



Standing Committee on Social Policy and Legal Affairs
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Settlement Council of Australia: Submission to Standing Committee on Social Policy and Legal Affairs - Inquiry into Family, Domestic and Sexual Violence

Introduction

The Settlement Council of Australia (SCoA) is grateful for the opportunity to make a submission to the Standing Committee on Social Policy and Legal Affairs' Inquiry into family, domestic and sexual violence.

SCoA is the peak body representing the vast majority of settlement agencies across Australia providing direct services and support to people of refugee and migrant backgrounds, including those affected by family, domestic and sexual violence.

The issue of family, domestic and sexual violence and its impact on people from refugee and migrant backgrounds has been thoroughly explored across the sector, including by organisations such as the Harmony Alliance, AWAVA, ANROWS, FECCA and others. SCoA draws on existing work by these organisations, as well as our own consultations and other feedback from our members to inform this submission.

In this submission, SCoA identifies a number of key issues for consideration by the Committee. These are:

1. Access to culturally appropriate support services and programs
2. Access to suitable prevention programs and strategies
3. Access to justice
4. The migration experience
5. The impact of COVID-19

1. Access to culturally appropriate support services

While many women will be comfortable seeking support from mainstream services, there are many others who prefer to approach settlement services or other specialist migrant and refugee services. These women may not necessarily seek help from a mainstream service, even if there is no alternative. It is imperative that both options are available, to ensure access to support.

Refugees and migrants may come from cultures where gender norms and understandings of violence are different.¹ The refugee/migration and settlement experience can include a number of stressors that may exacerbate DFV, including prior experiences of torture and trauma and new challenges relating to unemployment and providing for the family.²

This does not mean migrant and refugee communities are more likely to perpetrate violence, but that their experiences of violence may be different to the assumptions that underpin mainstream service provision in Australia. For example, some of our members indicate that some migrant and refugee women may prefer not to leave a relationship where violence has occurred, which is an assumption of many mainstream services and funding models.

This means community-informed and culturally appropriate understandings of DFV are necessary to sufficiently address and support victims/survivors from refugee or migrant backgrounds.

Cultural competency training and consideration must be implemented in all mainstream services, but also, DFV support services and programs must be delivered in a culturally sensitive and appropriate manner. This means support services and programs must be designed and developed with input from, and active consideration of the needs of the communities they are intended to support.

Some settlement service providers and other organisations have best practice examples of working with victims/survivors from a refugee and migrant background. There are many examples of specialist culturally appropriate programs provided by settlement agencies around Australia.³ The key takeaway from these best practice examples is that specialist migrant and refugee services have a valuable role to play in addressing DFV.

¹ Murdolo, A and Quiazon, R, 2016, *Key issues in working with men from immigrant and refugee communities in preventing violence against women*, p.9

² Fisher, C., Martin, K., Wood, L., Lang, E., & Pearman, A, 2020. *Best practice principles for interventions with domestic and family violence perpetrators from refugee backgrounds*, ANROWS,

³ For example, Access Community Services Limited in Queensland has developed the '99 Steps' program, which provides specialist, culturally appropriate responses to women and children from non-English speaking backgrounds experiencing domestic and family violence in order to enhance their safety and wellbeing. For more best practice examples, <http://scoa.org.au/settlement-best-practice/settlement-practice-family-social-support/>) or <http://scoa.org.au/category/settlement-best-practice/best-practice-case-studies-innovation-centre/family-and-social-support-best-practice-case-studies-innovation-centre/>

Strong communication and engagement of mainstream services with settlement agencies is also important. Victims/survivors often present to settlement agencies, as often they are trusted organisations that support them as they settle in Australia. Settlement agencies have a strong understanding of intersecting factors affecting refugee and migrant women and children. Our members report that when local mainstream services work closely with and are responsive to advice from specialist settlement services on addressing the specific needs of migrant and refugee women, then clients are more likely to receive a culturally appropriate service.

Some refugee and migrant victims/survivors may also face significant, intersecting barriers to accessing appropriate support for DFV. This may include LGBTQIA+ victims/survivors, people with a disability, and women living in regional areas.⁴ Research has shown that LGBTQIA+ people are more likely to experience DFV, less likely to report it and more likely to experience more barriers accessing support services.⁵ Women with disabilities are also more likely to experience DFV.⁶ Further, refugee and migrant women living in regional areas face particular barriers around access to support services, and often rely on busy mainstream local services. Culturally specific support, such as interpreters, multilingual services or torture and trauma services, are often provided on an outreach basis.⁷ Outreach services in regional areas are often infrequent, or delivered over the phone or online.

The availability of accessible services is essential to ensure women from migrant and refugee backgrounds are supported to address DFV. This requires both ensuring the availability of specialist services for migrant and refugee women, as well as ensuring other services are equipped to address multiple intersecting barriers.⁸

Recommendation 1: Fund settlement services for specialist culturally specific DFV programs, and increase their capacity to collaborate with other DFV services

Recommendation 2: Support DFV services to increase their capabilities to meet the specific needs of migrant and refugee women, including those facing additional barriers

⁴ Phillips, J & Vandenbroek, P, 2014 'Domestic, family and sexual violence in Australia: an overview of the issues', Department of Parliamentary Services, pp.10-12

⁵ O'Halloran, K.. 2015, 'Family violence in an LGBTIQ context'.

