

VIOLENCE AGAINST FILIPINO WOMEN IN AUSTRALIA: RACE, CLASS AND GENDER

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I. INTRODUCTION

This article provides preliminary findings from research currently being undertaken concerning violence against Filipino women in Australia. For some time Filipino community groups, and particularly Filipino women's organisations, have been campaigning to promote greater public awareness of the vulnerability of Filipino women to violence, in all its manifestations. They have challenged both the Australian and the Philippine governments to provide an adequate response to violence, including that practised by Australian citizens in the Philippines, and in Australia. Whilst violence against Filipino women and children has a number of manifestations, including aspects of sex tourism, prostitution and the full spectrum of forms of domestic violence, it was the extent to which Filipino women in Australia were the victims of homicide which provided the impetus for this study.

The authors were asked by the Human Rights and Equal Opportunity Commission (HREOC) to undertake this research, which had been specifically sought by the Centre for Philippine Concerns - Australia (CPCA). In addition to a specific concern about the high number of homicides of Filipino women in Australia, the CPCA raised the following concerns: the resettlement of Filipinos in Australia who are sponsored migrants and their increased vulnerability due to a lack of access to, and absence of information about, their legal rights; the treatment of Filipino women in violent situations by law enforcement agencies; and the role of the media in shaping images about Filipino women and the impact these images have on encouraging Australian men to travel overseas to meet Filipino women for marriage or relationships, and in ultimately moulding the community's attitudes to Filipino women. HREOC sought submissions from key organisations, service providers and individuals throughout Australia regarding: the existence and use of services by Filipino women in domestic violence situations; the adequacy of legal provisions for

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protecting Filipino women against domestic violence; Filipino women and access and equal treatment before the law; resettlement issues for Filipino women and social, economic and cultural factors that impact on resettlement experiences; and immigration issues impacting on Filipino women (including sponsorship). Community consultations were also undertaken in a number of locations across Australia where there are significant numbers of Filipino women.

II. FRAMING THE RESEARCH

This project seeks to understand the complex set of factors which have made Filipino women particularly vulnerable to violence in Australia. This vulnerability arises in part from, and is shaped by, their post-immigration experience in Australia. However, it is not sufficient to focus only on that experience. In beginning to examine the incidence and patterns of homicide and violence against Filipino women in Australia more generally, this analysis needed to be placed in a broader context and with reference to a number of inter-twined themes. At the broadest level there are two key themes that both reflect profound imbalances of power. The first key theme concerns the relations between so called “developing countries” and “developed countries” and the second focuses on gender relations, in particular the social construction and representation of particular forms of masculinity and femininity. These hierarchies (ie, of “developed” countries over “developing” countries and of men over women) need to be examined through the lens of hierarchies based in racism, ethnocentrism and neo-colonialism. Such factors have shaped the contemporary position of Filipino women in the Philippines and help explain the readiness with which Filipino women seek emigration. As well, these factors underscore the vulnerability of Filipino women to exploitation by men from “developed” countries, including but certainly not limited to Australian men.

This ongoing research adopts an intersectional analysis which examines the manner in which Filipino women are constituted with respect to race/ethnicity, class and gender, and with respect to other axes of social location such as age. The work draws on the theoretical insights of others who have explicitly addressed such intersectionality in their work, such as feminist criminologists Kathy Daly and Deborah Stephens,¹ and Marcia

¹ “The ‘Dark’ Figure of Criminology: Towards a Black and Multi-Ethnic Feminist Agenda for Theory and Research” in Rafter, N and Heidensohn, F (eds), *International Feminist Perspectives in Criminology: Engendering a Discipline* (1995).

Rice,² and of feminist legal theorist Kimberle Crenshaw.³

These introductory comments should not be construed as casting all relationships between Filipino women and men from "developed" countries as exploitative. Nor do we wish to reinforce the depiction of Filipino women as hapless victims. On the contrary Filipino women within Australia, as in the Philippines, have been active and effective political actors in a broad range of issues including forcing constitutional change in the Philippines; ousting the US military from the Philippines; in the peace movement; and in a range of feminist campaigns around sex tourism and the victimisation of women and children. To recognise the broad structural factors which make Filipino women vulnerable to violence is not to deny their considerable agency in resisting that violence, and in seeking to redress it.

III. THE MIGRATION OF FILIPINO WOMEN TO AUSTRALIA

The vulnerability of Filipino women to violence within Australia cannot be seen in isolation from those factors which bring them to Australia as immigrants in the first instance. And since both the violence that they are subject to, and the process of migration that brings them to Australia are profoundly gendered, a consideration of gender relations is crucial.

The majority of those migrating from rural to urban areas within the Philippines, and from the Philippines to other countries are women. This pattern is explained by a complex of economic, social and cultural factors which in turn reflect both gender relations within the Philippines, and international relations between the Philippines and the "developed world". These factors include:

- the poor economic conditions within the Philippines;⁴
- the demise of women's opportunities for work in the rural sector due to mechanisation, and the push to develop export oriented crops;⁵

² "Challenging Orthodoxies in Feminist Theory: A Black Feminist Critique" in Gelsthorpe, L and Morris, A (eds), *Feminist Perspectives in Criminology* (1990).

³ "Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color" (1991) 43 Stanford LR 1241.

⁴ Boer, C, *Are you looking for a Filipino wife? A study of Filipina - Australian Marriages* (Report published by the Anglican General Synod Social Responsibilities Commission and the International Affairs Commission, 1988) 4.

⁵ Idem.

