

## **Royal Commission into Domestic and Family Violence and Sexual Violence Submission**

### **Australian Refugee Association (ARA)**

**15 August 2024**

The submission information is based on ARA's experience in providing prevention, early intervention, response, and recovery support services for migrant and refugee women, families, and communities. It is drawn from actual day-to-day interactions with clients and communities and supporting them in navigating the system.

### **1. Prevention**

To our knowledge, there is currently no specific funding for prevention programs in South Australia to address the root causes of domestic and family violence and to tackle the underlying issues that contribute to family relationships, domestic and family violence, and sexual abuse. This is further complicated for migrant and refugee communities who come to Australia as refugees and migrants from various countries around the world. Many have fled regions where their and their families' physical survival has been at risk for generations. They come from places with differing attitudes and responses to domestic and family violence or a complete lack of knowledge about it. Certain behaviours and practices are highly encouraged and supported in their home countries, and these behaviours and practices become ingrained in everyday life. For them, this may seem to be the only way to protect their families, even though some of these behaviours/practices might be problematic in the Australian context or might not be beneficial for their families safety and well-being. It is crucial to create a culturally appropriate and safe environment for newly arrived communities in order to help them navigate through a process of change. This involves unlearning certain behaviours and harmful cultural practices, as well as understanding the impact of these behaviours and practices on women, children, themselves and the community. This kind of support helps these communities adopt new behaviours that promote their well-being within their own culture, specifically in the Australian context. It is essential that any prevention program does not exclusively focus on domestic and family violence or engage solely with communities on this issue, as this approach can create significant barriers. It may make communities feel targeted, stereotyped, and afraid, which can lead to increased protection for men or families and greater limitations on women's freedom due to fear of consequences. Educational programs that engage with these communities on various levels, such as child brain development, communication, positive ways of relating to children, new parenting methods, adapting to a new cultural context, healthy relationships, and the impact of violence in general, can be highly beneficial.

- ARA has been implementing a peer-led awareness and education project with refugee communities to prevent family, domestic, and sexual violence called "Community for Changes" for five years now. Under this project, community educators are recruited, trained, and provided mentoring by ARA to organize and co-deliver workshops with their communities through a co-design approach. This project benefits by building the capacity of community educators, role modelling and community mobilization, increasing community knowledge, and developing leadership in the area of domestic and family violence. This also creates a safe space for communities and volunteers to address these types of issues in a culturally appropriate way.
- The feedback from the community educators indicates that many culturally and linguistically diverse (CALD) families, when attending ARA workshops, are receptive to learning about healthy relationships and Australian laws related to family and domestic violence. The feedback suggests that culturally safe education is an effective means of preventing violence from escalating within homes. However, resources in this area are limited. It is essential to provide more community education on healthy relationships that are culturally appropriate and acceptable to prevent family and domestic violence.

Some of the community members we work with have spent more than 10 to 20 years in refugee camps and have experienced significant displacement and trauma. They have suffered various types of violence and abuse during their time in refugee camps or during their refugee journey, and their rights were never protected. As a result, they find it difficult to trust authority and engage in discussions about domestic and family violence. Many of them are illiterate and struggle with language barriers and numeracy skills, which makes it difficult for them to find employment in Australia. In addition, many come from cultures where traditional gender roles are strictly upheld, leading to men feeling emasculated and powerless without work. It is also important to note the power differential between the system taking strict and punitive measures against men from CALD backgrounds. In contrast, men may not have been provided with sufficient knowledge on what constitutes domestic violence in the Australian context and what is considered problematic behaviours and practices. Coping mechanisms such as alcohol abuse and gambling are prevalent in some of those communities and are significant factors contributing to domestic and family violence.

**Below are some recommendations:**

- Investing in accessible and culturally safe literacy and numeracy programs can act as a protective measure. The current TAFE Adult Migrant English Program (AMEP) is not suitable for individuals who cannot read or write.
- It would also be beneficial to invest in employment programs for these vulnerable families that could assist in rebuilding confidence and help them reach their full potential. This will help them see some positive changes in their lives and be able to view the world from a different perspective.

- Designing and delivering specific programs for men to support their journey in becoming more attuned to healthier ways to relate to their loved ones could be beneficial. Similarly, providing programs for women to empower decision-making that prioritizes the safety and well-being of themselves and their children, as well as supporting them to become independent and better navigate their relationships with their husbands/partners as equals, could be beneficial.

The above measures will offer vulnerable communities the opportunity to rebuild their lives in Australia. This will also help address the underlying issues affecting their family relationships and ultimately break the cycle of violence and the impact of intergenerational trauma.

