

SUBMISSION



A church that teaches must first be a church that listens.¹ Yet studies indicate religion is the ‘missing link’ in domestic violence discourse; religion tends to treat such violence as a private affair.² Far from domestic violence victims raising their religious beliefs in seeking assistance, such beliefs are generally misinterpreted and exploited by the perpetrators to justify the abuse. Research has repeatedly demonstrated that women are encouraged, if not forced, by those beliefs to uphold the sanctity of a happy marriage and family life notwithstanding the abuse.

Trapped between a church that is shrouded in ‘holy hush’ in the face of domestic violence among its congregations and secular service providers that are unwilling to work with the victims for lack of understanding and resources, further conflicted between their faith and abuse, these women suffer in silence.³ This is a flaw in the system that continues either to turn a blind eye to this abuse, or to be completely oblivious to the woes of these victims. While the needs of these victims are ever present, religion and secular service providers view each other with distrust and suspicion.

In my thesis dated 2023, entitled, ***‘Building Bridges: Domestic Violence, Culture, Religion, and the Law’***, I sought to establish best practice in providing services to Christian domestic violence victims. The thesis proposes that specialised social workers with pastoral care qualifications should be located in secular domestic violence services; this would set best practice in meeting both the religious and practical needs of victims. The thesis develops this model based upon interviews held with three cohorts: victim-survivors, domestic violence service providers and clergy. One of the salient findings emerging from these interviews is the under-identification

¹ Pope Francis and Austen Ivereigh, *Let Us Dream: The Path to a Better Future* (Simon and Schuster, 2022) (*‘Let Us Dream’*).

² Baird, Julia and Gleeson, Hayley, ‘Submit to Your Husbands: Women Told to Endure Domestic Violence in the Name of God’, *ABC News* (22 October 2018) <Submit to Your Husbands: Women Told to Endure Domestic Violence in the Name of God>.

³ Jaclyn D Houston-Kolnik, Nathan R Todd and Megan R Greeson, ‘Overcoming the “Holy Hush”: A Qualitative Examination of Protestant Christian Leaders’ Responses to Intimate Partner Violence’ (2019) 63(1–2) *American Journal of Community Psychology* 135 <<http://onlinelibrary.wiley.com/doi/abs/10.1002/ajcp.12278>> (*‘Overcoming the “Holy Hush”*’).

of a victim's faith—current service providers seem to ignore it entirely as a component of risk assessment.

Building on the National Plan to End Violence Against Women and Children 2022–2032 the thesis outlines policy and law reforms enabling collaboration and defining best practice that would lead to a coordinated community response to Christian victims of domestic abuse. The thesis proposes a best-practice model for a chaplain-centred service in the form of a specialised social worker offering integrated faith-based and secular responses to domestic violence. Such as a policy, the thesis concludes, holds great potential to be replicated by other faith-based communities.

The thesis also demonstrates that an attitudinal change is required among the three pivotal institutions—clergy, domestic violence service providers, and the law—to offer a holistic and comprehensive service to victims of intimate partner violence with religious affiliations. In this regard, the role of law through policy is crucial in effecting these attitudinal changes including mutual suspicion between the sacred and the secular by initiating and building bridges through collaboration. Thereafter, the incorporation of a specialised social worker with pastoral care qualifications in secular domestic violence services for a holistic service delivery must be considered. This would ultimately achieve best practice that works for all and most importantly the victims. It is posited that, until and unless the worldviews of these foundations are aligned to meet the needs of faith-based victims of domestic abuse, the latter will continue to be sacrificed at the altar of domestic violence discourse as silence on religion pervades.

