

Hope

UNITED WE STAND

Phase 2

*Primary Prevention: Working towards a safer future
for our families and communities*



Project HOPE is funded by Victorian Government under Capacity Building and Participation Program.

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Hope

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Phase 2 Participant Workbook



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Self-Assessment

A pre-workshop check of your understanding of family violence

1. Family Violence is: _____

2. Can you name some types of Family Violence?

3. The main causes of Family Violence are (list the top 4):

4. Women are more likely to experience Family Violence because:

5. Women can leave violent relationships if they choose to. **YES / NO**

6. I believe there is over reporting of Family Violence in the South Asian Community. **YES / NO**

7. I believe there is under reporting of Family Violence in the South Asian Community. **YES / NO**

8. The main impacts of Family Violence are: _____

9. The community can do the following to reduce Family Violence in our society:

10. Individuals like me can do the following to reduce Family Violence in our society:

What is Family Violence?

“Family violence refers to violence, abuse and intimidation between people who are currently or have previously been in an intimate relationship.

The perpetrator uses violence to control and dominate the other person. This causes fear, physical harm and/or psychological harm. Family violence is a violation of human rights.”

Family violence is any type of violence committed by one person against their spouse, partner or family member.

In Australia, any of the following actions can be included under the term family violence.

Physical violence

Sexual violence

Emotional abuse

Psychological abuse

Financial abuse

Religious abuse

Cultural abuse

Elder abuse

Cyber abuse

(excluded from) Decision making

(limiting) Social friendships

What does Family Violence look like?

Discuss in groups and write down what people think about violence in these 3 different scenarios:

In a Family...

In a Community...

In our Society...

Blank lined page for writing or notes.

Video #1 - Happy Family

Power & Control - Why does violence become part of our life?

What type of father is shown in this video?

What messages do you get from this video?

How do you think power is shared in this house?

Do you think this family represents equity in its treatment of boys and girls?

Is there violence supporting attitude or gender bias evident in this video?

What is ONE change that you would suggest for this family?

Legal Note

Happy Family Scenario

DID YOU KNOW?

Behaviour that dominates or controls another person in a way that stops that person from having financial independence or control is against the law. This is known as economic abuse, and is a form of family violence.

Q - What is the conduct here that may be economic abuse?

A: If the husband was actively preventing the wife from being financially independent. Behaviour is economically abusive only if it is done without the consent or agreement of the other person.

Q - In this scenario, do you think there is economic abuse? Why or why not?

A: probably not, because the wife seems to consent to the arrangement
Family violence can also occur where a person is threatening or forcing a family member to do or not to do something.

Q - Do you think economic (or another form of abuse) is happening in this scenario?

A: Probably not. You may think that family violence in the legal sense has not occurred in this case.

Q - Does that mean that the behaviour of the husband in this scenario is ok?

A: It is not, particularly secretly saving money for 5 years. If the wife or other family members are uncomfortable with the husband's conduct (booking a holiday without discussing with other family members, saving for 5 years without the wife's knowledge etc).

Q - What are the kinds of social norms and expectations that might influence the husband's behaviour?

A – Patriarchy - view that man is head of household and provider and holds decision-making power.

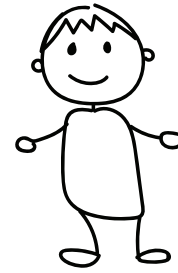
Q - How might the couple or the family resolve this issue in a way that can contribute to a stronger and more respectful relationship?

A: Have a family discussion about financial power in the household.

Q - How can these issues be dealt with without resorting to the law?

A: Open communication and dialogue.

Socialisation of boys in our communities.



How did boys grow up in your generation and earlier?

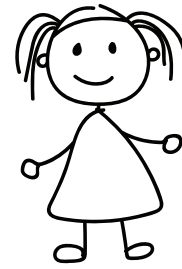
How do the men in your generation behave towards women?

What kind of man would you want a son to be?

How can you teach your son what respect looks like?

How can you show your son why respect is important?

Socialisation of girls in our communities.



How did girls grow up in your generation and earlier?

How do the women in your generation behave towards men?

What kind of woman would you want a daughter to be?

How as a mother can you teach your children what respect looks like?

How can you as parents show your children why respect is important?

How can you as parents empower daughters/ girls to strong and capable women?

