

# Situation Analysis

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Migrant and refugee women's experiences of policing and good practice in police responses

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HARMONY ALLIANCE  
MIGRANT & REFUGEE WOMEN FOR CHANGE

# About Harmony Alliance

Harmony Alliance: Migrant and Refugee Women for Change is one of six National Women's Alliances supported by the Australian Government to promote the views of all Australian women. We are a member-driven organisation, providing a platform for women from migrant and refugee backgrounds to advocate on issues that matter to us. Our 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.

## About this paper

Migrant and refugee women's access to justice is a key research and advocacy priority for Harmony Alliance. Our work in this area includes understanding key barriers faced by migrant and refugee women in accessing justice and addressing those barriers by working with courts, police and other points of access within Australia's justice system.

This paper is based on our research with police jurisdictions across Australia to understand systems and processes in place to facilitate culturally appropriate and gender responsive engagement with migrant and refugee women. The aim of the paper is to scope good practice, highlight challenges faced by police in facilitating culturally and gender responsive engagement, and consider approaches towards enhanced experiences for migrant and refugee women across Australia.

The research for this paper was conducted between July 2019 and December 2020 with police jurisdictions in the Australian Capital Territory (ACT), New South Wales (NSW), Victoria, Queensland, Western Australia (WA), and Tasmania. The material presented in this paper is based on a combination of written responses from police jurisdictions and interviews with police officers.

## Summary of key findings

- Migrant and refugee women interact with police as a first point of contact in a range of scenarios including traffic related incidents, crime in public places such as petty theft, as victims or bystanders of violent crime such as family and domestic violence, and in situations of public emergency.
- Women from migrant and refugee backgrounds generally report high levels of trust in police, but there are differences in levels of trust based on age groups and prior experiences of violence and victimisation. Younger women, and women who have experienced domestic and family violence and/or victimisation report lower levels of trust in police. Migrant and refugee women also report incidents of racist and discriminatory behaviour by police officers, particularly during the COVID-19 lockdowns.
- There is a general will and commitment across police jurisdictions to develop or enhance structures and mechanisms to better support culturally and linguistically diverse (CALD) communities. Each jurisdiction implements its own initiatives aiming to achieve better outcomes for multicultural communities; however very few of these initiatives specifically target women from migrant and refugee communities.
- Police initiatives across jurisdictions broadly lie in areas of community outreach and engagement, training of police professionals, and collaboration with other agencies and government departments.
- Common approaches to community outreach and engagement across police jurisdictions include appointment of multicultural liaison officers, participation in community events, working with multicultural community organisations and settlement service providers, establishment of multicultural advisory groups, and direct engagement with communities
- Frontline police officers in almost all jurisdictions are trained in intercultural communication—including working with interpreters—but still face challenges establishing trust and rapport with women from migrant and refugee backgrounds.
- There is sometimes a rift between gender responsive and culturally sensitive initiatives; that is, ‘women’ and ‘multicultural communities’ are seen as two distinct groups. More intersectional approaches and internal collaboration across units can improve police responses and experiences for migrant and refugee women.
- Despite significant initiatives being taken by police jurisdictions across Australia to enable positive experiences and outcomes for migrant and refugee women, critical gaps remain that should be addressed to improve migrant and refugee women’s access to the justice system.

# Background: Migrant and refugee women's experiences

Justice is an important pillar for upholding democracy and protecting human rights. All people living in Australia should be supported to access justice. As a growing multicultural society, with half of Australians either born overseas or with at least one parent born overseas, there is a clear need to consider the particular barriers faced by people from migrant and refugee backgrounds when accessing justice. At the same time, an increased public policy focus on reducing violence against women and their children is supporting more women to seek help in situations of family and domestic violence, which may lead to an increase in contact between women from migrant and refugee backgrounds and the justice system.

Courts and police are key touchpoints of Australia's justice system. Police are often the first point of contact when seeking help, including as first responders to criminal activity or emergency situations. Interacting with the police can be 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. Understanding multiple and intersecting barriers women from migrant and refugee backgrounds face when interacting with police has been a key priority for Harmony Alliance.