- the development of agricultural land for resorts and other non-agricultural purposes;⁶
- the pull of the former US military bases in providing the opportunity for employment in legal and extra-legal forms and in encouraging migration to the areas around Subic Bay and Angeles City,⁷ and the withdrawal of these bases, which although actively sought by feminists, and by a broad coalition of Filipino people, has not been well managed and has had a very negative impact on women's employment opportunities within the Philippines;⁸
- Philippines government policy which focuses on the short term means of dealing with unemployment and the poor state of the economy through encouraging emigration, overseas contract work, and tourism and ensuring the earning of foreign exchange, including through remittances sent home by Filipinos living overseas;⁹
- gender relations and cultural factors within the Philippines place particular obligations on the eldest daughter, which place great emphasis on the need to marry, and reinforce the need for family members to provide material support for each other;¹⁰ and
- the positive perception within the Philippines of migration and the opportunities that it brings for the migrating woman and for her family.¹¹

Large numbers of Filipino women migrate throughout the world as domestic workers, sex workers and for the purpose of marriage. At the 1991 census there were 47,692 Filipino women living in Australia.¹² A large proportion of Filipino women migrating to Australia (approximately 70%) have been sponsored as the fiancées or spouses of Australian men. In part this reflects immigration policies in Australia which reveal a profoundly gendered understanding of categories of skill which might

⁶ Larsen, S, *Lucky Country* (Paper presented to the conference "Stopping violence against Filipino women in Australia: A government and community responsibility" in Abbotsford, Victoria, 6-7 October, 1994).

⁷ Boer, *supra* n. 4, at 11; Enloe, C *Bananas, Beaches and Bases: Making feminist Sense of International Politics* (1989) 67, 81-89.

⁸ Sommerville, "Report from Aotearoa: Australasian Women's Delegation Confronts Flesh Merchants" (1995) 9 *Kasama* 5.

⁹ Wall, D (1995) *Submission to HREOC* (Unpublished paper on file with the authors).

¹⁰ Ripinskis, "Filipino Women and Domestic Violence" in Bertram, C (ed), *Service Providers' Consultations on Domestic Violence and Non-English Background Communities* (1992) 32; Larsen *supra* n. 6.

¹¹ Larsen, *idem*.

¹² Bureau of Immigration and Population Research, *Community Profiles, 1991 Census: Philippines Born* (1994) 7.

qualify a person for migration. By undervaluing women's skills, such policies have had the effect of qualifying a woman for migration on the basis of her relationship with a male partner.¹³ However, patterns of migration to Australia also reflect factors operating within the Philippines.

Patterns of migration from the Philippines to Australia are distinctive in that unlike immigration from any other source country, immigration from the Philippines has been significantly gender biased in the favour of women, such that at the last census there were twice as many women as men who had been born in the Philippines residing in Australia. However, it should be noted that this characteristic is consistent with Filipino emigration patterns - females significantly outnumber males among Filipino immigrants to a range of destinations including Australia, Japan, USA, Canada, New Zealand, Hong Kong, Singapore and parts of Europe.¹⁴

The influx of Filipino women into Australia also reflects the desire by men who are resident in Australia to seek partners from the Philippines, and from other countries, particularly within Asia and the Pacific. Many of the concerns expressed about the potential for the exploitation of Filipino women in their relations with men from "developed" countries also arise with respect to women from Thailand, Indonesia, Fiji and other "developing" countries in Asia and the Pacific.

IV. DOMESTIC VIOLENCE AGAINST FILIPINAS IN AUSTRALIA

The measurement of domestic violence in Australia, whether for the population as a whole or for particular groups, is fraught with difficulty.¹⁵ There is no direct data available concerning the prevalence and incidence of domestic violence in Australia.¹⁶ Various sets of data, such as from police, hospitals, refuges, homicide statistics and, or small scale studies provide some indirect indication of the nature and size of reported domestic violence, and provide evidence that domestic violence is both widespread and serious in its consequences.¹⁷ However, much of the available data does not provide detail concerning ethnicity. It has been recommended

¹³ Fincher, Foster and Wilmot, *Gender Equity in Australian Immigration Policy* (1994).

¹⁴ Jackson, "Recent migration to Australia from the Philippines" in Iletto, R and Sullivan, R (eds), *Discovering Australasia: Essays on Philippine Australian Interactions* (1993) 136.

¹⁵ Ferrante, Morgan, Indermaur and Harding, *Measuring the Extent of Domestic Violence* (1996).

¹⁶ Although a small scale survey of the prevalence of domestic violence in Perth has been reported by Ferrante et. al., *ibid.*, at chapter 3. However this study did not measure ethnicity.

¹⁷ Stubbs, J and Powell, D, *Domestic Violence: The Impact of Legal Reform in NSW* (1989).

that the collection of such data be undertaken by all community and government agencies.¹⁸

The examination of the incidence of domestic violence for different ethnic or racial groups raises a number of important methodological, political and ethical questions. There are very valid concerns that such data might be put to racist uses. There are also significant problems to be faced in determining how to define and measure constructs such as race and ethnicity.¹⁹ Since crime is a relatively infrequent event, detailed analysis of crime incidence by country of birth is methodologically problematic. Although not necessarily specifically concerning domestic violence, some crime victimisation data is available internationally which purports to measure race or ethnicity. However, often the categories used are so broad as to have questionable utility. Much of the British data for example uses the categorisation "Black", "white" and "Asian", while American data tends to use categories such as "Black", "white", "Hispanic" or "Asian". An analysis of the National Crime Victimization Survey data in the US for the years 1992-3 found no significant differences in domestic violence incidence rates by "race", or for Hispanics as compared with non-Hispanics.²⁰

While Filipino women in Australia share many of the experiences of other immigrant women - such as settlement problems, isolation, high unemployment, the under-valuing of their skills, and a lack of knowledge about and access to legal rights and social services - there are particular features which operate to make them especially vulnerable. Their experiences and needs are distinctive.²¹ Their vulnerability arises both from those factors which provide the context for, and the impetus towards their emigration from the Philippines, and the stereotyped misrepresentation of Filipino women, and of Asian women more generally, as compliant, ultra-feminine and servile.

¹⁸ Submission of Migrant Women's Emergency Support Service, and the Domestic Violence Resource Centre, Brisbane (*hereafter MWESS & DVRC submission*).

¹⁹ After detailed debate about such questions, Statistics Canada (the government agency fulfilling a similar function to the Australian Bureau of Statistics) has determined that data should not be collected on race/ethnicity.

