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Department of Communities
99 Plain Street
EAST PERTH WA 6004

By email: FDVStrategy@communities.wa.gov.au

Attention: Manager Family and Domestic Violence Unit

10 YEAR STRATEGY FOR REDUCING FAMILY AND DOMESTIC VIOLENCE: Submission in Response to the Consultation Paper

1. The Humanitarian Group is grateful for the opportunity to comment on the 10 Year Strategy for Reducing Family and Domestic Violence Consultation Paper.

Background: The Humanitarian Group

2. The Humanitarian Group is a not for profit organisation in Western Australia focused on empowering vulnerable people by providing professional and accessible migration assistance, legal advice and education. We strive to do this in a way that embraces diversity and strengthens communities. We help people new to Australia from culturally and linguistically diverse (**CaLD**) backgrounds, including humanitarian visa holders, asylum seekers, refugees and people who are otherwise disadvantaged in their access to legal services and who are located in Western Australia. Since its inception in 2002, The Humanitarian Group has grown to be a primary provider of specialist legal services to the recently-arrived CaLD community in Western Australia.
3. The Humanitarian Group has seen an ongoing and increasing demand for our services. In 2017 – 2018 we assisted 2093 people from 77 different countries, the majority of whom have experienced torture and trauma.¹

Our services

The Humanitarian Group provides specialist immigration and legal services.

- a) We assist people seeking asylum to claim protection (including assistance with temporary protection visas). We assist permanent visa holders from humanitarian backgrounds to sponsor or propose family members for Australian visas through our Family Reunion Program. We assist clients seeking administrative review through the relevant administrative tribunals and courts.

¹ The Humanitarian Group Annual Report 2017 – 2018.

- b) We provide immigration and general legal advice to victims of family violence from CaLD backgrounds.
 - c) We provide a general legal service to clients from CaLD backgrounds about a broad range of civil, criminal and family law matters.
 - d) We provide a wide range of Community Legal Education.
4. Between July 2016 and June 2018, The Humanitarian Group ran The VOICE Project, a Project specifically aimed at addressing the needs of victims of family violence from CaLD backgrounds through the provision of holistic and culturally appropriate legal education and advice services. As part of the Project, The Humanitarian Group established an active collaborative network with refuges and other interagency groups who assist or otherwise support these individuals. Although The VOICE Project has now finished, The Humanitarian Group has continued to provide high level, holistic and integrated assistance to victims of family violence from CaLD backgrounds and the support agencies working with those clients.
 5. The Humanitarian Group employs six lawyers/registered migration agents on a part or full time basis. Our staff are assisted by over 200 volunteers. In 2017 – 2018 volunteers recorded 7,400 hours. Our volunteers included 36 legal and administrative volunteers, 138 bilingual volunteers, 12 pro bono lawyers and 12 internships and placements.

Our clients

6. The clients whom The Humanitarian Group assists are from CaLD backgrounds and face special vulnerabilities.
7. Our clients are diverse in terms of culture, religion, level of education, language(s) spoken, levels of skills or qualifications and social or political backgrounds. They may not fall neatly into categories of disadvantage identified by traditional measures, such as region, socio-economic status or local government area. Statistics in relation to the number of people born overseas, income, unemployment rates, level of education, social housing tenancies, Centrelink benefit recipients and ethnicity are crucial in providing an accurate demographic picture. However, they only tell part of the story for these clients.
8. Our clients also often face particular vulnerabilities:²
 - a) they have often come to Australia from backgrounds of torture and trauma;
 - b) they frequently have limited capacity to understand, speak or write in English;
 - c) they commonly come from environments where protection of human rights, enforcement of legal rights and access to justice has not been available to them;

