Acknowledgement of country

Community Legal Centres Queensland acknowledges the traditional owners of the land on which we are holding this presentation, the Turrbul and Jaggara people.

We pay our respects to their elders, past, present and emerging, and acknowledge the important role Aboriginal and Torres Strait Islanders continue to play in our society.

As this presentation is being viewed throughout Queensland, we also pay respect to the traditional owners of the land throughout the country and extend a warm welcome to any First Australians listening to this presentation.

We also acknowledge the disproportionately high rates of domestic violence experienced by Aboriginal and Torres Strait Islander peoples and the additional challenges this creates in responding to this issue.
About this series of webinars

This series of webinars is part of a program provided by Community Legal Centres Queensland with funding provided by the Queensland State Government’s Victim Services Funding Program: Building Capacity 2018-2019.

The program will include webinars run in late 2018 and early 2019, a written toolkit to be circulated by mid 2019, and establishment of a peer mentoring network.

The purpose of the program is to build capacity in Queensland’s community legal centres staff and volunteers to use best practice in identifying domestic violence issues, working with clients experiencing domestic violence and relevant agencies, and supporting workers in this area.
Important information

Legal disclaimer:
This presentation is for professional development and education purposes only. The information provided in this presentation is not legal advice and is designed for lawyers and other staff working and volunteering in a community legal centre setting in Queensland.

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Information is current as at May 7, 2019. Community Legal Centres Queensland does not accept any liability for the accuracy of the information in the presentation.

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Community Legal Centres Queensland respects your autonomy. If you feel triggered or upset by any of the content or materials provided here, we encourage you to use your discretion as to whether you should continue reading, watching or listening to the material.
You may also wish to access more information and resources, as well as professional support or advice from one of the free and confidential organisations listed on our Keep Safe website page: http://communitylegalqld.org.au/keepsafe.
Topic: The challenges with assisting LGBTI clients in domestic and family violence
Date: 7th of May, 2019
Presenter: Renea Hart - Principal Solicitor LGBTI Legal Service Inc.

Renea was admitted as a Solicitor in 2008 and works at the LGBTI Legal Service Inc., representing LGBTI clients in most areas of law including family law and domestic and family violence, criminal law, employment law, discrimination matter and minor civil matters.

The LGBTI Legal Service Inc. began operation on 7 July 2010. The organisation was officially launched on 1 December 2010 by former Justice of the High Court of Australia, the Hon Michael Kirby AC CMG. The Service recognises the difficulties faced by the LGBTI community and seeks to assist the Queensland LGBTI community to gain access to justice through the provision of free and accessible legal services. We facilitate community legal education activities and provide resources in order to increase awareness of legal rights and responsibilities for the LGBTI community in Queensland. The Service includes a Law Reform division that actively advocates for law reform and human rights across Australia.
Aim of this webinar

This webinar will discuss the challenges and strategies when working with LGBTIQ people who experience domestic and family violence.

We will focus on common misconceptions and challenges faced by the LGBTIQ community and LGBTIQ people’s experiences of domestic and family violence.

The LGBTIQ acronym is used to refer to people who are from sexually or gender diverse communities and who may identify as gay, lesbian, bisexual, trans, intersex or queer. However, there is a great deal of diversity within these communities and a wide range of “terms and language sued to describe biological sex, gender, sexuality and sexual practice” (Fileborn, 2012).
What this webinar covers

• Background
• LGBTIQ people’s experience of domestic and family violence
• Defining intimate partner violence in LGBTIQ relationships
• Prevalence
• LGBTIQ children and young people experiences
• Implications for service providers
• Barriers to accessing support services
• Practical tips
• Case study
• Important points to remember

• Webinar 1 discussed the Family Domestic Violence legislation in depth – therefore the purpose of this webinar is not redeliver that information.
Background

- Most LGBTIQ relationships, like heterosexual relationships, are based on love and respect. Some however can be based on abuse and control.
- People who identify as lesbian, gay, bisexual, trans, intersex or queer (LGBTIQ) experience intimate partner violence at similar rates as those who identify as heterosexual.
- There has been an invisibility of LGBTIQ relationships in policy and practice responses and a lack of acknowledgment that intimate partner violence exists in these communities.
- Beliefs that privilege heterosexual relationships affect victim's experiences as well as policy and practice responses.
- Homophobia, transphobia and heterosexism affect the experience of, and responses to, intimate partner violence in LGBTIQ populations.
- Service providers lack awareness and understanding of the LGBTIQ population and their experience of intimate partner violence.
LGBTIQ people’s experiences of domestic and family violence

LGBTIQ people and their experience of domestic and family violence can be slightly different:

• There is likely to be a higher proportion of men as victims and women as perpetrators;
• Heterosexual stereotypes about men and women may result in false assumptions that, for example, lesbian women are not capable of physical violence, or gay men are not masculine;
• Lesbian abusers may seek to access women’s shelters or support groups already accessed by their partner in order to continue perpetrating violence against their partner;
• Parents, siblings and other family members may also be perpetrators of violence, especially towards young LGBTIQ people.
LGBTIQ people’s experiences of domestic and family violence

While all forms of violence may be experienced, there may be some differences in the perpetrator’s behaviours, for example:

- threatening to out or actually outing the victim in terms of their sexuality or HIV status;
- withholding hormone treatments;
- preventing participation in LGBTIQ events;
- name calling, ridicule and public humiliation.
Defining intimate partner violence in LGBTIQ relationships

- Intimate partner violence within LGBTIQ relationships was largely unacknowledged until recently.
- Intimate partner violence within LGBTIQ relationships has been absent from government, policy and service/practice responses to intimate partner violence.
- Government, policy, research, justice and practice-based response to intimate partner violence have overwhelming assumed a heterosexual framework in which women will feature as victims and men as perpetrators (Ball & Hayes, 2009).
- There has been a lack of acknowledgment of intimate partner violence in LGBTIQ relationships.
Prevalence