²⁰ Bachman, R and Saltzman, L, *Violence Against Women: Estimates from the Redesigned Survey, August 1995*, NCJ-154348 (Special Report, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 1995).

²¹ Women's Legal Resources Centre, *Quarter Way to Equal* (1994) 24-6.

Women from developing countries like the Philippines are seen by a lot of men from developed countries as “objects” to be easily sold and traded, with no dignity or feeling. Domestic violence, in general, is characterized by such attitudes but the global issue of economic and political power between “developed and developing” or “rich and poor” countries give further power and control to the male in this imbalanced relationship.²²

The Filipina-Australian Marriages and Domestic Violence Working Party have stressed that:

Filipinas married to Australian men may be particularly vulnerable to domestic violence, not because they are Filipinas, but because of the ways in which many of these marriages are contracted and the mythology about submissive, infinitely tolerant women from that country which still prevails in some quarters of the Australian community...and we would expect to find the same problems facing women from other cultures who were contracting marriages with Australian men under the same circumstances. The problem, specifically stated, is one of abuse of women perpetrated by men whose attitudes and behaviour towards women are properly the focus of concern.²³

Concerns have also been raised about domestic violence against other groups such as Thai, Indonesian, Fijian and Malaysian women in Australia.²⁴

The submissions presented to HREOC for this study, the case studies of homicides, and the literature more generally suggest that Filipino women who experience violence by their partners or ex-partners may face particular obstacles in getting assistance from the legal system or other agencies.

Research suggests that some Filipino women may be unfamiliar with the language used to discuss domestic violence, and/or do not realise that such behaviour may constitute a crime in Australia.²⁵ Filipino women may also be unaware of the available services, or reluctant to seek services to assist them to deal with the violence through concerns that services are

²² MWESS & DVRC Submission, *supra* n. 18, at 6.

²³ South Australian Department of Community Welfare, Domestic Violence Working Party, *Filipina-Australian Marriages and Domestic Violence* (1988) 14.

²⁴ MWESS & DVRC Submission, *supra* n. 18.

²⁵ Antonio, A and Escartin, M, *Breaking Down Barriers: A Survey of Filipino and Spanish speaking Women in Domestic Violence and Proposed Service Models* (1994) 51.

culturally inappropriate or in some instances racist. Consultations with Filipino women in Wollongong found that they were reluctant to use some services such as counselling because their misunderstandings of what those services offered were based on their experiences with services in the Philippines.²⁶ Research also suggests that the shame which speaking of domestic violence would bring to them and their families acts as a significant obstacle to seeking help for some Filipino women. The fact that separation and divorce are not acceptable within the Philippines, and may lead to the ostracising of the women, were acknowledged to be real impediments to women seeking assistance.²⁷

Women who do not have permanent residency within Australia are also vulnerable to abuse, and often reluctant to seek assistance. As noted by the Filipina-Australian Marriages and Domestic Violence Working Party, many of the women who have been sponsored to Australia as brides or fiancées have relied on the men who have sponsored them for information about their legal entitlements generally, and specifically about their immigration status.²⁸ In such cases the women tend to be poorly informed, or deliberately misinformed by their sponsor about their entitlements, and they may not realise that they need to specifically apply for permanent residence.²⁹ One of the submissions to the Australian Law Reform Commission inquiry on *Equality Before the Law* powerfully illustrates 'the vulnerability of women who do not have permanent residency:

...this threat of possible deportation provides a strong incentive for women to stay in an abusive marriage. Frequently, this lack of permanency forms the basis of blackmail and threats by an abusing partner to get the women to stay with him. Or he tells her that if she doesn't do what he wants or tells anyone about the abuse, he will throw her out and tell Immigration that the marriage has 'broken down' and she will be deported. In most of these cases, of course the woman lacks the 'documentation' to substantiate her case, that is even assuming she has the personal power or information to do so.³⁰

The practice of serial sponsorship, that is

²⁶ Community consultations with Filipino women undertaken for this project.

²⁷ Antonio and Escartin, *supra* n. 25.

²⁸ South Australian Department of Community Welfare, *supra* n. 23, at 14: see also Fincher et. al., *supra* n. 13.

²⁹ Women's Legal Resources Centre, *supra* n. 21, at 65-6.

³⁰ Australian Law Reform Commission, *Equality Before the Law: Justice For Women: Part I* (1994) 219.

the situation whereby a person sponsors a spouse or fiancée from overseas on more than one occasion in situations where at least one of the relationships has resulted in some form of abuse or exploitation of the sponsored party.³¹

has also been of particular concern to Filipino organisations, and human rights activists in Australia. A study undertaken in 1992 found evidence of 110 serial sponsors who had sponsored more than one woman from a range of countries. These relationships were found to be characterised by high levels of marriage breakdown, domestic violence, and the failure of the sponsor to provide financial support for the woman and her children.³² A recent report has provided a number of case studies of serial sponsorship of Filipino women in which the women have been subject to physical, sexual and emotional abuse.³³

V. HOMICIDE OF FILIPINAS IN AUSTRALIA

While the incidence of violence against Filipinas living in Australia is difficult to measure for a range of methodological, practical and political reasons, data concerning the deaths of Filipinas are more readily available. The Centre for Philippine Concerns has been carefully researching and documenting the cases which come to their attention. Deaths which are suspicious are also likely to be investigated and recorded in several official sources. While it remains the case that some homicides go undetected, official data concerning homicide are likely to be more accurate than data for other forms of violence, or for other crimes.³⁴ However, not all sources of data concerning homicide record details concerning the country of birth of the victim, or the offender, or in fact other pertinent information such as the relationship between the victim and the offender (where the offender has been identified).

Homicide in Australia is a relatively rare event, and thus one needs to be cautious in interpreting the available data. What might appear as important patterns in the data may well represent short term fluctuations when viewed

³¹ Department of Immigration and Ethnic Affairs, *Serial Sponsorship: Immigration Policy and Human Rights* (1992) iv; see also Evatt, "Serial sponsorship and abuse of Filipino women in Australia" in Ethnic Affairs Commission of NSW, *Serial sponsorship: Perspectives for Policy Options* (1992)9.

