

# **WOMEN'S DOMESTIC VIOLENCE CRISIS SERVICE OF VICTORIA INCORPORATED**

## **SUBMISSION TO THE FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE**

### ***Inquiry Into Handling Of Child Abuse By Religious And Other Non-government Organisations***

#### **1. Introduction**

This submission is made on behalf of the Women's Domestic Violence Crisis Service of Victoria Incorporated (WDVCS). I thank the Committee for the opportunity to make a written submission in response to the Terms of Reference for your Inquiry.

The WDVCS operates a 24-hour 7-day state-wide telephone crisis line for women in Victoria experiencing violence and abuse from a partner, ex-partner, another family member or someone else they are close to. The crisis line also receives thousands of calls from police and other services who may require a critical response for a woman and her child/children. The woman and her child/children may be at high risk of harm and need to be removed from the situation of violence immediately.

As well as the telephone support and information referral service, the WDVCS provides emergency accommodation for women and their children seeking safety. Other support services provided by the WDVCS include assistance during the legal process, increased home safety (ie. lock changes), referrals to refuge, coordination of medical and other appointments, and the provision of practical supplies such as food and clothing for both women and children.

In the past financial year (2011-12), the crisis line responded to 50,834 calls – a 30 per cent increase on the previous year.

#### **2. Philosophy**

The WDVCS believes that violence against women:

- Is a violation of human rights and a crime against women and society, and the entire community is responsible for its elimination;
- Is an abuse of power based on gender, race, class, disability, sexuality and age inequality;
- Includes emotional, psychological, sexual and financial abuse; and
- Has consequences for individuals, families and communities.
- The experience of violence against women and responses to it are affected by gender, race, sexuality, class, age and disability.

While the WDVCS focuses on assisting women who are victims of domestic violence, children are also victims, either as witnesses to the violence, or victims of the abuse.

Thus, the WDVCS advocates for all women and children.

#### **3. Nature of perpetrator and victim relationship**

In responding to the handling of child abuse by religious and other organisations, it is important to understand the tactics perpetrators use on their victims. Child abuse (and similarly domestic violence) is committed in the context of unequal power distribution. It amounts to a pattern of behaviour, which involves escalating levels of emotional abuse, sexual abuse, intimidation, physical abuse and violent behaviour in order for the perpetrator to gain or maintain power and control over their victim. In most circumstances, the perpetrator is male and the main contributing factor for their abusive behaviour is the perception in their mind that they have a right of power and entitlement over their victim. This belief is supported by social and institutional systems such as political, educational and religious systems.

Particularly in cases of sexual abuse, and likewise domestic violence, the process typically (but not in all cases) involves the perpetrator ‘grooming’, ‘seducing’ and ‘charming’ their victim. The next stage is to isolate the victim. Then once the abuse is occurring, the perpetrator will use secrecy, blame, intimidation and fear to maintain control and sustain the abusive relationship.

#### **4. Impact on victims**

The impact of child abuse on children is debilitating and has far-reaching adverse consequences. It can affect all domains of development – physical, psychological, cognitive, behavioural and social – which are often interrelated.

Research and the WDVCS experience highlights that a child who has been abused may have greater difficulty of developing healthy relationships in adulthood. Correspondingly, children exposed to abuse and neglect are at increased risk of inflicting pain on others and developing aggressive and violent behaviours in adolescence.<sup>1</sup> Childhood abuse perpetuates a cycle of violence and intergenerational harm in society.

#### **5. Responses to child abuse by religious and other organisations**

Every child has the right to reach their full potential with dignity, without constraint and in complete safety. This means full safety, not only in the home and on the street, but in environments such as the Church, sports organisations, educational institutions, youth groups, recreational clubs, Scouts and Girl Guides.

The ideal response to child abuse is primary prevention strategies aimed at eliminating child abuse or at least reducing it.