1. Policy and Legal Reform Proposals

Ending violence against women before it even starts will always remain a work in progress requiring a major focus to change the public's attitude to violence, a societal transformation.⁴ This requires a paradigm shift in policy centring on culture, which has

⁴ 'Overview of Key Commonwealth Initiatives' 'Overview of Key Commonwealth Initiatives', Department of Social Services (Web Page, 9 August 2019) <<https://www.dss.gov.au/women-publications-articles-reducing-violence/overview-of-key-commonwealth-initiatives>>.

been ascertained as a principal driver of domestic violence.⁵ Nevertheless, studies note that it is not possible to orchestrate cultural change without concurrently addressing social structures, especially those that entrench gender imbalance.⁶

While cultural change refers to challenging gender inequity from an individual perspective influenced and typecast by tradition, structural change relates to an organised and established character of the society that prevents women from enjoying equitable opportunities with men in various settings including employment, reinforcing their secondary position.⁷ It is evident that inequality of gender found in culture and structure are interlaced and one cannot be dealt without the other. Therefore to put policies in place to address domestic violence, especially among religious and migrant women, radical change applying a sensitive gendered lens is necessary on the cultural and structural fronts, as manifested in the previous National Plan.⁸ This now flows into the new National Plan, extending the work in considering the unique contributors and barriers in navigating a complex system that victims of domestic abuse face including this cohort of religious and migrant women.⁹ Building on aspects of the new National Plan, policy and legal reforms aimed at supporting the concept of a specialised social worker are proposed hereinbelow.

1.1 Policy

The new National Plan appears to have understood the cracks in the system given that, as part of its action plan, it intends to guide faith-based and multicultural or ethnicity-specific organisations to recognise and respond to women encountering domestic violence.¹⁰ The plan also encourages specialist domestic violence services and cultural and faith-based organisations to increase capacity and collaborate

⁵ Ella Kuskoff and Cameron Parsell, 'Preventing Domestic Violence by Changing Australian Gender Relations: Issues and Considerations' (2020) 73(2) *Australian Social Work* 227, 228.

⁶ Ibid.

⁷ Ibid 229.

⁸ Ibid.

⁹ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032*, 63.

¹⁰ Ibid 114.

effectively.¹¹ The plan, however, is silent on how this process is to be actuated. Expanding on the new National Plan, this paper offers the following suggestions:

1. The initial and foremost step is that the process commences with a victim's faith being identified as an integral component of the risk assessment by the specialist domestic violence services. Along with faith, as recommended by Marie Segrave, for migrant women, the migrant status of the victims should be included in the comprehensive assessment.¹² This complements the plan's stipulation that services should be tailored to the victims' cultural and religious needs.¹³ Identifying the clients' faith and culture leads the process in the right direction instead of applying a universal approach.
2. Specialist domestic violence services should train clergy and faith leaders to recognise religious women experiencing abuse within their midst and to respond accordingly. This is consistent with the plan's intention for men including faith and community leaders to initiate change to prevent violence.¹⁴ Further, service providers should educate clergy on the role of these services so that the clergy are well equipped to assist victims and refer them without suspicion. Otherwise, merely addressing their spirituality without attending to the basic practical needs of abused women offered by service providers is unfinished work, accomplishing little.
3. The clergy should train specialist domestic violence services to appreciate their role and the part faith plays in a religious woman's life. With heightened discernment, providers can cross-refer confidently if necessary, delivering effective services. More importantly, religious victims will feel validated

¹¹ Ibid 116.

¹² Marie Segrave and InTouch Multicultural Centre Against Family Violence, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (School of Social Sciences, Monash University, 2017) 5, 29 <<http://artsonline.monash.edu.au/gender-and-family-violence/temporary-migration-and-fv>>.

¹³ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 9) 88.

¹⁴ Ibid 80.

knowing that their conflict between abuse and their belief system is acknowledged.