² Taylor, Natalie and Putt, Judy “Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia” *Trends & issues in crime and criminal justice*, No 345, September 2007, Australian Government, Australian Institute of Criminology; Ghafournia, Nafiseh, “Battered at home, played down in police: Migrant women and domestic violence in Australia”, *Aggression and Violence Behavior*, 16 (2011) 207-213; Dimopoulos, Maria “Implementing Legal Empowerment Strategies to Prevent Domestic Violence in New and Emerging Communities” *Australian Domestic & Family Violence Clearinghouse*, Issues Paper 20, November 2010; Sawrikar, Pooja and Katz, Ilan “Enhancing family and relationship service accessibility and delivery to culturally and linguistically diverse families in Australia”, *Australian Family Relationships Clearinghouse: AFRC Issues* No 3, 2008; Vaughan, C., David, E. Murdolo, A., Chen, J., Murray, L., Quiazon, R., Block, K., & Warr, D (2016). Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia. The ASPIRE Project: Research report (ANROWS Horizons 07/2016). Sydney: Australia’s National Research Organisation for Women’s Safety.

- d) there are cultural differences at play which include fear of and resistance to accessing services;
- e) they find it particularly difficult to access the Australian legal system and to understand their rights. When they do access the legal system, they experience specific and significant challenges; and
- f) it is common for this group to additionally suffer from mental health issues, which further compounds the challenges they face.

Introduction

- 9. This submission reflects the knowledge and experience of The Humanitarian Group. It focuses on the experiences of new arrivals to Australia, including those with backgrounds of torture and trauma. It focuses particularly on CaLD victims of family violence.
- 10. The Humanitarian Group will discuss the following:
 - a. the particular needs of CaLD victims of family and domestic violence (FDV);
 - b. the interaction between these needs and the Strategy's goals; and
 - c. The Humanitarian Group's input into development of the Strategy.

CaLD victims of FDV

- 11. The Humanitarian Group commends the Government of Western Australia for developing a long term Strategy for reducing FDV and for identifying that CaLD victims of FDV have specific needs.
- 12. The Strategy states that it "will prioritise access and inclusion for ... people from culturally and linguistically diverse backgrounds"³. However, The Humanitarian Group is concerned that the over-arching goals or supporting priority areas for the Strategy do not:
 - a. identify the specific needs of CaLD victims of FDV; or
 - b. contain specific strategies to address those needs.
- 13. CaLD victims of FDV experience particular vulnerabilities, as specified in paragraph [8] above. In addition, many CaLD victims are living in Australia on temporary or provisional visas. This can cause additional vulnerabilities, including:⁴
 - a. lack of independent funds and earning capacity;
 - b. lack of family and community support;
 - c. perpetrators of FDV who exploit victims' fear of deportation;
 - d. fear that reporting violence will compromise future residency in Australia;
 - e. fear that their confidentiality will be breached by service providers; and
 - f. holding cultural or religious beliefs that preclude separation or divorce, and/or being heavily affected by concepts of honour and shame.

³Department of Communities '10 Year Strategy for Reducing Family and Domestic Violence: Consultation Paper'.

⁴Department of Communities', *Responding to Diversity*
<https://www.dcp.wa.gov.au/CrisisAndEmergency/FDV/Documents/2015/FactSheet8Respondingtodiversity.pdf>

14. Data on the prevalence of FDV in CaLD communities in Australia is limited particularly where population surveys are limited by participants' willingness to disclose information.⁵ Further, population surveys are less reliable for specific population groups, such as CaLD people, because of the smaller sample size.⁶ Although the evidence does not suggest that victims of domestic violence from CaLD backgrounds are more prone to instances of domestic violence, there is clear evidence that they are less likely to receive the supports that they need than those from other groups.⁷ In light of this data, **Goal 1: Primary Prevention** and **Goal 4: safe, accountable and collaborative service system** become crucial to ensuring the safety of CaLD victims of FDV.

The Strategy

15. The Humanitarian Group recommends that the Strategy would benefit from the inclusion of further detail about CaLD clients and their needs, as well as how those needs will be addressed in the implementation of the Strategy. We note CaLD victims of FDV are mentioned only four times throughout the Strategy. Further, the goals and priority areas do not mention CaLD clients or their specific needs at all.
16. The Strategy would benefit from an emphasis on the following:
- a. the diverse needs of CaLD clients;
 - b. the importance of culturally appropriate and competent responses;
 - c. the need for trauma-informed approaches;
 - d. the importance of safe engagement;
 - e. accessibility of support services including legal and migration advice; and
 - f. the need for appropriate resources and funding.

