



Submission to Department of Social Services consultation process regarding the development of the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022

Introduction

The Harmony Alliance is one of six National Women's Alliances funded by the Australian Government to promote the views of all Australian women, to ensure their voices are heard in decision-making processes. The Harmony Alliance's purpose is to provide a national inclusive and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

As part of the Alliance's commitment to advocate for better health and wellbeing of women from migrant and refugee backgrounds, we held four consultations in the lead up to the development of the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022. These consultations were made up of a national workshop held in Melbourne in August 2018 with organisations from the multicultural and women's sectors, and of three consultations with community and grassroots women held in Adelaide, Brisbane and Perth in August and September 2018. In total, the Harmony Alliance spoke to approximately 70 participants. We would like to thank Harmony Alliance Members, Access Community Services, Australian Migrant Resource Centre (AMRC) and Ishar Multicultural Women's Health Centre, for their generous collaboration in facilitating these consultations.

This report presents the key messages and recommendations conveyed by participants at these consultations. Views were sought as to how the government could work to reduce violence against women from migrant and refugee backgrounds and their children. Participants were asked about key thematic areas as identified by the Department of Social Services, as well as about broader gaps in programs and support for women from migrant and refugee backgrounds experiencing, recovering from or at risk of violence. This report is composed of two sections: the first outlines key concerns and recommended actions to be included in the Fourth Action Plan; the second provides a summary of participants' responses to the nine thematic areas identified by the Department of Social Services.

The Harmony Alliance acknowledges the diversity of experiences of women from migrant and refugee backgrounds, and the ways in which different aspects of a person's identity can affect how they may experience family, domestic or sexual violence. These aspects can include gender, ethnicity and cultural background, language, socio-economic status, disability, sexual orientation, religion, age, geographic location or visa status. Research is not yet sufficient to ascertain whether incidence of family violence is any more or less prevalent for women from migrant and refugee backgrounds than across the rest of Australian society; however, women from these cohorts are less likely to seek assistance in situations



of family violence due to compounding barriers outlined in this report, and require tailored solutions.

The Harmony Alliance reiterates its commitment to working with federal, state and territory governments to improve experiences and outcomes for women in Australia from migrant and refugee backgrounds, including women seeking asylum. We look forward to supporting the implementation of the final action plan of the National Plan to Reduce Violence against Women and their Children 2010-2022.

Key concerns in reducing violence against women from migrant and refugee backgrounds and their children.

Building awareness

Issue

The conversation that has been taking place as a result of the National Plan regarding zero tolerance to violence against women and their children has not yet reached all migrant communities in Australia. Awareness and understanding of family, domestic and sexual violence is therefore lower in some communities, particularly in those more recently arrived. Gender roles, which are known to be a key driver of violence, are more entrenched in some cultural practices. Participants told us of concerning attitudes, where many women from migrant and refugee backgrounds see family, domestic and sexual violence as normal behaviour within a relationship, and do not fully understand their rights or the laws in Australia.

Currently women who arrive through non-humanitarian pathways can be particularly isolated from information regarding family, domestic and sexual violence, as they have limited touch-points with systems or services. This includes spouses of Australians and migrants, who are often dependent on their partner for support in settling in a new country. It also includes international students who often arrive in Australia with low levels of sex education, and are ill-equipped to navigate new cultural attitudes towards relationships and sex.

Recommendations

1. Provide more information, more often, in more ways.
 - Information should be provided on: human rights; Australian laws; respectful relationships; forms, risks and consequences of family, domestic and sexual violence; consent and coercion; and the support services available.
 - Information should be provided in-language or through interpreting services at no cost to the individual, provided by a National Accreditation Authority for Translators and Interpreters (NAATI) certified interpreter.
 - Information should be provided to both humanitarian and non-humanitarian entrants:
 - in all visa grant letters (in translated and English versions);
 - at health examinations undertaken as part of visa requirements;



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- on arrival to Australia, at compulsory information sessions;
 - at key touch points over regular intervals, such as when changing over driver's licence, applying for Centrelink, opening a bank account, and accessing primary healthcare services as a new client; and,
 - by key service providers such as migration lawyers, AMEP providers, hospitals, schools, childcare services, universities and associated residential colleges, and community services.
2. Ensure migrant and refugee men are as engaged as women in learning about rights, laws and respectful relationships, including through the touchpoints highlighted above.