With mutual understanding there is a high possibility that the wariness between the sacred and secular services will diminish, enabling them to view each other collegially and centring their vision on the person needing their assistance the most. Given the body of evidence that migrant women import their faith, incorporating the services of religious leaders into the alliance is central. If faith leaders inspire victims to leave abusive relationships, religion can be a source of empowerment.¹⁵

The government's efforts in the new plan were acknowledged and collaboration with faith-based organisations as part of a solution was discussed at a roundtable consultation event, pooling together academics, churches, faith communities and secular services, held in Melbourne in October 2022.¹⁶ Discussions revolved around sharing information on resources and initiatives implemented, to understand the impact of family and domestic violence to enable church settings and faith communities to be a safe haven for all, offering healing and simultaneously holding perpetrators accountable.¹⁷

4. Religious victim-survivors should be the drivers of this training, sharing their personal lived experiences of having been blindsided by both sacred and secular services. This will help to raise awareness and understanding for these parties to learn the gaps in their services and how to address them. It is timely since victim-survivors are now the leading protagonists in the new plan,

¹⁵ Sonia Kapur and Anna Zajicek, 'Constructions of Battered Asian Indian Marriage Migrants: The Narratives of Domestic Violence Advocates' (2018) 24(16) *Violence Against Women* 1928, 1936.

¹⁶ 'Round Table Consultation Event—Understanding Domestic Violence and Religion: Exploring How Faith-Based Organisations Can Be Part of the Solution', *Flinders University* (Web Page) <<https://www.flinders.edu.au/swirls/what-we-do/latest-activities/round-table-consultation-event>>.

¹⁷ Ibid.

recognising that they are the very reason and the nucleus of shaping policy and practices.¹⁸

During the online ANROWS Conference 2021, themed 'Evidence in Action', the plenary panel discussed the critical need to incorporate the lived experiences of domestic violence survivors into policy.¹⁹ The experiences of survivors offer subjective evidence and a real personal touch to an otherwise objective decision-making process. It was acknowledged that service providers and policymakers among others tend to exclude the voices of survivors, whereas their trauma is pivotal in understanding and constructing a framework for addressing domestic abuse.²⁰ Their voices offer trauma-informed evidence to support a holistic policy. In addition, it was conceded that the multiple intersecting factors making up a victim's voice need to be accounted for in totality and not in isolation.²¹

5. Considering the above points, should the new plan incorporate a specialised social worker qualified in pastoral care in a secular service? It is posited that the collaboration arising from the training cited in points 2, 3 and 4 above establishing a trust relationship between the two parties is not sufficient as at most they will offer a cross-referral service. Therefore, this paper submits that a specialised social worker embodying and offering both sacred and secular services to a religious victim of domestic violence in one venue is best practice.

It is argued that the clergy will be highly assured in referring a victim to such a service knowing that there is a faith-based worker and that the victim's beliefs will not be compromised. Meanwhile, the secular services will not have to refer a religious victim to the clergy, having gained their confidence with the presence of the specialised social worker. It is a win-win situation for both

¹⁸ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 9) 9.

¹⁹ 'ANROWS National Research Conference on Violence Against Women', ANROWS (Web Page, 2021) <<https://www.anrows.org.au/>>.

²⁰ *Ibid.*

²¹ *Ibid.*

sides and above all for the victim. Moreover, the abused victim need not seek both services and become re-traumatised²² by having to repeat her narrative over and over again.²³

As some of the participants in the qualitative study of the thesis suggested, the specialised social worker needs to maintain the victim's connection with her local church and not usurp its role. By doing so, the victim will not feel estranged but comforted that she can continue being part of her community. Also, extending a recommendation by a clergy participant, the secular services could advertise on their websites the availability of this specialised service, encouraging and offering hope to religious victims. Such an offer of hope most probably would have encouraged the 9 out of 10 victims of the Anglican report to attend.²⁴

Reflecting the thesis, this paper proposes that the specialised social worker should attain a minimum Certificate IV in pastoral care from an accredited institution much the same way chaplains do.²⁵ In general, an accredited social worker is required to have either a four year Bachelor degree in Social Work or a two year in Master of Social Work qualification.²⁶ These degree programs equip a worker with knowledge and skills to better support, understand and promote social change.²⁷ However, to address a victim of domestic violence professing a faith, it is crucial that the social worker acquires the additional qualification in pastoral care to have an in-depth understanding of her spiritual needs. With the certificate in pastoral care providing an ecumenical focus, the specialised social worker would not only offer support and care for the Christian woman suffering domestic abuse but would be available for women of other faiths, as demonstrated by the chaplain-centred service in the

²² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 9) 9.