In 2018, the nationwide consultations held by the Judicial Council on Cultural Diversity (JCCD) with migrant and refugee women on their access to justice found that lack of justice system literacy, deficit of trust in police, linguistic and communication barriers, and cultural stigma associated with police interactions are some of the more prevalent barriers impeding migrant and refugee women's access to justice. At consultations, participants highlighted how broader fear of authorities and application of the law often acted as a deterrent from reporting crimes. This sometimes stemmed from pre-arrival experiences where state authorities may have been corrupt or violent; however, it was also fuelled by rumours of racial profiling by Australian police. Such rumours left women concerned that if they reported crimes, they would not be taken seriously and would further contribute to negative stereotyping of migrant communities. For those who had engaged with the police and were unhappy with their encounter, common themes included feelings of being disregarded, bullied, or threatened. Such experiences perpetuated narratives of fear and distrust within communities.

The consultations highlighted that women with lower levels of English proficiency struggled to engage with police from the very outset, and the engagement of interpreters was noted as inconsistent and problematic. Family members, who were sometimes the perpetrator of a

crime, were often engaged to facilitate communication in urgent situations. Even when women were confident in their English ability, a lack of opportunities to speak freely was also noted as a concern. As the traditional head of household in many cultures, husbands often took control of communication with police interactions, leaving women unable to disclose safety concerns. Women felt reliant on police to facilitate a separate opportunity to report problems privately and, when this did not happen, many felt dismissed and unimportant.

The risk to women's safety is also exacerbated by the stigma generated by engaging police. Calling the police can be seen as betrayal of community, by involving external authorities in 'private matters'. This can lead to isolation of women from our communities in retribution, and potentially create more danger for them as a result. Further, engaging police in an incident stands to anger a perpetrator or potential perpetrator of crime and can put women and their families in more danger if resulting interventions are not effective.

The findings of the JCCD consultations informed the design of this research of initiatives currently in place to improve experiences and outcomes for migrant and refugee women. Parallel to our research with police jurisdictions across Australia, we continued collecting further quantitative and qualitative data on migrant and refugee women's experiences of policing in Australia. The findings of our national survey and consultations conducted at the end of 2020 reiterated the concerns highlighted by migrant and refugee women in the 2018 JCCD consultations.

According to Harmony Alliance and Monash University's joint national survey on migrant and refugee women's safety, approximately 60 per cent of 1392 respondents perceived police as procedurally just and legitimate<sup>1</sup>. However, less than half the women in our sample believed that police made an effort to get to know people in their community. Women younger than 30 years of age reported significantly lower levels of trust in police, while those who had been victims of both domestic and family violence and general victimisation were least likely to agree that police are procedurally just and legitimate.

At Harmony Alliance's national consultations on the impact of COVID-19 on migrant and refugee women, participants reported being racially abused and harassed by police at checkpoints during COVID-19 lockdowns and border closures when going out for essential reasons such as attending medical appointments. These incidents deterred many other women in their communities from seeking medical help when needed<sup>2</sup>. Women also highlighted their experiences of discriminatory behaviour by police based on their ethnicity or lack of English language proficiency.

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<sup>1</sup> "Migrant and Refugee Women in Australia: The Safety and Security Study", Harmony Alliance and Monash Migration and Inclusion Centre, *(forthcoming, 2021)*.

<sup>2</sup> "Migrant and Refugee Women in the COVID-19 pandemic: Impact, resilience, and the way forward", National Consultation Report, Harmony Alliance: Migrant and Refugee Women for Change, (2021).

Our research with migrant and refugee women over the past three years has consistently highlighted concerning levels of distrust and negative experiences with police among some of the most vulnerable cohorts of migrant and refugee women. In our research with police, while most jurisdictions acknowledged difficulties establishing trust with migrant and refugee women as a key barrier to facilitating culturally and gender responsive policing, the reasons given were focussed on women's cultural backgrounds and previous experiences with police in their countries of origin. Our research suggests that a recognition of negative experiences with police in Australia as a notable cause of mistrust of police among migrant and refugee women is crucial to understanding and addressing this challenge.