⁵ Australian Institute of Health and Welfare, *'Family, domestic and sexual violence in Australia 2018'* <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/formats>

⁶ Mitra-Kahn T, Newbigin C & Hardefeldt S 2016. Invisible women, invisible violence: understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: state of knowledge paper. (ANROWS Landscapes, DD01/2016). Sydney: ANROWS.

⁷ Taylor, Natalie and Putt, Judy "Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia" *Trends & Issues in crime and criminal justice*, No 345, September 2007, Australian Government, Australian Institute of Criminology; Armstrong, Susan "Enhancing access to family dispute resolution for families from culturally and linguistically diverse backgrounds", *Australian Institute of Family Studies, AFRC Briefing*, 18 (2010) 1-23; Bartels, Lorana "Emerging issues in domestic/family violence research", *Australian Institute of Criminology: Research in Practice* (April 2010).

Diverse needs of CaLD victims of FDV

17. It is the view of The Humanitarian Group that the Strategy would benefit from greater focus on the diverse needs of CaLD victims of FDV.
18. As outlined above, CaLD victims can experience different vulnerabilities and have different needs from non-CaLD clients. In particular, they often face specific vulnerabilities arising from their uncertain visa status.
19. Other National Plans, such as the National Action Plan have recognised the nexus between migration and FDV, and identified the need to ensure migration law does not disempower victims. Other plans also contain specific recognition of the barriers for CaLD victims in reporting violence and accessing support services.⁸
20. The Humanitarian Group recommends that **Goals 1, 2, and 4** contain further detail to address the diverse needs of CaLD victims of FDV and the particular vulnerabilities experienced as a result of uncertain visa status.

CASE STUDY: Diverse Needs of CaLD Victims

Tina* is from Vietnam. She arrived in Australia on a student visa in 2016. She attended TAFE and soon began a relationship with an Australian man, Brett. Tina and Brett began living together in 2017 and had a child together in September 2018.

Tina began experiencing family violence from Brett while she was pregnant. She was dependent on him financially because she did not speak English and cared for their baby full time. Tina's family were all in Vietnam and were unable to assist her financially or emotionally.

Brett threatened Tina that if she left him, he would have her visa cancelled and she would be sent back to Vietnam. The Humanitarian Group assisted Tina to obtain a permanent visa, enabling her to separate from Brett and remain in Australia with her child.

Tina's story demonstrates how CaLD women can become reliant on their abusers due to language barriers and lack of family and community support and how their uncertain and temporary visa status can increase their vulnerability.

⁸ Department of Social Services, *Third Action Plan of the National Plan to Reduce Violence Against Women and Children 2010-2022*.

Culturally appropriate and competent response

21. The Strategy would benefit from focusing on culturally appropriate and competent responses in order for the strategy to be effective in reducing FDV against CaLD people.
22. Relevant culturally appropriate and competent responses could include cultural competence training for front line workers and availability of interpreters as required by clients to overcome language barriers.
23. The availability of culturally appropriate and competent responses, or lack thereof, affects the ability of CaLD clients to access and engage with services safely. **Goal 4: Safe, accountable and collaborative service system** is crucial to ensuring culturally appropriate and competent services are available to CaLD victims of FDV.

CASE STUDY: Cultural Competence

Ananya's* family arranged her marriage to a man nine years older than her. She was married in India and soon after moved to Australia for her husband's work. Ananya and her husband shared a house with another Indian couple, and Ananya became friends with the wife.

Ananya's husband was very controlling and did not allow her to have control of the money she earned at her casual job. He became increasingly controlling and aggressive until he was physically violent towards her on a regular basis. Ananya spoke to her friend about his behaviour. Her friend had been in Australia for much longer than Ananya and told her that this behaviour was not acceptable in Australia.

Ananya's friend referred her to The Humanitarian Group, who provided her with assistance to apply for a permanent partner visa on family violence grounds, and referred Ananya to a women's refuge where she was safe from her husband until she could arrange her own accommodation.

Ananya's story demonstrates how CaLD victims may not be aware that their experiences constitute FDV and that this behaviour is not acceptable in Australia. It also demonstrates the challenges for CaLD victims of FDV in accessing culturally appropriate and competent support services.