Why does violence become part of our life?

What role do women have in a family?

How are girls learning their responsibilities?

Who becomes a role model for the girls?

What does violence mean for girls?

What can girls do that boys cannot?

What can boys do that girls cannot?

What is meant by the term gender norms?

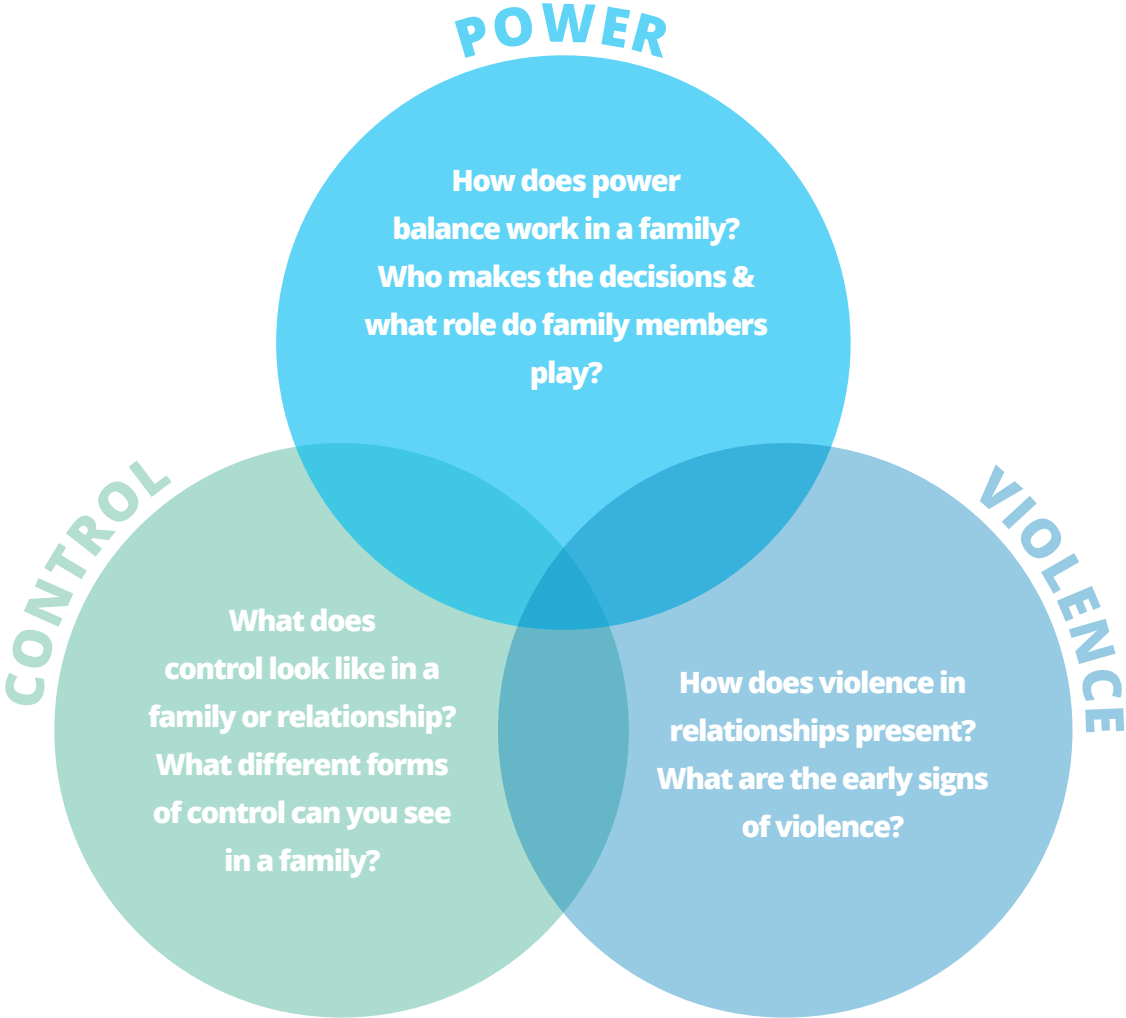
What are traditional gender norms?

What are some of the things that have led to or have impacted men's attitudes toward women?

What are some of the things that we can do to change how boys learn about respecting girls?

