH with a risk assessment tool such as a structured form with a checklist, nor are they provided with procedures as to how to identify and manage risk. Nevertheless according to the interviewees from OCC and SH, they do it in practice and a risk assessment is conducted as soon as a woman in crisis arrives.

All interviewees said that they conduct the risk assessment informally and without guidance, and in the OCC a counsellor is employed whose role it is to conduct the risk assessment. The interviewees were experienced and skilled. Their years of experience had given them the opportunity to develop the skills necessary to conduct a risk assessment. However new staff would not have the skills needed and would have to learn 'on the job'. In addition, the experienced staff generally understand DV and its effect on the women. Therefore, concerning the assessment of risk to the women, most of the interviewees use their understanding and experience and personal perception to make decisions, "We ourselves with our normal sense, judgment power and intellectuality, assess the victims." (BSH4) Another comment is provided in similar terms by BOCC2 (see Appendix 2). Based on the risk assessment and the risk management plan, which is not a formal written plan, strategies for the woman's wellbeing, legal support and physical security are decided.

Security and Safety in OCC and SH

Organisations like OCC and SH maintain the highest levels of safety and security for the women during their stay. Therefore, to confirm a woman's safety, all support in the respective OCC or SH is brought together. These crisis support services ensure security in two ways: a) providing protection for physical security and b) providing protection by law. Both OCC and SH have an on-going police presence which protects both clients and staff. In the case of the OCC another police officer may accompany the women if they need to go outside the OCC such as to court. On this matter, BOCC1 said, "our police are also going with us. We are providing proper support to the victims, as we are getting support."

Such police protection for the OCC is possible as the OCC stay is short-term crisis accommodation, however the SH is longer term accommodation and arrangements are slightly different.

The SH too have a police officer as part of their coordinated team. Unlike OCC, the SH accommodation is long-term therefore they have imposed some rules and regulations which women are expected to follow. Being accompanied by a police officer on a long-term basis is not viable therefore a primary safety rule for the security of the women is that they may not go outside the SH without written permission from someone in authority at the SH. This is to protect her from retaliation from her husband or someone acting for her husband as it is possible someone may be waiting outside the SH. Six people out of seven SH interviewees commented on this (see Appendix 2). In addition, a woman at non-government SH is also accompanied by someone if she needs to go outdoors either by a staff member if it is an order to attend court, then police also accompany the women.

When it comes to women's empowerment however the rule about going outside is relaxed. She is allowed to work with the permission of the SH authority, as BSH2 stated, "If she wants to do governmental NGO service, we apply to the magistrate. In this case, she needs permission." However, this practice of work from SH has just started and not yet common at all SH.

Furthermore, the security of the government SH is at such a level that during the women's stay, even police cannot interview her about any counter-complaint or charges against her, except by a court order. Such a situation might occur in circumstances where the husband attempts to file a case of false complaint against his wife in order to harass or punish her for resisting his violence, according to BSH2. If the husband filed a case against her the police are normally obliged to question or arrest her but they are not able to do so at the SH because of the high security. According to BSH2 counter charges filed by the perpetrator is particularly a problem amongst people from lower socio-economic backgrounds:

The lower class people remain in awful situations, for their husbands can also file cases against them. But she is quite secured here, because we have their documents. Even the police cannot take her to Thana (court) from us.

Another rule applies to the use of mobile phones, however there are differences with this rule between government and non-government SH. In non-government SH, for the safety and security of the woman, there are restrictions as there is a chance that the perpetrator could track her through a mobile phone. On this issue, non-government SH follow the rules strictly and do not allow anyone to use a mobile phone inside the SH regardless of their class or status. See supporting comment by BSH7

in Appendix 2. However, according to two interviewees, in government SH's there is no policy about using the mobile phone; it depends on the individual SH. Therefore, some SH allow mobile phones, whereas others only allow use of the official SH phone. This makes sense as the government SH are situated in publicly known places, whereas the locations of non-government SH are hidden.

As well as the security issues of leaving the SH or use of mobile phones, there are some common rules such as cleaning, managing conflict amongst the women and visitors. In government SH women's family members can visit after a period of time. In the non-government SH, when the case has been finalised, the SH staff arrange a family meeting with the women's family for the purposes of returning the woman to her parents family.

CSS Implementation of Legislation

The level of legal support the women in Bangladesh want is their decision, though normally they act under advice. The women have two options. Firstly, they can choose mediation or secondly they can opt for legal action and file a case in the court. Women generally decide on mediation. In any case, if a woman is assessed to be at low risk of continued violence and the SH workers feel that her partner can be reasoned with, they may encourage her to initiate mediation. For mediation, the two parties are brought together to negotiate a solution. Mediation is provided for by the CSS but in practice mediation has little power and preference tends to be given mainly to the maintenance of the family unit. As interviewee BSH7 said, "It [the DV Act] is actually a big step by the government. Almost the entire women organisations, such as BLAST, BNWLA, etc., wanted such a soft law so that women could hold onto their family tie." However, the reasons for focussing on maintaining families are as much for the women's protection as for traditional cultural reasons.

Consideration is given to the women's situation in Bangladesh culture insofar as women may not have the means to support themselves, they are often economically dependent, there is poor safety and security if they attempt to live alone, and they face extreme poverty. Furthermore, there is a desire to prevent the social stigma associated with court appearances; the cost of which is detrimental to the woman, the process lengthy, and there are long waiting times for the court. To this end, support services prefer mediation to resolve the problems. Mediation is also useful for resolving the case quickly. It is also part of the legal support offered by SH, as interviewee BSH5 explained:

Our program is based on the abuse of men against women. When they go to court, it takes time to get proper judgement. So, a system [mediation] has been introduced into our country to reach settlement within a very short time.

BSH5 further said that, "Counselling is one of the elements of legal support and compromising through mediation." However, although SH gives preference to counselling and mediation, the OCC has no power to conduct mediation; they can only make the husband aware of the law and refer the women to the relevant organisation including SH for mediation.

Both the OCC and SH can file a case in the court, but OCC mainly provides a medical certificate when there is evidence of injury and refers the case to the police while SH tend to go for civil cases when there are issues such as maintenance. The civil DV Act provides for various actions when the case goes to court such as an intervention order or a residence order. Like VSC, support services including OCC and SH can apply for an intervention order on behalf of women. To file a case in the court a certificate/document stating that the woman has been injured is considered to be evidence. OCC as a medical service provider is obliged to provide medical support to DV victims. They are therefore in a position to provide such a certificate/document based upon the medical support they needed to provide for the women including a statement about emotional or psychological violence.

As was mentioned above, the staff of the OCC and SH tend to not fully utilise the DV Act because of a lack of knowledge about the DV Act, and prefer working under the WCR Act and as well as Dowry Act as they are more familiar with those and they are criminal acts which allow them to take criminal proceedings. However, a few non-government SH have started to work with the DV Act simultaneously along with the WCR Act and the Dowry Act, which is sometimes helpful and sometimes causes problems for the support services. It is helpful in that the organisation is able to provide support to the women specifically for DV. But it is problematic for them when the women prefer to go with the WCR Act because they are aware that they can get criminal action taken against the perpetrator.

There are a several reasons why the DV Act is not being followed. Firstly, there is a lack of knowledge about the law amongst the service providers, which was identified above in the education section. Therefore, the staff of these organisations are not able to explain the benefits of this law to their clients. Knowledge by the OCC staff about the DV Act is so poor that they do not even know what is in the act. Indeed according to BOCC2 even lawyers and the courts lack full knowledge of the DV Act:

I have not yet faced it [about exclusion order] so I cannot be sure of it. Not everyone knows about it, all think that domestic violence means filing a case on dowry. They [courts and lawyers] don't know that it is a separate law. I myself do not know how to give more support to the victims.

The professional staff of OCC are trained but mostly have little understanding about psychological and other non-physical violence, therefore in practice the OCC staff look for visible signs of injury, as interviewee BOCC5 said:

What we do, in this regard, is we counsel her. But most of the time she comes with some visible signs, fractures, head injuries, etc. We counsel them, in this regard, to make her overcome the situation. And we follow the law, in this case Dowry Act. Therefore we look at the visible signs, fractures etc.

Likewise, as discussed above, SH staff are depriving women in crisis of shelter because of their lack of knowledge about non-physical abuse and women may find it difficult to get into a SH as a result. Some non-government SH, which work for women's human rights, have begun to apply for intervention orders under the DV Act with other remedies on behalf of a woman.

The second reason the DV Act is not followed is that the act's protection order does not give the women proper protection in practice. One example of an ineffective protection order is the provision by the DV Act of a "shared house" option, a situation where both the victim and perpetrator share the family home but are obliged to live separately within it. For women who prefer to stay in their own homes rather than go to a SH there are two ways which safety can be provided for the women in the home. The first is restrictions through an intervention order. According to the DV Act, a husband and wife can share the same house, with some restrictions, posed by the court through an intervention order regarding living together. The second way safety can be provided for women who choose to share the home with their abusive husband is through mediation which is conducted by the SH.

BSH1's assumption is that the protection order may not provide enough safety and security to the women. BSH1 explained that a woman is secure while she is in court however her security at home in a shared house arrangement becomes dependent on the extent to which her husband obeys the law. It is not surprising that because of this insecurity even women do not want to go with this law. An added difficulty is that women have little options as it is not safe for a woman to live alone in Bangladesh, as discussed above. The following quote reflects this view:

A woman is a victim, and she herself goes to court and the court gives the order to stay with the husband in the same house. The woman returns to the home alone. Next, the perpetrator might not abide by the court's rule/law. On the other hand, the court does not give her full time protection. She might not feel secure at home. Therefore the woman is not secure, and I think this is not the correct security for the women. They might review this section, however, this is just my personal opinion (BSH1).

Third reason women hesitate to use the DV Act and avail themselves of a protection order is the threat of divorce. They are afraid that their husband will divorce them if they go for a protection order. In

this patriarchal country, men do not tolerate any protest from women. If women protest about the way they are treated, especially if she files a case against the husband, his pride is dealt a blow and he may feel that he has been humiliated socially and in front of family. To avoid this he can easily divorce her:

The wife can obtain a protection order, but someone has to observe him for six months. It becomes a matter of prestige for the husband because he gets socially humiliated. In most cases, he divorces his wife (BOCC2).

Divorce is very harmful to women in that it will make them more vulnerable. A divorced woman faces extreme difficulties, such as economic difficulties as well as lack of personal safety and security if she tries to live alone. It is not uncommon that the women are more afraid of divorce than DV, which is one of the reasons women tolerate the violence, as discussed and commented on above by BOCC1 who noted that women in Bangladesh find it extremely difficult to live alone and that they need their husband for security.

A fourth reason why the DV Act is not followed is that women themselves prefer the WCR Act. Women usually prefer filing a case under WCR Act because it gives the police the power to act quickly and positively, in regards to punishment of the perpetrator. In addition, women from OCC have an advantage. If women are admitted in the OCC and have visible signs of injury then the procedure is fast tracked, as BOCC3 said, "Yes, I can attend the Thana [court] instantly with a certificate, have the police work promptly, and can catch the perpetrator quickly." Women in refuge at a SH do not have this advantage.

The fifth reason for not using the DV Act is that neither the police nor the judges consider it to be an effective law. They also advise the women to go to with WCR Act, so that their husband will be punished. Highlighting this view is the following comment:

There is another important thing, that there are many problems amongst the parties, those who are claiming, and those who are providing service. Domestic violence law is not considered as an effective law to the police. Therefore when a victim goes to the police, they just start to tell them to file the case in WCR Act. (BSH3)

The final reason for the DV Act to be rejected in favour of the WCR Act is that some husbands fear criminal action being taken against them. Thus, they are more ready to admit their mistakes, compromise and request their wives' to withdraw the case. As a result, women, who want to continue their family lives, can return to the house at least with some confidence. For some women who are older or who lack the means of self-support, staying in the family and keeping the family together is a preferred option as they have few alternative options.

Some husbands are interested in compromising to avoid arrest and therefore agree to take their wives back into their family. Women are often reluctant to take legal action and come forward to withdraw the case if police arrest the husband. However, it also gives the message to the perpetrator that whatever they do, they will not be punished, which was identified by BOCC1 as a factor of violence and why women tolerate the violence:

Moreover, the victims withdraw the case within seven days after police arrest their husband. It is difficult to withdraw the case in this situation. It also requires witnesses to dismiss the case. Sometimes it takes a week. Then, both husband and wife come and request police to withdraw the case. That is why, police suggest women not to resort to court as it is family matter.

Reluctance of Victims Coming to the Shelter Homes

The overall capacity of SH is small given the number of DV victims. Nevertheless, they are most often not filled. The reasons the women are reluctant to come to a SH are complex and tied to the cultural norms of Bangladesh. The culture of Bangladesh is to live in extended family units and strong family bonds influence women in DV situations to go to their parents' house or to relatives in the first instance or to the home of a friend who is reliable enough to provide a few days support to her during the crisis moment (see two comments in Appendix 2).

Another complication is the structure of SH. There are two parts of the SH; one is for shelter and the other for legal support. According to the interviewees BSH6 and BSH1, upper class and in some cases middle class women go to a SH specifically for legal support, which is mostly about getting back their dowry money. These women are assumed to have more support from their parent's family. On the other hand, poor women who are beaten by their husband and kicked out of the house become homeless, as they may lack support from their parents' due to poverty. According to interviewees BSH3 and BSH1 poor women need SH support more than other women as they have fewer options. Therefore mainly poor women come to the SH, although upper and middle class women who need to have shelter for security and mental support can do so as well. This is highlighted by BSH1:

That means the higher classes are coming, but they are not coming to Shelter Homes because they are not 'shelterless'. Shelter is required for the lower class because their husbands beat them, and throws them out of the house. (BSH1)

Two interviewees also thought that another reason for middle class or upper class women not feeling comfortable in a SH is that they are not used to the basic living standards as mentioned by interviewee BSH7, "Another thing is that we have shelter homes, but minimum standard is not followed there." and BSH1:

The higher class cannot adapt to it [SH], for their lifestyle is quite different. They cannot match their lifestyle here. Therefore, generally the higher class do not come. The lower middle class

comes here more. All classes come to the 'Nari Nirzaton Protirodh' cell [the section of SH that provides legal support] but all of them do not come to stay. For staying in the shelter home is generally for the lower to middle class comes here.

Moreover, the most important thing is, whether the lower class women, after staying for a period in a SH go back and face their community. This is very critical for some women because of the stigma involved for themselves and for their family. They need to answer a lot of questions. About this BSH3 said:

Since the victims do not want to come to Shelter Homes, we asked them the reason behind this, and they have replied that they are not interested in temporary support. A woman can stay here only for six months, and if this time is exceeded, there comes the matter of approval from the authority. The community is not ready to reintegrate them after these two to six months. The victims will be asked about where they have lived these 6 months? This question creates unfavourable circumstances for the victim for the second time, and generates scope to be stigmatised. For this reason, domestic violence survivors do not want to come to shelter homes. (BSH3)

The shelter is temporary and because of strict rules such as the restriction about going outside, some women prefer not to go to the SH if they have other options. An additional barrier is the condition for only two children being allowed and no children over the age of 12.

Further, a lack of publicity about SH is another reason women do not go to SHs. People in need often lack knowledge about SH and how to get there:

The problem is the general population does not know much about our Shelter Homes. We are trying to create huge publicity right up to the grass root levels, as the women from grass root levels are most badly affected by domestic violence. In most of the cases, they are not aware that much as they are not literate. We try to make the message reach the grass root levels so that they can come to us based on need. (BSH4)

To overcome such problems a few private organisations have started a different kind of approach with SHs on an experimental basis. In this new approach, a woman can stay in the community with some other family which is interested in giving her shelter, and she is also interested in staying with them. The period is still up to six months and various support services provide training for skill development, empowerment and help to create an income source. BSH3 commented about this:

What we do there is that we want to hear from the victims about their comfort zone, about where they will feel comfortable, such as in their relative's place or at their friend's place. And then the best option will be expressed by the second party, whether he/she will take her willingly to his/her house for the certain period of time, according to the need of the victims.

About the success of this new approach, BSH3 comments that, "It is working successfully until now, and we are getting excellent feedback from those who have received the support. They are also

getting skill support from the community.” However, the program was introduced only recently and has not been formally evaluated.

Wellbeing and Empowerment

Wellbeing in this section refers to ensuring women’s physical and mental health, and to increasing the degree of autonomy and self-determination of women. Empowerment refers general, legal and financial counselling and in some cases skills training being provided, also to increase her confidence and autonomy.

Both OCC and SH work for the wellbeing and empowerment of the women by providing such services. Both organisations provide basic needs such as food and clothing. In addition, SH provides items such as television for recreation. The OCC also cares for the women’s physical and mental wellbeing with doctors being available. However, a doctor is only provided in the capital city SH but absent in SH situated in other towns. In other town SH, if a doctor is needed the women are sent to the hospital, but the staff of the SH may face some difficulties sending women to other places, such as to hospital for medical support because of the costs involved, as mentioned by BSH4:

Actually, we have to send them outside, I mean to a medical centre. We face problem for this. We had three pregnant women whom we sent to medical. Though we have no budget, we support them from contingency.

Mental health care counselling is provided in every SH and OCC as a base program to empower the women. General counselling is given to help the women overcome the trauma, legal counselling is to advise them about their rights and possible remedies under the law, and financial counselling is training and financial support for economic empowerment and to boost the women’s self-esteem and confidence and to empower them toward living a normal life.

A counsellor works in the OCC on a part-time basis and so is not always available when needed. Other staff like police, doctors, and lawyers also counsel the women. Sometimes, trained counsellors give advice to other professionals such as lawyers on understanding the nature of DV and how to work with women who are traumatised by DV. Clearly this is not an ideal situation, as non-counsellor staff are generally not trained to conduct counselling. In addition, there is also a lack of professional counsellors in both government and non-government SH. For this reason, as in the OCC, non-trained staff in the SH may carry out the counselling. In the Appendix 2, three comments by SH interviews support this situation.

OCC has a policy of empowering the women to be less dependent on their husbands and to live comfortably in the society. About this, BOCC6 said, “For the rehabilitation and reintegration of the OCC clients into the society, life skill training and various productive assets are given and with the help of OCC assistance they become empowered.” One of the skills taught is financial management. Financial counselling is not a role of the OCC, however they do provide financial support in some cases; financial counselling is the role of SH as is training for the women for their future.

In terms of on-going economic empowerment however, interviewees from OCC reported that there was a lack of funding for financial support and that most women were not interested in taking up business or educational opportunities. Although if women are employed at the time of seeking refuge in the SH they are allowed, with permission from SH, to continue employment while in the SH. As interviewee BSH2 stated that, “if she wants to do government or NGO service, we apply to the magistrate. In this case, she needs permission.”

Financial counselling is given in both government and non-government SH to prepare them for when they leave. Some interviewees from both government and non-government SH spoke positively about empowerment programs. For women who were not employed there is some training dedicated towards development of skills that may help them gain employment or open a small business to become financially independent. Different SH provide different kinds of training such as being taught to make bags, craft or decorative household items, computer skills, sewing, weaving, tailoring, and many other forms of skills training to make them independent. Some SH also help the women find employment, provide small loans for the establishment of a micro-business and tools like a sewing machine. The overall opinion of the interviewees is that there are opportunities for the women, if they are interested (see comments from BSH1 and BSH3 Appendix 2).

Some interviewees from the SH highlighted the difficulties and the shortcomings of the training. While SH is expected to provide training some are not able to give adequate financial support for buying a sewing machine or establishing a business. Also, the willingness of the women to undertake the training is required and some women are not willing. The following quote reflects the interviewees' views about the apparent difficulties:

Truthfully speaking, we cannot give them that much support. Those who are taking the sewing training eagerly are receiving the support for a sewing machine. They can do something better later on. (BSH2)

Those who are illiterate, we cannot provide them with any job. When we find this situation by analysing the condition of market, we provide them with a sewing machine. If we want to keep

pace with the present day, we need more support accordingly. Though we provide them with skill support, they do not have proper space to apply them. Sometimes we cannot provide them with proper equipment. That's why our supports remain insufficient. (BSH3)

A recent initiative by the Ministry of Women and Children Affairs working together with the International Organization of Migration (IMO) is project called "Cafe Joieta". BSH1 described the project as some shops selling handcrafts in which some women work, who are a victims of violence and staying in the SH, "Women are trained to be economically well off. Our new project is 'Cafe Joeta'. All of them are working there from my shelter home. We are trying to financially empower them."

Barriers to Effective CSS Response

There are various barriers that make it difficult for SH and OCC staff to respond effectively. Barriers may be internal such as lack of funding or training as discussed above. They may be cultural barriers which make women reluctant or unwilling to come to a shelter or CSS staff, in particular police, not taking DV seriously. In addition, not all magistrates are supportive and the attitude of the magistrate is a big issue reported by interviewees in their effort to support the women.

Traditional cultural attitude of the support services is one of the major barrier to effective response. Support services still do not view DV seriously or see it as family issue; as noted by BOCC3, "It is no good saying that torture occurs only by men, women are also responsible for this." BVSC1 expands on this:

In most cases, we [police] try to send them back to their husbands. As it is a family problem; it might occur anywhere in the world. We have also experienced this problem. There are some misunderstandings in the family between husbands and wives. We try to point out husband's problem and try to make him realise that. Generally most of the problems arise from these misunderstandings.

Another barrier is funding difficulties for CSS as noted by BSH4 in an earlier quoted comment on having no budget to deal with pregnant women. In fact, "When a victim needs us, firstly we try to call her here. If we have no program on at that time, then we ourselves go to her. I have no personal vehicle; even the victim support center does not have its own vehicle. (BVSC1)

External barriers mentioned specifically by interviewees is the influence used by powerful and influential perpetrators who may be able to influence the decisions made by police, magistrates and others. Sometimes SH and OCC both face difficulties in their endeavour to support women because of influential people who are against support for the women victims of DV. The scenario is that some people hold a great deal of power due to economic, political, and social reasons. Therefore,

organisations providing support for women can receive pressure or threats from such people including from powerful and influential perpetrators. In such circumstance, firstly the staff at OCC and SH try to manage it. If they are unable to manage the situation, they refer the case to the court or police; see Appendix 2 for comments by BSH5, BOCC4 and BOCC3. However, clearly because of this kind of situation, some women are deprived of getting support, despite the policy and legislation designed to protect them.

Other barriers were also mentioned by individuals. BOCC3 felt that doctors and other staff for the OCC should be dedicated specialists for violence against women; furthermore that the present practice of OCCs staffs being structurally attached to hospitals was also a barrier. Selection of staff is done by hospital human resource (HR) department and by HR staff. Dedicated staff may be posted to OCC who do not necessarily have any interest or understanding of the needs of a CSS for DV. BOCC3 mentioned that OCC staff need to be separated from hospitals, and OCC needs the authority to recruit and select their own staff:

It [OCC] should have separate own permanent doctors and nurses. Doctors and nurses for OCC should be appointed through advertisement exclusively for OCC. We must have improved coordination including hospital coordination.....It would be better if the staffs are separated [from hospital]. The existing system of borrowing staff like sisters and doctors by deputation is not good.

Lack of coordination with the police station is another barrier for effective response identified by CSS interviewees. They also felt that they need more power to provide support in a timelier manner according to the needs of the women, the ability to file a case through the police, and increased coordination between police station and OCC to allow them to work independently. BOCC3 felt that OCC had limited powers, such that they “cannot reach a final decision”, and expressed frustration by saying “We cannot do anything.” BSH6 from the government SH felt that they faced less difficulties because of being a government organisation “because this is a government office, the barriers are not there on that level...and because we are related to the magistrate’s office, and police inspectors, the barriers do not affect us that much.”

Recommendations of Support Services Staff to Reduce Domestic Violence

Those people who are working at the grass roots level with DV victims are best able to understand the problems related to implementing policy and legislation. Therefore, the experiences of the interviewees place them in a good position to elaborate and explain the problems of legislation and policies at the practice level in OCC and SH; they also have the expertise to make recommendations for changes in policy and laws in order make them more effective in dealing with DV. Changes in policies and legislation have the potential to reduce DV. All interviewees shared their thoughts on how

to reduce or prevent DV from taking place. Firstly, interviewees recognised the role of cultural attitudes and the need to change the attitudes of the society. Secondly, an emphasis was given to proper support of the women through legislation and support services.