However, secondary and tertiary prevention strategies are also required to deal with the short-term consequences of the abuse, to prevent it from reoccurring or progressing, and to ameliorate the lasting consequences of abuse, minimise its impact and prevent further perpetration and victimisation.

##### **i. Child abuse victims to be heard and believed**

Victims of abuse and violence commonly find it difficult to disclose his or her experience to others. The WDVCS often hears from victims that they are not believed, blamed for the violence, told to get over it – it wasn’t that bad, or perceived as crazy. The nature of the power imbalance between the perpetrator and victim, particularly when the abuser is an adult in a position of authority, can often result in the abused feeling even more powerless to complain.

It is therefore crucial that when a person discloses child abuse, even if it is many years after the abuse, their admission is treated seriously and sensitively. Due to the trauma of disclosure for the victim, the

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<sup>1</sup> Gilbert, R., Spatz Widom, C., Browne, K., Fergusson, D., Webb, E., & Janson, J. (2009). Burden and consequences of child maltreatment in high-income countries. *The Lancet*, 373, 68-81.

WDVCS recommends a complaints process independent of the religious or other organisation in which the abuse has been committed.

## **ii. Mandatory reporting**

In Victoria, the mandatory reporting of child abuse and neglect is limited to registered medical practitioners, registered nurses, a person registered as a teacher under the *Education Training and Reform Act 2006* or teachers granted permission to teach and that *Act*, principals of government or non-government schools and members of the police force.<sup>2</sup> The WDVCS recommends that mandatory reporting be extended to all religious personnel and all other leaders, employees and volunteers working in organisations which provide child-related activities or services.

The safety of children takes precedence over laws, customs and ethical codes of religions, such as the Catholic confessional. All too often, the WDVCS observes victims struggling to reach out due to entrenched cultural and religious beliefs and for fear of the reaction from the community, such as disapproval. Likewise, religious customs simply offer a convenient explanation and excuse for the abuse. If child abuse is to be truly condemned and eliminated, customs and traditions can no longer circumscribe the reporting of abuse.

Mandatory reporting is also a symbolic acknowledgement that any form of violence and abuse of children is serious and unacceptable. It reinforces a moral responsibility and public duty of members of the community to report suspected cases of child abuse.

The consequences of mandatory reporting being extended to ministers of religion may result in an increase in reports of child abuse and subsequently a greater strain on social services and child protection departments. In recent years, the WDVCS has also experienced a dramatic rise in domestic violence reporting. Indeed, this should be encouraged. There is always a need for greater resources for all non-profit organisations. However, to cope with such an influx in reporting, the WDVCS performs a risk assessment of each woman and the subsequent action that needs to be taken. Immediate action may be required, or the woman may be referred to another agency as appropriate. Examining the seriousness of each case may help a department manage a surge in child abuse reports. An important factor is that each report of child abuse is investigated so that mandated reporters are not discouraged from reporting future abuse.

## **iii. Resourcing of support agencies**

A potential increase in reporting of child abuse will place greater strain on child welfare agencies. The WDVCS recommends that local and state governments fund these services optimally to cope with an influx of victims seeking help.

In particular, increased funding will boost the capacity of welfare agencies to establish and maintain partnerships with religious and other organisations. The development of formal and informal protocols between support services and religious, secular, non-government and community organisations can add enormously to the value of a service and its outcomes for children. However it is often at a significant financial cost. If properly funded, a support agency may be able to work closely with a local Church organisation to offer clear pathways for reporting abuse, offer a safe environment for the victim and provide the relevant support so they can rebuild their life.

## **iv. Potential new laws**

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<sup>2</sup> Sections 182(1) a-e, 184 and 162 c-d of the *Children, Youth and Families Act 2005* (Vic).

The legal process and other complaints processes, such as the Catholic Church's 'Towards Healing', can merely serve to re-traumatise the victim and assert the power imbalance that initially caused the child abuse. Even the seemingly simple task of appearing in a court room with the perpetrator can be a terrifying experience for the victim, regardless of the level of security offered by the courts.