• There is little population-wide date available.
• Largely due to the lack of acknowledgment of recognition of intimate partner violence within gender diverse or same-sex relationships and under reporting of intimate partner violence in general (Donovan & Hester, 2010).
• The Australian Research Centre for Health and Sexuality (ARCHS) conducted a national demographic and health and wellbeing survey of 5,476 LGBTIQ people and found:
  • 41% of male-identifying respondents, and 28% of female-identifying respondents had experienced physical violence within a same-sex intimate relationships; and
  • 25% of respondents had experienced sexual assault within a same sex intimate relationship (with women-identifying and trans respondents more likely to experience sexual assault).
LGBTIQ children and young people’s experiences

- It is important to note that LGBTIQ people may experience abuse and violence across the lifespan as a result of their gender or sexual identity, including from within their own families.
- A national survey of LGBTIQ young people aged 14 to 21 years (Hillier Jones et al, 2010) found that significant rates of young people had experienced abuse:
  - 61% had experienced verbal abuse due to their gender identity or sexuality;
  - 18% reported physical abuse as a result of their gender identity or sexuality;
  - 80% reported abuse occurred at school; and
  - 24% reported that they had experienced verbal and physical abuse in the family home.

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Implications for service providers

- While some patterns of intimate partner violence in LGBTIQ relationships are similar to those in heterosexual relationships, other are more specific.
- Intimate partner violence in LGBTIQ relationships occurs within “structural environment” of heterosexism, heteronormativity and homo/bi/transphobia affecting LGBTIQ people across the lifespan.
- Research suggest that abusive partners within LGBTIQ relationship may use homo/bi/transphobia or heterosexism to exercise power and control e.g. perpetrators may use their partner’s sexuality or identity as a form of control by limiting their access to friends and social networks, or by threatening to tell their partner’s employer, parent, children, landlord or friends out their same-sex or trans identity.
- Heteronormative notions of intimate partner violence may also prevent victims from understanding their experience as intimate partner violence as it is predominantly viewed as a phenomenon that affects women at the hands of a male.
Barriers to accessing support services

• There are many things that you should be mindful of when assisting LGBTIQ clients who are experiencing intimate partner violence to understand the barriers faced:
  
• Inability by support services/practitioners to view intimate partner violence outside of heterosexual frameworks;
• Assumptions that intimate partner violence is mutual in LGBTIQ relationships;
• Insensitivity to and/or lack of awareness of the specific needs/issues of the LGBTIQ population;
• Discrimination or fear of discrimination, particularly from police and the criminal justice system eg for a trans client who has not formally changed their name (but is known by another name) – the Courts will use and refer to them by their ‘dead name’ which causes further distress and trauma.
Barriers to accessing support services

- Stigma – this prevents people from seeking help, particularly for people who identify as bi-sexual and trans.
- Individuals may not reach out for help because they are not open with their sexual orientation or gender identity, especially if their family are unaware about their LGBTIQ status.
- Trans people may fear being “outed” before they are ready to disclose their identity and or before they have made associated changes to such as using preferred pronouns, a preferred name, changing physical appearance or undergoing any surgical procedures or hormonal therapies.
- Conversely, if trans people who have been publically “passing” as a particular gender may fear seeking help because they would expose their trans history.
Barriers to reporting intimate partner violence to police

- There is a history of poor relationships between police and LGBTIQ communities that has resulted in a fear of mistrust of police (Fileborn, 2012).
- The desire not to draw negative attention to LGBTIQ communities.
- The risk of survivors being alienated within LGBTIQ communities.
- The belief that their experience will not be taken seriously by police.
- The belief they will be discriminated against by the police.
Some important practical points to remember when assisting LGBTIQ people

- Be aware and respectful of preferred pronouns, gender identity etc;
- Don’t ask irrelevant or unnecessary questions especially in relation to gender identity, sexuality and trans status;
- If a trans client is before the Court, contact the Court to make arrangements for their preferred name to be used so that they are not referred to by their ‘dead name’, which will cause additional distress and trauma;
- Be aware of the barriers faced by LGBTIQ people when seeking support and assistance;
- Gain a better understanding of LGBTIQ domestic and family violence.
Case Study

- Matt is a trans male (FTM) who is in a relationship with Sally.
- Matt and Sally’s relationship has broken down and is not amicable.
- Sally is becoming increasingly verbally abusive towards Matt and is threatening to “out” his trans status to his friends and co-workers who are unaware of this.
- Matts seeks your advice but is concerned that if he files a domestic violence order application against Sally, that his trans status will be made public and his family and co-workers will find out.

- Explain what you would do in this scenario.

- Talk about ways to assist Matt while still protecting his privacy.
Important points to remember

- Always be respectful and do not ask unnecessary/irrelevant questions (ie don’t ask questions for your own interest);

- Intimate partner violence in LGBTIQ relationships is under acknowledged and misunderstood in policy, practice and judicial responses until relatively recently;

- The available evidence suggests intimate partner violence occurs in LGBTIQ relationship similar to heterosexual relationships and the abuse similarly involves the use of power, coercion and control.

- Heterosexism, homophobia, biphobia and transphobia are central to understanding how LGBTIQ people experience intimate partner violence and affects access to services and responses from services providers and the justice system.
Useful contacts/additional resources

• LGBTI Legal Service Inc. – 07 3124 7160 – mail@lgbtilegalservice.org.au

• Another Closet – LGBTIQ Domestic and Family violence www.anothercloset.com.au

• Glossary of best practice terms from Teaching Tolerance www.tolerance.org/LGBT-best-practice-terms
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Thank you.