²³ *Ibid* 70.

²⁴ 23/04/2025 2:11:00 PM

²⁵ 'Accreditation Information', *Chaplaincy Australia* (Web Page, 2023)

<<https://www.chaplaincyaustralia.com/accreditation-information/>>.

²⁶ 'About Social Work', *AASW* <<https://www.aasw.asn.au/social-work/about-social-work/>>.

²⁷ *Ibid*.

qualitative study of the thesis. Similar to Chaplaincy Australia, which consists of a wide range of chaplains from all denominations and demographics,²⁸ the specialised social worker will provide a committed and compassionate service to a victim conflicted between her faith and abuse.

With the suggested policy reforms above, this chapter next turns to proposals for law reforms.

1.2 Law Reforms

The policy reforms would dovetail with legislative reform aimed at protecting a faith-based victim of domestic violence. The necessary reforms would include:

1. Mandating best practice in the form of a specialised social worker accredited in pastoral care incorporated in all specialist domestic violence services offering a holistic, integrated and comprehensive service addressing the practical and spiritual needs of the victim.
2. Identifying a perpetrator's faith as a crucial element in the risk assessment and mandating this requirement in corresponding legislation. This should be prioritised, for instance, in the policies and procedures of part 11 of the Family Violence Risk Assessment and Risk Management Framework of the Victorian legislation.²⁹ In line with this, to incorporate facilitators from the same cultural and religious background in primary prevention workshops for effective delivery. This is crucial given that a recent study in the United States involving 4,126 college students to determine if religious intervention could reduce domestic violence showed reluctance to report abuse by those with high religious involvement, concluding that abuse can be reduced with religious

²⁸ 'Who We Are', *Chaplaincy Australia* (Web Page, 2023) <<https://www.chaplaincyaustralia.com/info/>>.

²⁹ *Family Violence Protection Act 2008* (Vic). Section 190 provides that policies and procedures must align with the framework.

counselling. ³⁰Similar to the policy suggestion for risk assessment by the domestic violence services above, identifying a perpetrator's faith will enable service providers to address the claims of an abuser manipulating religion to legitimise his actions. This responds to the omission of faith in the domestic violence legislation in South Australia, Queensland and Victoria. In this way, both the abuser and the abused are supported based on their faith, which is not silenced but validated.

3. Incorporating in legislation the concept of 'shared household', in the wake of the Indian case *Ahuja v Ahuja*,³¹ particularly given that domestic violence is the leading cause of homelessness in Australia.³² This is highly pertinent to the current Australian climate of multiculturalism, diversity and ongoing migration where patrilineality and patrilocality are common features in some Asian and South Asian homes. This is particularly important given that Indians formed the majority of the three million permanent migrants to Australia since the year 2000.³³ The current legislation fails to reflect this evolving landscape where there could be numerous potential abusers including the husband and his extended family sharing the home and possibly having a legal interest in the property.
4. Adding dowry-related abuse to the definition of economic abuse across domestic violence legislation. However, there appear to be diverse views among the Indian community on whether dowry-related abuse should be considered in isolation, given that it has been duly recognised as an example of economic abuse in the amended Victorian *Family Violence Protection Act*

³⁰ Romina Istratii and Parveen Ali, 'A Scoping Review on the Role of Religion in the Experience of IPV and Faith-Based Responses in Community and Counseling Settings' (2023) 51(2) *Journal of Psychology and Theology* 141, 151 <<https://doi.org/10.1177/00916471221143440>>.

³¹ *Ahuja v Ahuja* (Supreme Court of India, Civil Appeal No 2483 of 2020, 15 October 2020). See 'Satish Chander Ahuja Vs Sneha Ahuja', *Tripaksha Litigation* (Web Page, 15 September 2022)..

³² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 9) 77.