To change attitudes, the first step mentioned by BSH1, BSH2, BSH3, BOCC1, and BOCC5 is to work towards gender equality; a journey which they think needs to start in the home. They gave particular emphasis to changing the patriarchal mentality in the family and in the society. BOCC5 and BSH1 recommended increase in family bonding would reduce violence in the home, with women and men must be equal in the relationship. Furthermore, daughters need to be treated no differently than sons. In addition, men need to be educated about the harmful effect of perpetrating violence (see Appendix 2).

One interviewee from OCC and three interviewees from SH explained the importance of women's empowerment and increased awareness about their own rights and for equal rights with men socially and in law. The law they agreed needs to provide appropriate support to women and those laws need to be implemented correctly by all concerned including support services. In this journey men and women need to work together, according to BSH4:

Those who are our opposition are not our enemies, [example magistrates or others with patriarchal attitudes]. They are our co-warriors in reducing domestic violence. We, both men and women, must work hand in hand; this concept needs to be understood. However it will take time.

BSH3 spoke about the need for women's empowerment and the role of CSS to support it, but was also mindful that women's increased assertiveness in the face of violence might cause their perpetrator to increase their violence:

If we make the victim aware only about their rights, and tell them to raise their voice against the violence, the problems will increase. There is a chance to be re-victimised. So, we need complete support. We personally inform government to take proper measures against it.

BSH2 put emphasis on the misuse of modern technology such as mobile phones and the internet. For example, humiliating women by sexting or posting offensive videos, is especially an issue with young people. BSH2 also believes that to reduce domestic violence people need stronger moral values and greater knowledge of religious teachings. She was also well aware of the problem of poverty, "We need religious teachings, education, moral values, and need to reduce poverty, nasty politics, grouping [gangs], etc. for reducing domestic violence."

BOCC2 took a broader community level perspective to recommendations, mentioning the importance of community education and awareness in raising problems of DV and that DV is not acceptable. She mentioned increasing the participation of local government to reduce violence and for governments and NGO to work together. She thought that community interaction of police, lawyers, and political leaders with the general people needs to improve, and encouragement should be provided for people in general to stand against this violence. To do this, she recommended education programs for people in every community about moral values and respectful relationships.

BSH3 concluded that integrated support between the law and support services could be improved though BSH5 believed the law was good as it stood. They agreed along with BSH7 (see Appendix 2) for the police and other stakeholders to be educated and work collaboratively with dedication and care, and trust.

Overall, two interviewees from OCC concluded by giving emphasis to solve the economic problems and the attitude of the society. One quotation reflects this view:

We have to go back to the roots. We have to solve economic problems, give education, change our mentality, and make the society understand. Besides, we must change the mentality of our so called, leaders, victims, and their families and also the mentality of the torturers. You can't blame only husband, wife also needs to understand. Both the sides should be complementary to each other, helpful. (BOCC3)

At present DV cases are dealt with in the Judicial Magistrate Court. The recommendation of BSH3 was for DV to be dealt with in the Family Court instead, since the former court exists to deal with criminal offences. The Family Court already deals with related issues such as divorce and maintenance and was therefore felt to be appropriate for DV matters. BSH3 sees DV as a family related issue and believes it should be dealt with in a Family Court (see Appendix 2). However, DV is not specifically a family issue rather it is an offence which happens in the family. Whereas a breach of an intervention order is a criminal issue and appropriately dealt with in a Magistrates Court.

PART C: SUMMARY

This chapter provided detailed findings from interviews in Australia (Victoria) and Bangladesh with CCS workers across the DV sector made up of government (especially police) and the non-government (outreach and refuge services) organisations. These findings presented the views of staff who understand the DV problem from operating within a system that requires responding to this violence against women. The workers operate in their respective countries' Systems (SYS) to implement the DV policies and legislation which aim, as a Steering Media (SM), to address this problem. In essence, the

responses of these workers enable appreciation of the extent and effectiveness of the SM provisions for tackling DV. Clearly what emerges from the findings is the context from which systems implementation of the SM legislation and policies are embedded in the traditional/cultural values underpinning attitudes, beliefs and norms around the issue of gender and power relations between women and men that make up the two country's respective Lifeworlds (LW).

Despite the vast differences in LW between the two countries under investigation, there is a unifying finding from all the workers that gender inequality is the one major factor underlying DV. The problem all workers raise is how difficult it is to deal with the daily issues of DV victims in their current SYS in the context of current LW attitudes and beliefs. The policies and legislation (SM) of the two countries inadequately address gender inequality in the terms necessary, given each country's existing embedded LW that undervalues their work and greatly underestimates the power of men in society who perpetrate the vast majority of DV, to undermine any efforts to address gender inequality.

The findings are similar in the experience of the CSS workers with intervention/protection orders that aim to create, for the DV victims, a safe environment away from the perpetrators. Both countries see breach of such orders as a criminal offence, but penalties are so weak that the punishment rarely fits the crime.

Providing a DV integrated system, both countries' workers are diligent in attempting to maintain high physical security and safety through the existing policies and laws. As such, wellbeing and empowerment are a primary focus of all the CSS workers. Yet, there is a common community attitude mentioned by CSS workers that men's rights and women's responsibilities are institutionalised to such an extent that women who assert their DV rights and aim for some level of independence can feel threatened by the dominant social power of men.

Differences reflect both widely dissimilar LW in Australia and Bangladesh and also through the SM that guide the CSS workers in their respective countries. Australia has recognised the need for formal risk assessment and education in dealing with DV victims, Bangladesh much less so. OS and RS staff monitor changing risk in their assessment of DV victims in the former, while only informal risk assessment based on personal judgment is available in the latter. Australian interviewees spoke of staff development and training as well as community education however, as provision of education is less common in Bangladesh, there is little data from interviewees. The Bangladeshi workers did however speak of lack of education as a factor of DV and referred indirectly to the lack of, and need

for, education of both workers and community. Educating the community was also remarked on in Australia due to the lack of understanding of the gender power inequality that still exists despite significant improvements in addressing DV at the safety level, but not primary prevention level.

Behind gender inequality dwell particular different DV factors in each country that determine the nature of interventions by CSS worker. Whereas in Bangladesh these factors relate to traditional customary and economic circumstances (dowry, extramarital affairs, extended family, poverty, and interpretation of religious scripture, in Australia there are fewer very strongly socialised factors (alcohol and drug abuse, childhood learned behaviours, and financial difficulties). This leads to different DV responses by CSS workers in the two countries. In Australia, staying at home with non-government OS and removing the threat is an option that is not available in Bangladesh. The victims staying at home be only an option in the latter when the exclusion of the perpetrator happens with police supervision; and this is culturally very difficult. Thus, there is no outreach housing option in the latter, with concentration on short-term crisis refuge provided by police.

The SYS operation of the DV sector in both countries were identified in this chapter, given the SM provisions set out in the previous chapter. Thus, the next chapter is able to address the research questions by discussing the influence of legislation, policies and organisational responses intended to reduce the incidence of DV and deal with victims across Australia, an advanced secular country with a Christian background and no religious laws, and Bangladesh, a developing, predominantly Muslim country (though secular by constitution) that has religious family law.

CHAPTER SIX

DISCUSSION

The findings in Chapter Four (SM) and Chapter Five (SYS) are engaged in this chapter in order to examine the overall operation of the DV sector in both countries, given the SM provisions and their SYS implementation. This examination will relate the findings to the extant literature to determine the influence of legislation, policies and organisational responses in reducing the incidence of DV and dealing with victims across an advanced secular country and a developing secular country with some religious-based laws. This examination will, in the following sections, discuss the critical elements to this DV problem, being: understanding education, naming/framing, DV factors addressed, strategies and remedies in policy and law, and, finally, CSS understanding and implementation of policies and legislation. The chapter ends by addressing the role of the conceptual framework used in this analysis, and answering the three research questions specified in Chapter One. A short summary closes the chapter.

6.1 UNDERSTANDING AND EDUCATION ABOUT DOMESTIC VIOLENCE

Significant differences between Bangladesh and Victoria were identified in education and training for those working in the area of DV, and awareness programs for the general public. In Bangladesh some education is provided by both government and non-government organisations for staff in institutions such as Police Academy, Judicial Administrative Training Academy and Bangladesh National Women Lawyers Association however, there is a lack of focus on awareness specifically for DV. In Victoria there is extensive formal training about DV for police and staff in CSS, as well as on-going media campaigns emphasising respect for women, gender equality and the unacceptability of DV. After the recommendations of the Royal Commission the Andrews government released a 10 year plan for change. The prevention strategy in this plan is to promote education, community awareness and targeted prevention programs (State Government Victoria, 2016).

In Bangladesh, the NWDP's focus on the advancement of women social awareness about equality in the public sphere through the media is addressed. However, the policy does not address DV specifically nor community accountability like in Victoria. This neglect is problematic as community accountability must be present to address DV, as is confirmed in the Bangladesh context by Huda (2016), and Afrin (2017). The Victorian ARSJ being specifically for domestic and family violence has its'

main focus on prevention of DV as well as making the community accountable by highlighting DV as a community responsibility to stand against.

In terms of community awareness of the issue of DV, the interviews suggest that the general public in Bangladesh are mostly unaware of DV or issues around DV. The right of a man to physically hit his wife is generally seen as a cultural norm (particularly by people in poor and rural communities) and not viewed as a problem. This lack of awareness is shared by perpetrators, their wives or other family members who may also be perpetrators (Koenig et al., 2003; Naved et al., 2011; Sayem et al., 2012). Lack of awareness about the unacceptability of DV, according to interviewees who work with DV victims, extends to the victims themselves. Such victims may see violence as the norm, and therefore are unaware of their rights, believe they have no options, and thus do not present themselves to CSS. In some instances, they even think that the violence they are enduring is normal and acceptable and perhaps even feel ashamed and responsible for the violence committed against them. This is consistent with Naved et al., (2006) who found that women tolerate and accept violence because of stigma and fear of greater significant harm. Many women's (and other community groups) however are becoming increasingly aware that DV is a violation of a woman's human rights and are working to support victims (We Can, 2017).

Interviewees in Bangladesh spoke of the lack of education of the perpetrator and the victims as a factor that can contribute to DV and recognised the need for wider community education to bring about attitude change. Lack of awareness in the community about DV and about gender equality is problematic because attitudes towards gender relations need to change in order to reduce DV (Flood and Pease, 2009; Murray and Powell, 2011; Huda, 2016; Afrin, 2017). When a community accepts DV as a norm and as a man's right, people may not be willing to protect a woman nor to report DV to police when its occurrence is witnessed (Dalal et al., 2011). Lack of education about DV means that a husband or his family members will not stop inflicting DV on women as they think that it is normal (Das et al., 2015). As was explained by Dalal et al., (2009) and Das et al., (2015), tradition and beliefs result in community attitudes toward DV being made up of cultural ideologies, such as wives have to take care of their husband, obey him and even fear him. Nevertheless, the government is making an effort to bring about cultural change through NWDP policy and DV legislation though less emphasis is given to who should be educated and who should provide the education. Although both BNWLA (2013) and more recently Huda (2016) identify lack of education of staff. A start has been made for community education through television advertising and billboards. Unfortunately so far it is mainly in Dhaka and less in other cities.

In contrast in Victoria, the interviewees spoke of a focus on community education by government with the aim of changing from a culture where attitudes towards women are that they are considered lesser beings, to a culture where men are taught to respect women and to see women as equals, and importantly that violence against women is unacceptable. Focus is also on enhancing community accountability through the ARSJ policy. Further, in Victoria, the media also plays a role of educating the general public. Examination of television and print media campaigns found that they are government funded and include brochures and pamphlets that are displayed in public places, including health centres and libraries. There are education programs in schools, sporting clubs, and churches (ABC News, 2016; State Government Victoria, 2018). One of the main foci of the 2018/2019 Victorian Budget is community awareness and primary prevention, in line with the commitments made after the Royal Commission into DV (DV VIC, 2018). However there has been no evaluation of the current campaign to date. In Victoria the initiatives of cultural change have the potential to change the attitude of the community, and thus the individual, which may be able to reduce DV.

The Victorian ARSJ policy emphasises professional training and development for all service providers to strengthen their ability to deal with DV. The ten year plan focuses on ensuring an effective and multi-disciplinary work force. In contrast, Bangladesh policy, because it is about women's advancement with DV as a barrier, mentions education in general for all staff who deal with women's advancement. However the *Domestic Violence (Prevention and Protection) Rules* (2013) exclusively focus on specific education for DV support services staff. The difference in focus by both countries either through policy or legislation has implications for providing effective support to DV victims.

In Victoria, personnel in all CSS who deal with DV victims and perpetrators receive formal training. Police in Victoria receive mandatory training on all aspects of DV in their basic training and modules on DV are embedded in other training courses. The police interviewee emphasised that all police who may have to deal with DV are trained. There are also extensive on-going formal training courses plus *ad hoc* training through meetings, forums, internet websites and emails. Despite extensive training of professional staff, women often still face difficulties getting support from police (Websdale, 1998; George and Harris, 2014; Hannaford, 2015; Stephens, 2015; Volkova et al., 2015) and Segrave et al., (2018) who examined police attitudes toward intimate partner violence in Victoria noted that police attitude towards incidents of intimate partner violence remain overwhelmingly negative.

All CSS staff in Victoria, including after-hours staff, have formal training as well as on-the-job training and RARM training is mandatory. In addition, staff also receive training about DV law and how to

respond to a crisis. However, there is no general policy for training staff in OS and RS, but the interviewees from these organisations explained that they organise training programs. Staff also learn from experience and from supervisors who will have received formal training. Moreover, interviewees identified lack of funding as a problem to organise training. Lack of funding and lack of general policy about the training may be the result of the legal status of CSS, as they are not mentioned in the legislation. Even though they are not legally bound they are guided by a code of practice (DV VIC, 2006). Although training is mentioned in ARSJ policy, it is not included in the FVPA. Victoria Police is bounded legally because it is mentioned in the legislation but they also have their own code of practice, which results in a well-structured training schedule to deal with DV victims.

The findings from Bangladeshi interviewees emphasised that lack of education of CSS staff is a major issue. Although some of them have received training, it is generally on-the-job training from supervisors or more experienced staff, however this is not enough. Most of them have not received any formal training. Even the interviewees acknowledged that the lack of training means that the law may not be implemented properly by CSS staff and victims may not get appropriate support whenever they need it. This concern that the police and service providers lack training and thus lack knowledge about DV as well as not being fully aware of their duties and responsibilities has also been noted by BNWLA (2013) and Huda (2016). BNWLA (2013) highlights that often police believe DV is a private matter, which is the reason they fail to take complaints about DV seriously. In addition, the impact of lack of training on quality of services was uncovered by Ruff (2012) who compared responses of police before and after training and found improvements in many aspects of police response after training.

In Victoria, the staff of all support services are provided with adequate training from DV VIC and Domestic Violence Resource Centre. As RARM is the basis of the family violence service system, both police and CSS staffs are trained in RARM. They are able to assess the risk properly, which further leads to an accurate case plan according to individual needs. Besides this, other topics help the staff, such as training on how to respond to women, training on the legislation, as well as on-going seminars and workshops from which they are able to gain current knowledge, which is absolutely essential to understanding the complicated issue of DV. In addition, the police's various kinds of training, as well as continuous support from the FVCU help them to conduct their work properly and effectively.

In conclusion, this study supports by many other studies that identify appropriate education is of utmost importance, as its absence frustrates all efforts to combat DV (Murray and Powell, 2011; BNWLA, 2013; Huda, 2016). Furthermore, community education as a means for primary prevention

contributes to stopping violence before it occurs by adding strategies to address the underlying causes of gender-based violence as well as strategies to change individual behaviour and community attitudes (Murray and Powell, 2011).

6.2 NAME, FRAME, AND DEFINITION

The first finding in the comparative analysis is a fundamental difference in name, frame and definition in both policies and legislation in Victoria and Bangladesh. Flow on problems for the CSS in the SYS with name frame and definition in policy and legislation in both Bangladesh and Australia (Victoria) have been identified in this study. Of concern is whether or not the name, frame and definition is gendered and whether the framing of the issue recognises DV as a societal problem which requires societal change or as an individual 'sick man' issue which focuses remedies on the individual perpetrator.

Both countries' policy and legislation acknowledge that DV is a societal problem, by recognising that gender inequality is one of the main factors of DV therefore focus is on community education to a lesser or greater degree. Both countries' policies and legislation also acknowledge it is an individual problem meaning that there is focus on the individual perpetrator. In Bangladesh the individual perpetrator can be punished under the WCR Act and is forced to be accountable under DV law through action such as compensation payment. In Victoria both policy and legislation target the individual perpetrator; also mentioning men's behaviour change programs to stop men's recidivism. This evidence supports Murray and Powell (2011) that DV is a social and individual problem, appreciating the need to address structural inequality and community awareness. Also Afrin (2017) states that reduction of DV requires a two-fold response: one is legal enforcement and the other is community awareness. Due to the human rights approach, the policy and legislation of Victoria focuses on responses towards both victim and perpetrator, which will discuss later in this chapter.

Although in Bangladesh only the woman is recognised as the victim of DV, it is more complicated as violence is also commonly committed on the woman by other family members, including the mother-in-law as was mentioned by interviewees and in Ali (2004) and Ameen (2005). However this contradicts Koenig et al., (2003) and Naved and Persson (2005) who found that DV in the extended family is at a lower risk as elder people work as mediators which check DV. The distinction depends on whether elders in the extended family play a 'wise mentor' role or become encased within a customary family pressured insular role.

DV in Victorian policy and legislation adopts the term 'family violence' in an effort to appear gender neutral, since 'domestic violence' has become well framed within the feminist discourse. Despite the word 'family' in policy, the statistical evidence identifies men, rather than women, as overwhelmingly the DV perpetrators and women as the DV victims; and this is acknowledged in all the Victorian interviews conducted.

In addition, the Victorian legislation has the gender neutral term of 'affected family member' to describe the DV victim. This pictures other persons, not necessarily women, as 'vulnerable persons' along with the primary victim, which further takes the focus away from women victims. Also the wording of the legislation states that 'domestic violence' is a violation of human rights for all victims, men, women and children. In keeping with the gender neutral term 'family violence', the legislation does not specify that the violence is a violation of women's human rights, nor does the legislation mention CEDAW. Redress is offered by the legislation for the victim, referred to as a 'person' that means anyone, according to the gender neutral definition. This is also noted by Douglas and Fitzgerald, (2013) who gave an example of Queensland Police Service website (which is same with Victoria Police), which explains that 'domestic violence' occurs between two persons in a relationship, and does not refer to women as victims. Bangladesh, in contrast, frames DV as a gendered crime and a violation of women's human rights, thus offering redress only for women, the definition of a victim in Bangladesh excludes men.

The difference between the policy and legislation in the two countries is that in Victoria the woman (wife/partner) may be seen to commit DV against her male partner which is not the case in Bangladesh. Neither the policy nor the legislation in Victoria distinguishes between instrumental violence and defensive violence as discussed by Kimmel (2002), and therefore women who have been violent in self-defence face the risk of being accused of being DV perpetrators. Bangladesh legislation focuses on upholding the human rights of women, whereas in Victoria the policy focuses on women and children's human rights but the legislation (in contrast) focuses on human rights of all.

One flow on effect of name, frame and definition is in the LW, as this influences the common understanding DV against women committed by intimate partners. Such understanding, also held by public servants, politicians and law makers is then reflected in the emphasis given in policies and legislation regarding who the victim and perpetrator might be, how the 'affected person', usually the woman, would be supported by the State in terms of allocation of resources and custody of children.

This shows the influence of the LW on the SM, which then flows down to the SYS and influences the way in which responders (police and other crisis support services) provide support to victims.

Ultimately combatting DV requires addressing structural gender inequality in society, as well as cultural change towards gender equality, to improve individual behavior (Tually et al., 2008; Murray and Powell, 2011). Based on Giddens (1984) theory 'duality of structure', it is possible to change social structures and individual agency in two ways. If the social structures change, then individuals are likely to adapt their behavior gradually. The social structures can also cease to exist if most of the individuals stop acting according to them. Individual action can be stopped through legislation as well as social awareness. To change the social structures through legislation means through the SM, that means if the policy and legislation address the equality and other factors. It is this aspect that is the focus of this study.

In Australia (Victoria), because of the broader definition of a victim in the policies and legislation, the allocation of resources do not solely support women. Although women earn less than men and are often part-time workers (Cortis and Bullen, 2016; ABS, 2018a), there is nothing in the policies about women's economic support. This could be because women's support is addressed as part of low income and pension criteria (e.g. child support and rental supplement, respectively), although this support might be inadequate (Raper, 2000). There is no mention in Victorian FVPA legislation about providing compensation by the alleged perpetrator. However a woman who has sustained injury can apply for victim of crime compensation through another law (Meyering, 2010). In Bangladesh, the DV law and the policy focuses on the economic situation of the women and includes victim compensation. Further, she receives training by the support services to become financially independent. Perhaps one of the reasons for making this provision is that women in Bangladesh are commonly not economically independent (Ameen, 2005).

Another implication of gender neutral name, frame and definition is that it allows for a woman to be accused of being the perpetrator of DV which has implications for custody of children. Interview findings revealed this same issue; that women are sometimes identified as perpetrators. If she is accused of being a perpetrator, or if the male perpetrator counter-accuses her, she may lose custody of her children and have to fight for them in the Family Court. This complication of name, frame and definition is set out in Reeves (2017) who notes that when a woman is identified as a perpetrator, the resulting intervention order may cause the women to temporarily lose custody of her children as well as increase her risk of homelessness. In addition, if she breaches the intervention order, there is risk

of criminal charges. The legislation of Bangladesh has made the custody of children straightforward; the women who under the legislation can never be accused of being a DV perpetrator are given immediate custody (DV Act, 2010). Should there be a separation, then permanent custody is decided by the Family Law in both countries.

In Victoria under the FVPA Act the court can make a provision regarding whether the child will spend time with the perpetrator or not. If custody decisions cannot be made amicably by the couple, again the case must be heard by the Family Court which is under a different legislation. Therefore, in this case, if the woman is wrongly accused of being a perpetrator she may lose custody of her children (Reeves, 2017). Alternatively she may be found to be an unfit mother for reasons such as drug abuse and the children given to the violent father in the mistaken belief that although he is violent to his wife he would not be violent to his children (Overington, 2017). She may need to accept shared parenting (Laing, 2017) or the children may be put into State care. It can happen that, although women take children with them in the crisis moment, complications arise when the husband wants the child. So in that case, the women needs to deal with two legal cases, one for the children and one for the DV remedy – for example the intervention order (Astor and Croucher, 2010; Wilcox, 2010). There have been many cases where custody was given to the father where the children have been subsequently harmed by him. For example, children have even been murdered by their father whilst spending time with them (Farnsworth, 2011; McGowan, 2018) such as in the well-publicised murder of Luke Batty by his father and the case of Arthur Freeman who threw his daughter over the Westgate Bridge in Melbourne (Farnsworth, 2011; Carylton, 2014)

There are also implications of name, frame and definition for the actions of support services. The Australian National Plan uses the term ‘domestic and family violence’; nevertheless this Plan is focussed on violence against women (VAW). The term ‘family violence’ is used in Victoria to include all family member’s experience of violence but in particular children’s experiences. However, the term ‘family violence’ creates a diversion of focus from women and can make the work of support services more complex. Initially, the staff in the support service need to determine who the victim is and who the alleged perpetrator. In both Bangladesh and Australia (Victoria) when a woman is a victim of violence the alleged perpetrator is not necessarily the husband or partner; it could be an adult child or a carer or any other family member. In Australia (Victoria) there is the possibility that another family member can be a victim, such as the male partner or any other family member. Therefore identifying the victim in Victoria or the alleged perpetrator in both countries, may be complicated and there is a possibility of misunderstandings, particularly in applying for an intervention order. Once having

determined the victim and the alleged perpetrator, the staff can then go on and identify the appropriate services to which the victim needs to be referred.

A further implication for the running of the support services in Victoria under the 'family violence' terminology is that funding is diverted away from women's services and redirected to men's support services. The framing of violence as an individual 'sick man' issue is also problematic as it means that government funds services are designed to 'cure' him, e.g. counselling services (VCOSS, 2017; Fontana, 2018). Indirectly such services can be seen to support the female victims of violence in that changing men's violent behaviour will potentially keep women in their lives safer (Tually et al., 2008). However, they noted that there is some debate within the DV literature and sector about the usefulness of working with the perpetrators as a strategy for increasing women's safety and security, and preventing the re-occurrence of violent and abusive behaviour. Evaluations have found that such men's counselling service programs have very limited success. Mackay, Gibson, Lam & Beecham (2015) concluded from their literature review that assessments of perpetrator intervention programs have emphasized the negligible effects of such programs.

