Just one violent incident…

Gendered violence and its impact on children

Excerpts from an address delivered by Pam Simmons to a forum on gendered violence and children organised by the Addressing Violence Alliance, Adelaide, 20 September 2011.
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Introduction

In my office we usually do not know the abuse histories of the young people and children we work with or advocate for. Instead we observe the impact on their lives. This ranges from cognitive impairment because of pre-birth trauma, having a new family because the first could not care safely for you, imprisonment because your own reaction to threat is to attack, and, often, great strength in recovering from the harm caused by violent parents. And it is that last one that inspires and impresses me every day – the strength of children and young people to recover and strive to achieve.

If there is just one incident of violence, children will remember it. If there are multiple incidents, children will unfortunately adapt to it in frightening ways. Two recent examples come to mind, the first close to home and the second far away.

The first comes from a report from one of the Office’s advocates who was viewing CCTV footage of a violent incident in one of the youth training centres. What shocked her was less the violent incident which was bad enough but rather the young man in the background who moved not a muscle, but watched TV throughout the yelling, punching and physical restraint. He was so inured to violence that he either ignored it or he froze. Either way the incident did not register because it was all too common in his life.

The second comes from a recent radio program about boy soldiers in Sierra Leone. The violence they witnessed and received, and then perpetrated under duress was unimaginable to me. The program was about the impact on their lives during peace time. There are 40,000 of them. Many have dissociated feeling from behaviour in such a way that they cannot experience empathy. Imagine that. Forty thousand young men who cannot experience empathy is a tragedy for those young people and a tragedy for the country.

These examples tell me that one violent incident is memorable but multiple incidents are momentous.

I am interested in the prevention of violence but I work at the end where we are dealing with the consequences. So I am also interested in recovery, protective factors, prevention of repeating violence – and the state’s and community’s responsibility for intervention.
Defining gendered violence against children

Sometimes my dad goes a little bit overboard. It’s only when he’s drinking a lot and he starts yelling at me and I feel really bad.

Girl, 15, WA Commissioner for Children

Gendered violence is violence inflicted or suffered on the basis of gender differences. It is commonly used to mean violence against women and girls – but it does apply to boys and, more rarely, to men.

While we only know about a minority of abuse incidents in the home (Carcach, 1998; ABS 2005), family violence is likely to be the most prevalent form of gendered violence against women and children. And yet, the general public awareness of it is still limited.

Beyond family violence, we do have other forms of gendered violence in Australia such as:

- genital mutilation (female and male circumcision);
- self-inflicted violence in the form of eating disorders (mostly girls);
- recruitment of boys into gangs or offender groups with boys more likely to be perpetrators and victims; and
- trafficking of children - while the numbers are small in Australia, it does happen.
The recent history of developments in addressing gendered violence

In this brief survey I will only consider post-World War 2 and the developments I refer to here are heavily biased towards Western history and focus on human rights instruments as an expression of collective view.

Early international conventions
The early international conventions, such as the Convention on Civil and Political Rights, largely overlooked violence within the private sphere. The early conventions too have been criticised for not understanding, and sometimes perpetuating, gender-based violence (Save the Children, 2007, 9). The early conventions largely reflected the experiences and views of the men who crafted them and heads of state who accepted them. Where family was mentioned, it was the traditional notion of family and its power relations were assumed. The early conventions also focused narrowly on violations committed directly by the state (Save the Children, 2007, 9).

This was, of course, typical of the time. The private versus public debate was not heard in institutions of the time such as universities, parliaments and international committees. It was not that it was entirely absent, it just wasn’t loud enough.

The impact of the 1960s women’s movement and subsequent advocacy
With the 1960s and ’70s women’s movement, violence and oppression of women was making headlines, or at least the protests to end violence were. Recognition of the effect of domestic violence on children owes much to the women’s refuge movement of this period (James, 1994).

By 1979, there was the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the prohibition of violence against women was a core part of this.

In 1989 the UN Convention on the Rights of the Child was agreed, and Australia became a signatory in 1990, taking effect here from the 1 January 1991.

In 1994 the position of UN Special Rapporteur on Violence Against Women was introduced.