³³ 'Permanent Migrants in Australia, 2021 | Australian Bureau of Statistics' (29 March 2023) <<https://www.abs.gov.au/statistics/people/people-and-communities/permanent-migrants-australia/latest-release>>.

2008, being the first Act in Australia to do so.³⁴ If dowry abuse is singled out, the contention is it might minimise other aspects of abuse related to migrant women including threats of visa cancellation, accessing her earnings to remit overseas or stopping her employment altogether.³⁵

Nonetheless, in 2018, a Senate inquiry into the practice of dowry and the incidence of dowry abuse in Australia recommended that dowry abuse be included under economic abuse in the *Family Law Act*.³⁶ This paper supports this view, given that, as a federal law, it will be applicable throughout Australia.

Whilst psychiatrist Dr O'Connor vouched that 40 per cent of the 180 cases that she attended in three years were related to dowry, Safe Steps in its submission to the same Senate inquiry, though admitting limited data, claimed that in a year only 8 of the 1996 women born overseas suffered a similar plight.³⁷ Pending detailed study of this harmful practice, the fact remains patriarchy endures in the practice of dowry, leading to at least several deaths over the years in Australia.³⁸

It was shocking to discover that seven Indian women committed suicide in the Melbourne suburb of Epping between 2018 to 2019, all of whom were new migrants.³⁹ Investigations seem to suggest a history of domestic violence aggravated by isolation and lack of knowledge of services.⁴⁰ These suicides

³⁴ Senate Legal and Constitutional Affairs References Committee, *Practice of Dowry and the Incidence of Dowry Abuse in Australia* (Report, February 2019).

³⁵ Singh and Sidhu (n 105) 44. Supriya Singh and Jasvinder Sidhu, 'Coercive Control of Money, Dowry and Remittances among Indian Migrant Women in Australia' (2020) 12(1) *South Asian Diaspora* 35, 44.

³⁶ Manjula Datta O'Connor, *Daughters of Durga: Dowries, Gender Violence and Family in Australia* (Melbourne University Publishing, 2022) 81.

³⁷ Singh and Sidhu (n 35) 45.

³⁸ Sue Smethurst, 'Dowry, Death and Despair in Australia's Indian Community', *The Australian* (online, 1 October 2018) <<https://www.theaustralian.com.au/weekend-australian-magazine/dowry-death-and-despair-in-australias-indian-community/news-story/b49666d96ac623af5147d6d4edc09e>>.

³⁹ Lin Evlin, 'Why Did Seven Women from One Area of Melbourne Die by Suicide within Months of Each Other?', *SBS News* (online, 2 June 2020) <<https://www.sbs.com.au/news/article/why-did-seven-women-from-one-area-of-melbourne-die-by-suicide-within-months-of-each-other/51vrlcgje>>.

⁴⁰ O'Connor (n 36) 163.

might or might not be related to dowry abuse. But the inequitable treatment of women in the name of culture and religion appears to have no bounds, with harmful practices continuing wherever the migrant community settles. The victims, sadly, are all women.

Proposing that the ‘transnational nature of dowry crime deserves transnational responses’,⁴¹ Dr O’Connor contends that there should be a system in place for Australia to recognise dowry abuse and for the victims to recover their losses.⁴² This is particularly significant given that, since 2016, Indian women form the majority of migrant women arriving in Australia,⁴³ whilst Indians in general have been the largest migrant group since 2017.⁴⁴ She also argues, in a similar vein, that the desertion of foreign brides should be a crime. With vast numbers of Indian women being abandoned, in 2020 the Indian government enacted a Bill mandating registration within thirty days of all NRI marriages, failing which the groom’s passport shall be impounded following an amendment to the *Passports Act*, simultaneously calling for cooperation from member states of the Hague Convention to apply local laws to resolve the disputes.⁴⁵ However, evidence demonstrates that the perpetrators are slipping through the fingers of the law, with both the Indian and Australian governments refusing to enforce their extradition treaties, with the latter stating it is only meant for serious crimes, implying transnational dowry abuse and abandonment of women are not.⁴⁶ It is asserted that dowry abuse at its roots is extortion and the perpetrator should be made to pay for his crime accordingly, which makes it all the more fitting that it be specifically inserted into both state and federal legislation.