The Victorian government is the leader of this policy initiative. The announcement was made in 2005 that increased funding would be provided perpetrator intervention programs. The philosophy supporting these men's programs has changed over the two decades they have been running from anger management to attempting behaviour change modification and attempting to make men more accountable for their actions. It is a requirement that the programs meet the 'No to Violence' Standards of safety, accountability, quality assurance, and providing public information (Tually, et al., 2008).

Differences in allocation of resources may also be due to name, frame and definition, as such terms impact on the discourses in differentiating between DV victims and perpetrators (Murray and Powell, 2011), and thus what will and will not be considered in DV policy (Hearn and McKie, 2010; Murray and Powel, 2011). Notably, framing as an issue has implications for funding to CSS which are essentially geared toward supporting women's as victims (Roggeband, 2012). Thus, when there is gender framing funding is allocated towards women's organisations, as is the case in Bangladesh. When framing is non-gendered, the process of competition for funding can result in conflicts and struggles amongst the various services (McFerran, 2007). Because of gendered framing in Bangladesh, there is no obligation on the government to provide services for men who may be victims. The situation then is quite straightforward since only women are supported as victims, and although the alleged

perpetrator may in some cases be a female relative such as the mother-in-law, the victims are always women. Therefore, support services do not face the complication of working out who the victim is, because the legislation does not include a broad range of family members like Victoria (FVPA Act, 2008; DV Act 2010). In Bangladesh, family member refers to relation by blood, marriage, adoption or extended family, whereas the Victorian legislation includes family members from intimate relations (spouse) to carers for people with a disability, or any type of dependence or interdependence between the victim and another person (DV Act, 2010; Trujillo, 2011). An interviewee in Bangladesh also identified husband and mother-in-law as a perpetrator. In Victoria, although interviewees highlighted the perpetrator as a man (partner or husband or son), some difficulties were observed, such as how the division impacts on the work of the services providers, police delay work, misunderstanding of the media in identifying family violence or women being found as perpetrators or excluded from the home. In conclusion in Bangladesh, women (wife/partner) always get protection and are never in danger of being named the alleged perpetrator against their husband/ partner, as happens in Victoria.

In both countries the fact that anyone can be the alleged perpetrator causes complications when remedies are applied. The remedy of an intervention order for instance may not be suitable for all. One such example would be if a dependent son is the alleged perpetrator against his mother. The issue is, when the alleged perpetrator is someone other than the husband, such as son or another family member (according to the definition), is an intervention order the right option for all of these alleged perpetrators. In the case of an adult son, the intervention order may include conditions forbidding him to go near his mother, her premises, working environment or excludes him from the family home. However, an intervention order may be more problematic or impossible if the perpetrator is a younger teenage dependent son who cannot be excluded from the family home or it is impractical to exclude him. Future research may address this problem.

Finally, in Victoria, the gender neutral framing of DV also has implications for police action. For example, women, as well as men, can be arrested if considered to be alleged perpetrators of DV. When making an application on behalf of the man, if police accept that the woman is the perpetrator and the risk assessment suggests risk to the man, then the woman will be excluded from the home (Younger, 2018). In contrast, in Bangladesh the only women who may be arrested as an alleged perpetrator is the mother-in-law or sister-in-law, but never a woman who is a wife.

6.3 FACTORS ADDRESSED BY POLICIES AND LEGISLATION IN BANGLADESH AND VICTORIA

The underlying factor in a patriarchal society that places power in the hands of men is gender inequality (Dobash and Dobash, 1979; Ameen, 2005; Murray and Powell, 2011). Gender inequality is recognised as a factor leading to DV in the policies and legislation of both Bangladesh and Australia (Victoria). Both are signatories to CEDAW and both countries address gender inequality through primary prevention and through legal approaches, but they do so in different ways.

A major and significant difference is that gender equality for women and men in Bangladesh is stipulated in the Bangladesh Constitution. The Australia Constitution is silent on any recognition of women as equal citizens (Oke, 2008) and has only a few provisions that deal explicitly with human rights, be they women's or both women and men's human rights (Saunders, 2010). The Victorian ARSJ policy refers to CEDAW and also to the Victorian Charter of Human Rights and Responsibilities Act 2006. In Bangladesh the policy NWDP refers to CEDAW and Bangladesh Constitution. Bangladesh's policy notes the intention to work on equality for human rights as per CEDAW and fundamental rights through the Bangladesh Constitution which recognises women and men as equal in all areas of life. NWDP policy also notes the need to amend existing legislation and to introduce new legislation to reach the aims of gender equality pointed out in the policy.

DV legislation in both countries mentions gender equality. In Victoria the legislation recognises power imbalance between women and men and that DV is a fundamental violation of human rights, but does not specifically mention women's human rights. This omission would be due to the gender neutral naming and framing. Therefore, in spite of recognising gender inequality in Victorian policy and legislation, the legislative approach is based on human rights for all, rather than just for women.

Gender neutral approach to the DV policies and law in Australia is reflected in the Victorian provisions for decisions about contact with the children in the FVPA (2008) and shared parenting the Family Law Amendment (Shared Parental Responsibility) in 2006. The aim of shared parenting was to bring equal parenting rights between the father and mother. Research from Finland shows that, although gender is more decisive for women in general, in term of parenthood, there is an ambivalent stance towards gender equality and shared parenting, as a good mother is identified more than a good father (Perälä-Littunen, 2007).

In Australia, although the aim is to bring equality into this matter by giving greater responsibility to the father under shared parenting, at the individual level women are still the primary carers

(Australian Human Rights Commission, 2018). That gender is hidden is further evident when women are blamed with false allegations which may later prove to be false emphasising patriarchy culture (Fehlberg et al., 2015; Laing, 2017). Ingridis (2014) notes that in child custody disputes in general (not Australia or Bangladesh), female victims are re-categorised as mad women in the cross-examination. Further problem is that shared parenting at the social level was an attempt to encourage women to work outside the home, yet, women still earn less than men, and are mainly part-time workers (Australian Human Rights Commission, 2018). In addition, many judges, private attorneys, and child custody evaluators continue to accuse mothers of making false DV allegations and isolating their children, resulting in recommendation for joint custody (Saunders et al., 2016). So although there has been change when comparing with the past about shared parenting, it is not significant at present (Australian Human Rights Commission, 2018). Traditionally in Bangladesh preference was given to the father over the mother regarding custody of children (Chowdhury, 2002). However this practice is concerned with the child's best interest and is now moving towards shared parenting where the mother is getting priority. Thus the DV Law in Bangladesh is a big step forward for women, as the mothers automatically get custody of children in their crisis moment (DV Act, 2010).

Also the FVPA legislation does not name CEDAW or the Victoria Charter. In Bangladesh, legislation specifically states that the purpose for the DV Act is to meet the requirements as a signatory of CEDAW and to ensure equal rights according to the constitution; this results in acknowledging equality in the constitution that means the DV Act and policy is developed only for the protection of women. Thus the remedies offered by law and support services are only for women. However, Bangladesh has a restriction in two articles in CEDAW which are about equal rights of women in marriage, family relations and divorce. In the 8th CEDAW report Bangladesh reported that the country has already started to lift restrictions in these two areas, for example, in legislation to prohibit polygamy and in case of divorce (CEDAW Report, 2015). During the 8th periodic report in CEDAW in 2015, Bangladesh mentioned that with recommendation from the Law Commission, they were considering withdrawing reservation (CEDAW Report, 2015). Another related point of difference is that the Bangladesh Government has developed other special legislation for women, such as Child Marriage Restraint Act, Women and Children Repression Prevention Act, etc.

Regarding primary prevention, Victorian policy has shown initiatives to change community attitudes gender equality and DV, as well as to make communities accountable for DV. Primary prevention such as community education and community accountability has a great potential to reduce DV. The ARSJ policy focuses more on primary prevention than Bangladesh does. The Bangladesh policy talks about

mass awareness, and to work with NGOs and take appropriate initiatives in bringing about changes to the male dominated thought process. This awareness process started before the formulation of DV law, for example the organisation 'We Can' in Bangladesh. Awareness in Australia began in 1989 through a community education campaign with the aim of changing community attitudes about DV. Despite men still having power and dominance in Australia, the results of attitudinal campaigns over 30 years are evident from the NCAS (2014) findings. They show that most Australians recognise violence against women as including a wide range of behaviour and they support gender equality in areas of public life and believe that women still experience inequality in the workplace. In contrast, Bangladesh lacks focus on, and has just started to work in, the area of community education and the people of Bangladesh are less aware about DV. According to Huda (2016) patriarchal socialisation processes overlook unfriendly practices towards women such as child marriage and DV, and upholds tolerance/acceptance of violence as a private matter and refusal of outside intervention as societal norms. Therefore Huda suggests to change these attitudes and norms firstly requires large community awareness campaigns. Secondly, stakeholders such as women, children, local/community leaders and service providers require education on individual rights and responsibilities under appropriate policy and legislation. Therefore it may take long time to change the community attitude towards more equal gender roles and relationships and thus DV.

Symbolically and practically the fact that equality is enshrined in the Constitution has important implication for Bangladesh women. If the State fails to protect a woman from DV, Articles 44 and 102 of the Constitution empowers the High Court Division of the Supreme Court to issue orders and directions in order to enforce fundamental rights, which is called writ jurisdiction of the HCD (Begum, 2004). If the court of Bangladesh is able to uphold the rights of women by using both CEDAW and the Constitution, the situation is more favourable for women in Bangladesh than in Victoria. Bangladesh's constitutional rights of equality bear far more weight than CEDAW, because through the Constitution a woman can get remedy in the domestic court if she wishes. However, in practice, it does not happen, as the women of Bangladesh are often dependant on their husbands, are powerless and often are not aware of the law (Ameen, 2005).

In contrast in Victoria, if the State fails to protect a woman from DV through FVPA, she is able to make a complaint before the Department of Human Services (DHS) under the Victorian Charter. When a breach occurs under the Charter, she can complain to an external complaint body such as the Ombudsman or courts or tribunals. This is what happened in the case of Luke Batty, who was murdered by his father Greg Anderson. At the time Anderson killed Luke, police had four arrest

warrants in his name and several intervention orders, including one to protect him and his mother (Carylon, 2014). In this case it was observed that police, court and DHS failed to do their duty and thus failed to protect Luke. In this case, the police failed to assess and arrest Anderson despite having an arrest-warrant against him. DHS closed the case of Luke Batty despite hearing that he was threatened by his father with a knife. Anderson's recognised mental illness did not prompt the court to send him for counselling, rather allowing him to meet his son. It may be argued that because of the absence of constitutional rights, Anderson's ex-partner Rosie Batty could not file a complaint against the police and DHS. However, a victim of DV can file a tort case against police, if they find the police officer neglecting their duty of care, or are inadequately investigating claims of DV (Shircore et al., 2017). Alternative action under equal rights through the Australian Equal Employment Opportunity and Sex Discrimination legislation could be pursued, or claiming rights under CEDAW at the International Court, since as gender equality is not assured by the Australia Constitution. Moreover, nationally, compensation could also be pursued, but not by going directly to the Supreme Court like Bangladesh women.

As discussed gender inequality places women in a more vulnerable position in relation to men and is therefore a factor that underpins DV. Gender inequality also underpins other factors in that it allows men to believe that women are subordinate to them and facilitates violence on any socio-cultural grounds presumed by the alleged perpetrator to justify his violence. Some factors apply to both countries and are mentioned in the policies and/or legislation of both countries. These are gender inequality, economic dependency, ill health, disability.

There are more factors named besides gender inequality that potentially contribute to DV in Bangladesh than in Australia. The factors mentioned in in the Bangladesh policy, but not in Victoria, are level of education, extreme poverty, dowry, child marriage and economic status of women. The factors in the legislation mentioned are all gender inequality based. Some of these factors are relevant in Bangladesh but not Australia except among some minority groups such as dowry, child marriage and polygamy. Dowry and polygamy are illegal in Australia, but simultaneous de-facto relationships are not (Klapdor, 2016). Child marriage is also illegal in Australia, although with permission of the court a child not younger than 16 years may get permission to marry.

The factors mentioned in ARSJ in Victoria are stress, including unemployment and financial stress, alcohol and drugs, a violent family background, mental illness, and socio-economic status. Among those, alcohol as a contributing factor of DV is not common in Bangladesh. The ARSJ mentions those

few factors for mainstream population but more for the Indigenous communities and other minority groups, whereas Bangladesh NWDP mentions all factors in general and does not differentiate factors for the mainstream and ethnic groups. Factors named for Indigenous and other minority groups include dispossession of land, breakdown of community kinship systems and Indigenous law, child removal policies, age (older), place of residence (rural), disability and mental health, language barriers, and lack of access to interpreters which are relevant to the particular sub-cultures. While the need for support and assistance is the same for all women, minority groups may need culturally sensitive assistance. Naming factors relevant to specific groups enables the direct targeting of strategies according to their specific needs. However, differentiating the factors as general and for specific groups may be complicated in some instances. For example, there may need to be different strategies for different groups as well as various support services for specific groups such as CALD, and Indigenous communities.

The main benefit for differentiating between mainstream and ethnic/minority groups, is that it may make it easier for support services to work with DV victims in a differentiated way. Interestingly although factors for Indigenous and other minority groups are specifically noted by the Victorian DV policy ARSJ, and in theory redress can be targeted to meet their needs, the redress offered is the same as for mainstream victims of DV. For example, whilst defining Indigenous people may help the court to identify them, there is no specific redress offered for this group, so the benefit of differentiating in policy may be questionable. In contrast, Bangladeshi policy and legislation does not differentiate amongst the women and same kind of support is available for all women in Bangladesh and is not designed according to the needs of any specific group. In the end although the Bangladeshi DV Act does not name and define minority groups which Victoria does, the end result is the same in that all victims in Bangladesh and Victoria are offered the same redress as mainstream victims.,

The 'family violence' (FV) approach in ARSJ policy has resulted lack of clarification (Murray and Powell, 2011). Some of the factors, for example unemployment and financial stress, are mentioned as general applying to any family members. There is no mention whether the factors are the same for women and men or other family members. Further, not noting for whom the factors are applicable, suggests that it refers to both men and women as potential victims or as potential perpetrators. However, this same FV approach enables other policies to be linked to ARSJ; for example, the *Homelessness 2020* strategy. Such policies also mention and addressed DV factors specifically. Factors mentioned but which are not noted in the ARSJ are binge drinking, young people's attitude towards respectful

relationship, poverty, family structure, relationship status, learned behaviour and women's silence and acceptance of violence.

The Bangladeshi NWDP policy is about women's advancement and therefore it names barriers to advancement rather than specific factors for DV, though DV is identified as one of the barriers to women's advancement. Thus, socio-cultural factors that are mentioned in the policy apply to all women. This policy does not mention factors separately for any specific groups such as ethnic groups. Rather it targets factors that are applicable for all women. NWDP does not mention the factors specifically for DV, but as its focus is only women, the factors are identified accordingly and strategies are created specifically for women as victims. But some factors are not noted those are polygamy, extramarital relationship, learned behaviour, women's silence and acceptance of violence, family structure.

It is worth mentioning that neither Bangladesh nor Victorian policies state these other factors (e.g. poverty, drugs, homelessness, cultural sensitive issues) in a systemic way; that is to say that, the factors are mentioned or implied in various sections but not listed clearly under the heading of 'factors'. Both countries' legislation say little about specific factors, but instead refer to gender inequality in general.

6.4 STRATEGIES IN POLICIES TO HELP DV VICTIMS

ARSJ policy applies a systematic approach to the support of persons affected by DV. There is strong focus on strategies to reduce violence. The Victorian policy is more detailed than that of Bangladesh ARSJ is specifically for DV whereas NWDP is for the broader advancement of women. ARSJ has built in strategies to reduce DV as well as goals to continuously improve the service provision. NWDP has no systematic approach nor strategies to reduce DV. However as NWDP is primarily aimed to remove barriers to women's advancement there are many strategies mentioned for advancing women, part of which is to reduce violence against women. However there are no workable strategies written for the support services in NWDP, which is an obstacle for the Bangladesh CSS to work effectively to reduce DV.

The RARM framework is used in the coordinated services system across Victorian courts, police and a broad range of services providers providing a risk assessment/management tool. NWDP does not provide for a risk assessment/management tool, but CSS staff, in practice, assess the victim's risk informally. The RARM tool is an important one as it is able to assess the risk of the victims, so that the

support services are able to tailor a plan according to their specific needs. It also means that the women do not need to repeat their story every time they are referred on to other services. ARSJ aims for support services to assess risk and share assessment with other stakeholders, so that wherever the women goes other stakeholders have her information and can see her present position, as well as her previous condition which can aid in future decisions. Not having a RARM tool means not only loss of advantages mentioned but also that mistakes may be made by less experienced support staff. However, Trujillo and Ross (2008) note that a gap exists between actual (or traditional) Victoria Police assessments of risk by frontline staff and the more accurate formal RARM approach.

ARSJ and NWDP both encourage an integrated response. However there are some differences in the approach used. ARSJ places emphasis on a support system that encourages an integrated response from various agencies while NWDP has a stated aim for CSS to work collaboratively with NGOs. In practice government and non-government services work collaboratively in Bangladesh. The ARSJ strategy is more structured and defined; noting police, courts, community services and government departments and agencies should work together to assess women's safety wherever the victim seeks help and where she will receive appropriate referrals. It also mentions ways to make perpetrators accountable and take responsibility for their behaviour by providing support to perpetrators with opportunities to learn non-violent ways of behaving. Although the system is structured, Wilcox (2010) found that in Victoria seeking support faces difficulties in vertical coordination between Federal family law and State family violence law. Thus, while the integrated response across different services works well in both countries, interviewees and previous research identify that in Victoria the federal system and ineffective programs for perpetrators undermine integration; neither of which apply to the Bangladesh system.

6.5 STRATEGIES IN LEGISLATION TO HELP DV VICTIMS

The legislation in both countries provide strategies for making appropriate judgements in court cases. FVPA has the option in Victoria of expert evidence, which is the opinion of an expert in DV such as a psychologist or social worker. Advice from experienced, well informed and extensively prepared experts can be very helpful for reaching decisions according to Lutz, (2017). However, the person needs to give neutral expert evidence and must not be biased towards either party or any other involved parties. The expert person cannot be related in any way to the alleged perpetrator or the victim (Lutz, 2017). While the DV Act in Bangladesh does not provide for expert evidence, it does make use of local inquiries, which is statements collected from the people who live near the victim. If there is any complicated issue which makes it difficult for the court to reach a decision, the Bangladesh court

can order statements to be taken from people who are seen to have knowledge of the case. In this regard, Huda (2016) suggests amending the law regarding this issue, with details about who will conduct the enquiries; such statements to be presented to the court. However, there is some difficulty in the process of obtaining unbiased information. Useful evidence depends on the people who live around the couple and the level of bias they may have. Usually, in Bangladesh, the wife moves to the husband's house which means that the neighbours and local communities are related to, or close to, the family of the husband. Furthermore, the community is not an expert in DV and may have attitudes that defer to what they see as the husband's rights.

In Bangladesh, complaints can be made by a female victim or another person on her behalf, however there is provision that if the complaint is a false complaint it is a punishable offence. There is no equivalent provision in Victoria although FVPA states punishment is applied to any person who provides false certification related to the case, such as the person who assesses the alleged perpetrator for their eligibility for the counselling. The consequences of false complaining in Bangladeshi law is that women are reluctant to report DV unless they have evidence in the form of physical symptoms. This has serious implications for genuine victims of DV who may feel afraid to come forward in case they are accused of making a false complaint. In addition, CSS staff or another person who can apply for a protection order on behalf of the victim may hesitate to apply for a protection order without evidence. DV cases are difficult to prove unless there has been extreme physical violence which has left physical wounds. If the violence is committed in private without witnesses, which is usually the case, it can be difficult for a victim to prove that her complaint is legitimate. Proving DV is especially difficult in the case of sexual violence, economic or psychological violence which tend not to leave physical symptoms. There are other laws in Bangladesh, example the WCR Act and Acid Crime Prevention Act, which also include a provision for making a false accusation. It is not uncommon in Bangladesh for people to try and take revenge on another person by filing a case against them; another example is torture for dowry. By making false allegations it is possible to harass a person (Huda, 2016). Huda, (2016) argues that the penalty for making a false accusation to be reduced to that of a breach of an intervention order. At this moment punishment for false allegations is more than that for breach of intervention order (DV Act, 2010; Huda, 2016).

On the other hand, Victoria includes the provision of false certification in recognition of the fact that punishment of the perpetrator may be alleviated by misrepresenting the victim impact or the severity of the violence. For example, there might be a scenario where the alleged perpetrators or any person acting on behalf of the alleged perpetrator may use false certification to distort the facts, and there is

a chance that women might find herself accused of being an alleged perpetrator. Another example might be the person who assesses the alleged perpetrator may give false certification about the perpetrator's eligibility for counselling. Therefore, in Victoria the certification is sometimes complicated. Therefore, the inclusion of punishment for a giving false evidence is a contradiction that applies to both countries. On the one hand, women are encouraged to report DV; on the other hand, they risk of false accusations (in Bangladesh) or false certification (in Australia), which can be difficult to prove or complicated to navigate through. Such provisions expose the patriarchal mindset of the SM in both countries.

During court hearings in both countries special proceedings are permitted if the court thinks it is required. In Bangladesh such a decision allows special proceedings in the form of closed court where the public are not permitted to attend; the order of a closed court depends on agreement by both parties and the court. Lack of education for magistrates about DV may mean that a sitting magistrate does not understand the circumstances of DV or the particular case. If the parties realise this they can take the decision to have a closed court. However, here the law mentions "parties" which means that the decision needs to be taken by both the victim and the perpetrator. The complication here is that it is difficult if the perpetrator does not agree as the victim cannot take the decision alone and the needs of the victim for a closed court is greater. In Victoria the decision to hold proceedings in a closed court is decided by the court, with penalties applying for anyone who breaks the given rules regarding the closed court. A further special proceeding in Victoria allows a witness to appear via close circuit television or from behind a screen. This too depends on an order from the court. Giving evidence from behind a screen is potentially less stressful for the victim as it removes the respondent or witness from the victim's direct line of vision. Such closed circuit TV is particularly important if alleged perpetrators decide to represent themselves; further in such cases legislation has imposed restriction that prevent alleged perpetrators from conducting cross-examination of protected witnesses, be they the victim or another person.

6.6 RIGHTS AND REMEDIES IN LEGISLATION

6.6.1 Custody Order

In Victoria, temporary custody of children is with the victim while on-going custody, if contested, is dealt by the Family Law Act 1975. The FVPA law only deals with whether and to what extent the children will spend time with the respondent at the crisis moment. According to the 'gender neutral' FVPA, the respondent could be a man or woman however it is usually a man. A complications arises if the man counter accuses his wife/partner of committing DV. In such cases it can happen that the

female victim has to deal with the DV and at the same time manage a custody battle for the children. In Bangladesh, immediate custody of children are under similar arrangements. A woman gets temporary custody of the children in her crisis moment under the DV Act. After that she may need to deal with the issue of custody in the Family Court (1985). The only difference between the two countries is that the Bangladeshi law only recognises a woman as a victim, while the perpetrator cannot counter sue his wife for committing DV. Further there is no provision in Bangladeshi law for the man to get custody or access during the crisis moment. In addition, the law assumes that the child is always with the mother and there is no separate section dealing with children and custody.

The implication of the differences of the legislation regarding custody of children is that in Bangladesh women do not need to be concerned about the possibility of having to contest custody of their children until the court case ends because the law has given her automatic custody. This can save her from additional psychological stress. Also, the DV Act acknowledges that women and children are the only victims of violence and there is no separate section in the legislation that deals with children. Therefore this suggests that the law accepts and recognises that when a mother becomes a victim of violence, the children too are automatically victims of that violence. In Victoria, according to FVPA, a person is not a legal adult until the age of 18. In spite of this acknowledgment, according to the legislation, a child is also a party, and they too can be either a victim or an alleged perpetrator. Therefore Victorian law and policy give additional focus on the child, unlike in Bangladesh.