³² Department of Immigration and Ethnic Affairs, *ibid.*

³³ New South Wales Ministry of Women, *Serial Sponsorship: A Background Paper* (1994) 12-4.

³⁴ Wallace, *A Homicide: The Social Reality* (1986).

over a longer time period.

Wallace's study of New South Wales homicides over the period 1968-1981 provides details concerning the country of birth of offenders, but not of the victims.³⁵ Some information concerning country of birth of victim and offender is available from the Australian Institute of Criminology homicide data base. However, the data covers a limited time frame.

An analysis of the data collected by the Centre for Filipino Concerns together with data held on the national homicide database of the Australian Institute of Criminology, both for crude victimisation rates and age specific rates, indicates that Filipino women in Australia are significantly over-represented as victims of homicide. While for 1989-1992 the annualised rate of homicide for all women in Australia aged between 20 and 39 was found to be 1.0 per 100,000, the rate for women born in the Philippines was 5.6 per 100,000.³⁶

A New South Wales study based on the Australian Bureau of Statistics *Causes of Death* database has reached similar conclusions concerning the over-representation of Filipino women as victims of homicide. Guevarra and Churches³⁷ analysed the country of birth of the victim for all recorded homicide cases in New South Wales over the period 1980-1991. Using age, sex and country of birth specific population rates, they calculated expected homicide rates using the Australian born rates as the standard. They found that two groups of women experienced significantly higher death rates from homicide than might be expected: Filipino women and Vietnamese women. Both groups were about three times higher than expected. However, while Vietnamese men also had higher than expected homicide rates, Filipino men actually had lower rates than expected. The heightened risk apparently experienced by Filipino women is not shared by Filipino men, while both men and women of Vietnamese origin experience a heightened risk.³⁸ Other research has found that immigrant groups in Australia tend to have higher rates of homicide victimisation

³⁵ *Idem.*

³⁶ Census Applications Pty Ltd, *Technical advice Provided to the HREOC* (1994) (Unpublished paper on file with the authors).

³⁷ Guevarra, V and Churches, T, *Variations in the rates of death due to violent causes amongst migrants in NSW* (Paper presented to the Public Health Association National Conference, Adelaide, 1994).

³⁸ Note that the analysis does not look at the risks for Aboriginal Australians. Aboriginal women in Australia are over-represented as victims of homicide by a factor of ten Strang, H, *Homicides in Australia 1990-91* (1992).

than exist in their countries of origin. Kliewer has found that male homicide rates are typically higher than female rates, both in Australia and in the country of origin. However, for Southeast Asian communities in Australia the homicide rates for women are higher than for men. He speculates that the higher rates may be related to the high levels of intermarriage for some Southeast Asian women.³⁹

VI. OVERVIEW OF THE HOMICIDE CASES

1. Background

The Human Rights and Equal Opportunity Commission and the Centre for Philippine Concerns - Australia provided the authors with 19 separate files. The files covered specific incidents throughout Australia between 1980 and 1994, and referred to the deaths or disappearances of some 26 Filipino women and/or their children during the fifteen year period. Further research has indicated that these files are not comprehensive on the issue. They simply reflect information which has come to the attention of the CPCA. In particular, the lack of any deaths or disappearances between the one listed for 1980 and the next in 1987 suggests that there may be omissions.⁴⁰

There is also considerable variation in the quality and quantity of information available in relation to the nature of the various deaths and disappearances. In some cases where persons have been charged and convicted of manslaughter or murder there is considerable data available arising from the results of police investigations and subsequent trials. In other cases there is by their nature virtually no information available. Indeed, there were three disappearances of Filipino women in 1987 about which there is very little information but which are of concern to the CPCA.

Table 1 below shows in summary an outline of the cases involving Filipino women and children. The three disappearances which have been listed in Table 1 are excluded from further discussion in this paper because of the current lack of details. There are also more recent deaths of Filipino women, such as the homicide of Priscilla Squires in Darwin in 1995, which are

³⁹ No specific data is provided concerning this issue for the Philippines, which is included in the category Southeast Asian: Kliewer, "Homicide victims among Australian Immigrants" (1994) 18 *Australian J of Public Health* 304, 308.

⁴⁰ Guevarra and Churches, *supra* n 36. These authors list the homicides of eight Filipino women from NSW alone during the period 1980-91, which provides further reason to suspect that the list provided in Table 1 is not comprehensive.

not referred to in Table 1. These deaths are currently being researched further.

Excluding the 3 disappearances, Table 1 refers to a total of 23 deaths of Filipino women and children. The 23 deaths comprised 18 Filipino women and five children (three girls and two boys). The children were either born in the Philippines or were the Australian-born children from a Filipino-Australian marriage. Table 1 shows that the causes of death in the 23 cases were as follows: seventeen deaths were homicides (13 women and four children); in two cases the cause of death was unknown; in two cases death was by suicide; and in two cases (involving one woman and one child) the coroner determined the deaths to be accidental.