It is useful to consider the overview of police initiatives provided in this paper within the context of perceptions and lived experiences of women from migrant and refugee backgrounds. Police are visible representatives of community authority, and therefore police treatment of women from migrant and refugee backgrounds can send an important symbolic message about society's attitudes towards women and people from migrant and refugee backgrounds. Modelling of positive behaviour towards women from migrant and refugee backgrounds by police is therefore critical for creating an inclusive and safe society.

# Key approaches in police responses

Police jurisdictions that participated in our research asserted their commitment to enabling positive experiences for migrant and refugee women and highlighted a range of initiatives they have taken to improve outcomes for CALD communities. These initiatives broadly lie in areas of community outreach and engagement, ongoing training of police officers, and collaboration with other agencies and government departments.

## Community outreach and engagement

Community outreach and engagement were identified as key priorities by all police departments. CALD communities are considered an important demographic that police want to establish trust and close connections with. Police departments have developed a range of initiatives aimed at awareness raising, education and provision of information to migrant and refugee communities. Another purpose of these initiatives is to help the police workforce understand the needs and requirements of different cultural groups.

Across jurisdictions, common approaches to community outreach and engagement with multicultural communities include:

- Appointment of multicultural liaison officers
- Participation in community events
- Collaboration with multicultural community organisations and settlement service providers
- Establishment of multicultural advisory groups
- Direct engagement with communities

Engagement of **multicultural liaison officers** is a common strategy employed by several jurisdictions, including Queensland, NSW, ACT, and Tasmania, to forge ongoing connections with communities. Queensland Police Service (QPS) and NSW Police Force are of particular note in this regard.

QPS currently has the largest network of Cross-Cultural Liaison Officers, Domestic Violence Liaison Officers, and District Crime Prevention Officers. There are approximately 200 Police Liaison Officers (and Torres Strait Islander Support Officers) across Queensland, who are responsible for liaising with culturally specific communities to support cooperation and understanding. These are non-sworn roles, which means Police Liaison Officers do not have the same powers of police officers but provide advice on the cultural beliefs, needs and protocols of the communities in which they work.

NSW Police Force also has a noteworthy network of Multicultural Community Liaison Officers (MCLO) who play a key role in establishing and maintaining engagement with communities, religious organisations and businesses. At the time of research, the MCLO workforce comprised 33 MCLOs across 20 Police Area Commands and Police Districts. NSW Police expressed that the work of MCLOs has defined the ways in which NSW Police Force interact with CALD communities, with engagement initiated by MCLOs setting a positive tone for their Commands to continue working with multicultural communities. MCLOs continue to identify areas of concern and create solutions in collaboration with police and communities. Focus areas of local and strategic work by the MCLOs include elder abuse, youth engagement, social cohesion, refugee settlement, family and domestic violence and the safety and wellbeing of international students.

In many jurisdictions, multicultural liaison officers are tasked with **participating in community events** to increase their outreach. Some examples of events they attend include multicultural festivals, Harmony Day events, Story Time sessions for CALD children organised by local libraries, international students' events at universities, and community specific celebrations such as Eid and Lunar New Year. These events are also used as opportunities to educate communities on the role of police and issues of specific concern such as family and domestic violence, gender equality, and crime prevention.

Most police jurisdictions reported **working with local multicultural community organisations and settlement service providers** to reach migrant, refugee and CALD communities. Often it is the multicultural liaison officers who are responsible for reaching out to and working collaboratively with these organisations. In some cases, bilateral relationships with these organisations are established at institutional levels. Police liaise with these organisations to deliver targeted education and information sessions to newly arrived migrants, refugees, and specific cohorts of CALD communities about the role and responsibilities of police in Australia.

