

Using law and ending domestic violence: Women's voices

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Theme 4: Systems

Abstract:

This research aims to identify how, when, why and with what effect women from diverse backgrounds use law to help them move towards violence free lives and how engagement with law varies over time. It will focus on the most pervasive form of domestic violence: non-lethal violence perpetrated by adult men on women who are current or former intimate partners. It will undertake a longitudinal study of women's engagement with law as a response to domestic violence in an Australian jurisdiction to inform community education, policy development and law reform. Legal responses, including civil protection orders, criminal law, family law, child protection and immigration law, are a significant part of the response to domestic violence; however the way in which different legal systems overlap, conflict and work together has been an issue of major concern for law and policy makers and for women who use law. Understanding the way in which women from diverse backgrounds engage with law has important implications for policy development and law reform. Governments throughout Australia have consistently emphasised the vital role that legal responses play as part of an integrated response to domestic violence.

Both scholars and policy makers contend that legal interventions can promote victim safety, help to end violence and have the potential to empower victims and ensure perpetrators are held responsible and accountable. However it is also well-known that domestic violence presents distinctive challenges for the application of the law and its application may produce unintended consequences. Regardless of whether the victim and the perpetrator begin to live separately or continue to reside together, there are often complex and continuing emotional, financial and legal ties between them and enduring and complex power dynamics. Financial and care responsibilities and visiting rights to children often remain post-separation. Violence also often continues despite separation and indeed often becomes heightened after separation.

The project is based on a series of interviews with participants recruited from domestic and family violence services in Queensland. A focus on one jurisdiction represents both limitations and strengths as it ensures that all participants are subject to the same legal regimes and have formal access to similar legal resources. It is notable that many of the longitudinal studies that have examined desistance from crime have been focussed on a cohort from a particular place and have produced results that have been usefully generalised beyond the original setting of the study. The study aims to follow a cohort of 60 women in the three waves of data collection over a three-year period. Collection has begun and is taking place at 8-12 month intervals. The focus of the interviews will be on women's choices about legal engagement and their perceptions of their experience with legal system engagement. (Completion expected: 2018)

Key words

1. Social justice and inclusion
2. Implementation
3. Service systems, programs

Two references

Australian Law Reform Commission and New South Wales Law Reform Commission (ALRC/NSWLRC), *Family Violence—A National Legal Response*, Final Report No 114 (2010).

Maruna, S *Making Good: How Ex-convicts reform and rebuild their lives* (American Psychological Association, Washington, 2001)

Learning Objectives:

To understand better:

1. When do women use law as a response to domestic violence and how does women's use of law change over time?
2. What factors influence women's decisions to choose certain legal interventions and not others and how do these decisions change over time?
3. What are the unintended consequences of engaging with law and do these unintended consequences change over time and for what reasons?
4. What factors impact on women's changing levels of satisfaction with particular legal interventions over time?

Bio (50 words):

Heather Douglas is Professor at the TC Beirne School of Law, University of Queensland. Heather publishes on legal responses to domestic violence and child protection. She is an ARC Future Fellow (FT140100796) researching the way women who have experienced domestic violence use the legal system to help them leave violence.