What are some the things we can do to empower girls in our community?

Conflict Story



How do you make a change to ensure all family members are considered equal?

Remember, power imbalances in families can lead to violence.

Video #2 - A Young Couple

POWER

Where is the power held in this relationship?

How did the power shift?

CONTROL

Think about who is in control?

Does this relationship seem equal?

VIOLENCE

Is violence inevitable?

How can you change the story?

THREAT

What is the perceived threat to the male?

How does this impact the female?

**Do they share everything?
What do you see?**

Legal Note

A Young Couple Scenario

DID YOU KNOW?

Family violence may include:

- Physical or sexual abuse
- Emotional or psychological abuse
- Economic abuse
- Threats or coercion
- Any other behaviour that controls or dominates a family member and causes that family member to feel fear for the safety or well-being of that family member or another person.

We normally think of family violence meaning physical abuse. But in Victoria it also includes emotional abuse, threats and forcing a family member to do something against their will (coercion). Economic abuse includes preventing a person from finding or keeping a job.

Q - If the husband prevented the wife from attending the conference, would this affect her job?

A: Potentially.

Q - Is this coercive or threatening or controlling behaviour?

A: controlling and possibly coercive Emotional or psychological abuse occurs where a person torments, intimidates, harasses or is offensive to a victim.

Q - Do you think this is a situation of emotional abuse?

A: It could be.

Q - If the wife feels his behaviour is not appropriate, what can she do at first instance?

A: Speak to him, seek marriage counselling.

Q - What are the kinds of social norms and expectations that might influence the husband's behaviour?

A: Patriarchy, male privilege, power, sense of entitlement (control, decision making).

Q - How might the couple resolve the issue in a way that can contribute to a stronger and more respectful relationship?

A: reset expectations now that the wife is working.

Q - How can the issue be dealt with without resorting to the law?

A: Open communication and dialogue.

Q - What options do they have to resolve their issues? Should they speak to friends/family/trusted members of the community? Might they seek counselling?

A: Yes, if both partners agree.

Q - Are there cultural barriers that would prevent them from seeing a counsellor about their marriage?

A: cultural stigma regarding marriage counselling.

Q - How could those barriers be addressed?

A: Perhaps seek informal counselling.

Q - Does the wife have any legal options? If so, what are they? (See "Family Violence and the Law")

A: The wife may wish to apply for an intervention order at the Magistrates Court as a first step. However consider if any other measures aimed at changing behaviour (such as counselling) would be more appropriate first.

Power & Control: In intimate relationships

Why does violence become part of our life?

What are your first impressions about this couple?

Who has the power in this video?

What do you think the male in this video is feeling as the video story progresses?

Who could have intervened or changed the dynamics in this relationship?

Do you agree with the discussions from the audience about this video?

What stereotype is being challenged in this video?

Power & Control: What happens when women become financially independent?

What role do girls have in a family in relation to money?

How are girls learning their responsibilities?

Who becomes a role model for the girls?

What does violence mean for girls?

What can girls do that boys cannot?

What can boys do that girls cannot?

BREAK FOR LUNCH
(30 MINS)

Video #3 - Arranged Marriage

Power & Control -

Why does violence become part of our life?

What are your first impressions about the video?

What are the social issues that are problematic in the video?

Who has the power in this video?

How does the community (audience) react to the video?

Who can make change in this video?

Who can support change in this video?

Power & Control: Between families

Thinking about this video... why does violence become part of our life?

What role do girls have in a family in relation to future generation?

How are girls learning their responsibilities?

Who becomes a role model for the girls?

What does violence mean for girls?

What can girls do that boys cannot?

What can boys do that girls cannot?

Legal Note

Arranged Marriage Scenario

DID YOU KNOW?

Economic abuse includes forcing the victim to hand over control of assets and income, removing or keeping the victim's property without permission, or disposing of the victim's property without the victim's permission. It also includes preventing access to joint finances.

Q - If the father gives his daughter the \$100,000 he has saved, or even if he gives it to his son-in-law, does the daughter still have the right to access the money?

A: Yes

Q - What if the money is handed over as a gift to the son-in-law's parents in India?

A: Yes, but must apply Indian law

Q - If access is denied by the son-in-law, do you think this is economic abuse?

A: Yes

Q - What if access to the funds is denied by the mother-in-law or father-in-law?