Another major component of outreach and engagement activities across police jurisdictions is the **establishment of multicultural advisory groups**. QPS has a Police Ethnic Advisory group, which has been in operation for over 25 years. Its role is to act as an advisory body to the QPS on issues relating to cultural diversity and to contribute to the promotion and maintenance of harmonious relations between police and ethnic communities, based on mutual understanding, respect, tolerance and trust. NSW Police has the Commissioner's Multicultural Advisory Council, comprising community members who advise the police commissioner and corporate sponsors, providing input into high-level policy. WA Police Force is the only department with a dedicated women's advisory group called the Multicultural Women's Network Group. This group comprises women leaders from multicultural communities who advise the police on issues of particular importance to women in their communities.



Some police jurisdictions have specific projects focussed on **direct engagement with communities**. For example, NSW Police Force conducts ongoing consultations and research with multicultural communities including migrant and refugee women to inform their policies and approach. Another example of direct engagement is the Victorian Government's Social Cohesion Partnership Project that provided new pathways for women and young people from new and emerging backgrounds to connect in a range of metropolitan and regional locations. This included Hazara women in Mildura through recreational interactions with police; young women from Arabic-speaking backgrounds producing a podcast on safety and generational issues with Moreland Police; and the production of an app aimed at assisting Rohingya women to enhance their knowledge of the law and access to Victoria Police.

While most of the outreach and engagement initiatives discussed here focus broadly on multicultural communities, specific initiatives to reach out to migrant and refugee women and include their voices and concerns in designing police responses and approaches are most effective in building trust and improving outcomes. Direct engagement with women from migrant and refugee backgrounds should be adopted by police jurisdictions across Australia.

### Training of police officers

Training of police officers in culturally and gender responsive engagement is critical to ensuring migrant and refugee women's safety and access to justice in Australia. Most police jurisdictions that participated in our research have developed programs to train their frontline workforce in employing language and communication supports to facilitate engagement with CALD communities, including working with interpreters. Some police departments also train their frontline officers in culturally and gender responsive practice in situations of family and domestic violence.

QPS has around 450 officers who are bilingual and voluntarily assist with initial interactions for people from non-English speaking backgrounds. However, for more formal interactions including investigations of criminal offences, complex legal matters and court proceedings, interpreters credentialed by the National Accreditation Authority for Translators and Interpreters (NAATI) are engaged. In response to the Special Taskforce on Domestic and Family Violence in Queensland's Not Now: Not Ever report, which was accepted by the Queensland Government in 2015, QPS developed guidelines for the engagement of interpreters in family and domestic violence incidents. The guidelines cover best practice principles including the need to consider gender when engaging interpreters. The document also notes that witnesses and victims-survivors of domestic and family violence are particularly vulnerable to not being provided an interpreter when needed. Further, it highlights that relying on one party – generally the individual with the higher level of English proficiency – to provide an uncorroborated account of the incident being investigated risks the continuation of family and domestic violence.

NSW Police highlighted that internal and external education and training activities are a core component of their business model. Internally, the Diversity Training Program provides ongoing staff training on gender and cultural responsiveness, particularly in relation to mental health and trauma. Sessions on female genital mutilation and human trafficking have also been held. The WA Police Force expressed that it is committed to providing policing services that are accessible, culturally appropriate and responsive to all communities in WA. In relation to family and domestic violence, training and resources are underway to identify and address the specific needs of CALD communities, including language and communication supports, when attending a family violence incident.

Despite the general recognition of the need and ongoing efforts to provide appropriate training to the workforce, police jurisdictions often end up separating culturally responsive and gender responsive components of practice. A truly intersectional understanding of issues faced by migrant and refugee women would lead to holistic training and education for police officers on the multidimensional and inseparable nature of culture and gender-specific considerations.

## Collaboration with other agencies and government departments

Collaboration with other agencies and government departments is also a common approach adopted by police jurisdictions to enhance practice with multicultural communities.