In 1995 the Beijing Platform for Action came from the UN Conference on Women.
In the late 1990s the Global Alliance against Trafficking in Women and Children gained strength and was part of my work in Thailand in the late 1990s working for a women’s organisation which focused on violence against women and children, migration and trafficking.

In February 2001, the International Tribunal Court for ex-Yugoslavia passed a landmark judgement condemning three male commanders for rape and forced prostitution of girls and women during the war. For the first time, these acts constituted crimes against humanity and war crimes (Save the Children, 2007, 11-12).

So, there have been some important shifts within international human rights law which have both reflected and influenced national law. Two of the major shifts have been: first, the expansion of State responsibility and accountability for violations of human rights carried out by individuals (Beasley and Thomas, 1994) and, second, the growth in understanding of crimes occurring in the home as a form of torture (Amnesty International, 2001).
International views of gendered violence against children

To start, some examples of gendered violence from this morning’s [20.09.2011] international news (CRIN, 2011):

In Libya, a father killed his three teenage daughters in an “honour killing” by slitting their throats after they were raped by men loyal to Colonel Gaddafi.

In the Horn of Africa, aid workers have warned that female refugees fleeing the region’s droughts are increasingly vulnerable to sexual violence on their way to the camps and once inside them.

In Haiti, in the post-earthquake makeshift camps, women and girls face the threat of rape. In the first 150 days after the January 2010 earthquake, more than 250 women and girls reported being raped.

The good news this morning comes from Kenya, where female genital mutilation is now banned by law.

From an international perspective, the types of violence against children that affect boys and girls differently include:

- girls suffering sexual torture in armed conflict (including rape, forced impregnation, forced abortion, torture when pregnant, forced prostitution).
- boys recruited as soldiers or armed groups in conflict areas.
- boys trafficked to work in mines and coffee plantations.
- girls forced into early marriage.
- pre-natal sex selection.
- infanticide – it is estimated that 60 million females, mostly from Asian countries, are ‘missing’ (Panos, 1998).
- honour killing and acid throwing directed only at young women.
- forced prostitution in religious temples.
- dowry related abuse.
- girls are at higher risk of malnutrition and disease due to inadequate feeding and care.
- girls denied access to education or health services.
- genital mutilation or painful initiation rites.
• trafficking in children for labour, prostitution, pornography.
• sending boys on perilous journeys as refugees, ahead of the family.

It is clear from this list that the violence is often a double dynamic of power – over children and over women. The example above of the boy soldiers in Sierra Leone who talked of their right and reward to rape girls and women, not just in the past but now.
The impact of culture

You need to know the type of questions that will be asked so there is time to prepare. It meant I didn’t really say what I wanted to say. Afterwards I felt bad because I didn’t tell it how I wanted to.

Youth Advisor, GCYP, 2008

The influence of culture is very significant, and often conflicts with human rights. It is inter-mingled with views and beliefs of race, gender, age, social class and caste relations which also all impact on respect for rights. Culture cannot be dismissed or treated lightly, if only because it is so deeply ingrained that we usually only see our own when we examine other’s, when we are confronted by difference.

The Convention on the Rights of the Child expressly forbids holding the rationale of culture over children’s fundamental rights to life and health. But, as was demonstrated above, in gendered violence against children many of the violent practices are justified by reference to culture.

Gender inequality is entangled with culture – who decides, who benefits and who defines cultural practices. One of the lasting legacies of women’s movements is to make this more visible.

I want to talk here more of sub-cultures. Sub-cultures are groups of people with a distinct culture which differentiates them from a larger culture to which they belong. Inter-generational and pervasive violence can be a group practice, not acceptable to the wider culture but entrenched nevertheless in sub-cultures.

Sub-cultures develop from shared experiences, often as an expression of alienation. We would be wrong to ignore negative influences on culture such as dispossession, breakdown of family and kinship systems, child removal policies and discrimination.

Aboriginal women experience rates of family violence at least five times that of other Australian women (Lievore 2003) and up to 25 times the rate of sexual violence. Aboriginal and Torres Strait Islander young people are significantly more likely to have witnessed physical domestic violence against their parents (Flood and Fergus, 2008).