Table 1
Deaths and Disappearances of Filipino Women and Children
Australia 1980-1994

Year	Name	Age	Cause	State
1980	TA	21	Homicide	Qld
1987	RS	17	Homicide	NSW
1987	NW	33	Homicide	Qld
1987	CG	1	Homicide	NSW
1987	AP	33	Homicide	NSW
1987	HJP	3	Homicide	NSW
1987	NE	33	Disappeared	Vic
1987	BS	u/k	Disappeared	Vic
1987	SN	u/k	Disappeared	Tas
1988	BE	28	Homicide	WA
1989	JH	37	Homicide	NSW
1989	GB	34	Homicide	Vic
1989	NV	34	u/k	Vic
1989	MD	39	Homicide	Vic
1991	ER	44	Homicide	NSW
1991	TG	34	Suicide	NSW
1991	NG	36	Suicide	NSW
1991	RK	34	Homicide	NSW
1991	PN	38	u/k	NSW
1992	MO	31	Homicide	Vic
1993	MW	36	Homicide	Qld
1993	EH	5	Homicide	NSW
1993	YR	12	Homicide	NSW
1993	RD	29	Accidental	NSW
1993	RD	4	Accidental	NSW
1994	EY	42	Homicide	Qld

2. *Homicide and Intimate Relationships*

Seventeen homicides are identified in Table 1. In each case the perpetrator was an adult male, who was also usually older than the female victim. A further analysis of the homicides showed clearly that in the majority of the cases the perpetrator was in some form of intimate relationship with the victim, being either the spouse, ex-spouse, defacto or father. The breakdown of information on the offenders in the 17 homicides showed that in eleven deaths the person found to have committed the offence was in an intimate relationship with the victim. In a further three cases the suspect in the case was either the spouse or defacto. In the other three cases there were no suspects, although in one of these the husband had been tried and acquitted of murder. In summary, there were no cases where the *known* offender or suspect was not in an intimate relationship with the victim.

We noted above that four of the homicides involved children. In one of those cases the woman and her child had disappeared. A coronial inquiry had found that death had occurred and that there was a *prima facie* case against the husband. The Director of Public Prosecutions has decided not to proceed with the matter. In another case, the husband attempted to murder both the wife and their eleven month old child. After the attack the male committed suicide. The child died of head injuries, the woman survived. According to the statement made subsequently by the woman, there had been previous episodes of domestic violence, although there was no evidence of any previous apprehended violence orders or other legal intervention. Finally, two children aged five and twelve were strangled by their father during an access visit. There had been previous threats of violence and an apprehended violence order had been applied for but not served.

Some further comment can be made on those deaths which were not classified as homicide. The two suicides listed in Table 1 were a single "mass" suicide involving two Australian brothers and their Filipino partners. The reason for the mass suicide was the apparent terminal illness of one of the brothers. The two Filipino women were both 20 years younger than their partners. It is unclear whether the marriages had been arranged in the Philippines. It is reasonable to raise suspicion as to the voluntariness of the suicides of the women in these circumstances.

3. *The Nature of the Relationship between the Filipino Women and their Partners*

We have indicated above the importance of recognising that the perpetrator

in the majority of cases was in some form of intimate relationship with the victim. Some detailed information was available concerning the nature of the relationship between Filipino women and their partners in most cases. These included the 18 Filipino women who died,⁴¹ as well as a further two Filipino women who were the mothers of children killed by their spouse or ex-spouse. A number of factors seem pertinent in understanding the nature of the relationship.

First, the age difference between Filipino women and their partners appears to be a significant issue. In 17 cases the age of the woman and her partner was identified. The age difference between partners ranged from no difference (0 years) to 26 years. The *average* age difference between partners was 13 years, and in five of the 17 cases the age difference was 20 years or greater. It is clear from the evidence that there were significant age differences between the generally younger women and older men.⁴²

Secondly, the issue of sponsorship of spouses and fiancées is significant. In 12 cases, details were available concerning where the male met their partners and where the marriage took place. In nine of the 12 cases, the male met the woman in the Philippines; in three other cases the two people met in Australia, the USA and England. Thus, in only one case of the 12 where information was available did the male and female meet locally.

Of the nine cases of meeting in the Philippines, there was direct evidence of the involvement of some type of "marriage", "pen pal" or "domestic help" agency in four cases. It should also be noted that recent literature suggests that family and social networks may also be influential in making arrangements for young Filipino women to meet older foreign males. There was some suggestion that such was the case in some of the other meetings in the Philippines.

In all cases the spouse, ex-spouse or partner was a non-Filipino man. Although this was a common factor, the men came from a variety of ethnic/cultural backgrounds other than Filipino. Two of the men convicted of murder were American and Spanish nationals. Of those who were

⁴¹ That is, 13 homicide victims, 2 suicides, 2 cause of death unknown and 1 accidental death.

⁴² A number of studies have found that Australian men sponsoring Filipino women as spouses or fiancées tend to be much older than the women, and over half of the men have been married previously: Tan and Davidson, "Filipina-Australian Marriages: Further Perspectives on Spousal Violence" in Davidson G (ed), *Applying psychology: Lessons from Asia-Oceania* (1994) 122-4.

Australian, a significant number were born elsewhere including England, Poland, Malta, Holland and Italy. Others came from Anglo/Irish Australian backgrounds.

There was also some difference in the socio-economic background of the males involved. At least two of the men came from what could be described as middle class backgrounds. Significantly, there appears to have been a primary economic motive in the murder of Filipino women in these two cases. In one of these cases the Australian male made contact with the 21 year old woman through a housekeeper/domestic help agency in the Philippines. The man brought the woman to Australia and promised to marry her. Meanwhile he took out a number of insurance policies before drowning her. In the second case, the male had taken out three life insurance policies in the year prior to drowning his wife.

4. Sentencing Issues

A total of ten men were found to have committed eleven of the murders. In eight cases we have details on the sentence imposed. In five cases a term of life imprisonment was imposed after a conviction of murder. In three cases the defendant pleaded guilty to manslaughter. The sentencing outcomes in the cases of manslaughter have been raised as an issue of concern. Two of the three cases resulted in a minimum term/non-parole period of 6 years, the other in a minimum term of five and a half years.

One of the six year minimum terms was imposed for the manslaughter of two children aged 5 and 12 years. The CPCA and the Filipino woman who was the mother of the two children were highly critical of the sentence handed down. Ivor Haynes pleaded guilty to manslaughter after admitting to suffocating and strangling the children.⁴³ A plea of diminished responsibility was accepted on the basis of psychiatric evidence strongly suggesting profound depression at the time. The mother of the two children had previously applied for an apprehended domestic violence order against her ex-husband.

In the case of *Schembri*,⁴⁴ a five and a half year minimum term was imposed after a guilty plea to manslaughter. Schembri had married Generosa Bongcodin in the Philippines. They were later separated after the birth of their child. Schembri had custody of the child after the divorce. He killed

⁴³ *R v Haynes*, unreported, Supreme Court of New South Wales, 25 March 1994. Studdert J.