Tasmania Police collaborates with other agencies — including departments of health, education, justice, and communities — to provide services responsive to the needs of the community. A key example of this inter-agency approach has been the establishment of the Safe Families Coordination Unit. The Unit comprises employees from multiple government agencies who work together to review all incidents of family violence, including those involving individuals from migrant and refugee communities. Agency held information is then shared to ensure families at risk are identified and supported as early as possible. The Unit works closely with Multi-Cultural Liaison Officers and facilitates referrals and family violence counselling.

ACT Policing is working on enhancing linkages between family violence/community safety responses and agencies relevant for migrant and refugee populations including migration and settlement services, multicultural and ethno-specific services, consular services and English language programs. The aim of this new strategy is to provide options for women to access mainstream as well as specialist multicultural family violence and cultural services. Improvement in engagement and relationships with other partners, including the community sector, provides linkages to intensive and long-term support for migrant and refugee women and children. Improved capacity and focus on engagement and information sharing also

ensures that family violence definitions and risk assessment tools across Australia are relevant for migrant and refugee populations. This contributes to increased recognition and understanding that family violence includes multi-perpetrator violence, immigration-related abuse, ostracism from family and community, exploitation of joint and extended family arrangements and economic abuse. It also serves to inform more suitable referral options and more relevant prevention/reduction programs where vulnerable people, victims and perpetrators are more readily identified.

Cross-departmental collaboration, information sharing, and a whole-of-system response is essential to ensuring migrant and refugee women's safe access to justice, not only in instances of family and domestic violence but more broadly in all areas of interaction with police. This approach — with a women-centric focus — should be adopted across all police jurisdictions to streamline cumbersome processes and procedural requirements that hinder migrant and refugee women's access to justice.

# Gaps and areas for improvement identified by police jurisdictions

Police departments that participated in our research identified a multitude of challenges faced by police, gaps in current initiatives, and areas for improvement to enhance outcomes for migrant and refugee women:

- Police face difficulty establishing meaningful and enduring relationships with migrant and refugee women, as language barriers often impacted on rapport building with victims, witnesses and suspects, with additional effort by police needed to convey a level of mutual trust and understanding.
- There is a high level of fear and distrust of authorities among migrant and refugee women, which leads to low reporting and challenges in police responses.
- Women's interactions with police in Australia may be informed by previous negative experiences and perceptions of police in their country of origin.
- Some migrant and refugee women have limited knowledge of rights and/or available services in Australia.
- There is stigma associated with attending police stations in some communities, with some community members conveying that they preferred to fabricate a different reason for engaging with police, while keeping the actual circumstances a secret.
- In cases of sex crimes, cultural differences and language barriers may prevent victims and witnesses from providing intimate details of the incident, which can affect investigations.
- In cases of family and domestic violence, the necessary engagement of interpreters creates concern for victims-survivors around issues of confidentiality. However, in other cases, the absence of interpreters for particular languages adds another dimension of frustration and/or fear.
- Community-based initiatives to prevent family and domestic violence may not be inclusive of the contexts and forms of violence that women from migrant and refugee backgrounds experience, leading to poor engagement with police.
- There are limited culturally appropriate services available to support victims-survivors and offenders to address issues related to mental health and alcohol and other drugs.

## Key considerations to enhance police responses and improve outcomes for migrant and refugee women

- It is critical for police forces to acknowledge and understand the range of causes that lead to migrant and refugee women's mistrust in police in Australia, including discriminatory and biased attitudes of some Australian police officers acting as a deterrent for women in the community.
- In addition to providing inter-cultural communications training to all police employees, it is important to address negative perceptions of certain ethnicities, migrants, and women among police forces through education, awareness, and behaviour change programs.
- Cultural training of police officers across Australia should embed principles of intersectionality, with an awareness of multiple forms of systemic disadvantage faced by diverse groups of migrant and refugee women built into it.
- Community engagement initiatives across all jurisdictions should include direct outreach to migrant and refugee women in all their diversity instead of relying upon generic multicultural and CALD community engagement activities.
- Intersectional and holistic responses should be delivered by integrating issue-specific (such as domestic and family violence) with community-specific (such as women, CALD community) initiatives.