A sub-culture that perpetuates violence is NOT exclusive to Aboriginal and Torres Strait Islander communities but I think we would be doing a great disservice to not treat violence in Aboriginal communities as a special case, as a special responsibility. Even if we could protect children from the traumatic stories of their
ancestors, the effects of past traumas still impact on children. Their parents and
grandparents are more likely to suffer from ill health and die at a younger age;
community violence and abuse of substances by some is likely to be more visible.
Mental health problems are more prevalent. So I think we do have to consider the
influence of culture on the prevalence and nature of the violence.

The source of prevention also lies partly in culture. Culture is shaped and made by
media, community, family, religious leaders and elders. So asserting non-violence
as part of culture, highlighting where culture is being used as an excuse for
violence and exposing how and why this is wrong can be as powerful, if not more
so, than a legal and criminal response.
The impact on children

In those first couple of months I felt like I was a little paper boat on a huge sea getting tossed between all these other people thinking, 'what's happening? I don't understand'.

In their own words, CREATE, 2004

Family violence, which is most often violence against mothers and children, exposes children in a number of ways:

- direct abuse
- direct witness to abuse
- their lives disrupted by moving or separation
- being used by the abuser to manipulate or control the adult victim.

Some of the effects that are seen are:

- in infants there is poor health, poor sleeping and screaming (all of which may contribute to more violence)
- at pre-school age, signs of terror, yelling, hiding, shaking, stuttering.
- insomnia, bed-wetting, nightmares
- difficulties at school and in social relations
- headaches, asthma, regression in development...
- and at worst, kidnapping and death (Straton, 1993).

We cannot say that exposure to family violence causes all of these behaviours because often there are other risk factors present but it is often a major contributor.

I'm kind of sitting there thinking, is it my responsibility to do something here? Am I supposed to stop them fighting? I have no one to talk to about it. I might be upset and I'm just kind of sitting there.

Girl 17, WA Commissioner for Children

In latter years, and in SA only just recently, legislation has acknowledged the impact on children of witnessing violence. Some argue that we should not distinguish between witnessing and being a victim of direct physical violence.
However there is a distinction. The impact of witnessing violence is overshadowed when the level of parent to child violence is high (O’Keefe 1995). In protecting themselves children have little emotional energy to worry about their parent. Nevertheless, children who witness violence experience the same level of negative psychosocial outcomes as children who directly experience physical abuse (Kitzmann et al, 2003).

One of the major impacts of family violence on children is the ‘emotional absence’ of the primary caregiver. This is not about making the victim of violence responsible for the harm to her children but it is a critical protective factor for children caught up in violent families. And in recognition of this, emotional presence to children is significant to decisions about removing children into state care.

I know of a young woman who is now 13, but I knew of her when she was just 7. Periodically and often her father demands to see her. She is terrified of him and would hide under the table during access visits. The visits have been stopped and will only re-start if she requests it. This brings to light several issues:

- Who gets to decide contact between abusive parents and their children? And whose voices are heard? In this case, contact was stopped but not before the child had experienced more trauma.

- What does supervised access do to a child who has been abused? She sees adults who are supervising, acting in a polite way to the abusive parent. The question for me, and for others, is does this reinforce silencing and the accommodation of the abuser? (Straton, 1993)

- And related to this story is the issue of joint custody forced on two hostile parents which can be toxic for a child.

So the impact on children of violence on them and on other family members is huge and long-lasting.
The state’s responsibilities

As a politician I want to be in the senate so I can meet the Queen… I’d really like to introduce a bill. I’d like to introduce a bill that says there’s someone who comes around once a month and just checks how you are.

In their own words, CREATE 2004

Failing to address violence violates the UN Convention on the Rights of the Child in three important ways:

- long lasting physical, psychological and sexual damage or death
- it deprives children of the environment and means to fully develop their potential; and
- it perpetuates power inequalities in interpersonal relations and in society (Save the Children, 2007, 7-8).

But the Convention is not enforceable in Australia except where parts of it are written in to other legislation. With regard to violence against children, there is state legislation which allows and requires the state to intervene. It is a good thing that the Children’s Protection Act is an active document with occasional updating to better reflect changes in knowledge. And recently, changes to domestic violence law also brought us more up to date with current knowledge.