6.6.2 Protection Order/ Family Violence Intervention Order

Both countries have provisions for orders to control the actions of the perpetrator and to protect the victim. In Bangladesh it is called Protection Order (PO), while in Victoria it is a Family Violence Intervention Order (FVIO). In Victoria there are detailed guidelines about how to apply for one, and it is easier to get such an order compared to the order in Bangladesh. In Victoria, a safety notice which serves the same purpose as an interim intervention order can be issued by the police and then the woman can apply to the court for an interim or a fixed intervention order. In Bangladesh, on the other hand, the police cannot issue an order, and an application must be made to the court. Therefore the Victorian legislation appears to give greater consideration for the victim, usually a woman regarding the issuing of an order. However, in Bangladesh there is also an option (unavailable in Victoria) for a woman to apply for an interim protection order if there is any possibility of the alleged perpetrator committing or abetting to continue to commit DV.

Once major concern in Bangladesh is the possibility that a woman can be accused of making a false accusation against her husband or against any other person in the family for which the law provides a punishment. Therefore unless she has evidence of violence in the form of physical injury she may hesitate to take the case to court even for something like a PO. There is no provision for a false accusation in FVPA. Therefore, importantly the victim in Victoria does not need to be in fear of being accused of making a false claim of violence, and thus face the risk of being accused and punished for false cases like Bangladesh. However, because of the complication of the gender neutral act, there is the possibility that a man who is the actual perpetrator can claim to be the victim and apply for a FVIO against his female partner.

There are more guidelines provided by the FVPA than there are by the DV Act regarding issuing of orders. FVPA guidelines make it easier to get a FVIO either through court or police. However, the disadvantage for women is that because of gender neutral FVPA, men are supposed to get the benefits as well as women if he claims to be a victim. If the man is a genuine victim he will have access to the same remedies as a woman, however it may be problematic for women because sometimes they use violence to protect themselves and he may counter accuse her of committing DV which further victimises the woman. In contrast, despite the DV Act guidelines being more limited in terms of PO, the advantage is there is no way men can claim to be victims and take out POs on their wives. Thus, police cannot arrest a woman as a perpetrator.

The detailed guidelines in the FVPA are about the evidence of DV. For example, an interim order is provided by the court on the balance of probabilities, i.e. that continuing DV may occur. In contrast, the DV Act does not mention that decisions may be made on the balance of probabilities. In both, there is the option that the court can give an order without presence of the respondent. As a result, in Victoria, women can be more confident than women in Bangladesh to call the police or go to court for an order. Further, the Victorian interim order is easier to get because it is issued on the balance of probabilities. In Bangladesh however while a PO is helpful for the women, due to the lack of evidence, she may be accused of filing a false case according to the law.

6.6.3 Compensation for Victims

Victim compensation procedures are different in Bangladesh and Victoria. In Bangladesh, the DV Act makes provision for the perpetrator to pay compensation to the victim, which is a strong marker for accountability for their behaviour. In Victoria, although a victim is able to get compensation, it is a more complex process and is not covered by FVPA; it is instead covered in Crimes Compensation

legislation and heard a tribunal (VOCAT). Furthermore, in Victoria compensation is not automatically payable by the perpetrator, which is a marker of the perpetrator not being held accountable at least as far as compensation is concerned. In Victoria, it is more difficult for victims seeking compensation because of there is no direction about it under FVPA law although the Family Violence Court Division has jurisdiction to deal with DV related VOCAT issues (Meyering, 2010). Although a victim can apply to the Family Violence Court, she still has to follow VOCAT procedure which is complex for DV victims.

FVPA has various strategies in place to prevent trauma of re-victimisation, such as the victim appearing on close circuit television camera or restrictions on cross-examination by the perpetrator (as outlined above), but VOCAT has no such strategies. During the VOCAT process the perpetrator can be called to appear, in which case the women needs to explain or prove the issue in front of the perpetrator, which could be traumatic for her (Victims of Crime, 2017). In contrast, it is easier for Bangladeshi women to claim compensation because it is covered in the DV Act, and it is the perpetrator's responsibility to pay the compensation. Therefore, it is one kind of accountability for their behaviour.

6.6.4 Residence Order

The legislation in both countries confirms the right of the DV victim to stay in the family home. DV Act clearly confirms women's right to stay in the residence. In contrast, FVPA refers the rights of the residence to the protected family member', which can be either the woman or man. In Victoria the victim, usually a woman, is not expected to leave the family home. The Victorian Safe at Home model replaces the previous one in which the victim had no choice but to leave the family home and seeking homelessness support with her children if her safety was jeopardised (Chung et al., 2000; Edwards, 2004; McFerran, 2007; Tually et al., 2008; Diemer et al., 2017). Under the new model, it is the perpetrator who is expected to leave, though the State may help him to find alternative accommodation. Bangladesh too has taken action to protect the rights of women in the residence. In addition, the DV Act allowing execution of a bond for not conducting violence again and, making the perpetrator accountable by ordering them to pay the victim's rent and maintenance if she has to leave the home for her safety. Furthermore, if the woman needs to leave the family home the order for rental payment is followed up with direct police support.

Notably, FVPA does not directly provide residence rights. Rather it refers to the FVIO in which the court can include various conditions including the condition for the protected person to stay in the residence and for the perpetrator to be excluded for the safety of the protected person. In Bangladesh, DV Act also has provision for an exclusion order, applicable if the court gives the order; whereas in

Victoria both a court order and police's safety notice can include the condition of exclusion. Both initiatives by the law are obviously good for women. However in Bangladesh as the law only recognises women as victims, symbolically Bangladeshi law has given more priority of women's rights and protection to the women than Victoria.

6.7 CRISIS SUPPORT SERVICES UNDERSTANDING OF FACTORS THAT CAUSE DOMESTIC VIOLENCE

That Bangladesh is a patriarchal society with a high level of gender inequality is recognised by interviewees however they spoke about gender inequality as a factor that contribute to DV more indirectly. In contrast in Victoria gender inequality is recognised to be the main underlying factor by interviewees. Lack of understanding about gender inequality in the former impacts CSS's ability to comprehend DV and the issues associated with it, which may hinder appropriate support provided to the women. For example, CSS staff may see the violence as the outcome of conflict over a particular issue rather than systemic instrumental violence which would occur regardless of conflict issues. In addition, this may also further steer CSS staff towards blaming the women for the violence committed against them and this can stop women coming forward and actually reporting DV as was explained in Chapter 5.

Few CSS interviewees in Bangladesh showed any recognition that there is a relationship between gender inequality and some other factors, mostly they seemed to see the factors as separate rather than interrelated. For gender inequality however there was a misunderstanding of cause and effect. Interviewees were under the impression that other factors such as lack of education or financial dependency caused gender inequality rather than the other way round. The implications are profound of not recognising that gender inequality is a major reason for poor education of women, poor employment prospects, and inability to become financially independent. Husbands not allowing these women independence means that CSS may focus on conflict resolution, and the State may focus on symptoms while ignoring causes. This may hamper resolution of the extent of DV. There is little understanding that if gender inequality in the private and public spheres is not addressed, DV cannot be prevented. Public space is conceptualised for men, whilst private space (home and family) is conceptualised for women, which leads to underlying gender inequality (Connell, 2005). Interestingly equality for women is given in the Bangladesh Constitution, which is a major advantage for Bangladeshi women; however if the general public, and especially non-police CSS staff, have little understanding of the Constitution and attitudes are not changed then little progress can be made (Huda, 2016).

Australia is recognised by its CSS interviewees to be a patriarchal culture which they described as a culture of masculinity where women are not respected and thus DV was often a learned behaviour. Other studies agree that children learn violent behaviour from the family either through witnessing or experiencing it (Heise, 1998; Oxfam, 2004; Naved and Persson, 2005; WHO, 2005; Jin et al., 2007; Naved, 2013). In Victoria, gender inequality, lack of respect for women, discrimination in the public sphere, power imbalance and a desire to control women were all understood by the interviewees to be interrelated. Understanding the main factors of gender inequality implies that the staff were well-trained about the issue of DV. This understanding may further help them to understand the situation of the women who are victims of violence, and it is unlikely that they blame the women for DV. This was also noted by Meyer (2016). However other findings, for example through NCAS (2014) found that women are blamed usually unnecessarily, especially in cases of child custody.

Other systemic factors are reported by CSS interviewees across both countries. In the Australian context, Mouzos and Makkai (2004) and Mitchell (2011) show the impact of alcohol and drug abuse on family relationships and found that it is related to DV, which is supported by CSS interviewees in Victoria. In contrast, alcohol is forbidden by Islam and is rarely a factor in DV cases in Bangladesh, although drug abuse sometimes occur (Dalal et al., 2009; Das et al., 2015). In Victoria it was believed by interviewees that learned behaviour may reflect that still the family is headed by male members and female members are subordinate. Therefore, the children learn this hierarchical way of behaviour from their parents, and as a result, male children learn to use violence to control the partner and female children learn how to cope with violence by tolerating it. A few interviews in Victoria have also identified financial difficulties and issues around raising children such as the children are learning the behaviour from their father as factors. Also, DV and children are not infrequently used as tools to further dominate women, as in the cases regarding custody of children (Bancroft et al., 2012). But in Bangladesh a grievous issue reported by interviewees is that women tolerate violence because it is generally accepted as the norm and because of stigma and fear of more significant harm; which is also supported by other studies (Schuler et al., 1998; Ahmed, 2005; Naved et al., 2006). To some extent interviewees showed that this occurs in Victoria as well.

6.8 SUPPORT SERVICES IN POLICIES AND LEGISLATION

6.8.1 Police in Policy and Legislation

In Victoria women no longer need to attend court for support during their crisis moment. Current police powers in Victoria can help women in crisis in several ways; firstly police can use a safety notice to improve the security of women immediately after the incident. Secondly, police can hold or search

the alleged perpetrator, which is necessary sometimes for the safety of the women immediately after the incident. Further, police can enter the premises without a warrant. Victoria Police are also able to exclude the perpetrator from the family home through the safety notice to protect women in the crisis moment and can also arrest the perpetrator if they breach any kind of order. In contrast, in Bangladesh police do not have such extended powers and it is more difficult for the Bangladesh police to protect the women in their crisis moment. Instead, police only provide a referral to other services.

In Victoria, 'family violence' legislation protects the human rights of all individuals allowing for the contingency that a man may be an alleged victim. However, no services such as outreach or refuges are provided for men as victims. The legislation provides support for the alleged perpetrator insofar as the police may arrange accommodation for him if he is excluded from the home. This may appear to be supporting a perpetrator but in reality not providing accommodation for him is very likely to result in him being a greater danger to the woman. If the perpetrator is not excluded from the family home then the police will consider emergency accommodation for the victim and dependent children. While providing men with alternative accommodation if they are excluded from the family home it also potentially favours men and takes up limited resources. The Victorian Police interviewee explained that her organisation is working for both perpetrator men and victim women. In contrast, there is no support provided for the alleged perpetrator by the police in Bangladesh. One of the reasons may be that Bangladesh legislation is framed as gendered and focusses on protecting the human rights of women according to the specific issue of DV against women.

In Victoria, increased police powers better enables them to protect victims in a crisis moment. In Bangladesh, police are less able to protect the victim in her crisis moment because they do not have the power to do so. For example, Victoria Police can supply a safety notice (Diemer et al., 2015) which Bangladesh police cannot. Bangladesh police have no power except referral. According to DV Act, Bangladesh police can only exercise power according to the general *Penal Code and Code of Criminal Procedural*, if there is physical evidence of violence in which case the DV becomes a criminal offence. Victoria Police too can take action under criminal law in the same circumstances, which emphasises the fact that DV legislation is civil in nature, however police in both countries can use criminal law to act on physical DV. The lack of police powers under civil DV legislation is noted by interviewees in Bangladesh as a potential barrier regarding supporting the women in a crisis moment. In Bangladesh not giving the police adequate powers to protect the DV victim, compared to Victoria, may be one of the reasons for police inertia. (Huda, 2016; Afrin, 2017).

Confidentiality of information about victims and perpetrators in both countries shows interesting contrasts in relation to the SM. Serving the document to the alleged perpetrator physically by Victoria Police may create complications at a practical level if the address cannot be obtained. Furthermore according to law the men are not obliged to provide their address. Further, FVPA states (Sec. 207 (3c)) that if a police officer gets the information from any organisation on the alleged perpetrator, they must keep the information confidential and are not permitted to share this information, even with the victims; yet there is no specific section about confidentiality of the victim's address to protect the victim if she has to leave the family home. However, if she enters a refuge the policy of refuges is to keep the address from the perpetrator. Furthermore, she may be relocated to another address for her safety and this address too is kept confidential. The issue however is that this confidentiality is not formalised in the FVPA as the alleged perpetrator is. This suggests that while FVPA is protecting human rights, it supports the alleged perpetrators as well as the victims, which shows the dual nature of the law and the patriarchal mentality of the SM (Robertson, 2018). There is no such duality in Bangladesh since there is no section in the DV Act dedicated to finding out the alleged perpetrator's address if he is excluded from the family home, or keeping information about the alleged perpetrator from being disclosed. In practice women do not live independently in Bangladesh and the address of the victim and perpetrator is likely to be the same.

In both Bangladesh and Victoria, the police are not obliged by law to provide information about accommodation to the women (victims). Still Victorian police code of practice and FVPA both mention accommodation for victims. However according to the FVPA the Victoria Police may arrange emergency accommodation for either perpetrator or victim whoever is excluded from the family home. But according the code of practice the Victoria Police can arrange emergency accommodation through referral to a refuge for only the 'affected family member' and her dependent children to ensure their safety and welfare. Nevertheless although the police code of practice Victoria is specifically made for FV, it bears less weight than the legislation itself. The Act takes precedence over the code of practice thus in a case of inconsistency, the law will prevail meaning support for both perpetrator and victim takes precedence over the 'affected person'. In contrast, in Bangladesh the DV Act states that as a service provider the VSC is responsible to arrange accommodation for the woman but the police in general do not have this responsibility. However, by not including the police specifically for referral for the women is a great disadvantage for the women, as although there are many police stations throughout Bangladesh, VSCs are limited. Thus, women may face difficulties in crisis moment to get the accommodation as police are the first contact person in both countries.

6.8.2 Police in the System

Implementation of Legislation and Procedure of Providing Support

Bangladesh has specialised police violence support centres (VSCs) in a few police stations that are dedicated to protect women from violence, including DV. VSCs support the specific needs of the women and children, who are victims of DV and provide specialised and comprehensive services and support. As the NWDP policy does not specify how support should be provided by the VSCs, these centres have developed their own formal procedures based on the experience of the staff and the limited training they have received in DV but they do not have a formal risk assessment as with the Victorian RARM. In Victoria, there are a number of FVUs in Melbourne and regional centres and there are police officers in every police station trained to work against DV (and apply the RARM), thus the range of support is broad and more women are able to access this service. However, there is no unit like VSC to provide short term shelter and multiple services under one roof.

The Victoria Police has a leading role in the Victorian Integrated Family Violence Service System, however, the ARSJ policy gives no details about how they should work. Nevertheless Victoria Police have developed their own DV Code of Practice. This code, developed by the FVCU guides all DV related activities of the Victoria Police.

Bangladesh interviewees considered the VSCs to be effective as they provide short-term shelter and other facilities and services without cost at the moment of crisis; also supported by other studies (Victim Support Centre, 2009; Huda, 2016). Also, despite the persistence of traditional attitudes, Huda (2016) found that (unlike non-police CSS workers) general police attitude and behaviour towards those affected by DV is improving. In addition, there is the advantage of having all the services in the same place and at the same time from other stakeholders according to the needs of the women. Because the referral system is not used, in contrast to Victoria, women in Bangladesh need not go from place to place when they are in crisis; but in Victoria there are DV trained police in all police stations and a chain of officers who specialise in handling the cases of DV.

Both VSC and the Victoria Police work together with other both government and non-government organisations. While police in Victoria can, and do, refer women directly to a refuge (as noted by the police interviewee), the Bangladesh interviewees noted that police generally are not aware that they too can make direct referrals under the DV Act and tend to refer them to NGOs which in turn send the woman to a SH. This is because Bangladesh police are not well educated about DV and the legislation. This lack of knowledge and awareness also implies that there is a lack of communication, integration

and cooperation among the stakeholders, which potentially poses difficulties in supporting the women; as confirmed by BNWLA (2013) and Huda (2016). Further, as noted in the findings, the lack of senior female staff in the VSCs has two-fold implications. Firstly, it suggests that women are not sufficiently educated and, secondly, perhaps those women who are sufficiently educated are not ready to come forward to take this challenging job. Alternatively because of general discrimination against women for more senior positions there may be qualified women but they are not selected which is identified by Ferdous (2014).

Outside of legislative requirements, policy basis for police to support DV victims varies greatly in the two countries under study. The NWDP policy does not specify how support should be provided, so in practice the VSCs' initial response when women in crisis present to them in Bangladesh is to ensure their physical and mental wellbeing. They do that by conducting an informal risk assessment. Then the women are referred for legal action if deemed appropriate. The ARSJ policy specifically notes that Victoria police are the leader in the Victorian Integrated Family Violence Service System, but gives no details about their work. Victoria Police have their own code of practice which is developed specifically for DV. Central to the police work is RARM and they can make referrals for medical, counselling or alterations to make the home safer such as changing locks, according to the need of individual. Thus, either by formal (Victoria) or informal (Bangladesh) intervention, police do make significant effort to support DV victims, as recognised by all interviewees.

The situation with support of DV victims in terms of exclusion of alleged perpetrators is more varied than directly looking after the victims. Theoretically it may be said that because of the human rights approach of Australia (Victoria), perpetrators are being benefitted by getting supports; but at the same time, it also has to be acknowledged that exclusion of the perpetrators also benefits the women by saving them from being re-victimised. In contrast, in Bangladesh, the DV system is still victim-centred and the perpetrators receive no support. This is a significant SYS outcome from the findings from the documentation and interviews, and it directly relates back to the SM that drives both systems.

Barriers to Effective Police Response

In Bangladesh two main barriers are revealed, one is dilemmas in their decision about which law to apply and the other one is police lack of understanding about the DV Act. In practice there are two main pieces of legislation relating to DV, the longstanding criminal WCR Act and the more recent DV Act which is primarily civil in nature. A third act, the criminal Dowry Act, is closely related to DV due

to dowry disputes causing DV. There is another criminal act relating to Child Marriage Restraint Act, 2017. There is some confusion among police as to which act should be used in what circumstances. The WCR is limited because it does not recognise sexual, psychological and economic violence that does not leave signs of physical injury, but protects women through its criminal provisions. Dowry is taken seriously by the Bangladesh Government, and to protect women has termed any dowry-related offence as criminal through the WCR Act. However a further complication in the decision of which act to work under is that dowry-related violence can be dealt with under any of the three acts. It is evident from the findings (both documentation and interviews) that government concern about DV is in its early stages, therefore police are still not properly trained on this law.

The LW based cultural elements appear in the interviews with recognition that the attitude of police is to some extent is still traditional, therefore they do not consider DV as 'true violence', rather they consider it as 'petty' violence unless there is evidence of severe physical injury. As Bangladesh is a predominantly patriarchal country, questions remain regarding the situation where police are afforded legislative powers as their inherent bias can affect their work (Huda, 2016). Since much DV, including forced sexual acts, does not leave obvious signs of physical injury, the interviewees registered concerns that their police colleagues have a perception that unless there is visible evidence of violence the matter is not treated seriously. More importantly, the police lack in knowledge about the various forms of violence against women, thus adding to their legislative confusion. As a result, there is a strong possibility that women will be deprived and will not get enough support from the police which can make them more vulnerable.

In Victoria, although police work is very structured, they also face many difficulties. They do so in three way: lack of DV awareness, its impact on women, and navigating through legislation and the family violence system. Lack of awareness by police about the risk DV victims face from their violent partners, and victims' reluctance to take action creates uncertainty for the police on which way to proceed, especially whether to address the matter as a criminal case. This suggests women who do not understand their own risk or who may hold the traditional patriarchal mindset then tolerate violence, which limits drastically police action. Alternatively, it maybe that DV victims are afraid thinking that because of the complexity and bias of the family violence system, especially the legal system they may not get the support or protection they require from police or even fear of the perpetrator. Further, the non-physical DV impact on victims is problematic for police to define due to the lack of direction provided by the legislation. This may prevent some women from coming forward as they may think that police are not supportive. Finally, the lengthy system of taking out an FVIO and serving the related

documents to the perpetrator creates psychological distress for the victims and complexity for the police; both of which may discourage women from seeking an order. Police response in Victoria has to follow specific procedures related to identification, classification and risk assessment, as well as providing referrals, which lengthens the response time considerably (Victoria Police, 2004; Trujillo and Ross, 2008; Murray and Powell, 2011; Stanley and Humphreys, 2014).

In both countries, police faces the barrier of lack of evidence of violence, more common in cases of psychological violence or financial or other non-physical violence. In Victoria, a barrier may be lack of evidence that an FVIO has been breached. In contrast, in Bangladesh, lack of witnesses who can give evidence of abuse is a problem inherent in the Bangladeshi LW culture. As the culture of Bangladesh dictates that wives have to go to the husband's house, therefore the witness are all from the husband's house and from the community who are mainly attached to the husband's family.

Police Recommendations for Managing Domestic Violence

The findings from the interviews mostly centred around the need for education for police, other CSS staff and the general community about the role of police in DV cases. In Bangladesh it was apparent that the interviewees were aware that many police had a poor understanding of the factors that influence violence against women and recognised that such understanding would contribute to more effective handling of DV cases. They recommended education to identify the complex nature of DV, that DV can be non-physical as well as physical violence and to identify factors. It was also recognised that police need training on the details of the DV Act and the advantages of using the DV Act. Further they identified the need for community education and for DV to become socially unacceptable. In Victoria it was found that the interviewee was aware that to reduce DV requires men and women to work together, as it is everyone's responsibility. The police interviewee mentioned former Victoria Police Chief Ken Lay can be a model to every country of how to work towards diminishing DV. Also the same interviewee recommended electronic devices such as mobile phones for improving the system.

6.8.3 Crisis Support Services in Policy and Legislation

Both countries' policies and law mention duties and responsibilities of CSS in different ways. Victoria refers to them in policy through system-level accountability, not in law; but not specifically as women's support services such as refuges. Victorian policy names specialist services – which include men's and women's services (see Royal Commission into Family Violence, 2016) and a code of practice for women's support services, but no mention of women's services such as outreach and refuges. Yet, paradoxically Victorian policy and legislation talk about men's counselling services. On the other hand,

in Bangladesh, both policy and legislation names women's support services, and in addition the legislation states the duties and responsibilities of these services. Bangladeshi policy and legislation does not say anything about men's support services.

6.8.4 CSS in System Procedures for Providing Support

There are set procedures in both countries for the CSS to follow when women enter outreach and refuge accommodation. Some of these procedures are set by policy or legislation and some guidelines are developed for the CSS. In Bangladesh, the accepted procedure is that the women need to show some sign of physical abuse or referral from another organisation. Although entry is not assured in SH unless there is evidence of injury or identification, the interviewees all insisted that they would not deny entry to a woman in crisis; and at least provide some kind of help, either refer her to another organisation or give shelter for the night and process her the next day. In contrast in Victoria, the decision of whether to go to outreach or refuge depends on the risk to the women. In addition, women can go to outreach either through referral by the police or by herself. If she goes by herself there is a possibility that women may be deprived of entry into a RS if the requirements are not fulfilled and women's safety may be threatened for this.

In Victoria CSS use the comprehensive Risk Assessment and Risk Management tool (RARM) at the beginning to assess the risk of the women and determine referral. The Victorian interviewees had mixed opinions about the benefit of RARM. The tool was considered to be useful as it enables risk to be assessed in a structured way, though some felt it could be improved. The same concern was also shown by Robinson and Moloney (2010), as the person at the beginning of the process has greater responsibility, and failure to carry it out leaves the possibility for the women to be re-victimised. Accordingly, if the staff fail in their risk assessment, the women may not be taken into the refuge which is a common occurrence with women having relatively lower risk.