⁴⁴ *R v Schembri*, unreported, Supreme Court of Victoria, 9 July 1990, Vincent J.

Bongcodin during a visit to discuss custody arrangements. Justice Vincent accepted that there were mitigating circumstances including the background of the accused, his separation from his daughter during the term of imprisonment and the good prospects of rehabilitation. The CPCA publicly demonstrated against the sentence imposed by the Supreme Court. This case will be discussed further below.

In the case of *Sokol*,⁴⁵ a minimum term of six years was imposed after a guilty plea to manslaughter. Sokol had shot and killed his 17 year old wife. There had been previous instances of domestic violence. Prior to her death, Rowena Sokol had sought from the Court an apprehended domestic violence order. A hearing date for the matter had been set down. Sokol's previous wife also had an apprehended violence order against the accused. The plea of manslaughter was accepted by the Court on the basis of diminished responsibility. It was accepted that Sokol was suffering from a significant personality disorder at the time of the offence. This case will also be discussed further below.

VII. MASCULINITY AND FANTASY

One key to unpacking the dynamics around the use of extreme violence against Filipino women in Australia is through a consideration of masculinity and the relationship between masculinity and fantasies of power, desire and sexuality. Within this dynamic there is a particular construction of Filipino women as perfectly accommodating to male fantasy. The commodification, marketing and sale of "Asian" and Filipino women provides an insight into this process.⁴⁶ We have explored this issue particularly through the marketing schemes currently available on the Internet. Since the banning of introduction agencies in the Philippines,⁴⁷ and with the growth in use of the Internet, the Internet now represents perhaps the most significant mechanism through which women, and particularly Filipino women, are marketed.

The first point that was striking in looking at the systematic representation of Asian women as "perfect partners" is that the sex tours and the marriage introduction agencies are in fact different sides to the same phenomenon.⁴⁸

⁴⁵ *R v Sokol*, unreported, Supreme Court of New South Wales, 19 February 1988. Finlay J.

⁴⁶ Cooke, F, *Australian-Filipino Marriages in the 1980s: The Myth and the Reality* (1986) 3.

⁴⁷ We note that some introduction agencies are still listed in Australian telephone directories.

⁴⁸ Cahill, D, *Intermarriages in International Context: a Study of Filipina Women Married to Australian, Japanese and Swiss Men* (1990) 65.

In a logistical sense this interdependency is reinforced on the Internet through interlinking and cross referencing of Internet sites. Sites which offer introductions to women seeking marriage partners also have links to other sites offering "erotica" and sex tour information. Some sites offer both sex and marriage introductions. For instance one site has four categories of tours to the Philippines: general sightseeing, wife seeking, x-rated, and diving tours. This service promises that the "wife-seeking tour" will ensure that "the new women you meet will be generally 'good' girls but there will be plenty of bar girls there too and you will surely encounter some".⁴⁹ At a deeper level the phenomenon is also one which both constructs and caters for particular male fantasies about women.

One fantasy is about the perfect wife: loving, caring, compliant. The other fantasy (or perhaps more accurately, the other side to the same fantasy) is about a woman for perfect sex: compliant and completely accommodating. These fantasies position women as a subservient subject for male power/desire.

They [Filipino women] were always asking if I had friends back in the U.S. who were interested in them. I wished I could help them. I knew there were thousands of lonely guys back in the U.S. who'd love them... women who know how to take care of a man, who're playful, passionate, sincere and dedicated.⁵⁰

Age is also an important component in this male fantasy. Indeed the advertising continually suggests that a "15 to 20 year age difference is not a big factor" and explicitly focuses on older men looking for young women. The "Philippines: Girls -Travel-Business-Penpals" site notes the following.

Send me your age, if you are single, divorced, etc; Include what you are seeking in your girl. A 15 to 20 year difference in age is not a big factor. Remember that beauty is in the eye of the beholder...

New Sweet Sixteen List! \$10.00 for 16 names of teenage girls from 15 to 18 years old!

New Hot List #1 - \$15.00 for 38 names of YOUNG girls 18 to 23 who are seeking older men!

New Hot List #2 - Girls who are 24 to 26 years old (30 names). Want older men. Send \$12.00!

⁴⁹ http://www.conline.com/dad/phil_wif.html

⁵⁰ Fantasy Islands: A Man's Guide to Exotic Woman and International Travel, <http://www.slip.net/wade/order/htm>

New Hot List #3 - Girls who are 28 to 39 years of age (31 names) Send \$12.00! All seeking older men!⁵¹

The commodification of women through various types of commercial agencies extends around the world and includes women from Russia, former Eastern bloc countries, the Pacific, South America and south east Asia. Typically though there are more listings on women from the Philippines on Internet sites. It is also apparent that Asian women and Filipino women in particular are constructed as perfectly fulfilling these fantastic needs of youth, compliance, love and sex.

Asian women are also constructed as fulfilling these fantasised needs in the context of, and in contrast to, Western women's independence. The literature selling Filipino women strongly argues that the reason western men cannot find suitable partners at home is because of the breakdown of the family unit caused by feminism. This aspect of the male fantasy appeals to an image of a "traditional" woman whose goal in life is to serve her husband.

Consider the following examples from the Internet.

[t]oday, many American men are very unhappy with American women. It's not that they want some meek submissive thing they can lead around by the nose. What they want is a woman who will be a more "traditional" kind of wife, who is probably more oriented toward being a wife than being a career woman. Often these are middle aged men who want a woman significantly younger than themselves. In any case, they are men who have decided, as I did, that they are unlikely to find what they want in the U.S...

In fact, the bride-by-mail movement is a rapidly growing phenomenon. More and more American men are getting fed up with the feminist inspired bullshit they keep getting from American women.⁵²

Of course, we cannot guarantee that any particular girl (sic) will want to marry any particular correspondent. But it is a fact that you will have a much better chance of marrying a much better wife this way, than by hassling with Modern Western women.⁵³

If you are tired of sitting around... or if you are just tired of the hoops American

⁵¹ Philippines: Girls -Travel-Business-Penpals.