We now include in the definition of child abuse the harm of witnessing domestic violence. If the response though stops at a forensic child protection intervention about whom is to blame it really does little to help the child. If instead it is an assessment or response founded on what is needed to assist the child then the outcome will be more positive.

It is difficult to decide what is the most appropriate response to violence inflicted on children. Criminalising violence makes it unequivocal that it is unacceptable. But when we move on to look at prevention and recovery, and what we know about the impact on children, and protective factors, the state’s responsibility is far broader.

There is considerable research now about the numbers of children who witness domestic violence. One Australian survey of 5,000 young people in the late 1990s found that almost one in four had witnessed parental violence against their mother or step-mother and another in 2007 found the same (Indermaur, 2001; Bagshaw et al 2007). Young people from lower socio-economic families were about one and a half times more likely to be aware of domestic violence and, as said before,
Aboriginal and Torres Strait Islander youth were significantly more likely to have witnessed physical domestic violence amongst their parents.

In another Australian study in 1996, 61 per cent of women who had experienced partner violence reported they had children at some time during the violent relationship and 38 per cent said that the children had witnessed the violence (Australian Bureau of Statistics, 1996). The same survey and another in 2005 found that pregnancy is a time when women may be more vulnerable to abuse (Australian Bureau of Statistics, 2005).

It has recently been calculated that more than one million Australian children are affected by domestic violence (ABS, 2006).

When you ask children, the results suggest that they see far more than their parents realise (Jaffe et al, 1990).

We know a lot now about the significance of early childhood experiences. We have come a long way, in some ways, to recognising that early work with and the skills and knowledge of the family are critical to a child’s development – and yet, we still struggle to provide early intervention to families with chronic need and to provide it in culturally appropriate and meaningful ways.

When considering a parent’s or child’s life it is easier to think of the struggles as of their own making – or at least within their own capacity to fix – rather than acknowledge the effect of external factors. These can include too little income, insecure housing, poor public transport, costly childcare and casual jobs that are demanding on time. These are not excuses for violence but they impact greatly on a family and particularly on a protective parent’s capacity to protect.
Protective factors

I did feel respected. I was taken seriously.
Youth Advisor, GCYP, 2008

A large number of children exposed to violence do not grow up to be violent, so what makes the difference? My office’s experience points to positive temperament and expert help, good steady nurturing and empowerment as preventing further violence.

Other evidence suggests:

- not only temperament but also intelligence makes a difference
- good mothering (and sometimes fathering), that is, parents who are emotionally available and skilled at the ‘art of surviving’
- one (or more) reliable source of support and comfort, such as a grandparent, teacher or elder sibling
- in adolescence, the peer group can be a positive influence
- and some children report that a reliable, sympathetic and capable adult within walking distance is what steadied them (NSW Dept of Community Services, 2003).

We sometimes elevate therapy over practical support, setting up a hierarchy among services and practitioners which is not helpful to the family. Last year I attended a case conference for a young woman whom I will call ‘Alisa’ who is under guardianship and who is the mother of an 11 month old boy. Alisa’s son is now also under guardianship and she was doing all she could to have him returned to her care. There were nine professionals sitting at the table with Alisa – and the support for her and her son was genuine and good – but not one of us would be there at four in the morning when he woke for the fourth time that night and she was so tired. Nothing replaces the support of family and friends. So, while we attend to what we are engaged to do it is also so important to attend to what happens to a person when they not in our immediate sight. And to be prepared to walk alongside them in dealing with the practical things that can be so overwhelming. And if we cannot walk alongside, to ensure that someone does.
Implications for programs and services

My counsellor annoyed me - the tone of voice she used about how am I feeling – ones that talk to me like I’m 5 – you just want to slap ‘em.
My sister’s social worker does that to her.

GCYP, 2007

To summarise:

- We know that there are many forms of violence that impact on men and women, boys and girls differently.
- We can reasonably assume that many incidents of family violence are not reported.
- We know that international and national human rights responses have been largely reactive to changes in community expectation.
- Cultures and sub-cultures can reinforce and perpetuate gendered violence and unequal power.
- The impact on children is huge, including physical and emotional harm, disrupted lives, poor health and delayed development.
- The statutory child protection response is necessary but is not sufficient.
- Finding and supporting any protective factors will help children survive and learn to not resort to violence themselves.