A: Yes, still family violence.

In Victoria, family violence must be committed against a **family member**.

Family members include:

- A spouse or family partner (i.e. de facto partner)
- Person who has had an intimate personal relationship with the perpetrator (does not need to be a sexual relationship)
- A **relative**
- A child who normally resides with the perpetrator

Meaning of relative:

Relative means any of the following, whether whole, half-blood, **by marriage** or adoption:

- Parents and grandparents
- Children or grandchildren
- Siblings
- Aunts and uncles
- Nieces and nephews
- Cousins

Therefore, the definition includes ex-partners, adult children, step-family and in-laws (eg. mother-in-law, sister-in-law).

For example, emotional or psychological abuse by a mother-in-law (for example, by taunts) aimed at the victim (her daughter-in-law) would fall within the definition of family violence.

Here, if access to the funds is denied by the **mother-in-law**, she has committed an act of economic abuse i.e. family violence. Similarly, if the mother-in-law took the daughter-in-law's jewellery in Australia, she may have committed an act of economic abuse.

Q - What can the daughter-in-law do in this scenario?

A: Examples – speak to her family, try and resolve between families...

Q - What are first steps that can be taken to address the situation with the husband and his family?

Q - What would be the best way to diffuse the situation and lead to a positive outcome?

Q - Does the daughter-in-law have any legal options? If so, what are they? (See “Family Violence and the Law” and “Reclaiming Dowry in Australia & India”)

A: The wife may wish to apply for an intervention order at the Magistrates Court as a first step. It is possible any dowry amount could be returned to her if family violence is found. If proceeding to separation and property settlement, dowry may be taken into account as a significant financial contribution prior to marriage when dividing marital assets.

Bystander Action

What do you see?

What can you do?

When can you act?

Who can you influence?

How can you intervene?

Power & Control in review

What have you learnt about power and control during this training?

What are the signs of power and control imbalance in a relationship?

How can you encourage equity and responsibility sharing in a relationship?

Reclaiming dowry in Australia and India

AUSTRALIA

FVPA

There are different possible options available for women (or men in some communities) to reclaim their dowries in Australia.

Firstly, as mentioned in the FVPA section, a court may make it a condition of a family violence intervention order that property belonging to the victim (or the victim's family member) be returned. If the victim is financially dependent on the perpetrator, the court may make an order that the victim have access to the joint assets of the couple. If these conditions are breached, the perpetrator may be imprisoned.

Family Law

If the couple proceed to obtain a divorce (with or without an intervention order), the court with relevant jurisdiction is the Family Court.

Orders made under the FVPA are subject to any orders made by the Family Court or other courts. A property settlement may be made while the couple is separated, before they are divorced.

The Family Court will consider four steps in dividing property:

- Working out the matrimonial asset pool - this is the total of your assets minus liabilities.
- Assessing and allowing for the contributions to the asset pool - this takes into account contributions before marriage (such as inheritance and gifts) and financial and non-financial contributions after marriage (non-financial contributions may include homemaking and child-rearing).
- Looking at and allowing for the future financial needs of each partner.
- Evaluating the fairness of a proposed property settlement.

In India, dowry that is given directly to the bride is her *stridhan* – her own property. On divorce, it must be returned to her. This does not include dowry in the form of gifts given directly to the husband or in-laws.

In Australia, dowry will likely not be returned in this way, but will go into the pool of joint assets. Recently, the Australian Senate has recommended that this process not be changed because it may in fact be beneficial to the person who contributed the dowry. Women in particular who have recently arrived in Australia after marriage may bring a large dowry, but do not contribute significantly financially after marriage because they may not be allowed to work or do not find

a well-paying job. However, the dowry amount may be taken into account as a pre-marriage contribution that increases the woman’s share of the joint asset pool.

In the case of *Singh v Dala*, the wife claimed a 50% share of the asset pool after a very short marriage. The court added the dowry amount of \$100,000 to the asset pool. Despite the fact that the wife made only non-financial contributions after marriage, the evidence that her contribution before the marriage was significantly greater than the husband’s contribution meant she was entitled to 50% of the joint assets.

It is likely therefore that dowry brought by a party will be taken into account as a pre-marriage contribution that will lead to an equitable division of property in Australia.