⁴¹ Ibid 89.

⁴² Ibid 82.

⁴³ Harmony Alliance, *2016 Census and Settlement Database Brief* (Report, March 2022) 2 <https://mcusercontent.com/cf3d702640e25493b600dfcd2/files/62cdcf66-6db9-7879-499a-c6ae50d9f9f0/HA_2016_Census_and_Settlement_Database_brief.pdf>.

⁴⁴ O’Connor (n 36) 209.

⁴⁵ Ibid 79–80.

⁴⁶ Ibid 80.

5. Amending the *Migration Act* and *Migration Regulations* to dispense with the two-year temporary visa⁴⁷ and the need to establish a genuine continuing relationship.⁴⁸ Instead, as in the United States, the applicant should only need to prove she began the relationship in ‘good faith’, excluding the abuser’s intentions.⁴⁹ In terms of the adequacy of evidence required, weight should be given to the woman’s emotional connection with the resident country and her fears of returning to her homeland, following the footsteps of Canada, the United States and Sweden. This paper contends that these changes remove the heavy reliance on the perpetrators for proof, empowering and providing agency to the abused migrant women to steer the process.

Taking into consideration the recommendations for reform to policies, practices and legislation above, it is evident that the proposed specialised social worker needs to wear multiple hats. She must be well equipped to handle manifold unique issues pertaining to the conflict between faith and abuse, compounded by challenges encountered by migrant women with perpetrators leveraging their sponsorship to manipulate and threaten deportation, and a system restricting those on temporary visas from accessing services.⁵⁰

2. Conclusion

Research demonstrates that religious fundamentalism remains the bedrock confining women within a patriarchal, social and legal framework narrowly defining their subordinate role.⁵¹ Fundamentalist movements exist within most religions in the

⁴⁷ Ana Borges Jelinic, ‘I Loved Him and He Scared Me: Migrant Women, Partner Visas and Domestic Violence’ (2019) 32 *Emotion, Space and Society* 100582, 7.

⁴⁸ Marie Segrave and InTouch Multicultural Centre Against Family Violence, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (School of Social Sciences, Monash University, 2017) 5, 29 <<http://artsonline.monash.edu.au/gender-and-family-violence/temporary-migration-and-fv>>. Monash University, on the other hand, proposes clearer provisions to define evidentiary requirements and to dispense with them in situations such as forced marriage where it may not be necessary.

⁴⁹ Borges Jelinic (n 47) 7.

⁵⁰ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 9) 44.

⁵¹ Susan Deller Ross, *Women’s Human Rights: The International and Comparative Law Casebook* (University of Pennsylvania Press, 2009) 127–128.

world.⁵² They underscore the oppression of women by drawing on selected past religious traditions and orthodox practices demanding complete obedience, deepening and endorsing the chasm between the genders.⁵³ It is obvious that the fundamentalist system through religious personal law is designed to maintain women in a submissive position in quiet acquiescence to the husband through legal mechanisms, especially in areas relating to marriage, divorce and modesty.⁵⁴

This paper argues that current Australian legislative responses have little to offer by way of protection of religious women either, demonstrating their silence on religion as an identifier, be it for the abused or the abuser. The new National Plan, however, offers a fresh awakening, realising the critical need for collaboration between the sacred and the secular. But progressing a step further, the specialised social worker offering wrap-around services supporting both spiritual and practical needs under one roof as a single-stop measure, it is contended, is best practice. Employing these workers would address the salient facets including maintaining the façade of a happy family, harmful theology and ignorance of the clergy and service providers. And for this concept of a specialised social worker to transpire, the law and policy reforms outlined above must be speedily and rigorously applied.

⁵² Ibid 116.

⁵³ Ibid.

⁵⁴ Ibid 117.