In contrast in Bangladesh, the burden of proof rests on the woman herself if she goes to the SH without referral, but if she gets a referral or written statement she is considered to be a DV victim. Another requirement in Bangladesh is a national ID document (which is not needed in Victoria). There are potential implications regarding identification through the use of marriage certificate. To proceed with any legal action (such as maintenance or dower) or mediation, a marriage certificate is required (Bates et al., 2004). However, sometimes some women do not have one; especially illiterate women who may not know the how to acquire the certificate. In these cases, they cannot take legal action against the perpetrator (Bates et al., 2004). Then, limitations to two children not exceeding the age of 12 in

entering support accommodation poses what can be an unsurmountable barrier for many women who have more than two children. Edwards (2003) found similarly in Australia that women who left their boys over the age of 12 were left extremely distressed and anguished, as they are not permitted to the refuge. Overall, in both countries women may require time to take a decision to go to outreach or refuge services because of criteria such as to give assurance to keep the address of the refuge secret or worries about the children. This may be difficult for some women, as going to crisis support accommodation means they will also be isolated from their family, which may make them opt not to go.

Another issue in both countries is that crisis support accommodation requires a vacancy to be available. Unfortunately, due to high demand and lack of government funding there is insufficient refuge accommodation. In Australia, high demand is a result of the greater publicity about the refuges and the easier process; women simply need to call Safe Steps Family Violence (SSFV), which is a 24 hour's service. Women in Bangladesh often do not know of the existence of refuges, which is the reason there is usually a vacancy.

Of note is that women in Bangladesh get an opportunity for mediation to resolve the case in the SHs, which is absent in Victoria. However the result of research into the effectiveness of mediation in Bangladesh shows that though mediation provides poor women with the opportunity to gain a hearing, it fails to deliver resolution of DV (Ashrafun & Säävälä, 2014). In Australia, there is a policy for mediation under the Family Law Act, 1975 which has been subject of some research. Mediation is believed to increase self-determination and empowerment (Field, 2004; Field, 2006), saving women from individual costs, both financial and emotional (Herrnstein, 1996 cited by Field, 2004). However the idea of mediation does not take into consideration instrumental violence (Kimmel, 2002). The effectiveness of mediation under the Family Law Act particularly in cases of DV is questioned by some researchers who point out the difference in power between the victim and the perpetrator (Tishler, Bartholomae, Katz and Landry-Meyer, 2004) and the risk of failure to detect DV by some professionals such as FDR practitioners, lawyers, social workers (Kaspiew, Gray, Weston, Moloney, Hand and Qu, 2009; Feresin, Folla, Lapierre and Romito, 2018). The safety of women and children is of particular concern. Women are in most danger after separation, and mediation sessions allow the perpetrator to have contact with his victim, which could threaten her safety (Flynn, 2005). Risk is also associated with parent-children contact (Rathus, 2007; Johnson, Saccuzzo and Koen, 2005) and indeed there are cases in Victoria where children have been murdered by their father, for example, the Luke Batty case. According to Bagshaw et al. (2010 p. 98) women reported that "evidence or disclosure of family

violence was ignored or they were advised not to mention it” during mediation in Family Law cases where the issue of family violence is present.

Overall in Victoria, the DV system has some advantages over Bangladesh. Women can call SSFV anytime of the day or night unlike in Bangladesh, where there is no direct telephone line or number and where it can be more difficult to gain refuge at night, although OCC and VCS are available at night. In addition, police in Victoria can also refer women to the refuge and women can call the police at any time. Although Bangladesh police can also refer to a refuge, women cannot call the police rather they need to present physically to a police station; since 2017 they can however call 999 emergency and be connected to the police. In Victoria women’s organisations have after-hours services, so women may get protection at any time. On the other hand, in Bangladesh, although OCC is a 24-hours-service, and women could go to the police they may still face difficulties gaining entry into SH at night as was identified from the interviews.

Nonetheless, in both countries the CSS are supporting women in various ways. In Victoria, OS generally provides information and emergency accommodation. Both RS and OS work with other organisation in the integrated system, such as for counselling, education or medical through referral and additional services such as relocation and assistance to get long-term housing, furniture, medical needs and other items. In Bangladesh OCC provide short term shelter and SH provide long-term shelter with other support such as food, medical, counselling, legal, economic empowerment. However, in Bangladesh women are obtaining all kinds of support including food, legal support and counselling all in one place. In Victoria, she may need to go from place to place for legal support and counselling, possibly increasing the risk of meeting the perpetrator; also women are accompanied by the staff while going to organisations only during the first month, whereas in Bangladesh women are accompanied by policemen or other staff as long as they stay in SH thus are secure for the length of their stay.

Response to Victims According to Policy and Law - Security and Safety

In both countries a paramount concern of CSS is safety and security of victims. In Bangladesh, despite neither NADP nor the three relevant pieces of legislation (DV, WCR, and Dowry) mentioning any need for a formal assessment of risk of future harm nor a plan to manage such risk, informally this occurs. However the absence of risk assessment tool in Bangladesh and insufficient staff training especially for new staff means that there is a possibility of inappropriate risk assessment and a case plan may not be made according to the needs of the individual women. This may hamper their safety and

security. Also in both countries, prohibition in use of mobile phones to avoid the perpetrator poses difficulties for the women in communicating with family members and thus a feeling of isolation; which Mazumdar (2010) also recognises in the context of Bangladesh.

In both countries women's movement outside the refuge is restricted without the permission of someone in authority. Both SH and OCCs in Bangladesh have an on-going police presence to assure the women's safety. If women need to leave the security of the OCC, which is a short-term shelter for example to attend court, she is accompanied by a police officer. However as the time period for accommodation is longer at the SH this is not feasible. Therefore, they are not allowed to leave the SH without permission. This can be likened to a situation where people are imprisoned, a problem that was also identified by Mazumdar (2010). In Victoria for the first month if the women have to leave the RS for any legitimate reason some refuges organise a staff member to accompany her. However, there is not on-going police presence and if they are accompanied it is by a refuge worker which lacks the power and authority of police.

Safety and security of women victims while allowing them movement is highly challenging for non-police CSS staff in both countries. Restriction in movement is limited to high risk assessed women in Victoria, whereas in Bangladesh it applies to all (due to lack of assessment tool); while in both countries women who are in employment can go to work, which raises security issues. Further, according to interviewees in Victoria, if women are forced to leave the refuge because they break the rules, then this becomes a significant barrier to keeping such women safe. Keeping victims safe is further hampered if there is a high demand for limited refuge places and women are placed in alternative accommodation where staff are not present (for example in motels in Victoria). Such accommodation is not safe for women as identified by Selvaratnam (2016). Keeping women locked up instead portrays them as still living in a patriarchal society which permeates their private spheres too, such that women have no place (public or private) where they are free from the risk of male violence.

Exclusion of the Perpetrator

There is no provision in the Bangladeshi DV Act for any support to find accommodation for the perpetrator if he is excluded from the home. This is not the case in the Victorian FVPA, where there is the woman's right to stay in her homes; this being consistent with ensuring women's human rights (Edwards, 2004; Crinall and Hurley, 2009). However, interviews reveal that exclusion does not happen much, and it depends on a magistrate's decision. CSS staff attested to some magistrates being influenced by the man having a mortgage on the family home that needs to be paid off and the woman

is a full-time housewife. In addition, interviews revealed that women's safety is sometimes compromised if the perpetrator is accommodated near to the family home.

The 'Safe at Home' model in Victoria excludes the perpetrator from the home, allowing women and children to stay in their own homes – preventing them from becoming homeless (Chung et al 2000; Edwards 2004; McFerran 2007; Tually et al., 2008). To make it easier to encourage the perpetrator to leave the home, the DHS provides \$300 funding for these perpetrators, through the police and social workers, for inexpensive accommodation for three nights. This controversial policy was welcomed by women's groups even though there were concerns that it could be seen as a reward for violence (Bachelard, 2005). Breckenridge et al., (2015, p. 7) argues that "no evaluations have been identified for analysis so there is no evidence to date whether this strategy contributes to perpetrators staying away from the family home or reducing ongoing violence and harassment."

CSS (Police and Other) Empowerment and Implementation of Law

Two main differences can be noted in the SYS operation by CSS between the two countries regarding implementation of legislation. One is empowerment of CSS to be applicants on behalf of the victims. In Bangladesh CSS staff have such power and also the advantage that SH are specified in providing both legal and shelter support. In Victoria the law does not mention CSS, thus although they could apply on behalf of the woman, in practice the application is done by legal aid.

The second difference from the documentation and interviews reveal that CSS are empowered in Victoria to conduct risk assessment, whereas there is no such empowerment in Bangladesh, with only informal assessment being conducted. In Victoria, police are the first contact-persons who assess the initial preliminary risk assessment. A more comprehensive assessment is conducted by non-police CSS staff after the victim reaches the refuge and she is in a better mental state to recall and give the information needed for a full risk assessment; as well as more specialist DV staff are operating the RARM tool in refuges. The interviews also revealed that there are times when police just apply for the FVIO because it is easy to get such an order rather than other remedies implied by risk assessment.

The DV Act in Bangladesh is primarily a civil act and no direct action can be taken against the perpetrator other than a PO. This invites comparison of civil and criminal law, and begs the question regarding their comparative effectiveness and applicability for taking quick action. The assumption of the service providers as well as of the women is that criminal law provides quicker results. Therefore the staff, as well as the women, often prefer to work under criminal law to gain immediate and firm

action. Another reason is that if women choose criminal action they may not save their family and be divorced. Rather, perpetrators have a chance of becoming afraid and redress the issue. On the other hand, the DV Act does not provide safety as the perpetrators know that they will not be punished.

An FVIO in Victoria or PO in Bangladesh does not always provide safety for women in either country. As discussed in the findings, both are poorly monitored and the perpetrator can easily continue to be violent. In addition it allows for shared housing which is supposed to be monitored however it can lead to the woman being at continued risk. The interviewees agreed that in Victoria the perpetrator may have less respect for an intervention because they are not punished when they breach it, which in turn may be because of the attitudes of the magistrates in giving lenient treatment to perpetrators. Therefore some men opt to 'play the system'; for example, they abscond when they are to receive an intervention order from the police. This hampers the security of women who may even lose confidence in the legislation and the services. Therefore in Victoria, as in Bangladesh, it is found that women are afraid of pressing charges or taking any court action may further anger the perpetrator and risk escalation of violence.

One of the issues in Australia and thus Victoria is that refuge accommodation is funded under the umbrella housing for the homeless, and are consequently underfunded. Furthermore they to get a portion of the homelessness budget they need to engage in competitive tendering (McFerran, 2007). The underfunding results in a chronic shortage of refuge accommodation unless they are at high risk need to be accommodated immediately (Hanifie, 2018). It is also evident from the interviews that women have to stay in hotels and motels. Because of lack of refuge accommodation women can be deprived of support unless at immediate risk and severe risk.

Finally, the findings chapters reveal that another concerning issue is that the police in Victoria need to serve documents in person and often the perpetrator is unable to be found. Some offenders take these opportunities to prolong the investigation. As a result, women are deprived of justice and need to wait for a longer period, need to go to court after court and cannot obtain an order.

Reluctance of Victims Coming to the Shelter Homes (in Bangladesh)

An interesting finding for Bangladesh was that, although the incident of DV was very high comparatively, the SH were not often full as demand is low. Huda (2016) suggests that there is shortage of shelter homes in Bangladesh because women face cultural, structural and lack of knowledge barriers that make them reluctant to go to a SH. The culture is woven around strong family

bonds with extended family households, thus women living independently is not the norm in this collectivist culture. There is also stigma attached to being in a SH as well as lack of support from the community, leaving a possibility to be ostracised. Women are also reluctant to go to a SH because of their financial circumstances, few are financially independent and so are reluctant to leave their husbands; they also fear divorce for the same reason. It is not safe for women to live alone and they risk harassment for daring to do so, consequently it is difficult for them to become economically independent. For these cultural reasons, victims prefer to go to their own or the extended family or to friends for support (Archer, 2006).

Structurally, victims are reluctant to go to a SH where the level of living standard is relatively low. According to interviewees, the middle and upper class avoid going to SH as the standard of living in them is not up to the level to which they are accustomed. CIC- BD (2010) report that the quality is not up to acceptable standards. Also, interviewees reported that strict rules of the SH home are also a detriment.

Lack of knowledge by the victims has been raised previously, meaning they are simply not aware that refuges exist (Huda, 2016). This barrier is being addressed by the government by publicising DV and the fact that help is available for victims. This publicity also aims to address the cultural and structural barriers with the government starting to work to provide greater gender equality by tackling violence, and women-rights issues through the adoption of the women's policy (MOWCA, 2011). However, it may be that the lack of publicity is a reason for low numbers of victims at the CSS. Further the government still needs to put more resources into expanding the numbers and locations of CSS, for example VSCs refuges are based in large cities and limited elsewhere (CIC-BD, 2010; Sheikh and Karim 2014; Huda, 2016; MOWCA, 2017).

Wellbeing and Empowerment of Victims

Distinguishing this aspect of CSS support from 'safety and security' raised above, 'wellbeing and empowerment' of victims is intertwined in the course of victims taking control of their lives. Given the vastly different cultural and structural aspects of the two countries under study, this aspect is vastly divergent.

In Bangladesh wellbeing is mentioned in policy but not in legislation. Various forms of counselling is provided in both the OCC and SH, ranging from trauma counselling for mental wellbeing to legal and financial counselling to empower women and encourage reintegration into society. However, few

professional counsellors are available and training is not provided for permanent staff to conduct any form of counselling. Despite these reintegration initiatives, it lacks a systematic approach. One indication is the lack of professional counsellors and lack of education of the staff. Furthermore, because of lack of professional staff the general staff conduct the counselling instead of professional counsellors. Counselling conducted by the less trained staff can potentially harm the women. Huda (2016) reveals that in practice, legal and paralegal counsellors, enforcement officers, magistrates, local government members and others provide informal counselling, but only a handful of these individuals have training as psycho-social counsellors. There is a National Trauma Counselling Centre under the Multi-Sectoral Programme on Violence against Women, but the centre has limited outreach beyond the capital, except for its helpline which provides support for all types of violence against women and children.

Empowerment is also mentioned in the NWDP policy. Genuine attempt is made by SH and OCC to help the women to become economically independent. Training is provided for the women to gain various skills which they could turn into micro business such as arts and crafts, sewing clothing and various items. For this they may receive some financial support and a sewing machine. It is a good initiative to financially empower the women, and this may help the women to become independent.

In Victoria wellbeing is mentioned in the policy in that it highlights mid-to-long term wellbeing of women and children by providing support, acting to reduce risk and effective strategies to rebuild the lives of women following violence. For children the policy specifically mentions physical, psychological and emotional and wellbeing. Wellbeing is provided through appropriate justice response and services such as housing and counselling. Empowerment is mentioned in the policy as recovery from violence towards secure economic, social and political equality. Counselling, housing, economic empowerment and justice response is important (Tually et al., 2008; Murray and Powell, 2011; Huda, 2016).

Financial empowerment is not mentioned in Victorian policy, legislation or program; and no funding is provided to victims for this. Nevertheless, OS and RS workers interviewed stated they made financial empowerment a priority. Indeed it is considered so important by them that the issue of financial empowerment is included in training courses and victims are referred to appropriate services and facilitate their involvement. This is important as evidence clearly notes that women who are not financially empowered face problems if they leave the relationship, especially rural women and low income women who rely on Centrelink. In addition, legal support is provided through legal aid services for those on low incomes. Perhaps this is one of the reasons why women do not fully understand the

law related to their rights either in OS and RS. Thus, perhaps (as suggested by non-police CSS interviewees) because of their lack of knowledge about their legal rights, victims are not interested to go through the criminal cases, or (as identified by the Victoria Police officer interviewed) they do not understand their risks which was a significant barrier to their own empowerment.

Barriers to Effective CSS Response

In Bangladesh a major barrier SH and OCC staff face is from threat by influential perpetrators or from within their network who may attempt to pervert justice. This problem was mentioned by interviewees as such people from time to time have tried to interfere with the workings of the SH and OCC. In such cases the staff need to tread carefully and may even be prevented from helping the victim. The CSS action tends to be that they refer the case to the courts.

In Victoria the CSS responses to barriers to effectively working for victims are dissimilar due to the different LW. Staff face various barriers as a result of inadequate funding, including insufficient staff with work overload for existing staff, competitive tendering for funding which is time consuming, and charging victims small amounts of money. Staff indicated that such funding issues increases their workload and does not allow enough time to build rapport with the women and build trust in the staff. These difficulties are also mentioned by Hill and Cohen (2015) in the State of NSW, thus indicating that funding restrictions are a national issue.

Recommendations of Support Services Staff to Reduce Domestic Violence

CSS staff in both Bangladesh and Australia recommended improvements to legislation and policy. In Bangladesh, many of the recommendations were generalised. For example, they expressed need for attitude change, which is not easily achievable. Generally both OCC and SH staff recognised the problems of gender inequality and recommended that great social change is needed to make women and men equal in the society and in the family. Education for all was the main tool mentioned, emphasising the need to start from home and increase family bonding. They felt that laws pertaining to DV were generally decent but could be improved by being simplified and most importantly, implemented. Education was a major recommendation, which included community education, education for women to understand and claim their rights, skills training such as the use of technology, as well as staff education. Other recommendations included increasing coordination among the support services, increasing involvement of local government, increasing community interaction of police, lawyers, and political leaders with the general people to stand against this violence, and separating OCC from hospitals, and increasing their power.

A positive aspect in Bangladesh is that both women and men are working in this area, and the recommendations have come from both of them, which infers that men are also working with women to reduce DV, as well as violence against women. Therefore, the recommendations have two implications. One is towards cultural change, such as to create gender equality, change the attitude of the society and thus to start the process from the home, where both boys and girls need to be treated equally. The other one is structural change, such as understanding about education and increasing the integration amongst the support services.

In Australia, achieving gender inequality is dependent on men's acceptance and support. The political context influences how the issue of DV is dealt with and how much support and funding is made available. For example, the political party decides how DV will be dealt with, how the victims will be supported. This attitude is also reflected on the support services on how they will be funded. The total system has become politicised, depending on the political parties to back primary prevention and supporting policy and legislative changes. Often broader highly political neoliberal economic principles like surplus budgeting results in restrictive funding to DV support (McDonald, 2005). Drilling down specifically, interviewees recommended greater education for the community for primary prevention, implementation of respectful relationships, education for all the staff including media family violence, family violence system and street violence, improving the legal system so that perpetrators are accountable in a real way, reforming the whole system and increasing accessible outreach, refuge and justice, as well as separating DV from homeless in terms of funding.

6.9 ADDRESSING THE CONCEPTUAL FRAMEWORK

The LW/SM/SYS conceptual framework guided the research findings, as such reflections on the use of this framework are addressed in this section. Primarily the attitudes held toward DV, the perpetrators and the victims exist in the LW realm. The policy and legislation developed by government is the SM domain, and is meant to steer people's behaviour in relation to DV. In this study, the SM was examined to identify which of the factors from the LW are mentioned in the policy and legislation, how they are addressed, and steps taken by policy to support DV and redress offered by legislation. Although developing policy and legislation is not the only solution, the policy and legislation have to be implemented fully at the practice level to encourage change in the LW. Thus this research aim was to see how police and CSS work in the SYS according to the policy and legalisation to tackle DV.

The use of the conceptual framework for DV is validated by the findings from this study. Drawing on Zacharias (2007) for this conceptual framework, this study examined two types of interactions: Firstly

between the LW and SM – identifying the factors that are responsible for DV and the how they are represented in the policies and legislation. Secondly, between the SM and SYS – to reveal how legislation and policies have addressed the factors and what strategy and remedies they offer. The study also examined the relationship between the SM and SYS in terms of how organisations, in particular the police and other CSS, work according to these policies and legislation at the practice level. A gender lens was applied to the analysis of SM factors and SYS organisational responses.

Interaction between Lifeworld and Steering Media

There are two types of factors in the Lifeworld: one includes gender inequality and patriarchy, and the second includes other social cultural factors. Gender inequality and patriarchy is present in both countries to a greater or lesser degree, although it is more visible in Bangladesh. In addition, a greater number of social cultural factors are present in Bangladesh in contrast to Australia. The factors of gender inequality and patriarchy present in the LW flow onto the SM, the policies and legislation in which both are addressed. To address gender inequality, DV needs to be addressed as a societal problem as well as an individual problem. Therefore it needs to be addressed in two ways: through legislation and community awareness. The factors from the LW which are reflected in the SM also have implications towards protecting the rights of DV victims. A few other factors identified in the LW are also reflected in the SM mainly in the legislation/policy. In addition Victoria possesses greater community awareness than Bangladesh regarding DV.

Interaction between Steering Media and System

There are flow-on implications in the SYS (which in this study are the police and other CSS) from the factors identified and named, and the remedies provided for victims. One of the reasons in Bangladesh for this is lack of education of the staff about the law and gender equality. In addition, due to lack of strategy in the policy, women are deprived from support. Furthermore, lack of awareness in the community as well as lack of publicity about DV and the support services mean that women are still not coming forward by breaking their silence. In contrast, in Victoria, there is huge community awareness, education for CSS staff, as well as large publicity about DV and the support options available. As a result, women are now confident to come forward, but wider political and patriarchal societal issues are seen as obstacles to better DV support.

Feedback Loop Back into the System

Potentially, change in policy and legislation (SM) can force change in the DV support system (SYS). However, change is not clearly visible in either Australia or Bangladesh. It can be concluded that in

Victoria, although there have been huge positive attempts undertaken by governments at both national and state levels, broader economic and social LW issues can limit further change. In contrast, although Bangladesh has a more progressive legislation in identifying women (and not ‘family’) in legislation and policy, there is a lack of implementation due to poor education on the issue of DV, and it is not currently under the focus of the government. However, if we consider that in Victoria, policy initiatives have been implemented since the early 1980s, the number of women killed by their husbands is still very large. In contrast, Bangladesh has started to focus on this issue at the policy level only recently. Thus considering the fact that in Bangladesh DV has been reduced by seven per cent in four years after the introduction of legislation points towards a strong positive progression (BBS, 2013; BBS, 2016).

6.10 ADDRESSING THE RESEARCH QUESTIONS

This section, framed around the LW/SM/SYS conceptual framework, addresses the three research questions briefly, with all the detailed discussion already set out above. Chapter 2 identifies the social/cultural factors that influence DV; this was an examination of the LW. The first research question aims to see how those factors are addressed in policies and legislation in Australia (Victoria) and Bangladesh. The second research question aims to identify the preventive measures and remedies to support the DV victims offered by the governments through these policies and legislation; these being the SM. The third research question aims to examine how CSS, including the police, work and implement strategies and remedies according to the policies and legislation to assist DV victims; this level being the SYS.

6.10.1 Factors Addressed by the Policies and Legislation

There are many social and cultural factors responsible for DV identified by research (see Chapter Two). Some factors were identified by interviewees as shown in Chapter 5, but few factors are specifically named in the policies and legislation in either country. Both countries identified and named gender inequality in both their DV legislation and Victoria in its ARSJ policy, but in a non-gendered ‘family violence’ context. The Bangladesh NADP policy is specifically for the development of women so it aims to remove gender inequality in all spheres including DV from a gender perspective. Furthermore, the Bangladesh Constitution clearly emphasises gender equality. The Australia Constitution does not. In Victoria, given its ‘family violence’ perspective, ARSJ addresses gender inequality by referring to other policies such as the Federal *National Plan to Reduce Violence Against Women and their Children*, the two Victorian policies- *A Right to Respect: Victoria’s Plan to Prevent Violence against Women 2010-*

2020 and *Charter of Human Rights*, and also as a signatory to the United Nation's *Convention on the Elimination of All Forms of Discrimination Against Women*.

In both countries there are social and cultural factors identified in previous research that are not mentioned in policy and law, and thus not given focus nor resources. The interviews with CSS workers revealed some of these specific socio-cultural factors as being of significance in their region of operation, and thus determining the nature of interventions by these CSS worker. There are a number of complex interrelated factors not mentioned in policy and/or legislation in both countries. Such as women's silence and acceptance of violence and family structures. The factors not mentioned in Bangladesh policy or law are childhood learned behaviour, polygamy, extramarital relationships, and rural/urban places. Add to these in Australia is the strongly socialised DV factor of alcohol abuse which is mentioned in Victorian policy and/or law, but there is also drug abuse, poverty, and weak enforcement of laws which have the same affects but are not mentioned.

6.10.2 Preventative Measures and Remedies Given in Legislation and Policies

The role of legislation and policies is to provide strategies to address DV through measures that support the victim, and remedies to address DV actions.

Strategies in the Policies

In Victoria, the ARSJ is specifically for DV and mentions strategies such as integrated response, risk assessment and management (RARM), education of the support services staff, and evidence-based support by undertaking research and evaluation. In contrast, because of the absence of a specific DV policy in Bangladesh, there is no mention of a dedicated DV service system; however, it has the NWDP which centres on strategies for women's development such as working with NGOs in the integrated response system and about gender research pertaining to women development, empowerment and women and children's rights.