INDIA

Singh v Dala shows that the dowry amount may be taken into account in Australia even though it is transacted in India. It is likely that the dowry must however be situated in Australia. The wife in that case also made a claim about property (land) in India, however the court found that it could not make orders about property that is overseas.

If property is held by in-laws in India, it may be reclaimed under the Indian law. It is a criminal offence in India to not return a woman’s dowry after request. There is an exception for “customary gifts” given to the groom and his family, and so if the woman’s family cannot prove that the property given was the woman’s *Stridhan* (property) and not a gift, they cannot seek its return.

Community Issues

What do you see?

What are some of the things that happen in your community that worry you?

What are some of the things that happen in your family that worry you?

What are some of the actions you can take?

How do you feel about asking others to change their behaviour or stop doing something that you think is wrong?

What kind of support do you think would give you the confidence to speak up?

How would you deal with backlash?

Social Rules

What are some of the unwritten rules in our communities?

What happens when people break some of the rules?

How do we change the rules?

What can you do easily?

What is your responsibility?

What is Primary Prevention?



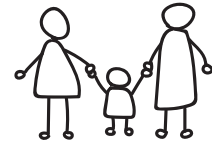
TERTIARY

- Preventing death & disability
- Treat consequences of violence
- Support like safe houses
- Legal advocacy
- Mental Health Impacts



SECONDARY

- Preventing recurrence
- Men's behaviour change programs
- Addressing risk factors
- Supporting groups at higher risk for example pregnant women



PRIMARY

- Attitude change
- Population level campaigns
- Environmental changes
- Empowerment
- Challenging socio-political-cultural beliefs & actions

Supporting others

How would someone experiencing family violence be treated within the community?

What kind of support would they need to feel safe in dealing with violence in their family?

Respectful Communities

What do respectful communities look like?

What does family violence look like in different communities?

How can I start this discussion in my community?

What can we do to build stronger families and communities?

What is our role to promote respectful relationships and prevent family violence?

Family Violence and the law

The law is best used as a last resort, unless the family violence places victims or their children in a situation that threatens their safety. As a first step, try and communicate with your partner and express your concerns, if you feel this is possible. Otherwise speak to a counsellor, social worker or GP.

Sometimes, the law is the best tool available to help the situation. In the scenarios we have discussed, what would the victim be able to do if there were a situation of family violence?

Family violence – Victoria

- Family violence is dealt with largely through the Family Violence Protection Act (FVPA). The FVPA was introduced in recognition that family violence is a fundamental violation of human rights and is unacceptable in any form, or in any community or culture.

The FVPA also recognises that family violence extends beyond physical and sexual violence and may involve emotional or psychological abuse and economic abuse. It may also involve overt or subtle exploitation of power imbalances and may consist of isolated incidents or patterns of abuse over a period of time.

The FVPA is known as a quasi-criminal statute. It utilises civil law to restrain individuals from committing further acts of family violence or maintaining contact with victims through an order called a family violence intervention order. It is quasi-criminal legislation because if the perpetrator of family violence breaches the intervention order, he or she may be subject to criminal penalties such as imprisonment, fine, or both.

- The police or an affected person may make an application to the court for a **family violence intervention order** if family violence has occurred against a family member
- Family violence includes economic abuse, which includes controlling a family member's finances or taking their property without consent. For example, taking the wife's jewellery and holding it without her consent, or not returning it, could constitute family violence. The law has recently changed so that **using coercion, threats, physical abuse or emotional or psychological abuse to demand or receive dowry, either before or after a marriage** is considered to be an example of **family violence** in the FVPA.

- Family members includes relatives, which is defined broadly to include in-laws. For example, emotional abuse (such as taunts) made by parents-in-law could be family violence in Victoria.
- **If a court finds that a person has committed family violence against a family member, it may make a family violence intervention order that prevents the person from continuing to commit family violence.**
- The court may also impose other conditions, such as prevent the person who committed the family violence from contacting or being near the victim. **The court may order that the property of the victim that has been withheld be returned.** This includes property of a family member of the victim (for example, jewellery belonging to the daughter-in-law's mother)
- **If a person breaches a family violence intervention order, the court may impose a term of imprisonment of up to two years, a fine, or both.**
- Women on spousal visas may be able to make an independent application for a permanent visa if circumstances of family violence can be proved. An intervention order does not need to be in place for this to occur.
- There are no specific criminal laws in Victoria dealing with dowry abuse, and this is unlikely to change. There are certain laws that may assist, but the FVPA is preferred. It is an offence to breach a family violence intervention order, and the person who breaches may be imprisoned