Co-design

Issue

Discussions of gender norms, violence and building respectful relationships are complicated in all contexts. It is important that these conversations are approached in culturally appropriate ways, so that they are listened to, respected and effective. While ethnicity and culture are not drivers of violence, some cultural practices may perpetuate gender norms, which are known drivers of violence. Programs designed without communities' input are therefore not as effective; yet, many of the current programs and information available are presented from an Anglo-centred approach and do not resonate with recently arrived migrants and refugees. For example, some programs will not provide assistance to victims/survivors until they leave a violent relationship or commit to leaving; yet, in some instances, such a decision could risk the welfare of children, the safety of families back home or the victim/survivor's ability to be part of their community. This does not mean that the victim/survivor does not need help; however, they may be unable or unwilling to engage in a program that compels them to leave their marriage. Cultural competency training, although important, is not a sufficient replacement for working directly with communities to co-design programs. Involving communities in design, implementation and evaluation will both improve the effectiveness of programs and build capacity in communities to better support victims/survivors of domestic, family and sexual violence.

The provision of specialist services at the juncture of multicultural and violence expertise is another critical element. Domestic, family and sexual violence expertise should be available within settlement, multicultural and ethno-specific service providers, and cultural expertise within domestic, family and sexual violence support services.

Recommendations

3. Support relevant providers to embed co-design processes when developing prevention, intervention and ongoing support programs and messaging for domestic, family and sexual violence with migrant and refugee women.
4. Encourage all relevant services to proactively employ workers from a variety of cultural backgrounds to both build the responsiveness of services and boost the capacity of communities.
5. Fund the provision of specialist services at the juncture of multicultural and violence expertise.



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6. Involve community and faith leaders in building awareness of family, domestic and sexual violence and in promoting the role of cultural and faith communities in supporting victims/survivors.
7. Develop strategies to support women and children who do not want to leave relationships, but who want violence to end.

Migration barriers

Issue

Eligibility for services

Visa status affects eligibility to access state, territory and commonwealth government-funded services and payments, leaving many victims/survivors at risk of financial dependency on a perpetrator (partner or other family member) or with no income. Even in circumstances where women on temporary visas with no income are able to access crisis support services, they have limited pathways to re-establish independence, and often require prolonged assistance from crisis support services. This puts heavy pressures on already limited support services.

The proposed extension of waiting periods to access many welfare support payments (Encouraging Self-Sufficiency for Newly Arrived Migrants) will leave more women financially dependent on their partners or families, and more vulnerable to violence. Although this proposal includes an exception for those experiencing family or domestic violence to access the Special Benefit payment, it nevertheless creates another barrier to victims/survivors seeking support. Women must know about and understand this exception, as well as be able to successfully complete the application process – a task that, according to participants, is not straight forward for those with little English and low knowledge of systems and processes in a new country, due to the level of proof required. Participants were also concerned that the current move towards greater issuance of temporary visas has not been matched by changes to services eligibility, which will have severe ramifications for women experiencing violence in our country.

Family Violence Provisions under the Migration Act 1958

Perpetrators may attempt to deter victims from reporting violence by threatening their temporary migration status. To counter this, Family Violence Provisions under the Migration Act 1958 allow many on the path to permanent residency to continue their application after a relationship breakdown if this is due to family violence. However, the list of visa categories currently eligible for this exemption is not broad enough to protect all migrants facing these risks, for example:

- secondary visa holders (family and dependents to the primary holder) remain reliant on their partners for their migration status;
- student visa holders cannot access many forms of emergency accommodation without discontinuing their studies, and thereby violating the terms of their visas;
- women arriving on prospective marriage visas have no grounds to apply for Family Violence Provisions until married, meaning a victim may have to marry a perpetrator in order to escape;



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- those arriving on temporary visas in order to submit a partner visa application cannot claim provisions until the application is made, and so may stay in a violent relationship longer as a result.