⁶ Dunkley, A & Phillips, K. 2015 'Domestic violence in Australia: a quick guide to the issues', accessed at https://parlinfo.aph.gov.au/parlInfo/download/library/prspub/3736995/upload_binary/3736995.pdf;fileType=application/pdf

⁷ Campo, M & Tayton, S. 2015 'Domestic and family violence in regional, rural and remote communities: An overview of key issues', Accessed at <https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>

⁸ See for example, Australian GLBTIQ Multicultural Council (AGMC) <https://www.agmc.org.au/>;

2. Access to suitable prevention programs and strategies

It is imperative for refugee and migrant communities to have access to intersectional and culturally appropriate prevention programs in order to address DFV.⁹

A number of organisations have conducted research and work on the importance of intersectionality in prevention programs, including Our Watch.¹⁰ Evidence-based programs that consider and address the unique and diverse needs of refugee and migrant families for prevention programs and strategies must continue in order to ensure all populations benefit equally from a reduced rate of DFV.

As with support services and programs, prevention initiatives must be designed through meaningful consultation and active consideration of communities' needs, through strengths-based approaches. Communities have the best understanding of their own needs. Bottom up and community led programs and campaigns are fundamental to achieving successful prevention initiatives.

Settlement agencies play an important role in the prevention of DFV. This is through both the orientation component of the Humanitarian Settlement Program (HSP) and their support through the initial settlement process more broadly. Through the HSP orientation process, providers support humanitarian entrants to develop skills and knowledge to support them in the Australian community, including fostering health family relationships and social support.¹¹

Settlement agencies also support newly arrived families to understand Australian laws and norms around families, and support them during the various challenges associated with settlement and the adjustment to new social and community norms. Settlement agencies have a strong understanding of the particular needs of different cohorts, including women and youth. There are many examples of programs that work with families soon after arrival to Australia to assist the family to adjust to life in Australia, therefore preventing violence.¹²

Recommendation 3: Provide greater support for settlement services to develop and broaden their primary prevention activities

⁹ Koletch, M, Serova, N, Trojanowska, B.K, 2020, 'Prevention of violence against women and safer pathways to services for migrant and refugee communities: Ten research insights from the Culturally and Linguistically Diverse Projects with Action Research (CALD PAR) Initiative, *ANROWS*

¹⁰ Our Watch, 2020, 'Preventing Violence Against Migrant and Refugee Women', <https://handbook.ourwatch.org.au/resource-topic/preventing-violence-against-migrant-and-refugee-women>

¹¹ Australian Government Department of Home Affairs, 2019 'Humanitarian Settlement Program', accessed at <https://immi.homeaffairs.gov.au/settling-in-australia/humanitarian-settlement-program>

¹² For example, Melaleuca Refugee Centre in the Northern Territory provides the 'Family Harmony Program', which is a series of free, interactive workshops that support newly arrived families to understand Australian families' rights and responsibilities and develop strategies to build strong, resilient and resourceful family units. View more here: <http://www.melaleuca.org.au/family-harmony-program/>

Recommendation 4: Continue to embed intersectionality in the Our Watch Change the Story framework

3. Access to justice

Access to the justice system, including the police and court systems, can be a barrier for victims/survivors from a refugee or migrant background. Overcoming these barriers and ensuring access to justice is essential to ensure that refugee and migrant victims/survivors can confidently report and seek support for DFV if they choose to.

Some of the barriers to accessing the justice system may include language barriers, unfamiliarity and lack of understanding the justice system, mistrust or prior bad experience with legal systems, or a fear of deportation based on their uncertain visa status.¹³¹⁴

To address language barriers, interpreters must be used in all situations where legal information is being discussed and where required or requested by the client, and translated information developed.¹⁵ It is also important for courts and other parts of the justice system to use translators and interpreters in civil matters as well as criminal matters. While translators and interpreters are consistently used in criminal matters in order to meet obligations under the right to a fair trial, their use in civil matters is less consistent and can sometimes require the victim/survivor to pay for translating services. Better access to translators and interpreters in civil matters is essential, as many legal processes relating to DFV occur in the civil system. This could include proceedings as diverse as family violence orders, debt recovery, and property settlements.