Trauma-informed approaches

24. Trauma-informed practice is a strengths-based framework grounded in an understanding of and responsiveness to the impact of trauma. It emphasises physical, psychological and emotional safety for everyone. It creates opportunities for survivors to rebuild a sense of control and empowerment.⁹ Trauma-informed practice is relevant for victims of FDV as well as for victims of torture. CaLD victims of FDV can be victims of many forms of trauma making a trauma-informed approach particularly important.
25. Trauma-informed approaches can include, but are not limited to, appropriate service provision, and understanding by service providers of how to make services accessible for CaLD clients who have experienced trauma. For example, it can include strategies to address the mental health challenges and distrust of authorities often observed in clients who have experienced trauma.
26. **Goal 2: Victim safety** has significant scope for application in the context of trauma-informed approaches. **Goal 4: Safe, accountable and collaborative service system** is crucial to ensuring culturally appropriate and competent services are available to CaLD victims of FDV who have experienced torture and trauma.

CASE STUDY: Victim Trauma

Navya* is from India. Her family arranged her marriage to her husband. Throughout her marriage, Navya experienced daily beatings, threats, and verbal, emotional and psychological abuse. Navya's husband threatened several times to rape and kill her. He also threatened to kill their children. Navya feared for her life.

The police in India would not help Navya, because it was not considered appropriate for a woman to leave her husband or to pursue legal remedies.

Navya's experiences met the definition of torture in the United Nation Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Navya applied for a visitor visa to come to Australia. Her husband beat and drugged her when he found out. Navya escaped her husband and came to Australia, where she was able to engage with FDV support services. The Humanitarian Group assisted Navya to apply for a permanent protection visa to remain in Australia.

Navya's story demonstrates the extreme FDV which CaLD victims may have experienced and the importance of a trauma-informed practice in providing support services to clients.

⁹ <https://www.blueknot.org.au/Workers-Practitioners/For-Health-Professionals/Resources-for-Health-Professionals/Trauma-Informed-Care-and-practice>

Safe engagement

27. It is essential that CaLD victims of FDV are able to safely engage with support services.
28. Safe engagement encompasses physical, psychological and emotional aspects of engagement. In The Humanitarian Group's experience, safe engagement includes not only the ability for victims to physically access services safely, but also service providers:
 - a. being aware of confidentiality issues;
 - b. providing a respectful and culturally competent environment; and
 - c. engaging with clients in a way which does not require them to repeatedly describe their experiences, thereby avoiding re-traumatisation.
29. The Strategy would benefit from a greater focus on the need of CaLD victims of FDV for safe engagement, particularly **Goal 2: Victim safety** and **Goal 4: Safe, accountable and collaborative service system**.

CASE STUDY: Safe Engagement

Mai-ling* attended The Humanitarian Group with court documents she received at a court mediation session after separating from her husband. Mai-ling and her husband had one daughter and Mai-ling understood that the mediation was to discuss care of their daughter. Mai-ling was born in China and speaks Mandarin as her first language.

Her English proficiency is usually very good but Mai-ling arrived quite distressed at the appointment because she had not understood the proceedings in the mediation. She had felt the mediator used very technical language, spoke very quickly and when she had said she did not understand, started to speak at her loudly but did not offer an interpreter. She felt the mediator was on her husband's side as they both laughed at the same things at certain times and talked about the football before the mediation began. The mediator also mispronounced her daughter's name throughout the meeting.

Mai-ling became more upset as the mediation went on and at the end did not understand what was explained to her about the outcome.

Mai-ling's story demonstrates the importance of CaLD women being able to engage safely with services.

Accessibility of Support Services including legal and migration advice

30. It is crucial to ensure that support services are accessible for CaLD victims of FDV. As outlined above, CaLD victims of FDV can experience additional barriers to accessing support. This can be for reasons of failing to recognise that they are victims of FDV, isolation, cultural barriers, fears around breaches of confidentiality and fears around visa status.
31. Other barriers may include services which do not use interpreters, are geographically remote, or services delivered in a manner which lacks cultural competence. The implications for CaLD clients of not being able to obtain that support and assistance can be severe.
32. Because many CaLD victims of FDV are concerned about their visa status, accessibility must include the ability to access appropriate legal and migration advice.
33. The provision of sufficient funding for culturally competent support services can overcome many barriers which may prevent CaLD clients from accessing support services. The inclusion of the need for accessible support services for CaLD victims of FDV would assist in the development of **Goal 4: Safe, accountable and collaborative service system**.