Primary prevention of DV and community accountability are emphasised in both countries' policies, but ARSJ focuses more on it than NWDP.

Strategies in the Legislation

Strategies mentioned in the legalisation differ for the two countries, such as expert evidence in Victoria and an option for making local enquiries of potential witnesses in Bangladesh. In Victoria, there is a provision in the FVPA for false certification of a document, while in Bangladesh there is a

provision in the DV Act for false complaint of DV by the person who is an applicant for an intervention order – namely the woman as only women are recognised as victims of DV. This provision makes it possible for the perpetrator to accuse the female victim of making a false complaint. In Victoria because of the naming of DV as 'family violence', any family member can be a perpetrator and thus there is the possibility that a woman can be accused by her male partner of being the perpetrator. In Victoria, there are options for a closed court, by using closed circuit television or behind a screen and exemption to conduct cross-examination of the victim by the perpetrator unless permitted by a magistrate. In Bangladesh, there is only the option of a closed court and cross-examination is not exempted. Police have extra powers under FVPA to deal with DV such as holding the perpetrator and searching his premises, whereas in Bangladesh, the DV Act only recognises a police officer as a referral and information provider, with no extra power.

Remedies Offered by the Legislation

In both countries the legislation is primarily civil in nature, insofar as the remedy, intervention order, is civil but a breach of the intervention merits punishment thus is criminal. According to the DV Act only women and children are the victim, while men, women and children can be perpetrators. Both countries have provisions for a protection/intervention order which is the only remedy against the perpetrator of DV.

In Victoria, according to FVPA, men, women and children can be a victim as well as the perpetrator. The DV Act provides rights inclusively for women which includes custody of children, protection order, compensation for the victim and residence order. The FVPA also provides remedies of residence order, protection order for the 'affected family members', which are generally women and children; however, FVPA does not deal with permanent custody of children, though it does give the court power to make decisions regarding respondent's contact with any children. Further, the DV Act highlights perpetrator accountability to pay the house rent, compensation, or maintenance, but the FVPA does not, with compensation and maintenance dealt with in separate courts under different laws. Instead, FVPA refers to community accountability, meaning encouraging people to stand together against DV. Rehabilitation of the perpetrator is the form of personal accountability that is addressed in Victoria by both FVPA and ARSJ (paradoxically referring to 'Men's Referral Services' in the gendered neutral 'family violence' approach on the Victorian Government).

6.10.3 Implementation of Legislation and Policies to Assist Domestic Violence Victims by Crisis Support Services (Police and Other CSS)

In both countries police are normally the first contact point. Other CSS provide support to the women as a DV victim, although there are differences regarding the type of support organisations, the process of providing support, and the rules and regulations in refuges. In effect, both countries' governments take responsibility for funding and guidelines in the policies and legislation. The main difference is that in Victoria there are RS (refuges) which support the woman who has to leave the family home for her safety and OS (outreach services) for those who are able to stay in the family home. In Bangladesh, responsibility to support the women has been set up through specialised centres VSC (police), OCC (crisis support), and SH (refuges). In Victoria, the government outsources the management of CSS, whereas CSS is under government control in Bangladesh with women's and children's support services available; but Victoria also provides rehabilitation programs for men.

Victoria Police liaise with other organisations such as women's services, men's services and children's services that are disparately spread across the State. Bangladesh VSC also liaise with other organisations to provide different kinds of support, but all in one place which creates less stress to victims. In Victoria there are trained officers who can deal with DV in every police station, whereas the VSC are specialised DV police centres based on a very good model but situated in a limited number of locations, thus depriving many women (especially in rural areas) of this integrated type of support.

Both countries provide physical protection and protection through the court system. In Bangladesh physical protection is provided through police presence in government SHs but not in non-government SHs that are secretly located. This is similar to Victoria, where refuges are situated in secret places, with no police presence. In both countries there are rules and regulations created by the refuge for safety and harmonious living; also women are not allowed to go outside the refuge without permission in both. In Victoria, women who break the rules three times are asked to leave the refuge however, in Bangladesh women who break the rules are not asked to leave. Only non-government refuges exist in Victoria, with both government and non-government in Bangladesh. SHs have two functions in Bangladesh, legal support and shelter support, therefore a woman can take any one or both support services according to her needs; whereas in Victoria, refuges do not provide legal support *in situ*, but they help the women to get the support.

Lack of education of the staff about the DV Act, and therefore a preference to work with the more familiar criminal WCR Act emerged from the findings. Further, Bangladesh police lack power to deal

with the perpetrator under the DV Act and therefore even police and lawyers do not support this act. On the other hand, CSS work only under the one FVPA act in Victoria. If the women are at lower risk, they are generally provided with information about the various services. If the women are at high risk, they go to a refuge and with the help of RS apply for an intervention order under FVPA. However, in Victoria in the refuge there is no mediation program – as there is in Bangladesh – rather the formalised RARM tool is at the centre of support services in Victoria – but absent in Bangladesh. At the broader public level there is a sobering final message from this study that there is a common community attitude mentioned by CSS workers in both countries that institutionalises individual men's rights and women's responsibilities to the family to the extent that women by asserting their DV rights and aiming for some level of independence can feel threatened by the dominant social power of men.

6.11 SUMMARY

Government efforts in tackling the endemic problem of DV has come a long way since the second wave of the women's movement in the early 1970s made this an issue in the West by exposing the LW that lies behind such violence. The abhorrent nature of DV has resulted in strong public based SM in the form of legislation and policy, not only in the West, but increasingly in developing countries that have vastly different religious and cultural basis in their LW. In addressing the research questions in this chapter, this study adopted a conceptual framework that enables an analysis to be conducted in both Australia (Victoria) – as a Western advanced country – and Bangladesh – as a developing collectivist country – on the relative merits and weaknesses of the two approaches to implementing at the SYS level responses to DV. Essentially Victoria adopted an approach that attempts to deal with both the victims (typically women) and the perpetrators (typically men) that leads to strong risk analysis and multiple levels of support, but at the cost of lack of integration and stress related decision making by victims. Bangladesh adopted a more integrated and focused approach to the DV victims themselves, but at the cost of greater risks of repeat DV actions for the victims moving forward. Implications for policy and practice on the basis of these answers will be addressed in the final concluding chapter, along with indications of the direction that future research can take addressing DV issues using the LW/SM/SYS conceptual framework.

CHAPTER SEVEN

CONCLUSION

The aim of this study was to conduct a comprehensive analysis of the policies and legislation related to DV, and to examine responses from the police and CSS according to these policies and legislation. Another aim was to look beyond those explanations at the three interrelated analytical levels of: Lifeworld (LW) as factors, Steering Media (SM) as DV policies and legislation, and Systems (SYS) as police and other CSS organisational responses to the SM. The three levels are examined through a critical gender lens to reveal strengths and weaknesses in confronting DV. This chapter first provides a brief summary of the answers to the research questions (discussed in detail in the previous chapter), and limitations to this study and its answers. Contribution to the literature is then set out, after which implications for policy, practice and future research are considered. The thesis ends with a brief concluding note.

This study aims to demonstrate that DV is influenced not only by the gendered societal and cultural attitudes and beliefs, but also by the political views of the government of the day, which is responsible for DV policy development and implementation (Philips, 2006). The interplay between government policies, legislation and support services and their approach towards victims plays a large role in supporting victims. This research found that challenges exist with respect to policies, legislation, and support services in Australia and Bangladesh, and that some aspects are problematic. The Australian (in the State of Victoria) and Bangladesh case studies reveal that, despite the efforts of policy around DV in both countries, many aspects of the rhetoric do not match the reality and thus remain a challenge.

7.1 SUMMARY OF THE STUDY

There were two objectives of this research. Firstly, to identify which factors of DV are addressed by the policies and legislation in both Bangladesh and Australia (Victoria) and what redress is offered by them for the women who are DV victims. Secondly, to look at how organisations in both countries are working according to those policies and legislation at the practice level to support women. Therefore two kinds of answers emerge from this research, one regarding policies and legislation and the other one regarding support services.

From the policy and law perspective, both countries address gender inequality as the main underlying factor causing DV, although there are differences in their approach as well as some similarities. An important difference between Bangladesh and Australia is the legal status of gender equality for women and men. Gender equality is more protected in Bangladesh because it is enshrined in the Constitution; which gives women binding protection. In Australia, on the other hand, there is only a legislative right to not be discriminated against; legislation which potentially could easily be changed by a hostile government.

Both countries have a duality of focus in their approach to a greater or lesser degree, meaning that on the one hand, in Victoria, policy and legislation is saying any family member can be a victim or a perpetrator but noting that women and children are the main victims; and, on the other in Bangladesh there is absolute protection for women although any family member can be a perpetrator. So despite evidence that DV is gender-based violence with the majority of perpetrators being men and the majority of victims being women, absolute focus is not given to protect women from DV. Rather the focus is divided; more so in Victoria where the emphasis is on 'family violence', while in Bangladesh less so as the focus is solely on protecting women and children and perpetrators are only punished with no attempt at rehabilitation (which occurs in Victoria).

Both countries have addressed factors other than gender inequality although there are also differences here. The factors that occur in Bangladesh and not in Australia are for example child marriage, dowry, economic dependency, and polygamy. The factors that occur in Australia and not in Bangladesh are alcohol and drug fuelled violence and relationship status with *de facto* relations uncommon in Bangladesh. Alcohol and drug fuelled violence is a serious problem insofar as it is embedded in Australian culture and widely accepted.

Although both countries name CSS (the police and other support services) in policy and legislation, there are notable differences. Victorian policy names police and specialist services which can be (in concert with the title 'family violence') both men or women's services, although in practice there are no refuges for men as victims. In Bangladesh, gender framing of the legislation allows CSS only for women. Bangladesh policy names police and specifically women's support services (government based) and legislation sets out the duties and responsibilities of the women's support services. By not mentioning the support services in the legislation, the Victorian government could be seen to have minimised its responsibility to take care of the women to some extent, although funding for support services is provided for through the homelessness legislation, which in itself is problematic.

The main focus of the support services in both countries is to ensure safety and security of the women, as is mentioned in policies and legislation. The main problem in Bangladesh is lack of implementation of the legislation. In contrast, in Victoria, there is proper implementation of the legislation and the government is committed to improve the system.

Safety and security of victims is provided in Victoria by outreach services designed to support women to stay at home and ordering perpetrators away which can be problematic, or by refuges, which have very limited resources, secretly hiding women from the perpetrators. Only refuges are available in Bangladesh, but are offered in two ways: either for legal support or for shelter support or both. In Victoria, refuges does not provide legal support, but they assist the women to get appropriate support. The One Stop Crisis Centres in Bangladesh provides all kinds of support such as medical, legal, crisis shelter, and counselling in the one place which is very helpful for the women in crisis, in contrast this type of support option is absent in Victoria.

Critical finding related to Victoria is that all the support services – that is police, outreach and refuges – are able to conduct risk assessment and prepare a risk management plan at the beginning of the support process which allows for continuing monitoring of the changing risk. In Bangladesh, although there is informal risk assessment of on-going violence to the woman, there is no formal and structured risk management tool; support services staff do informal assessment using their personal judgment, based on their working experience and training.

7.2 LIMITATIONS

This study is inevitably small scale and exploratory, because use of the DVAW, that is the LW/SM/SYS conceptual framework is unique to DV research. A case study method was adopted to develop an effective analysis of this DV theoretical base, as per Yin (2014). The two case studies selected provide an adequate small scale analysis by taking one advanced economic region with a strong politically liberal attitude and another being an emerging Asian economy with a collectivist traditional-based attitude. There is wide enough distinction between the two case studies to deliver valid preliminary answers to organisational responses to DV policy and law. The scope of this study was also limited as only the policies and legislation of one State in Australia – Victoria – could be examined.

Another limitation is that the study focused on a number of broad themes; that being the link between factors, policies, legislation and support services, and not specific race and minority issues. Therefore, intentionally the findings are wide-ranging across the DV space in order to fully capture the conceptual

framework and its legal and service operation in the two regions chosen. Because of the broad number of themes covered, the need for interviewees in two countries and from each type of crisis support service, it was beyond of the scope of this study to deal with race and other minorities groups. Future research that takes into account race, and other minorities as they impact on one, or a few, of the specific themes identified in this study that hinder progress in the DV space would provide greater depth to the issue of DV. As Sokoloff and Dupont (2005, pp. 50-51) point out there is no one-size-fits-all explanation for domestic violence based on both cross-cultural and multicultural domestic violence studies. Consequently solutions must reflect these differences. Some organisations are successful in providing support, however, some support services face considerable challenges to address ethnicity, race and gender.

As the focus of the study is on legal and organisational responses to DV, it is beyond the scope of the study to deal with the issue of intersectionality of factors influencing DV nor to deal in depth with individual factors such as class, race and income. It is evident from the interviews in Bangladesh that women go to SHs for different reasons based on class – upper middle class go specifically for legal support to retrieve their dower money while lower class come to SHs for shelter *per se* (see section 5.8.2). As intersectionality is an underdeveloped concept within the DV policy discourse and its application faces challenges in DV policy making (Hankivsky and Cormier, 2011), future research needs to look at this issue in the context of findings from this study in Australia and Bangladesh specifically.

One unanticipated issue was that of the interviewee's own gender biases, as was revealed in two BD interviewee comments. However it is not possible to draw conclusions about the impact of the practitioners own biases in terms of Bangladeshi interviewees as there is not enough data about this.

The most important limitation is that the research was unable to interview female victims, which would have provided a deep 'lived' insight of the support services in both regions. Such interviews would potentially assist in cross checking the service providers, to gain a more accurate picture and aid in making recommendations on possible improvements to the policies and legislations, and how organisations can better respond to the needs of DV victims.

Another limitation is restrictions on support service providers being able to be interviewed. Only one police personnel in Victoria was permitted by Victoria Police. Also, the issue of anonymity for Bangladeshi interviewees, with their concerns about being identified for making criticisms, made it difficult to discuss in-depth issues such as gender differences among workers.

The 2016 Royal Commission into DV in Victoria is a great step forward. The policy and legislative changes that came out of it were not able to be included in this study which analyses data from interviews conducted before 2016. Further the majority of the recommendations are still to be implemented. This was another limitation which can be addressed by future research.

In conclusion, the findings and subsequent framework analysis nevertheless can be used to inform policy and legislation by identifying changes that would help reduce DV; both from a written legal/strategic perspective and also from operationally improving responses based on these written documents. However, there is also the time limitation set by this being a PhD study, in which the data collected is only up until 2016. Australia has been working on DV improvements for a long time and has progressed significantly. In Victoria there has been the first Royal Commission into family violence in Australia and their recommendations in 2016 related to DV are currently being examined for implementation, and have started to change the system to a great degree that is not reflected in the data collected. In the case of Bangladesh, progress in addressing organisational responses has been noted in the study and is ongoing, but a major review of the whole DV system may also be beneficial.

7.3 KEY ORIGINAL CONTRIBUTIONS TO THE LITERATURE

This research has made several key contributions to the literature regarding DV, and also to the use of the conceptual framework as a tool. Firstly, this study advances current conceptual approaches to investigating and comparing DV in two different cultures by integrating explanations of the interrelationship between LW (factors), SM (policies, legislation) and SYS (support services work – police and other CSS) towards the DV victims. Secondly, this study contributes to a reframing of DV. By using a comparative approach and a conceptual framework which highlights the cultural differences in the Lifeworlds of the two countries, it is able to demonstrate how attitudes and beliefs around DV in the LW are socially constructed, displaying the importance of the social and political context in which DV arrangements are situated.

This study further contributes to literature by using as case studies two different countries, namely Australia and Bangladesh, which have different approaches towards DV. This signifies the DV options available to women in two different cultural contexts. Studying responses from a cultural perspective reveals that there are some important differences between countries regarding factors, the ways policies and legislation is developed and the procedure of response by organisations. Differences in addressing factors through policies and legislation, especially regarding gender inequality has made an important contribution to literature.

Understanding of the LW also signifies how the political views of the government of the day are formed and how they act as an important consideration in developing DV policies and legislation. Further, the activity of the SYS, through implementation of policies and legislation, also depends on the government as well as intention of the political parties.

The research discovered that at the LW level, in Bangladesh gender inequality is enshrined in the Constitution which potentially gives Bangladeshi women an advantage; however the LW in general is more patriarchal and male hegemonic, while female subordination is more institutionalised than in Victoria. Furthermore, at the SM level, the legislation of Bangladesh is focussed solely on DV, but notably not in policy – particularly unspecified support for the DV police unit and lack of training and education in CSS. This is in contrast to Victoria where both policy and legislation is dedicated to DV. Further the family violence system of Victoria (through CSS) is more active towards working according to policies and legislation than in Bangladesh. Thus, policies and legislation are implemented more consistently and actively in Victoria than in Bangladesh.

This research also highlights the potential to change the LW to deal with DV effectively with the aid of SYS, through SM. Moreover, in the SM, documenting differences between Australia (Victoria) and Bangladesh in policies and legislation, especially the name, frame and definition as well as the implications, contributes to the literature by illustrating how the issue is treated, and its impact on the legislation.

Finally, at the broadest level, this study challenges the legitimacy of patriarchy. This is culturally present in every country in the world, including Bangladesh and Australia (Victoria), and to a greater and or lesser degree impact on the attitudes of victims, perpetrators, law and policy makers, and CSS workers. This is why both countries are working towards gender equality, and have given emphasis to DV law and policy.

7.4 IMPLICATIONS FOR POLICY AND PRACTICE

There are several findings of this research which significantly contribute at the policy level and practice level. The most important difference between Bangladesh and Victoria is that gender equality is enshrined in the Constitution in Bangladesh and in legislation in Australia. Thus a most important implication is to enshrine equality into the Australia Constitution, though it is acknowledged that such constitutional change is extremely difficult as it requires a referendum in which all citizens and all states must vote in the affirmative. Nevertheless, there is currently discussion of constitutional change

to enshrine recognition and the rights of Indigenous peoples as the traditional inhabitants of the country, the debate could extend to the recognition of equal rights of all, including women. Furthermore, Australia does not have a Bill of Human Rights which encompasses equal rights for women and men. Such a Bill or provision for equal rights in the Constitution would be more binding than legislation which can easily be changed.

The findings and analysis of this research has implications for theory and practice. Studying responses to DV and the interconnection of factors, policy and legislation provides valuable insights into the whole response procedure, and allows for identifying important issues amongst policies and legislation that shape responses. This study shows that organisations respond to DV based on how policies and legislation address the issue, and what remedies are offered.

Victoria has created confusion and some complication by using the term 'family violence' for policy and legislation which was primarily intended to address a major social problem that is, male violence against women in relationships. This complication was identified and discussed by Murray and Powell (2011) and was confirmed by this study. According to Murray and Powell (2011), the renaming of DV as 'family violence' was in part to appease the pro-family New Right and men's rights activist groups, but also in response to the recognition that there are other family members who can be victims of violence by other family members. In a sense the Family Violence Intervention Order has become a 'catch-all' which has been shown to be impractical. The comparative analysis with Bangladesh makes clear that any such orders need to focus on the safety and security of the women and children as victim of violence in the family. The implications for practice caused by inappropriate name, frame and definition are visible in the responses of CSS organisations, given the difficulties they face whilst providing support. Although it is true that family members other than women may be victims of violence in the family, and in rarer cases the perpetrator may be the wife or female partner, trying to capture all contingencies in one piece of legislation has proven to be problematic for CSS staff; such that these problems are not seen in Bangladesh.

A major implications is the issue of funding for outreach services and refuges. Revised policy and legislation must name such services and fund them according to their needs. Additionally to include in the funding calculations, services that appear to be for the perpetrator without detracting from adequate funding for victims. While it is sensible that a perpetrator who is excluded from his home, perhaps during the night, is assisted with emergency accommodation in attempt to try and stop him forcing his way back into the family home, it is not helpful to pay for perpetrator's services by

inadequately funding victim services. Although there is provision in Bangladesh of excluding the perpetrator in practice it does not happen. No provision has been made to deal with the excluded perpetrator in policy or legislation. If such action becomes more common it will need to be closely monitored to ensure unintended side-effects such as revenge and re-offending does not occur.

A related issue is the attempt to prevent recidivist violence. BD compels perpetrators to execute a bond in which they commit to not re-offend and which they must sign. Victoria could consider a similar bond as it may prevent recidivism. Importantly the bond could be used as evidence if the perpetrator commit repeat violence.

In Bangladesh, there is no specific policy for DV rather there is policy for women advancement, of which violence against women including DV, is a part. The legislation in contrast is dedicated towards women victims of DV and support services are designed only for women. However, absence of specific policy regarding DV means there is no focus on providing systematic support to women, developing systematic approach for support services or towards system development, other than what is available through the DV legislation. The implication is for Bangladesh is to develop a policy specific for DV.

In Victoria there has been a strong emphasis on community education to change the patriarchal culture that sustains DV. Victorian policy has given strength to this issue by including community accountability. The implication is for Bangladesh to increase the emphasis on community education and community accountability.

This study aims to contribute at the practice level as it identifies the importance of continuous education and development of CSS staff, integrated CSS responses by a systematic approach and proper communications, use of risk assessment and management tools and adopting integrated electronic application of such tools, coherent structure of support services, and appreciating the impact of name, frame and definition. In particular, the Bangladesh Ministry of Women and Children Affairs needs to make systematic efforts to strengthen the coordination between all stakeholders, as occurs in Victoria.

In Victoria it is found that the greater police power helps the women in their crisis. However, such powers are governed by strong codes of practice developed for police and CSS workers, which have been found to be both useful and effective. The implication is to develop codes of practice for both

police and CSS workers in Bangladesh (and in similar emerging countries), together with increased police powers specifically in relation to assisting DV women victims in crisis.

Services in Victoria like outreach help women to stay secure in their homes, which is a great advantage for women and could be considered for Bangladesh, although the family structure at home could be much more problematic if extended members of the family (including in-laws) live there. At the same time the structure of CSS in Bangladesh highlights the effectiveness of attaining all kinds of support, including legal support and short-term shelter at the same place. Such an all-inclusive system could be useful for Victoria because including both legal services and shelter in the structure of support services, as is done in Bangladesh, is beneficial for the women.

The type of shelter home also has impact towards practice. In the case of Victoria, women are provided a private bedroom but share the rest of the house, which is self-contained, with other women. In Bangladesh accommodation is like a hostel, where women are provided only a bed, which may have great implications in practice. It is found to be one of the reasons why women in Bangladesh are not coming to the shelter homes. Dedicating funding for more suitable accommodation in the latter country would be more effective, but poor countries have significant public budgetary limitations and may need international NGOs to support such an initiative by the government. The new approach in Bangladesh where a woman can stay in the community with some other family who is interested in giving her shelter is also worthy of consideration.

DV is not specifically a family issue rather it is an offence which happens in the family, whereas a breach of an intervention order is a criminal issue and is appropriately dealt with in a magistrate court. Therefore in Bangladesh, DV cases may need a separate court other than a judicial magistrate and family court, which is able to deal with DV whether or not it is under the country's DV Act or under the Women and Children Repression Prevention (WCR) Act. Looking at Victoria where there are special family violence courts which deal with DV could be worthwhile for Bangladesh lawmakers.

Australia has specific focus on DV, and thus their policies, legislations and support services have been developed according to that focus, and it is well organised. Therefore, the 'family violence' system is mainly developed to support the DV victims in a systematic way. In Victoria, at the policy level as well as practice level, all focus is towards providing an improved response. As a result, women get the intervention order easily, with emphasis given on exclusion of perpetrator and integrated response so that a woman will get support everywhere she goes. This systemic approach is absent in Bangladesh,

which is why women in Bangladesh are deprived from support in many situations when they need it. Whereas, it is a good initiative for Bangladesh that the policy is focused on women's financial empowerment. Financial empowerment is very much needed for the women in their crisis moment, as it is one of the main reasons many women are not able to take the decision to leave the violent relationship. Although Victorian government has taken various initiatives to support women, there is a lack of focus in this area.