Greater access to legal aid and free legal support is also required. Women from refugee, migrant and/or CALD backgrounds may find it even more difficult to navigate the justice system than others, and therefore would benefit more greatly from access to free legal support.¹⁶

The justice system must also unpack the role of 'victim choice'. It is argued that often, taking the decision around arrest or charge out of the hands of the victim/survivor is beneficial as they are thereby relieved of the 'burden' of making a decision. There is certainly merit to this in many situations. However, some CALD women may find the prospect of arrest or charge to be a deterrent to reporting. Some may just want the police to attend, believing that this alone would have a positive impact on the perpetrators behaviour. However, as they have no control over how the police or prosecutors proceed with the case, they are instead deterred

¹³ Settlement Council of Australia, 2019 'Access to Justice for People from Refugee and Migrant Backgrounds in Australia', p.5-9

¹⁴ AWAVA, 2018, *Path to Nowhere Report: Women on Temporary Visas Experiencing Violence and their Children*, p.10

¹⁵ Settlement Council of Australia 2015, 'National Settlement Service Outcomes Standards', p.10

¹⁶ Settlement Council of Australia, 2019 'Access to justice for People from Refugee and Migrant Backgrounds in Australia', p.9

from reporting. This challenge, though complex, needs to be considered and understood in depth.

Recommendation 5: Provide comprehensive access to free translating and interpreting services across all parts of the justice system for women to address DFV and related disputes

Recommendation 6: Increase access to legal aid and free legal support

4. Migration

Many refugees and migrants face additional vulnerabilities directly related to the migration experience.

Women and children experiencing violence face particular barriers due to their visa status, which can determine their ability to access Government support services and payments; as well as to access housing, health and legal services.¹⁷ The complexity of the migration system and resulting uncertainty around visa status can significantly impact their capacity to leave a situation of violence.

Women on temporary visas and their children are a particularly vulnerable cohort. Several specific barriers for women on temporary visas have been identified and emphasised in prior advocacy on this issue, including the *Path to Nowhere* report which was endorsed by 44 organisations across Australia. Common barriers identified include fear of deportation and loss of custody of their children, lack of social networks, limited understanding of their rights, and limited English language skills.¹⁸

Women on non-partner temporary visas are not eligible for permanent residency, and face multiple significant barriers to accessing essential support for domestic and family violence (DFV).¹⁹ Though women on temporary partner visas are able to apply for permanent residency (PR) under the Family Violence Provision of the Migration Act, they may not be able to access financial or housing support until their PR is approved.²⁰ The complexity of the migration system and threats of deportation may however prevent them from initiating the process.

Visa dependence on a partner has also been identified as a main barrier that prevents migrant women from accessing legal support for DFV.²¹

It is essential that all women and children experiencing DFV are able to access appropriate support, regardless of visa status.

¹⁷ AWAVA, 2018, *Path to Nowhere Report: Women on Temporary Visas Experiencing Violence and their Children*, p.10

¹⁸ Ibid.

¹⁹ Segrave, M, 2017, *Temporary migration and family violence: An analysis of victimisation, vulnerability and support*. Melbourne: School of Social Sciences, Monash University.

²⁰ Ibid.

²¹ AWAVA, 2018, *Path to Nowhere Report: Women on Temporary Visas Experiencing Violence and their Children*, p.11

Recommendation 7: Implement the recommendations of the 'Path to Nowhere Report':²²

- a) Develop appropriate visa arrangements for temporary residents who are experiencing violence.
- b) Revise eligibility requirements to enable more victims of violence to access support.
- c) Work with service providers to improve access of temporary residents to available support services.

5. The impact of COVID-19

It is well understood that presentations of DFV increase in times of crisis. During COVID-19, presentations of DFV have significantly increased due to conditions associated with social distancing requirements.²³ A range of factors contribute to this, including greater time spent at home due to social distancing requirements and school closures, increased stress due to unemployment, and finding it harder to link to family and friends to get support.

This has also been the case for women and children from refugee and migrant backgrounds, compounding a range of factors. SCoA members have also noted that throughout the evolving COVID-19 pandemic, they have experienced greater presentations of DFV. This was due to these services' continued engagement with women. On many occasions, women experiencing violence were able to engage with services they were already familiar with and had a relationship with, whereas it would have been substantially more difficult to seek the services of a specialist DFV service.

COVID-19 has also amplified existing vulnerabilities that refugee and migrant victims/survivors face, and revealed existing inequities and issues with the system with regard to victims/survivors from refugee and migrant backgrounds. The present crisis serves to further emphasise the importance of addressing the unique needs of migrant and refugee women who experience DFV.

Conclusion

Victims/survivors from refugee or migrant backgrounds who are experiencing domestic, family and sexual violence have unique and diverse needs that must be actively considered by the Committee. The impact of family, domestic and sexual violence on refugee and migrant communities is well understood and advocated for across the sector. Drawing on this, and the experiences of our members, SCoA has identified five areas for the Committee to consider; including migration, culturally appropriate support services, suitable prevention programs and strategies, and the

²² Ibid, p6-7

²³ Pfitzner, Naomi; Fitz-Gibbon, Kate; True, Jacqui, 2020. Responding to the 'shadow pandemic': practitioner views on the nature of and responses to violence against women in Victoria, Australia during the COVID-19 restrictions. Monash University.

intensified impact of the COVID-19 pandemic on victims/survivors from a refugee or migrant background. Addressing the needs of migrant and refugee women across each of these areas is essential to ensuring they benefit equally from efforts to address DFV.