Furthermore, the definition of family violence under these provisions is narrow, and limited to intimate-partner and parent-child violence, which excludes many other manifestations. Moreover, the indicators used to determine a 'genuine relationship' in order to access these provisions, such as shared financial responsibilities, are often not present in violent relationships, and as such victims could be dismissed or suffer further trauma through the process.

Increasing restrictions to eligibility for the Immigration Advice and Application Assistance Scheme (IAAAS) are negatively impacting women on temporary visas experiencing domestic violence. Victims/survivors on temporary visas require access to free-to-client legal advice in order to receive adequate support to navigate the complex migration implications of leaving a violent relationship.

Impact of migration process

Migration itself can be a trigger point for violence. Participants told us of how increased social isolation and the disempowering impact of unemployment sometimes sparked the emergence of violence. Some of the characteristics of Australia's migration program particularly fed into this. For example, the ever-present threat of deportation created by discretionary enforcement of the code of conduct for those on bridging visas and the character test for all migrants, added to a sense of loss of control, while discouraging victims/survivors from reporting violence.

The continued use of detention centres is in direct conflict with Australia's "zero-tolerance" policy towards violence against women. Women and children in detention are at high risk of family, domestic and sexual violence; there are numerous allegations of sexual harassment and assault in the detention centre in Nauru, including reports of rape from the UN Special Rapporteur on Sexual Violence Against Women after her visit to Australia in February 2017. The removal of autonomy and the resulting mental health issues from sustained periods of detention, create conditions correlated with higher risks of violence.

Recommendations

8. Expand eligibility for relevant payments and services to all victims/survivors of domestic, family and sexual violence, irrespective of current visa status, across the purview of all states, territories and federal government.
9. Provide sufficient funding for all relevant service providers—including crisis housing, health, legal (advice and assistance regarding both migration and violence issues), domestic, family and sexual violence crisis services, settlement services and community organisations—to offer support to women with no income on temporary visas experiencing violence.



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10. Expand eligibility to family violence provisions afforded under the Migration Act 1958 and associated regulations to include all dependent visa categories.
11. Introduce temporary visa provisions for all seeking to flee domestic and family violence situations to allow time and space for victims/survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.
12. Expand the definition of family violence within the family violence provisions afforded under the Migration Act 1958 and associated regulations so that it is consistent with the Family Law Act 1975 (Cth) and the National Domestic and Family Violence Bench Book.
13. Determine the existence of family violence before seeking to assess the existence of a 'genuine relationship', to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim/survivor.
14. Introduce a moratorium on police reporting the visa status of either perpetrator or victim/survivor if called to a domestic, family or sexual violence situation, to remove fear of deportation as a barrier to seeking help.
15. End the use of detention centres in Australia's migration program.

Interpreters

Issue

Language barriers continue to be an obstacle to victims/survivors seeking help. The availability of interpreting services at no cost to the individual, provided by NAATI-certified interpreters, is a minimum requirement in order to overcome this barrier. Nevertheless, many participants told stories of children or husbands (often the perpetrators) being engaged as interpreters by services, including police, thereby preventing women from disclosing or involving children in a traumatic situation. Even NAATI-certified interpreters can present a barrier if they are from the same community, with little trust in the confidential treatment of information shared. Telephone interpreters were preferred by participants as they offered greater anonymity; however, such services are not consistently offered. Gaps in eligibility for Free Interpreting Services (FIS) further discourage their use. Of note, Allied Health Professionals, including psychologists/counsellors, are not eligible to use FIS. Furthermore, participants identified delivery issues with FIS, including prolonged wait times, automated telephone systems in English, limitations on the languages available, and the cultural responsiveness of the service.