⁵² An Introduction to the "Penpal Bride" or so-called "Mail Order Bride" Movement, Clark, 1995.

⁵³ Mail Order Brides from the Philippines. <http://www.best.co/batf/>.

women make you jump through then read on. These women are looking for a man who will care for them and they will respond to every (sic) and kindness, no matter how small. Take your choice. Each of these women are looking to meet men from around the world. They are not concerned about age, appearance or wealth. Just so long as you work (or have a regular income) and do not hit them (which is common in their country) then they will want to meet you.⁵⁴

These images and references are racist and sexist in their construction of Filipino and other Asian peoples. Yet it is precisely this intersection of 'race' and sex that results in such a powerful fantasised construction of (first world?) male desire. This male fantasy about Asian women incorporates exotic sex, the promise of a relationship with complete security and compliance, and a fantasy about love which transcends age difference. The final aspect of this fantasy is that the relationship can be bought cheaply through an agency or arranged simply through the use of informal networks. In other words, it is a completely commodified fantasy that requires nothing more than money.

VIII. MASCULINITY AND VIOLENCE

What happens when we integrate the fantasised images of Filipino women back into the relationships that resulted in the deaths and disappearances of women outlined in the earlier parts of this paper? What happens when men attempt to live out these fantasised relationships and the women involved refuse to comply, refuse to be treated as a commodity?

Two interwoven processes become apparent in some of the case studies. First, violence emerges as a resolution to conflict for the male when he attempts to assert absolute dominance and authority. Secondly, the Filipino women who simply marry western men to leave the Philippines become re-invented as manipulative and self-seeking. In other words, the women are seen as complicit in the violence against them and the men are constructed as victims.

Two of the case studies are illustrative of these issues. Rowena Sokol was a 17 year old Filipino teenager when she was killed by her 41 year old husband, Joseph Sokol. She was shot several times and received head injuries from being beaten with a rifle butt. She was in the driveway of a house owned by a Filipino female friend with whom she was living at the time. The young woman had left her husband after significant incidents of domestic violence.

⁵⁴ Overseas Ladies. <http://www.conline.com.dad/>.

Rowena Sokol was 15 years of age when she met and married Sokol in the Philippines in January 1985.⁵⁵ They were introduced through the "Philippine Connection" agency. There was a 23 year age difference. She immigrated to Australia as Sokol's wife when she was 16 years old and had a child shortly afterwards. She was murdered by Sokol on 23 February 1987.

As we noted previously, Sokol pleaded guilty to manslaughter with diminished responsibility under s23A of the New South Wales Crimes Act. He was sentenced to a minimum term of six years. What is of particular importance for the current discussion is that the sentencing comments by and large accept the depiction of the young Filipino woman as being at fault in her own death.⁵⁶ She was presented as a bad mother. "To a large extent his wife had left the care of their small child to the prisoner."⁵⁷ She was presented as manipulative. "He is said to have worked at a second job in order to earn enough money to send a monthly sum... to her family in the Philippines. He sometimes took the child with him to cleaning work."⁵⁸ She was presented as self-seeking. A friend of Sokol's gave evidence, referred to in the sentencing comments, that "Joe told me of how he had to sell a lot of his assets in order to keep Rowena happy."⁵⁹ She is presented as unfaithful, unloving and uncaring. The sentencing comments refer to Sokol's friend's statement. "[Joe] told me on numerous occasions of how Rowena had left him and was with another man. He told me that Rowena had told him he was too old and boring."⁶⁰ Sokol's statement to the psychiatrist while remanded in prison is also referred to. "He craved warmth and security but did not get much of that from her."⁶¹

In contrast, Joseph Sokol is presented as a victim. Consider the following sentencing comments.

The prisoner was born in Germany of Polish parents. He came to Australia when he was very young. His father was a most hard-working man but was also harsh,

⁵⁵ Sokol had been previously married and had divorced his first wife one month earlier, in December 1984. His first wife had an apprehended domestic violence order taken out against him. Sokol had also been receiving psychiatric treatment.

⁵⁶ *R v Sokol*, supra n 45.

⁵⁷ *Ibid.*, 3.

⁵⁸ *Ibid.*, 4.

⁵⁹ *Idem.*

⁶⁰ *Idem.*

⁶¹ *Ibid.*, 5.

demanding and authoritarian. His mother died when he was seven in sad circumstances. There was no-one else to fill her place.⁶²

While remanded in prison, Sokol was diagnosed with a longstanding personality disorder characterised by intense feelings of insecurity and loneliness, and a craving for closeness and intimacy. He was described as having immense emotional and maternal needs. Prior to his visit to the Philippines in 1985 he had spent 35 days as an in-patient in a psychiatric hospital with severe depression and suicidal tendencies. There was the development of a significant depressive illness prior to the killing.

What is of interest here is not the clinical assessment per se, but rather the gendered nature of the response to the illness, both in terms of the desire for a Filipino bride and all that such a relationship promised, as well as the resort to violence in an attempt to maintain the relationship when it began to fail. There is little in the sentencing comments which identify the escalation of violence by Sokol against the young woman. It is apparent that Rowena Sokol left her husband as the violence intensified. A Filipino friend of Rowena's made a statement to police which indicated she had witnessed assaults by Sokol on a number of occasions in the weeks prior to the murder which included grabbing Rowena around the throat and attempting to choke her, grabbing her by the hair and throwing her on the floor. One week before the killing Rowena Sokol had sought an apprehended violence order. She also attended the local police station for assistance. Police had escorted her to the house so she could retrieve some belongings. According to the police statement the perpetrator had remarked, "So much for Filipino women being faithful and looking after you."