In Bangladesh and in Australia family law deals with the long-term custody of children, where father and mother can contest for the custody of children. The difference being that the Family Law Act in Australia is secular. Nevertheless there are complications. In Bangladesh the DV Act has made the custody of the children exclusively for the women which greatly reduces the stress on these women in their crisis moment. In Victoria the similar act (called *Family Violence Protection Act, FVPA*) does not mention custody of children during the crisis moment and there is the possibility that the perpetrator can use the children to disadvantage the female victim who then has to deal with a custody battle as well as the DV. An amendment to the FVPA that includes custody of children to the women in their crisis moment could be considered.

Bangladesh has brought the issue of compensation for the women under the DV Act so as to make it easier for the women to claim compensation, and for accountability, it is the perpetrator's responsibility to pay this compensation. In Victoria compensation is not automatically payable by the perpetrator, which is a marker of the perpetrator not being held accountable. Victims seeking compensation in Victoria do not have any direction about it under FVPA, although the Family Violence Court Division has jurisdiction to deal with DV under a tribunal system, which is more cumbersome. Bangladesh may include the options such as false certification and prohibiting cross examination by the perpetrator under DV law. In addition the other recommendation is that the decision power of whether or not to have a closed court needs to be given to the victim alone, not to both parties. Another consideration for court cases is for Bangladesh to consider the use of expert evidence as happens in Victoria. Expert evidence is given by professional people with expertise in DV. It is useful in the case proceedings to reach a conclusion especially as sometimes magistrates are not well informed about complexity of DV.

The above mentioned issues are crucial and have implications for developing efficient and effective support for DV victims. From the research, both regions under investigation have some specific policies and legislation that can be examined for adaptation and implementation in the other region's jurisdiction with benefit. In Bangladesh, the focus on the victim's predicament is worthy of further

consideration given the 'family violence' approach in Victoria; yet the systematic and risk management approach in Victoria does create a more overall resilient system in dealing with DV.

7.5 IMPLICATIONS FOR FUTURE RESEARCH

The LW/SM/SYS conceptual framework, adapted from the gender lens of Zacharias (2007) with the DV perspective of Heise (1998), has provided for this study a robust approach to the analysis of DV policy, practice and organisational responses. This exploratory study indicates potential for future research using this same framework on deeper and broader levels. At a deeper level, if data could be accessed from victims and perpetrators, as well as from policymakers and senior CSS managers, then analysis in both countries under investigation in this study may feasibly be conducted on such data to understand better many of the issue raised in the summary and implications sections of this chapter that would be very fruitful in better advancing responses to DV itself and improving support for its victims. At a broader level, the framework could be used to analyse other States and territories in Australia and other regions for their responses to DV, which is endemic throughout the world in all cultural contexts, in order to see what is so common and pervasive across regional domains. Thus, future research in this area would benefit if it is taken on a larger scale, with potential for quantitative studies using Likert Scales and Factor Analysis.

Another approach to future research is for investigation of specific important issue in relation to DV that may guide better policy, strategy and implementation. In this regard, research on perpetrators and intervention orders could reveal that the issues surrounding the alleged perpetrator (including their family history, age, and religious attitudes) is complicated, as well as the remedies offered. Also, further research is needed to find a more workable solution to protecting DV victims while addressing pro-family and men's rights concerns. Such research could explore the possibility of separate legislation to deal with exceptions or to re-design the existing legislation to make it clearer that DV, as found by Kimmel (2002) and indeed acknowledged in Vic policy and by the fact that BD policy and legislation specifically targets women as victims, is overwhelmingly a male act against women.

Examination of men's behaviour change programs (like those in operation in Victoria) is another contentious issue revealed in this study and considered by interviewees as detracting funding from victim services. As was detailed in the literature review, such programs have been found to have mixed results ranging from ineffective to bringing about change in behaviour to only a minority of perpetrators. Using the conceptual framework of this study, this is an important issue for future research. Whilst behaviour change programs for perpetrators of DV are considered to be ineffective

and a waste of resource there are other behaviour change programs that have been successful. One such program is Alcoholics Anonymous (AA) and its corresponding Alanon program. AA is non-government funded, it is self-managed, on-going and provides on-going support. While attendance at AA meetings is voluntary a similar regular on-going program for DV perpetrators where regular attendance is compulsory could be explored. Other programs to be considered might be ones that provide on-going mentoring. Major and comprehensive evaluation of DV perpetrator behaviour change programs can be conducted and compared with methods used by more successful programs such as AA.

Of relevance to emerging countries with collectivist cultural contexts is the comparison of dealing with victims and perpetrators. Thus, as in this study, although Bangladesh does not experience the problems of services for men detracting from services for women and other issues around non-gendered naming and framing, it does not have anything in place to deal with perpetrators other than punitive measures. Data is not available on the effectiveness of penalties in stopping recidivism and data on the rate of recidivism is not available. Conduct of research should be done on the effectiveness of the current penalties in such countries to stop re-offending and on the effectiveness of punishment as the sole remedy.

On a broader scale, widening the research boundaries, it can be seen that Australia approaches the DV issue from a human rights perspective with the focus being on the human rights of all, not just the human rights of the women who are victims. The focus on human rights for all in policy (men and women) and legislation (men, women and children) means that perpetrators also have their human rights protected as would be the rights of any common criminal. Research could be conducted on DV policy and legislation on comparing such a human rights approach to the 'less complicated' approach in Bangladesh where naming and framing are gendered in legislation and policy. Sheikh and Karim (2014) made a suggestion that offender-based approach exists in victim support services which is applicable in the case for DV where the focus is on the apprehension of criminals. Does dealing punitively with the man purely as perpetrator, as in Bangladesh, provide better accountability than the more human rights approach as in Australia?

Interviewees were not specifically asked about the role of magistrates or how well they worked to defend victims of DV. However during the course of the interviews in both countries, unsolicited comments were made about the level of understanding of magistrates of the issues surrounding DV and the role of magistrates in providing justice for DV victims. Comments included the importance of

the attitude of the magistrate and that much depends on how the magistrate dealing with the case sees the problem. This may be a useful area of future research in both countries.

The possibility of practitioners' own gender biases influencing their treatment of victims and the strategies they adopted to deal with victims was not explored in this study. A small number of comments from Bangladeshi interviewees revealed this possibility. . It may be useful for future research in both countries to look at practitioners' understanding of gender bias embedded in their own culture and their personal values attitudes and beliefs towards DV victims.

7.6 CONCLUDING NOTE

The issues for research mentioned above elicit in this study a final concluding note. Greater gender equality needs to be achieved in both the countries under investigation, as in the rest of the world. For this to happen, men must be willing to change and to support equality. However gaining support from men is difficult. Bringing this theme closer to this study, evidence indicates that attitudes toward DV in the LW are changing and more men are actively speaking out against DV. The actions of the SM in recent years in the form of policies and legislation have seen great improvements in the management of DV victims and perpetrators in both countries. The full acceptance of the recommendations of the 2016 Royal Commission and the publicity condemning DV have seen Victoria take a strong lead. In Bangladesh making women and men equal in the Constitution, and accepting and acting upon the provisions of CEDAW mainly in the form of legislation aimed solely at protecting and advancing women has also brought about attitudes changes in the LW. Whilst there is still opposition to gender equality in both countries, evidence is that the SM in the form of policies and legislation supported by other SM elements, such as a supportive visual and print media can bring about real change.

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APPENDIX 1: ETHICS DOCUMENTS**i) University ethics approval****Approval**

Human Research Ethics Committee

University of Ballarat
Learn to succeed

Principal Researcher:	Lorene Gottschalk
Other/Student Researcher/s:	Nasrin Rahman
School/Section:	TBS
Project Number:	B13-098
Project Title:	A comparative analysis of domestic violence against women in Australia and Bangladesh: Government policies, legislation and organisational responses.
For the period:	14/11/2013 to 15/04/2015

Please quote the Project No. in all correspondence regarding this application.

REPORTS TO HREC:

An annual report for this project must be submitted to the Ethics Officer on:

14 November 2014

<http://www.ballarat.edu.au/research/research-services/forms/ethics-forms>

A final report for this project must be submitted to the Ethics Officer on:

15 May 2015

<http://www.ballarat.edu.au/research/research-services/forms/ethics-forms>

A handwritten signature in blue ink, appearing to read 'Lorene Gottschalk'.

Ethics Officer

14 November 2013

Please see attached 'Conditions of Approval'.

CONDITIONS OF APPROVAL

1. The project must be conducted in accordance with the approved application, including any conditions and amendments that have been approved. You must comply with all of the conditions imposed by the HREC, and any subsequent conditions that the HREC may require.
2. You must report immediately anything which might affect ethical acceptance of your project, including:
 - Adverse effects on participants;
 - Significant unforeseen events;
 - Other matters that might affect continued ethical acceptability of the project.
3. Where approval has been given subject to the submission of copies of documents such as letters of support or approvals from third parties, these must be provided to the Ethics Office before the research may commence at each relevant location.
4. Proposed changes or amendments to the research must be applied for, using a 'Request for Amendments' form, and approved by the HREC before these may be implemented.
5. If an extension is required beyond the approved end date of the project, a 'Request for Extension' should be submitted, allowing sufficient time for its consideration by the committee. Extensions cannot be granted retrospectively.
6. If changes are to be made to the project's personnel, a 'Changes to Personnel' form should be submitted for approval.
7. An 'Annual Report' must be provided by the due date specified each year for the project to have continuing approval.
8. A 'Final Report' must be provided at the conclusion of the project.
9. If, for any reason, the project does not proceed or is discontinued, you must advise the committee in writing, using a 'Final Report' form.
10. You must advise the HREC immediately, in writing, if any complaint is made about the conduct of the project.
11. You must notify the Ethics Office of any changes in contact details including address, phone number and email address.
12. The HREC may conduct random audits and / or require additional reports concerning the research project.

Failure to comply with the *National Statement on Ethical Conduct in Human Research (2007)* and with the conditions of approval will result in suspension or withdrawal of approval.

ii) Bangladesh Police ethics approval

Government of the People's Republic of Bangladesh
Bangladesh Police
Police Headquarters, Dhaka

Memo No- Training/73-2011 (Part-5) 1860

Date: 24/10/2013

To

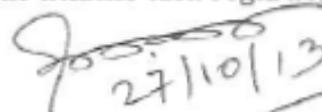
Ms. Nasrin Rahman
Business School
University of Ballarat (UB), Australia

Dear Ms,

Please be informed that your letter requesting permission to interview the in-charge of the Victim Support Centers, as part of your research on the policies and legislation dealing with domestic violence against women in Bangladesh and organizational responses to the same, has been approved by Police Headquarters, Dhaka.

You are, therefore, requested to forward this letter to your supervisor Dr. Lorene Gottschalk and do the needful to conduct the interviews.

With thanks and regards,



(Md. Feroz Al Mozahid Khan)

Addl. DIG (Training & Sports)
Police Headquarters, Dhaka
Tel: +88 02 9564775
Cell: +8801713373021

For Info:

1. In-charge, Victim Support Centre, Tejgaon, DMP, Dhaka
2. in-charge, Victim Support Centre, Rangamati
3. In-charge, Victim Support Centre, Rangpur
4. In-charge, Victim Support Centre, Rajshahi
5. In-charge, Victim Support Centre, Sylhet
6. In-charge, Victim Support Centre, Khulna

iii) Victorian Police ethics approval (extract: first page)

Research Agreement

THIS AGREEMENT is made the 6th day of NOVEMBER 2013.

between

The State of Victoria, as represented by Victoria Police ABN 63 446 481 493
of 637 Flinders Street, Docklands, Victoria 3008

(Victoria Police)

and

The University of Ballarat ABN: 51 818 692 256
of University Drive, Mount Helen PO Box 663, Ballarat, Victoria, 3353

(Research Organisation)

1. Definitions

1.1 In this Agreement, unless the contrary intention appears, the following definitions will apply:

Agreement means this agreement and includes the schedules and any annexures to it or documents incorporated by reference;

CLEDS means the Commissioner for Law Enforcement Data Security;

CLEDS Act means the *Commissioner for Law Enforcement Data Security Act 2005* (Vic);

Data means information (in whatever form) in the possession of Victoria Police including but not limited to Law Enforcement Data, Personal Information, and technical, scientific and financial information which comes into the possession of the Research Organisation through intentional or unintentional disclosure, excluding information which:

- (a) is or comes into the public domain other than by disclosure in breach of the terms of this Agreement;
- (b) is or becomes available to the Research Organisation from a third party lawfully in possession of it and with the lawful power to disclose it to the Research Organisation;
- (c) is rightfully known by the Research Organisation (as shown by its written record) prior to the date of disclosure to it under this Agreement;
- (d) is independently developed by an employee of the Research Organisation who has no knowledge of the disclosure made under this Agreement; or
- (e) is disclosed pursuant to legal requirement or order.

Information Privacy Principles means the Information Privacy Principles set out in the *Information Privacy Act 2000* (Vic).;

Victorian Police ethics approval cont'd (extract: signed page)

Signed for and on behalf of the **State of**

Victoria as represented by Victoria

Police by

its duly authorised signatory

in the presence of:



Signature

Assistant Director, Strategy & Policy Division

[title of authorised signatory]

Alison Smith

Name (print)



Witness signature

ANTHONY HALE

Witness Name (print)

Signed for and on behalf of **The**

University of Ballarat [Research

Organisation]

by Associate Professor Jerry Courvisanos

in the presence of:



Signature

Associate Dean Research

[title of authorised signatory]

JERRY COURVISANOS

Name (print)



Witness signature

ELISA ROSE ZENTVELD

Witness Name (print)



Victorian Police ethics approval cont'd (extract: project details page)**SCHEDULE 2****ITEM 1: PROJECT**

Name of Project: A Comparative Analysis of Domestic Violence against Women in Australia and Bangladesh: Government Policies, Legislation and Organisational Responses

Purpose of Project: The purpose of this research is to conduct a comparative study of government policies and legislation dealing with domestic violence against women and organisational responses to such policies and legislation in Bangladesh and Australia.

Of interest is how factors that influence domestic violence are reflected in laws and policies and in the organisational support services provided for victims. As Australia has a federal system of government, the main Australian federal legislation and policy and the main Victorian legislation and policy related to domestic violence will be examined.

Outline of Project: A qualitative case study methodology has been selected to explore this research area and to obtain a detailed understanding of the problem, the cases being a comparative study between BD and Australia. Semi structured interviews will be conducted with persons in charge of Police Domestic Violence sections and Crisis support services (Outreach Services & Refuge Services in Australia and One Stop Crisis Centre and Shelter Homes in Bangladesh).

Publishing Details: The findings of the research will be disseminated in a thesis as well as peer reviewed journal articles and conference papers in which individuals will not be identified. A copy of the research thesis will be provided to Victoria Police upon completion. Copies of conference papers and journal articles will also be provided to Police prior to presentation.

ITEM 2: DATA

Approval has been granted for the researcher to interview Detective Inspector Kerryn Hynam, Officer in Charge of the Family Violence Coordination Unit, and for her to provide relevant documentation as she sees fit. Information imparted by Det Inspector Hynam in the interview and through supplied documents will constitute the data provided by Victoria Police.

ITEM 3: RECIPIENTS

Dr. Lorene Gottschalk
University of Ballarat
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Annual/Final Project Report

Human Research Ethics Committee



Please indicate the type of report	<input type="checkbox"/> Annual Report (Omit ,3b, 5b) <input checked="" type="checkbox"/> Final Report
Project No:	B13-098
Project Name:	A comparative analysis of domestic violence against women in Australia and Bangladesh: Government policies, legislation and organisational responses
Principal Researcher:	Dr Lorene Gottschalk
Other Researchers:	Nasrin Rahman
Date of Original Approval:	14/11/2013
School / Section:	The Business School
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Please note: For HDR candidates, it is a requirement of candidature to submit Candidature reports annually to research.degrees@federation.edu.au in addition to Ethics Annual/Final reports.

1) Please indicate the current status of the project:				
1a) Yet to start	<input type="checkbox"/>			
1b) Continuing	<input type="checkbox"/>			
1c) Data collection completed	<input checked="" type="checkbox"/>			
1d) Abandoned / Withdrawn:	<input type="checkbox"/>			
1e) If the approval was subject to certain conditions, have these conditions been met? (If not, please give details in the comments box below)	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Comments: There were no conditions imposed				
1f) Data Analysis	<input type="checkbox"/> Not yet commenced	<input type="checkbox"/> Proceeding	<input checked="" type="checkbox"/> Complete	<input type="checkbox"/> None
1g) Have ethical problems been encountered in any of the following areas:				

Study Design	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Recruitment of Subjects	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Finance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Facilities, Equipment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(If yes, please give details in the comments box below)		
Comments:		
No ethical issues arose		

2a) Have amendments been made to the originally approved project?	
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
2b) If yes, was HREC approval granted for these changes?	
<input type="checkbox"/> Yes	Provide detail: <input type="checkbox"/> Yes Application for Amendment to an Existing Project <input type="checkbox"/> Yes Change of Personnel <input type="checkbox"/> Yes Extension Request
<input type="checkbox"/> No	If you have made changes, but not had HREC approval, provide detail as to why this has not yet occurred:
2c) Do you need to submit any amendments now?	
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes Application for Amendment to an Existing Project <input type="checkbox"/> Yes Change of Personnel <input type="checkbox"/> Yes Extension Request * NB: If 'Yes', download & submit the appropriate request to the HREC for approval: Please note: Extensions will not be granted retrospectively. Apply well prior to the project end date, to ensure continuity of HRE approval.

3a) Please indicate where you are storing the data collected during the course of this project:
In Bangladesh, in my personal computer which is password protected
3b) For Final Reports only: Advise when & how stored data will be destroyed
The interview files will be sent to the Business School upon completion of the thesis and deleted from my computer.

4) Have there been any events that might have had an adverse effect on the research participants OR unforeseen events that might affect continued ethical acceptability of the project?

No Yes * **NB: If 'yes', please provide details in the comments box below:**

Comments:

5a) Please provide a short summary of results of the project so far (no attachments please):

The data has been analysed and a first draft of the data analysis chapters is almost complete. There is sufficient data which contributes to existing knowledge.

5b) Final Projects only: Were the aims of the project (as stated in the application for Approval) achieved?

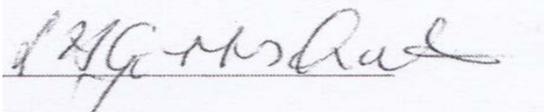
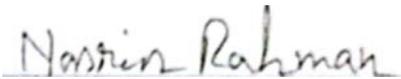
Yes

6) The HREC welcomes any feedback on:

- Difficulties experienced with carrying out the research project; or
- Appropriate suggestions which might lead to improvements in ethical clearance and monitoring of research.

One difficulty was the requirement to also submit an ethics application to the Victoria Police Research Section. They approved an interview for only one person, that being the person in charge of the Family Violence Coordination Unit. Thus my data for police is limited to this person and analysis of media accounts of domestic violence events.

7) Signatures

Principal Researcher:		Date:	29/12/2016
	Print name: Dr Lorene Gottschalk		
Other/Student Researchers:		Date:	29/12/2016
	Print name: Nasrin Rahman		

Submit to the Ethics Officer, Gippsland or Mt Helen campus, by the due date:
research.ethics@federation.edu.au

APPENDIX 2: INTERVIEW SCHEDULES

INTERVIEW QUESTIONS WITH VICTORIA POLICE

1. Can you give me an overview of how your department works?
2. What is your understanding of the factors influencing DV?
3. The current policies and legislation are Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* and the *Family Violence Protection Act 2008*. What internal structures, programs and policies were put in place in response to the government policies and legislation to support DV victims?
4. There are two key initiatives of the Victorian family violence reform in Victoria.
 - a. In 2004 the Victoria police introduced a Code of Practice which introduced a structured procedure to deal with DV. Can you comment on the effectiveness of the code of practice?
 - b. How effective is the Family Violence Risk Assessment and Risk Management Framework for assessing the risk?
5. According to police the reporting of family violence incidents to Victoria police has increased. But still many DV cases are not reported to police. What is your opinion about this?
6. Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* mentions a coordinated approach across the government and within the specialist and mainstream service sectors working together to reduce family violence. Victoria police is working in partnership with other organisations such as Department of Justice (government organisation) and women's domestic violence crisis services of Victoria (non-government organisations) to prevent this violence from occurring in the first place. Can you explain how the coordinated response that is, working with other stakeholders works for Victoria police? Also can you comment on the effectiveness of the coordinated response approach?
7. Do you think that the *Family Violence Protection Act 2008* or Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* changed the way you deal with the victims? If Yes, then how? If No, why?
8. The *Family Violence Protection Act 2008* had the potential to improve police response by increasing police power with the use of the Family Violence Safety Notice and/or holding power policy. Can you comment on the effectiveness of these increased powers according to the needs of the victims?
9. The *Family Violence Protection Act 2008* also established a reform system in Victoria which supports victims of family violence and their children to stay in their homes and requires perpetrators to leave (Exclusion order). You can use this Exclusion Order to remove the perpetrator (an order grant by the court). To what extent is it used? How effective is this?

10. In the policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020*, it is mentioned that a formal referral pathway be established between police and family violence services via the Referral Protocols. On what basis do you refer victims to other support services? Which services? How well do you think referral works to meet the needs of the DV victims?

11. In the policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020*, it is mentioned to maximise the application of the criminal law to family violence-related crimes including breaches of family violence intervention orders. To what extent is it used? How effective is this?

12. I am interested in the way police generally respond to the victims of DV. Can you talk about difficulties police may have or barriers they may face in attempting to support DV victims. (Difficulties and barriers might be external e.g. threat of violence from perpetrator or internal such as personal bias against women). What in your opinion do police need to help overcome such barriers?

13. Tell me your overall opinion about current system and the issues.

INTERVIEW QUESTIONS WITH BANGLADESH POLICE

1. Can you give me an overview of how your department works?

2. What is your understanding of the factors influencing DV?

3. The current policy and legislation are the *National Women Development Policy 2011* and the *Domestic Violence (Prevention and Protection) Act 2010*. What internal structures, programs and policies were put in place in response to this government policy and legislation to support DV victims?

4. In 2011 the *National Women Development Policy 2011* was introduced. A part of this plan is related to DV in Bangladesh.

- a. In 2009, Bangladesh police established Victim Support Centre (VSC) which deals with violence against women victims including DV victims. Has the VSC improved the way in which DV is managed? If Yes, then how? If No, then why?
- b. DV is related to many risks factors of both perpetrators and victims, such as threats to harm victims by perpetrators, physiological and emotional abuse, depression of victims, suicidal thoughts of victims etc. What is your understanding of the risks of DV? Do you assess the victim's current risks? Do you have any risk management plan? If Yes, then how does it work? If No, then what are the problems?

5. According to the Victim Support Centre brochures of 2012, 368 women who were victims of DV received support from these centres. Do you think that the reporting of DV incidence to Bangladesh

police has increased as a result of the establishment of these Centres? What is your opinion about this?

6. The *National Women Development Policy 2011* has mentioned working together across the government and within the NGOs and other support service sectors, which means a coordinated approach, for reducing domestic violence. How are you working with other stakeholders?.

7. According to the *Domestic Violence (Prevention and Protection) Act 2010* the Police are the first point of contact for a victim. To what extent is this working according to the needs of the victims?

8. According to the *Domestic Violence (Prevention and Protection) Act 2010*, if necessary the court can give the order to exclude the perpetrators from the family home (Exclusion orders). You can use this Exclusion Order to remove the perpetrator (an order granted by the court). To what extent is it used? How effective is this?

9. According to the *Domestic Violence (Prevention and Protection) Act 2010* a Police officer is the first referral provider. On what basis do you refer victims to other support services? Which services? How well do you think referral works to meet the needs of the DV victims?

10. According to the *Domestic Violence (Prevention and Protection) Act 2010*, breaches of a protection order is treated as a criminal offence. How frequently is it applied? How effective is this?

11. I am interested in the way police generally respond to the victims of DV. Can you talk about difficulties police may have or barriers they may face in attempting to support DV victims. (Difficulties and barriers might be external e.g. threat of violence from perpetrator or internal such as personal bias against women). What in your opinion do police need to help overcome such barriers?

11. Tell me your overall opinion about current system and the issues.

INTERVIEW QUESTIONS WITH CRISIS SUPPORT SERVICES AUSTRALIA (OUTREACH SERVICES AND WOMEN REFUGE SERVICES)

1. Can you give me an overview of how your organisation works?

2. What is your understanding of the factors influencing DV?

3. The current policies and legislation are Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* and the *Family Violence Act 2008*. What internal structures, programs and policies were put in place in response to the government policies and legislation to support DV victims?