Glossary of legal terms

FAMILY VIOLENCE

The following are forms of family violence recognised by the law:

- Physical or sexual abuse.
- Emotional or psychological abuse.
- Economic abuse.
- Threats or coercion.
- Any other behaviour that controls or dominates a family member and causes that family member to feel fear for the safety or well-being of that family member or another person.
- Behaviour by a person that causes a child to be exposed to any of the behaviour listed above. For example, if the perpetrator physically abuses the victim in the presence of a child, the child is also a victim of family violence.

Family violence also includes:

- Assaulting or causing personal injury to a family member or threatening to do so.
- Sexually assaulting a family member or engaging in another form of sexually coercive behaviour or threatening to do so.
- Intentionally damaging a family member's property or threatening to do so.
- Unlawfully depriving a family member of their liberty or threatening to do so.
e.g. preventing the victim from leaving the house.
- Causing or threatening to cause death or injury to an animal to control and dominate a family member.

ECONOMIC ABUSE

Economic abuse occurs where a person controls the victim's finances or withholds necessary financial support if the victim is financially dependent. Examples include:

- Forcing the victim to hand over control of assets and income.
- Removing or keeping the victim's property without permission.
- Disposing of the victim's property without consent.
- Preventing access to joint finances.
- Preventing the victim from finding or keeping a job.

EMOTIONAL OR PSYCHOLOGICAL ABUSE

This means behaviour that torments, intimidates, harasses or is offensive to the victim.

Examples include:

- Derogatory taunts (includes put downs including criticising of your family, caste, culture and looks, manner of dressing, contact through work or socially with members of the opposite sex).
- Withholding medication.
- Preventing the victim from making or keeping connections with the victim's family, friends or culture, including cultural or spiritual ceremonies or practices, or preventing the victim from expressing her cultural identity.
- Threatening to commit suicide or self-harm with the intention of tormenting the victim or threatening death or injury of another person.

FAMILY MEMBER

Family violence must be carried out against a family member for it to be classed as family violence.

Family member means:

- A spouse or family partner (i.e. de facto partner) - this includes same-sex relationships.
- Person who has had an intimate personal relationship with the perpetrator (does not need to be a sexual relationship).
- A relative.
- A child who normally resides with the perpetrator.

The definition is broad because it also includes any other person who the perpetrator regards as being like a family member if it is reasonable to do so having regard to the circumstances of the relationship including:

- Social and emotional ties.
- Whether the two people have lived together.
- Whether it is known within the community that the relationship is like a family member relationship.
- The cultural recognition of the relationship.
- Duration.
- Financial interdependence.
- Responsibility for care and support.

RELATIVE

Relative means any of the following, whether whole, half-blood, by marriage or adoption:

- Parents and grandparents.
- Children or grandchildren.
- Siblings.
- Aunts and uncles.
- Nieces and nephews.
- Cousins.

Therefore, the definition includes ex-partners, adult children, step-family and in-laws (e.g. mother-in-law, sister-in-law).

Who can help?

NAME	NUMBER	WHY WOULD YOU CALL THEM?
Emergency	000	For immediate danger or threat. They can send the police, ambulance or fire services in an emergency.
National Home Doctor Service	137 425	They are after hours doctors who will visit your home if you have an URGENT but NON-LIFE-THREATENING issue.
1800RESPECT	1800RESPECT 1800 737 732	National 24/7 Helpline for women experiencing family violence. Confidential support and information on services available.
Safe Steps	1800 015 188 03 9928 9600	24/7 specialist domestic violence crisis support service.
In Touch Multicultural Centre against Family Violence	1800 755 988	Specialist family violence service for multicultural communities. Provide case management and in-language services.

Reflections: After the training today...

I can:

Define family violence

Identify different types of violence

**Talk about how power and control
impact violence in a family**

**Talk about gender norms and rules
that can lead to conflict and violence**

Take action as a bystander

**Support the community in addressing
family violence**

Make changes in the way I do things to promote gender equality

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