CASE STUDY: Accessibility

Maria* arrived in Australia from the Philippines to marry her husband Brian. Maria has been in Australia for seven years and has three children. Maria attended The Humanitarian Group after a referral from a hospital social worker.

Maria was a victim of domestic violence from the beginning of her marriage. Her husband told her that he had the power to get her deported from Australia at any time and that the children would stay with him in Australia. Maria never received any information on her rights in Australia on her arrival and her husband's controlling behaviour meant she had very little contact with anyone outside the family home.

The Humanitarian Group was able to confirm Maria's status as a permanent resident of Australia and provide information that leaving her marriage would not affect Maria's residency status. We were also able to provide information on applying for citizenship. Maria was referred to a Multicultural Women's Advocacy Service who assisted her and her children with refuge accommodation and applying for a restraining order against her husband.

Maria's story demonstrates the importance of services being accessible to CaLD victims of FDV including the availability of legal and migration advice.

Appropriate resources and funding

34. Appropriate resources and funding are crucial to the capacity of service providers to provide culturally appropriate services, trauma-informed approaches and safe engagement. Appropriate resources can include adequate access to interpreters, resources available to clients in their primary languages, funding for CaLD-specific service provision, safe spaces for cultural practices and engagement with the community, childcare and English language classes. Centrelink Crisis Payments are currently inaccessible for many CaLD clients, in addition to being inadequate for temporary accommodation.¹⁰
35. The Strategy needs to address the importance of appropriate funding in order to meet its goals.

CASE STUDY: Resources and Funding

Pau* was referred to The Humanitarian Group from a women's refuge where she had been staying for some weeks. Pau had recently received a notification of intention to cancel her visa from the Department of Home Affairs.

Pau came to Australia on a partner visa but had to leave her partner after one year because of his violence to her. Her partner subsequently informed the Department of Home Affairs about the separation and Pau had a limited timeframe to respond to them. Pau was considering returning to her husband, despite the danger, because she also feared returning to Thailand.

The Humanitarian Group was able to provide Pau with advice and assistance with her visa options. Pau was referred to a generalist community legal centre for ongoing assistance with restraining order and divorce matters because The Humanitarian Group did not have sufficient resources to assist Pau with her general legal matters. Pau was not able to obtain advice about a financial settlement because no free service was available to her.

Pau received a negative decision on her visa application. She re-attended The Humanitarian Group for assistance with requesting a review of the decision. Due to funding restrictions The Humanitarian Group could provide information and limited advice but was unable to represent Pau in her review application.

Pau's story demonstrates the importance of services being adequately funded.

¹⁰ Royal Commission into Family Violence, 'Summary and Recommendations March 2016'.

Recommendations

36. The Humanitarian Group is grateful for the opportunity to contribute to the development of the 10 Year Strategy for Reducing Family and Domestic Violence. We are happy to be involved in further consultations as development of the Strategy progresses.
37. From our experiences as a primary provider of legal and migration services to CaLD victims of FDV, it is our recommendation that the Strategy would benefit from increased focus on the specific needs of CaLD victims of FDV. In particular, we recommend that the Strategy include additional detail on the following:
- a. the diverse needs of CaLD clients;
 - b. the importance of culturally appropriate and competent responses;
 - c. the need for trauma-informed approaches;
 - d. the importance of safe engagement;
 - e. accessibility of support services; and
 - f. the need for appropriate resources and funding.

Please do not hesitate to contact us should you require any additional information.

Yours sincerely



Kathy Bogoyev
Principal Solicitor and Migration Agent (MARN 1462786)
The Humanitarian Group

*Client's real names have not been used in case studies. In some instances, case studies are amalgamations of de-identified common client scenarios.