The engagement of interpreters in men's behaviour change programs also presents difficulties. Participants explained how some behaviour change programs refused to accept men who would require an interpreter, as it was deemed disruptive to the rest of the group. Without such opportunities for remediation, judges were more likely to move to incarceration.

Recommendations

16. Increase the accessibility of Free Interpreting Services (FIS), including by extending eligibility to Allied Health Professionals.
17. Promote the option of engaging telephone interpreters by service providers in sensitive situations.



18. Work with professional interpreting bodies, including NAATI, to ensure interpreters regularly outline their role to all new clients, including their commitment to confidentiality and impartiality.
19. Work with providers of men's behaviour change programs to offer separate streams for those who need interpreters, or to offer classes in-language.

Other

20. **Complex forms of violence**, including dowry abuse, forced marriage and female genital mutilation (FGM) should be treated first and foremost as forms of gender-based violence. Victims/survivors must be provided support, irrespective of visa status, without an obligation to pursue criminal charges and without fear of incriminating family members through seeking assistance.
21. **Definitions of family, domestic and sexual violence** should be expanded across all jurisdictions and services to include violence perpetrated by non-intimate partners, including child-on-parent abuse, elder abuse, perpetrated by in-laws and other relatives, and perpetrated by non-family relations. Non-physical violence, including coercion, control, financial and emotional abuse, must also be clearly recognised and provided for in definitions and eligibility for support.
22. **Better data and research** into the experiences of women from migrant and refugee backgrounds of family, domestic and sexual violence is required. Existing data about women from culturally and linguistically diverse backgrounds has tended to be limited to specific geographic locations or cultural identities. Disaggregated research and data collection under the National Action Plan will facilitate informed policymaking in an increasingly diverse Australian Society. This information, however, must be handed sensitively, to ensure it does not fuel racial discourse. Focus should be placed on barriers and experiences, such as English language competency and migration pathways, rather than on ethnic or cultural identities.
23. Increase **sustainable and scalable funding models** which invest in successful initiatives. Participants told us that ad hoc and pilot funding is leading to regular instances of duplication and reinvention, and is limiting the potential impact of current resourcing.

Input regarding themes identified by the Department of Social Services

Reducing violence against women and their children through prevention activities

Participants identified schools and child care as key places for prevention activities, including discussions regarding respectful relationships. As migrant children continue to arrive in Australia across different year levels, sessions should be held for all students repeatedly and at different stages of schooling. Offering concurrent sessions for parents



would help to lessen parent-child acculturation conflict and would promote an open dialogue within families.

Prevention activities should also be co-designed and co-delivered with ethno-specific groups, including through community media and leaders. Drivers of violence against women and children are the same across cultures and communities; however, the way in which information regarding violence is best conveyed may be different, and cultural context must be considered.

Reducing sexual violence

Participants noted that more support is needed for refugee women who have experienced sexual violence prior to arrival in Australia. Although torture and trauma support services are available for refugees and refugee-like situations, women may need additional support to recognise sexual, family or domestic violence, and to be prepared to disclose.

Mainstream sexual assault support services must also be supported to provide culturally competent support.

Addressing the impact of violence on women from Aboriginal and Torres Strait Islander communities and other women with diverse needs

The Harmony Alliance advocates for the Fourth Action Plan to take an intersectional approach that treats individuals as a whole and acknowledges a diversity of needs across all priority areas of the plan. We commend the intent of this priority to identify key groups that may require additional or tailored support; however, we ask that groups not be siloed, without recognition of the many who straddle multiple 'categories'. We also ask that any priority based on a particular group promote an inclusive, empowering and strength-based approach.

Developing workforce capability

Participants identified the following workforces as those to which they would feel safest to disclose violence: GPs; women-specific and/or multicultural/ethno-specific services; women's only groups at community centres; and teachers in schools. Participants wanted these workforces to prioritise confidentiality, make safe spaces for one-on-one conversations and provide women's only services. Such workforces require cultural competency skills and a good understanding of domestic, family and sexual violence. In particular, settlement, multicultural and ethno-specific service providers were highlighted as organisations requiring additional specialised domestic, family and sexual violence expertise, with many clients unable or unwilling to attend mainstream violence services due to lack of trust or familiarity.