From this I can suggest some ways forward:

- Legislative review should be done on a regular basis to keep up with knowledge and community expectation. In the children’s protection area the legislation is under constant review by the Council for the Care of Children providing advice to government on required changes, but the resources available to the Council are largely volunteer members and their brief is huge.
- The invisibility of much family violence is a good argument for universal prevention programs and effective screening for family violence. The problem here is that some of the worst violence against children is in families untouched by universal programs. Families who could benefit the most are also the families who avoid services, and agencies and workers avoid them. The universal home visiting program for mothers with
newborns is a good example of this problem because families with the highest needs are not visited.

- Health services are in a central position for identifying likely violence and dealing with the consequences of family violence. We have to ensure health workers feel confident and empowered to attend to these issues, even if it is to work with other professionals as part of a team. We need to ensure that adult health services adopt a family focus, to understand that their client is likely to be part of a family and that there are critical relationships to know about and be alert to.

- Programs and public education which are aimed at child abuse or domestic violence are likely to impact on each other so it is important to be explicit about this in design and implementation.

- Children can recover from the effects of violence so services and programs should focus on their coping strategies. And in terms of prevention of violence we know to work with young people on their reactions to threat and humiliation.

- A child’s advocacy service would be beneficial, such as that available in many states of the USA where volunteer advocates accompany a child through the first few years of their involvement with child protection, particularly while the court process is predominant. Their job is to ensure that the child does not get overshadowed by the raw emotion of the adults fighting about custody and guardianship.

- Specialised mother to child programs should be offered to help rebuild this relationship where the mother is not the perpetrator of violence.

- There is some evidence to suggest that combining parenting programs with other services such as anger management, substance abuse treatment or job skills training is not as effective on good child rearing as separating them, that is, working on these things at different times. (Dawe et al, 2008, 9)

There are three dilemmas that I have not mentioned. First, is the benefit and cost of mandatory reporting. The debate about mandatory reporting is not so much whether it should be done at all but more whether we have gone too far and choked the child protection system with reports for investigation. And whether investigation is the best response to suspected child harm. Some argue too that mandatory reporting to child protection agencies following domestic violence punishes the child’s mother for not taking protective action. Yet, there is also great benefit in having information about how often a child is caught up in domestic violence. The problem for me is less about reporting and more about the type of response. Reporting followed by investigation often leads to evidence gathering
about the abuse and who is to blame. If instead the main focus of the intervention was to ask what the child needs, ahead of the question of who is at fault, then more doors are opened – literally and figuratively.

The second dilemma is whether statutory child protection workers can be effective family workers. Some argue that a social worker who is likely to be recommending to the court about child removal cannot effectively work with a family in addressing the child safety issues. For what it is worth, I think that they can. It takes skill and professional support and openness about the nature of the relationship. But time and again it has been shown that collaborative working relationships between parents and child protection workers can be achieved if the goals are agreed upon by both parents and the child protection agency (Dawe et al, 2008, 10).

I got picked on as I was the different one.

GCYP, 2007

The third dilemma is what is an appropriate response to young people being violent to each other. The first Australian Children’s Court was opened here in South Australia in 1890. One reason for this was to treat juvenile offenders differently to adults and to begin to bring together the care of children with their rehabilitation (King et al, 2011). So it is a long tradition of recognising that moral responsibility is learned and that children and young people should be responded to differently when they engage in violent crime. At our Office we monitor the investigations of alleged sexual abuse of children in state care. There are a significant proportion of allegations of peer abuse, particularly in residential settings. From my point of view, we flounder on how to prevent this and how best to respond. A strictly criminal response seems inadequate but likewise a purely therapeutic response also seems inadequate.
Listening to children

Seriously the most hardest thing is asking for help.

GCYP, 2007

Our office works with a handful of young people at a time, who have experienced life in the state care system. They are youth advisors to the Guardian and to everyone in the Office. Over the past seven years I have benefited immensely from their advice and experience. They have all struggled in very different ways with their personal histories of abuse or neglect. I desperately wish they had not had to endure it. However, they all see their role is to help prevent further harm to other children and young people. Talking to and listening closely to children and young people about their views will make our work more informed, more real, and more sure. It is not hard.
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