Child abuse is a crime. However, unlike other crimes, it is often not a 'one-off incident'. Rather harm occurs in an intimate sphere, with continuing complex power dynamics and enduring ties between the victim and perpetrator, such as a teacher and student relationship.

Legislation needs to recognise that child abuse goes beyond traditional categories of crime. The WDVCS recommends that administrators in religious or other organisations be held legally responsible for the child abuse committed by those working or volunteering within the organisation and for whom they have responsibility. While an organisation may be civilly liable, criminal penalties should be considered where individuals in the hierarchy of the organisation were aware of the abuse and either ignored it or actively covered it up. In this situation, the 'beyond reasonable doubt' standard of evidence required for a criminal conviction may prove a hurdle. However, this may be overcome if the penalty is limited to officials who directly oversee the employment of the offender and who disregarded or actively concealed the child abuse.

#### v. Prevention

**Cultural shift:** Education is required to change attitudes and behaviours and promote respectful, non-violent relationships to ensure all Australians reject the use of violence against children in all circumstances.

Initiatives include respectful relationship education in schools, training in workplaces, organisations and professions (eg. medical and legal) so they can better understand and address the dynamics of child abuse and the promotion of positive representations of children, where they are not sexualised in the media and popular culture.

**Gender equity:** Child abuse, as well as violence against women, is perpetuated by gender inequality and the patriarchal structure of society. A snapshot of the Roman Catholic Church reveals that positions of power and authority are held mainly by men. Women are still barred from Catholic priesthood. Similarly, various sections of the Catholic Church express views such as women should marry earlier to avoid a 'man drought' and they should not be so 'picky' when choosing a husband.<sup>3</sup> These views adhere to rigid gender stereotypes.

Certainly, some women do abuse children, however perpetrators are mainly male. If gender equity was achieved in religious and other organisations, and women were involved in the decision-making process of these organisations, the WDVCS believes rates of child abuse would be reduced.

#### 6. Summary

- The WDVCS advocates for all women and children.
- Child abuse is committed in the context of unequal power distribution, with the perpetrator perceiving in their mind that they have the right of power, control and entitlement over their victim.

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<sup>3</sup> Damien Currie, 'Catholic Church says would-be brides are being too fussy', *Herald Sun* (online) 7 May 2012 <<http://www.heraldsun.com.au/news/victoria/catholic-church-says-single-women-are-being-too-fussy/story-fn7x8me2-1226348238486>>.

- The impact of child abuse on children is debilitating and has far-reaching adverse consequences. Childhood abuse perpetuates a cycle of violence and intergenerational harm in society.
- Every child has the right to reach their full potential with dignity, without constraint and in complete safety. Tackling child abuse requires primary prevention, secondary and tertiary strategies.
- When a person discloses child abuse, even if it is many years after the abuse, their admission is treated seriously and sensitively.
- Due to the trauma of disclosure for the victim, the WDVCS recommends a complaints process independent of the religious or other organisation in which the abuse has been committed.
- The WDVCS recommends that mandatory reporting be extended to all religious personnel and all other leaders, employees and volunteers working in organisations which provide child-related activities or services.
- The WDVCS recommends that state and federal governments fund child welfare services optimally to cope with an influx of victims seeking help, as well as providing the resources for agencies to establish and maintain partnerships with religious and other organisations.
- The WDVCS recommends that administrators in religious or other organisations be held legally responsible for the child abuse committed by those working or volunteering within the organisation and for whom they have responsibility. Criminal penalties should be considered where individuals in the hierarchy of the organisation were aware of the abuse and either ignored it or actively covered it up.
- Education of the public is required to change attitudes and behaviours and promote respectful, non-violent relationships to ensure all Australians reject the use of violence against children in all circumstances.
- Achieving gender equity in all aspects of society, particularly institutions such as the Church, will help prevent the abuse of children.