Responding to the impact of family and domestic violence on children

Although the protection of children was seen as critical by participants, it was felt that child-protection services often intervene too early to remove children in situations of refugee families experiencing violence. Child-protection services need to better consider the impacts of pre-arrival trauma, and should work to support refugee women to keep custody of their



children, rather than disempowering them further through early removal. There is also a need to develop strategies to address adolescent-on-parent violence, incorporating an understanding of potential pre-arrival trauma.

Adequate crisis accommodation

Many participants were not familiar with the availability of crisis accommodation. Those that were, expressed concern at the use of unsuitable accommodation options, such as motels, which could make women from migrant and refugee backgrounds feel more unsafe and isolated. There were also stories of large families and families with teenage children who needed access to crisis accommodation being turned away. Sufficient resourcing should be provided to offer adequate crisis accommodation to women and their children with no income on temporary visas experiencing violence.

Almost all participants expressed a preference for crisis accommodation to be in a gated community style setting (although not shared accommodation), located near transport and shops, with support and security available 24/7.

Supporting the medium to long-term safety, wellbeing and independence of women and their children

Women from migrant and refugee backgrounds require supportive community attitudes in order to maintain medium to long-term safety, wellbeing and independence. Participants noted that victims/survivors who were rejected by their family or community for having reported violence or left a marriage were much more likely to end up returning to a violent situation. Faith and community leaders were identified as having a key role to play in promoting a supportive environment for victims/survivors. Financial security and autonomy were also noted as key conditions for victims/survivors ability to maintain long-term independence and care for their children.

Addressing technology facilitated abuse

Technology facilitated abuse was acknowledged as a growing problem by all participants. Such abuse transcends national borders, with behaviours including: limiting contact with friends and family overseas; threatening family members overseas; involving family overseas in pressuring the victim to stay in the relationship; and sending abusive texts about or images of the victim to friends and family overseas.

Participants noted, however, that technology could also be part of the solution. For example, applications on smartphones could provide access to information in a concealed manner, while electronic translators could assist with language barriers.

Access to justice

Interacting with police and courts is an alienating and intimidating experience for the majority of people. This experience is often exacerbated for women from migrant and refugee backgrounds, who may have little familiarity with the Australian system and a history of negative interactions with authorities. Participants told us of the difficulties in navigating the realities of an unfamiliar justice system, while also not wanting to disregard



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their own cultural systems for resolving disputes. Engaging with the police attracts stigma, as well as fear that family members could be deported as a result. Victims/survivors from migrant and refugee backgrounds therefore risk greater isolation if they choose to engage with the justice system and may be left particularly vulnerable if the response is ineffective.

Participants highlighted ongoing difficulties with language barriers when dealing with emergency services, police and courts. Complex procedures, questions and forms left women with limited English skills at a distinct disadvantage, while the engagement of third parties, including family members, as facilitators of interpretation prevented victims from disclosing.

Levels of trust in the police varied across community consultations. Of note, multiple stories of restraining orders not being upheld were shared by Perth participants. These incidents had left victims at risk, and reduced the likelihood of others involving the police in future. In contrast, participants in Adelaide noted that police efforts to employ officers from different cultural groups had boosted trust and understanding, and meant they were less afraid to involve police if they were in danger.

Training in cultural competency, family, domestic and sexual violence and working with interpreters is essential to ensure police and court staff respond appropriately to the needs of women from migrant and refugee backgrounds. Of note, courts should receive financial support to implement the Judicial Council on Cultural Diversity's National Framework to improve accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women. This will particularly assist courts to implement the following recommendations: training in cultural competency, family violence and working with interpreters for all judicial officers and court staff; employment of Indigenous Court Liaison Officers and Cultural Court Liaison Officers; and the development of information sessions on court proceedings and processes.

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