- a. The principals and values of Vic policy ARSJ is safety, wellbeing and empowerment of victims (women). How is your organisation addressing this?

- a. Another principal of ARSJ is accountability-which refers to Individual level, Community level and System level. System level means to give priorities to women's safety at every point. How is your organisation working on this issue to reduce violence?
 - b. An individual level accountability means perpetrators will acknowledge responsibility for their use of violence, mainly through the justice system.
 - c. Behaviour change programs are intended to provide opportunities for perpetrators to positively re-enter the community and take responsibility for their actions. From your experiences can you make a comment on accountability and behaviour change program's effectiveness?
4. Is there any impact of *Family Violence Act 2008* or Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* in your work to support DV victims? If Yes, then how? If No, why?
5. There are two key initiatives of the Victorian family violence reform. For example:
- a. The plan mentions supporting women to remain safely in their own home by removing the perpetrator. To what extent is this done? How effective is it?
6. Victorian policy *A Right to Safety and Justice, Strategic Framework to Guide continuing Family Violence Reform in Victoria 2010-2020* mentions a coordinated approach across the government and within the specialist and mainstream services sectors working together to reduce family violence. How is your organisation working with this?
7. When a woman needs to escape from DV how easy or difficult is it for her to find refuge?
8. How do you generally respond to the victims of DV?
- a. What services do you provide? (Case management, counselling ...)
 - b. When women (and children) are housed in the refuge are there rules and regulations they need to follow? Can you explain what they are?
9. On what basis do you refer victims to other support services? Which services? How well do you think referral works to meet the needs of the DV victims?
10. Is the *Family Violence Risk Assessment and Risk Management Framework* adequate for assessing the risk effectively? If Yes, then how? If No, then why not?
11. Is there any focus on helping women to become empowered and gain financial independence by getting paid work?
12. Can you talk about difficulties you may have or barriers you may face in attempting to support DV victims and how you overcome them?
13. Tell me your overall opinion about current system and the issues.

INTERVIEW QUESTIONS WITH CRISIS SUPPORT SERVICES BANGLADESH (ONE STOP CRISIS CENTRE AND SHELTER HOMES)

1. Can you give me an overview of how your department works?
2. What is your understanding of the factors influencing DV?
3. The current policy and legislation are *National Women Development Policy 2011* and *Domestic Violence (Prevention and Protection) Act 2010*. What internal structures, programs and policies were put in place in response to this government policy and legislation to support DV victims?
4. Is there any impact of present *National Women Development Policy 2011* and *Domestic Violence (Prevention and Protection) Act 2010* to support DV victims?
5. In 2011 the *National Women Development Policy 2011* was introduced. In what ways has this impacted on your work to support DV victims? For example:
 - a. In the OCCs women will get combined support such as medical, legal etc. Has provision of such combined support impacted on the way in which DV is managed?
 - b. In addition through OCC, women will have access to shelter homes. To what extent is referral to shelter homes used? How effective is this?
6. According to the *Domestic Violence (Prevention and Protection) Act 2010* you can refer the victim to other support services (Medical and shelter homes). On what basis do you refer victims to other support services? Which services? How well do you think referral works to meet the needs of the DV victims?
7. The *National Women Development Policy 2011* has mentioned working together across the government and within the NGOs and other support service sector, which means a coordinated approach for reducing domestic violence. As you are giving support to women, you are working together. How are you working with other stakeholders? Do you face any problem with the coordination? Please explain it.
8. When a woman needs to escape from DV how easy or difficult is it for her to find refuge?
9. Do you think that the accommodation is adequate in terms of number and need? What is your opinion about this?
10. How do you generally respond to the victims of DV?
 - a. What services do you provide? (Counselling, health...)
 - b. When women (and children) are housed in the refuge are there rules and regulations they need to follow? Can you explain what they are?
11. DV is related to many risks factors of both perpetrators and victims, such as threats to harm victims by perpetrators, physiological and emotional abuse, depression of victims, suicidal thoughts of victims etc. What is your understanding of the risks overall of DV re-occurring? Do you assess the victim's

current risks? If Yes, then how? If No, are there plans to introduce risk assessment strategies? Please elaborate.

12. Do you think that exclusion order is working according to the needs of women? To what extent is it used? How effective is this?

13. Do you think that your support is helping women to become empowered to find or get back employment If Yes, then how? If No, then why?

14. Can you talk about difficulties you may have or barriers you may face in attempting to support DV victims and how you overcome them.

15. Tell me your overall opinion about current system and the issues.

APPENDIX 3: INTERVIEW QUOTATIONS

PART A: Australia (Victoria)

Culture of masculinity

I would say what I think, but also what our organisation officially thinks...about what we believe is the cause of violence, we believe is to do with the inequality between men and women which is long standing in our culture, we believe that our culture supports men's violence against women. (AORS 1)

That is the need of a person to coerce or control another person to their will rather than to the will of the person that is being controlled. (VP)

Drugs and alcohol

If you're talking about drugs and alcohol, and those sorts of things, we don't see those as being factors. They're excuses, so you won't get any of the workers here going, oh it's because of he was drinking, or because he was using drugs. They're excuses for behaviour, they're not factors that contribute, that's just a cop out. (AR/ORS1)

Comprehensive Risk Assessment tool

We do the full assessment which is called the comprehensive assessment. So we could do that over the phone or we could invite them into the building, we have interview rooms and we would also do a needs assessment. So full assessment not just their risk but what their other needs might be. (AORS1) Those three levels [in the CRAF assessment tool] don't tell us anything about what the risk is of; it does not specify possible future risk such as death or serious injury, suicide or poverty and what it does...And I find that our staff and I think this would be common, [and] don't necessarily provide a really coherent rationale as to why they say elevated [risk]. So when I say "why are you saying elevated" all because he has done this and this. I say yes, but yes we are trying to assess the risk into the future but more complexity around. So what is she at risk of? Is she at risk of death? Is she at risk of serious injury? Is she a risk of suicide? Is she at risk of poverty? All and all we need to be much more sophisticated about what she is at risk of, and then how likely the risk is; each one of them is [at risk]. (AORS1)

We trained staff just to think with a bit more complexity about it because the risk of her suicide or having long-term chronic depression requires a different response. Is he going to shoot her tomorrow? Obviously. So I just think it will help workers design their intervention in a more explicit way. At the moment they are doing all this in their heads and even though I am not saying they aren't great they are often unable to, the framework doesn't help them to pull apart and analyse them in way I think needs to. (AORS1)

Look, it's a good tool, it doesn't mean there aren't other tools, like I really found the "inter justice scale" a really good tool to work with women, even in terms of their own opportunities, where they kind of talk through their own experience, and, ask good questions around [his] controlling behaviour and those sorts of things. (AORS3)

Interim accommodation due to no vacancy at refuge

To find a refuge is really hard, we've had women sitting in Melbourne in motels for a month, a lady who is staying at a motel for a month, there's not enough refuges. (AR/ORS1)

The women may also have to stay in [any] refuges that have a vacancy and this might be in an area that is miles away from her home. (AR2)

Refuges in secret locations remote from where DV victims live

Women who need to go into a high security refuge in [name of place 1] won't go to [name of place 2] refuge – they will go somewhere else. So women come from other areas in the State to come to [name of the place 1]. Sometimes they go interstate depending on the risk. (AORS1)

Basically...help them to get out of town, if they need to get out of town, for local women who don't feel safe in [name of the place], so basically we do referral to women's Crisis Support Services [present name Safe Steps Family Violence Services] in Melbourne, and we pop them on a train, or any kind of safe transport, and get them down to Melbourne, and then they put them in, whoever have a vacancy in a refuge. (AR/ORS2)

Safety rules in refuges

We ask that they turn their phone off, and remove the sim card, because phones can have GPS in them. They are not allowed to have visitors, you know, there are rules [not specified] that need to work because the primary concern is the woman's safety. (AR/ORS1)

If she breaches three times, then we need to move her on but we don't like doing that. We don't like making them more vulnerable. So we could not do that. We actually find other alternatives for her, which is something we don't like doing, but the rules are there to be followed, they are spoken to before they actually decide to go to refuge. So we know they are at the last point of their lives. (AORS2)

Application for the intervention order

Well one of the things we do is take out intervention orders, so women, if they need or wanted an intervention order, if it's appropriate, or if that's criteria, that's what she wants to do, and we certainly think, in terms of housing residency status, taking out an intervention order can really strengthen the case, if there's a criteria for it, and we do often spend the time preparing intervention orders, seeking legal aid through various services and going to court and obtaining intervention order. (AR1)

Obviously we are down at the court, every week, supporting women around accessing intervention orders, supporting them at court where there might be breaches of court orders, variations for court orders, advocating, you know, with police and work with the police to get good police responses, those sorts of things. (AORS3)

OS supporting the taking of legal advice

Then we can do one of a lot of different things from that point. It might be legal advice referring them to legal advice – it might be providing them with support in a court. (AORS1)

And we go down to the court with being funded about that, to be down to the court when they have the sort of the family violence court sitting and advocate for women, and so forth. (AORS3)

Easier to take out an interim intervention order

...because of the easier process, or maybe lack of other options and difficult to get evidence for criminal charges, police also go for [interim] intervention order, instead of charging them, which also provides a message to the perpetrator that they will never be punished for their behaviour. And what hinders women's safety, I think, is that police have powers to, they've got quite a lot of power, but mostly the power that they use is the [interim] intervention order system. (AORS1)

And the other thing we have issues around the legal system is that the police' unwillingness to charge a man with assault or threats to kill at the first incident. They try and differentiate; they say "oh no its family violence" so we get an intervention order, we say that's great, but we want, the lady wants,

you to charge him as well. Oh no we're not doing that, we're getting an [interim] intervention order, and it's like some of the rights of the women that have been taken back and away. (AR/ORS1)

Group all offences to take to court all at once

The men can also manipulate the system, because police will want to group all of the charges together, so if there's more charges added, it can take years before they get before the court, the court system, the legal system lets women down. Greatly. (AR/ORS1)

Safety for DV victim women at home

We also increase the security of the house sometimes depending we put sensor cameras around the house. Increase the lighting put security door, we have been known to do things like put a gate on fence that didn't have a gate. We have personal alarms we give women personal alarms so that if he surprises her she can pull that out. (AORS1)

...we also do a lot of security measures, so, 70% of that would be lock changes, maybe security doors, security lights, safe transport, mobile phones, things that contribute to their safety, and support her and her children, in the family home, rather than have to flee. (AORS3)

Relocate to a safer space or stay at home

So if she is in public housing, we would advocate for her to be transferred somewhere safer. If she is in her own home we can help pay the rent [in the transferred accommodation] for a while in a limited way. If she hasn't got her own home we can help pay the bond [on the existing home], we can help her move to pay for the moving cost, pay for the storage of her furniture if she is going into refuge. We could have ongoing conversations with her about whether she wanted referral for counselling. Or whether she wants to increase the security in the [existing] home with an intervention order; she can have an intervention order allows her to live in the home. (AORS1)

Safety pack provided if staying at home

She is given information on staying safe in her home, so we provide information in safety pack, if there was an incidence, we provide her with knowledge, and the understanding of what she needs to pack, in her emergency bag, she needs to give the kids a dollar, and say this is what you need to bring if mummy is not well or has been beaten up, and putting her safety plans into place. (AORS2)

Counselling focus on empowerment

That's actually why we're here, we're here to empower, everything we do is built around that, constant discussion around empowering women, that's our whole focus is, strengths based practice, we have posters on every document we produce...that we believe women are in the best position to make their own choices, we just provide resources and opportunity, so it's about empowering, supporting. (AR/ORS1)

So a lot of our work is about empowering her, giving her lots of choices, helping her put into context, giving her language, working with her on the language of what's been happening so that she's empowered, to make informed decisions, and to think about her experiences, using other ideas that necessarily [challenge] the myths and misconceptions that are out there and our culture. (AORS3)

Sure, there's Outreach Services and with neighbourhood houses in lot of areas that provide programs. For helping women to get their lives together, the refuges do what they can at the time period but when a woman moves to either public houses or transitional housing there are often support programs, and women are encouraged to go to those. (AR1)

We have to link her in [to programs], and then [encourage her] to attend a couple of appointments, where she has to come on her own, because we can't be there for those appointments. So empowering happens all the time, they have to learn to make their own choices, planning and learn a holistic approach. So we do what a woman needs. (AORS2)

So we do workshops with our team, so that we are continually considering what empowerment means. On one side empowerment could be that you actually don't do very much support with the woman because she needs to be empowered to do things independently. So, that balance between the nurture of case management, and the independence leading to empowerment. (AR/ORS3)

No support for financial empowerment

No, nothing [financial support]. It's just part of that needs assessment that we do. It might be whether they want to do a course, to get them into paid employment; we have professional women come to us. (AR/ORS1)

Not specifically. So certainly, we don't have a specific kind of program focused on that [financial training], do you know, I would say that's kind of a gap really, I actually think that's a really big area of women's disadvantage, and disempowerment. (AORS3)

No, we don't have our own training programs [for the women], no. No, we would just help them link in with a training program, we would, in terms of financial empowerment and others, I guess, another thing we do a lot, which is we can do basic budgeting with women, help women with budgeting skills, but if we think that we don't have the skills, we would refer them to a financial counsellor, and we do that quite a lot. (AORS1)

Yes the above issues are important however the outcomes for women are poor where there has been domestic violence because of the loss of income, self-esteem, health, home and reduced mental wellbeing. Our service facilitates a new beginning by listening to the women and supporting them to look at other options, this is often the first step to making changes that may lead to getting more employed. Don't forget that women who experience domestic violence work too. (AR2)

Lack of resources for OS and RS

We try as best we can, and with the limited resources. I think it would help if we had more resources that's always been the cry for many years, but I think the workers in refuges do a pretty amazing job. (AR1)

So, as our society becomes more challenged economically, there is more blame, and sometimes our funding doesn't increase, the same way it does in other sectors. (AR/ORS3)

Absolutely, we always need more money, for training staff and also for our organisation. (AORS2)

We have a pretty good program, but you're always juggling reality and time, money. (AORS3)

Broader culture change required

We need more primary prevention, so we need more. We need to continue to resource and help deal with demand, we shouldn't be removing some of these innovative programs. We have to keep them going, if anything we have to look at how we can add or do better with what we have. And, I think we need to do more about repeat offenders, that kind of thing. (AORS3)

I know it's probably not an answer, but we still sometimes – the social perception – we still sometimes hear from professionals: "he is a good bloke", "he is a decent bloke", "a nice bloke", "he just does

this”; there still needs to be some work done with that. We have heard that from the police: “Oh he’s more reasonable than her”; so it’s more education I think around that is important. (AR/ORS1)

I think that it’s time. I think it’s time and I think that there are some very good Vic Health initiatives, especially in relation to healthy communities and respectful relationships. Unfortunately what may have happened is people think they are going to the school, they can do a workshop on respectful communities then they’ve done [with] that; you know. That’s how they often go, and I’m glad to see that Vic Health are actually promoting in schools, working across so many different sectors, [but] that is not going to create change. [Such change] is about much broader cultural change, and I think that’s what we need to continue doing. (AR/ORS3)

Look I think there is a Victorian framework for preventing family violence that was developed several years ago, that talked about the need to, for government, for policy and laws, at all levels, and I have to agree with that. I think that it’s a very good framework, so not only do you have to support victims, but you’ve got to change society’s beliefs about violence against women. (AORS1)

PART B: Bangladesh

Lack of financial independence

Another visible reason is - women are economically fragile. Being uneducated, they cannot do service (employment), even those who have received higher education cannot do service after they have become mothers, from the pressure of the mother-in-law’s house. Moreover, many husbands don’t allow them to work outdoors. (BOCC1)

We all know that we have been bearing the same mentality for hundreds years, that we are used to seeing a woman play the same role. Suddenly, the women have woken up, have gotten economically well off, become socially aware and are going forward politically, and the suppressed mentality of the men are expressed by getting angry with them. Why will the woman do it, as you are a woman, this is the question on part of the men. It is expressed through violence. (BSH4)

Women’s assertiveness

The prime reason of domestic violence these days is that women are being demonstrative [assertive]. In the earlier days, when husbands did some petty forms of torture, the women did not make any protest, they tolerated it. But now, they have been dynamic with the advent of media, cinema or television etc. They have learnt to raise their voice. This seems to be the cause. (BOCC5)

It is no good saying that torture occurs only by men, women are also responsible for this. (BOCC3)

Poverty

Domestic Violence is the most prevalent form of gender-based violence. Poverty, dowry, cultural norms, gender inequality are the major causes for domestic violence. (BOCC6)

There are various causes, socio-economic conditions is one of the main factors. Apart from this, is lack of education, superstition, and mentality of perverted choice [sexual perversion] which we are facing now. (BSH4)

Misinterpretation of religion

Like, we have a victim whose husband is a peer murid [follower of a man who demands himself as a believer of God] - He wants to make his wife a murid as well and to stay with the peer. When she does not pay heed to his words, he tortures her. She does not want to stay within the family any longer. Actually there are lots of unexpressed reasons; it is not possible to say all of them. However, the women are vulnerable in our society. (BSH4)

Religion is another reason. Religion itself is not responsible for this. People get many misinterpretations about religion. A man who is personally religious however, does not know the fundamental features of religion. He tries to misapply it through hearsay. (BVSC3)

Poor education, poverty, lack of awareness, misinterpretation of actual religious knowledge and more are the main reasons. (BSH2)

Difficulty women face in living independently

The women of our country are very helpless. They need husbands for both security and shelter. They can fulfil their biological need by any means. But they badly need security...Yes. A woman needs her husband for her social security and shelter. (BOCC1)

Our men are not secure themselves, let alone women. Total law and order has broken down. The law is not within our control...Rape is now spreading like an epidemic after the case of Delhi. Women are by no means safe, anywhere. Our entire society is under threat now. (BSH2)

Conduct of 'medical support'

When we hear that any one has faced violence and she needs counselling, in that case, firstly we bring her to the VSC. Next, we start to provide her support according to her needs like medical treatment or counselling. These stages go on until the victim comes to a normal condition. (BVSC3)

After that [initial communication with the victim] we take them to doctors, and have them checked for any physical problem. (BVSC1)

If a victim comes to us, feeling uncomfortable at home, we tell her to come to us, as she remains in a vulnerable condition. We give her medical support if there is any physical torture. (BVSC2)

WCR Act and DV Act and police effectiveness as first contact person

But when women come to our centre, firstly we provide treatment and police support. But if we need to lodge the case in the court, we lodge it, in WCR Act. (BVSC3)

When a victim describes the matter [the history of the violence] to us by herself, then we are not able to take it under DV law, we are taking it under WCR Act or Dowry Act. This problem is seen here. The cases that have been filed till now are not under the Domestic Violence law. Most of them are on Women Children Repression Act (*The Women and Children Repression Prevention Act, 2000 (WCR) (Amendment 2003)*). (BVSC1)

OCC assessment of risk to the women

We have long term experience and we come to know whether a woman needs counselling or not at the first go. Then we don't talk with her few days. After a few days of counselling we realise, by looking at her, that she is more relaxed now. Then she shares many things with us, what she couldn't at the very beginning. (BOCC2)

Protection at SH

The women who are here, every one made a complaint against someone. If she goes somewhere else, with or without knowing my permission, then if she falls into any danger, I will be in risk, as it is my duty to protect her. Moreover, I can't help her if I don't know where she is. There is a chance that the man against whom she made the complaint might kidnap her. Or maybe she might fall into an accident. In that case, I won't know how to find her. In that case, authority will show cause against me to know where she is. Then I can show them the written evidence [written authority to leave the SH].

As they are in my shelter, therefore that is my risk. I don't have a lot of manpower to look at that. Therefore we are not able to give the security all the time. (BSH1)

As they have no refuge outside, there is a strong possibility of their getting hurt or threatened by the oppositions [perpetrator or his family]. Therefore, we don't allow them to go outside. If they need to go to outside, they have to take permission from us. We send them to court under tight security, with police support. (BSH4)

Use of mobile phone in non-government SH

The regulation is – women of all levels [top to bottom] will get the same service. No extra care for higher class – attention is all the same. Attention will be given according to the policy. They are not given any mobile phone to talk with their relatives. But they can do it by contacting the Cell Phone Supervisor [person in charge of the shelter homes]. (BSH7)

Reluctance of victims coming to the shelter homes

We still have the culture of joint [extended] family. Family bonding is very strong in Bangladesh. It is not like other countries of the world, including only husband, wife and children. In Bangladesh it includes father, mother, brother, sister and many more. Therefore, they prefer going to relatives' house instead of another institution, or to any shelter home if it is impossible to go to parents' house, they go to their uncles' or aunts' house. Even if it is not possible, then they prefer going to any friends' house, any of whom are reliable enough. They prefer to take these types of steps for two or three days as immediate shelter. When the problems are solved, they go back to their husbands' house. Their family bonding is strong enough, indeed. (BSH3)

Maybe they are staying somewhere else, like at their relatives' houses like sister, brother; as a dependent but they are not thinking to stay there (at the SH). (BSH1)

Lack of professional counsellors

Yes. Our staff are doing it. I myself counsel them sometimes. Thus we execute our task. We need a professional psychologist. We don't have that. (BSH4)

In fact, there are very few professional counsellors in Bangladesh. We have staff who are lawyers; we train them on social counselling. They do the counselling. Psycho Social Counselling training is included amongst those [who get] training. Rapport should be built with a client from the very beginning, how to rehab them, how to communicate with them; these are the things which are included here [in training]. We provide mainly these kinds of things. After that we give training on sympathy, empathy and counselling. (BSH3)

When they are at shelter home, counselling is problem. But there is a big gap in the government shelter houses – those who counsel are not experts, nor even are the non-counsellors that counsel them. They don't know how to treat the victims. This is still a challenge for us. (BSH7)

Financial counselling

If they want, we will do that. We are able to financially rehabilitate them on their request. We encourage them to do work and go to a job. We try to make them understand that it is good for them. Therefore, if she wishes to do to any kind of training, we will definitely do that. (BSH1)

We give support for skill development as well. So we try to make her self-reliant so that she can take care of herself and create an income source, and also a place for empowerment may be introduced at the same time. (BSH3)

Perpetrator's influence as barrier to effectiveness

Suppose, the wife of a leader came. He shows his political influence, social power, etc., by threatening the co-ordinator. The co-ordinator puts pressure to us and to the police. Then, we avoid it technically. We do nothing illegally. (BOCC4)

We don't do injustice illegally [avoid knowingly being unjust to the client]. We avoid all sorts of trouble technically; we make them [the person attempting to exert influence] understand that as we are an international organisation, you can't do this. Many employees work here, if something illegal goes on, they will be sacked from their jobs. (BOCC3)

I will not say no to it, we consider the level of the opposing party in the society; whether he is ferocious or not and whether he can get me into trouble or not. We keep it in mind, and make conversation with them to see whether we will face any problems if we continue the case. If we see that it will cause troubles, we refer the case to the court. Ultimately, we try to convince the opposing party. (BSH5)

Gender equality in the home

We have to influence them by saying, "Charity begins at home". Male child should be taught not to torture others or the opposite sexes. A man must treat his wife well so that his children learn to follow it from their infancy or childhood. It needs to start from the family. With this, women alongside men; it should be taught to children to make themselves complete human beings. We should teach them patience, honesty and discourage hypocrisy, indiscipline, conflict. And we need to bring the whole society into one system. Then domestic violence can be taken to be a less of a problem. (BOCC5)

I think if everyone from their position teaches their child that as male children, you have no different rights from your sisters. You have the equal rights like your sister, your wife and even the females living next door. If we can do it from the very beginning, in every home, then violence will come to zero, otherwise not. (BSH1)

Police and other stakeholders to be educated and work collaboratively

Making law is not the only solution. This is a global problem in case of law. It is more severe in Bangladesh. There are many laws in Bangladesh. It is not wise to make the law only because law is required to make in a proper way by addressing the problem and also proper and sufficient support. (BSH3)

The law is very effective. We need to inform the people of the law. If they know it properly, like where to go, when to go, how to go, where to complain, how to complain, etc., it will be better for the victims. It should be made simple. The procedure to make the complaint should be made simple. (BSH5)

The government should take the steps as per law to train those who are involved in implement this law. The government should have surveillance over those. (BSH7)

DV to be dealt with in the Family Court

No, there is none [separate court], but if it is needed, we will think it over. Actually, Judicial Magistrate Court deals with criminal offences mainly. We are working to change the court from Judicial Magistrate to Family Court. (BSH3)