The killing itself certainly appeared premeditated. The day before Sokol murdered his wife, he contacted the same introduction agency to see if he might start another relationship with a Filipino woman and made an appointment for the following week. According to the psychiatrist's report, he then took out his rifle. The following day Sokol made the arrangements to meet Rowena outside of the house where she was staying. He then took the rifle from the boot of the car with a magazine already in position and placed it on the front seat. Sokol drove to the house, argued with Rowena and then shot and beat her.

According to the psychiatric assessments the violence itself arose in an

⁶² Ibid., 6.

attempt to maintain the “security” offered by the relationship. Yet that promise of security was one which was constructed within the parameters of what introduction agencies offer specifically in relation to the fantasised versions of Filipino women. It is clear that Sokol accepted the constructed image of Filipino women being devoted and faithful. The statement to police referred to above, “So much for Filipino women being faithful and looking after you,” indicates that the belief was held. Indeed, shortly before the death of the young woman, Sokol was making arrangements for another “Filipino bride.”

On the one hand we can categorise Sokol as suffering from a mental illness. Yet the satisfaction of the “immense emotional needs” of Sokol is precisely the promise which the introduction agencies make to all men. There is a promise of security, love and intimacy with a younger woman who will not be too particular about the age, appearance or faults of the prospective man.

The second case involved a 34 year old Filipino woman who was strangled to death by her 40 year old ex-husband. The perpetrator, Charles Schembri, pleaded guilty to manslaughter and was sentenced to a minimum of 5.5 years.

Schembri had gone to the Philippines in the early 1980s with three “mates” to find brides. A 60 Minutes television program was the inspiration for the trip because it implied that there were young attractive Filipino women ready to marry Australian men. Schembri met his future wife within 3 days of arrival and was married within a matter of weeks. The couple had a child and then were separated and later divorced. The husband had custody of the child after the divorce and prior to her murder, he had denied the deceased access to their child. On the day of the murder the deceased had been told she could have access to the child and had arrived at the house for this purpose. The child was not at the house, an argument ensued, and Schembri strangled his ex-wife.

What is of particular interest is the way in which the search for the “Filipino wife” became a mitigating factor in the sentencing process. The Filipino woman was presented as “corrupt” and as only interested in securing money for her family and a “passport” to Australia. On the other hand, the perpetrator was presented as being “unsophisticated and naive” to believe that he could find a suitable marriage partner in the way that he attempted. Ultimately Schembri was recast as the victim. For instance, Vincent, J made the following comments.

Your wife, you claim, had been more interested in securing money for her apparently impoverished family and a passport to this country than she was in the development and maintenance of a marital relationship with you. This may well be the case. In expressing myself as I have done on this aspect, I do not wish to convey any impression of disapproval or moral judgment concerning her conduct.⁶³

Ultimately, Schembri is recast as a victim in a number of areas. He is seen as a victim to the earlier circumstances of his life as a child in a large immigrant family, as a victim to a fairly "stereotypical" view of marriage which he held, and, finally, as a victim to the manipulations of the Filipino woman he had married. Importantly, Schembri casts himself in a victim's role. He stated the following in a police record of interview. "[The] first five months, couldn't ask for a better woman in the whole world. And I thought my dreams came true. I had found the ideal woman. After the five months were up, you know, she was demanding things".

The Court accepted and reinforced the same interpretation of motives. Vincent, J stated the following:

I have no reason to doubt that you tried your best to make this unlikely alliance work, but viewed objectively, and with the clarity of hindsight, the barriers between you appear to have been insurmountable. You wanted to establish for yourself what might be regarded as a stereotypical relationship with your wife and family. She, it would appear, grasped at the opportunity of securing freedom in a new country.⁶⁴

In both the *Sokol* and *Schembri* cases, violence against women becomes a way of enforcing compliance with what is, in the end, a masculine construction about appropriate female behaviour. In these cases the image of women is overlaid with racialised and sexualised fantasies about Filipino women as perfect partners. The women who are murdered are recast as being complicit in their own demise when they fail to fulfil the requirements of male fantasy. A new racialised and sexualised image then emerges: Filipino women are seen as permissive and grasping "gold diggers." The men themselves become reconstructed as doubly victimised because they are naive or unstable enough to believe in the possibility of fulfilling their desires through these marriages, and because they are the victims of women who are able to manipulate their desire.

⁶³ *R v Schembri*, supra n 44, at 50.

⁶⁴ *Ibid.*, 51.

IX. CONCLUSION

This paper represents preliminary findings and arguments of a larger work on violence against Filipino women in Australia.

The research is framed within the context of the relations between “developing” and “developed” countries. In particular, it is the exploitative nature of that relationship in general political economy terms, as well as the specific gendered form of the relationship between first world men and third world women that forms the substance of our understanding of the issue.

Such empirical evidence that is available shows that homicide is a specific issue for Filipino women in Australia. It is our argument that the specific vulnerability of Filipino women to homicide can only be understood within the broader framework we have outlined above. Filipino women seek emigration to Australia, thus increasing their vulnerability to Australian men. The reason behind the need to emigrate reflects poor conditions in the Philippines which, in itself, is the result of particular exploitative international relations. The form of immigration is gendered with the majority of Filipino women arriving in Australia as sponsored fiancées or spouses. This type of immigration, by its nature, facilitates the possibility of greater exploitation and abuse.

The nature of the abuse can be understood within a general context of male violence; however the particularised image of Filipino women within first world male fantasy is equally important. First world men construct third world women within the framework of *racialised* femininities. Images of Filipino women have been constructed around racialised notions of “Asian” women’s sexuality and personal characteristics displaying compliance and loyalty to the male.

At a theoretical level the explanation shows the utility of employing intersectional analysis in specific research. In relation to “class” analysis, we have interpreted this more broadly to look at international relations within a global capitalist economy, rather than specific class relations within a particular nation state. The gendered nature of those global relations becomes apparent in the first world male/ third world female hierarchy. We have also avoided a restricted view of gender and considered the question of masculinity and the connections between male power/ desire and violence. Finally, the racialised construction of Filipino women is fundamental to understanding their positioning within male fantasy.