That is only a brief summary of the issues that refugees are facing in Australia. Domestic and family violence does not exist in isolation; it is very complex in nature and should not be addressed as an isolated issue.

During the prevention program, the availability of early intervention programs and services is vital to support individuals, women, children, men, and families when signs of DFV are noticed.

## 2. Early Intervention

Early intervention programs are vital to addressing DFV in refugee and migrant communities. These communities face unique challenges addressing FDV, having to navigate a different approach in Australia than experienced in their home country, both legally and culturally.

Within CALD communities, there is a strong cultural emphasis on keeping families together. Many women in these communities wish to remain in their relationships but seek a change in their partner's behaviour. Unfortunately, there are currently no specific funding for early intervention programs for women, men and families, apart from a pilot program that started a year ago, but its capacity is limited.

- The lack of support for men creates barriers for women in accessing services for DFV because they want their husbands and partners to receive support. As a result, women only seek services when their situations reach a crisis point. At this stage, women from CALD communities require significant support and education to navigate the process and its system. This places a lot of pressure and confusion on women, leaving them with limited choices but to return to their relationships, even though the trust has been damaged. This also puts women at high risk and makes them more likely to accept more violence and abuse compared to before they attempted to leave the violent situation.
- Early Intervention models are ideal for many CALD families as they allow families to remain together and address any underlying issues that may be impacting the behaviours of the person using violence.

- ARA has successfully worked within this model under a pilot program called "Early Access to Support and Engagement (EASE)," which has resulted in positive outcomes. However, it is difficult to engage men who use violence without any mandatory interventions, and there are not many culturally appropriate services to support them. It often takes a temporary separation or involvement from child protection services or the police for the husband to agree to engage. However, when this happens, the success rate is high. In cases where the Department of Child Protection (DCP) is involved, women are often advised and pressured by the DCP to believe that if they return to their relationships with their partners, it could result in their child being taken away. This also creates the perception within families and communities that the system is designed to break up families and does not allow for any opportunity for positive change.

It appears that one of the challenges lies in DCP's limited understanding of how to effectively engage with CALD communities. By adopting a more inclusive approach, DCP can avoid marginalizing members of CALD communities and work towards building trust and positive relationships with them.

- The current support models in South Australia focus primarily on crisis intervention. These include the DV Crisis Line and Family Safety Framework, which require a woman to be experiencing physical violence to access these supports. There is a lack of framework for early intervention, and it is difficult to obtain Intervention Orders without evidence of physical violence. Many CALD women are hesitant to report their husbands to the police, fearing that criminal charges may worsen the violence and impact the family's long-term financial security. In some communities, there are strong beliefs that separated couples are not allowed to reunite or have any contact. Immediate negative repercussions and social pressure from the community and extended family members are common for women who separate from their husbands. Religious and community leaders often visit the homes of these women and convince them to stay with their husbands. Additionally, many refugee and migrant women have a strong belief that they are their husbands' properties.

It is common for Afghan girls to be told prior to their marriage that:

*'...they marry in a white shirt and can only leave their husband's house in a white shirt (burial clothes).'*

Some communities believe that women belong to their husbands. This is upheld by both women and men.

- Respite accommodation, which provides a break from the relationship, should be available to either partner if it is culturally acceptable. This should not be the kind of shelter that encourages women not to return to their partners, nor the type of accommodation that views the problem as a housing issue. Currently, focusing on housing and homelessness overlooks the actual underlying issues and is

a missed opportunity for change within the family. Access should not only depend on the presence of physical violence. It would be beneficial if, during the respite period, both the husband and wife could receive intensive, evidence-based support to understand family and domestic violence, as well as counselling for underlying issues that may contribute to his behaviors.

### **3. Response:**

In the absence of prevention and early intervention programs and services, women often seek help only when they have reached a crisis point or have already experienced significant impacts, putting their safety and the safety of their children at high risk.

- Anecdotal evidence suggests that many CALD women experience high levels of coercive control. Many men who have used violence have previously perpetrated physical violence against their wives before coming to Australia. Once in Australia, they are aware that physical violence is illegal, so to avoid police interventions, they might use emotional, financial, and electronic methods to control their wives. This control is often extreme, with many women not being allowed to access money, bank accounts, English classes, driving lessons, study, or employment. The high level of control directed toward the women impacts the whole family, limits their quality of life, and hinders their integration into Australian systems and life. These women often go unnoticed and have no way to seek support. It's important to widely publicize that coercive control is illegal in Australia across all communities. Police and other services need to ask women questions about their autonomy, access to money, and education. Language support should be available, and interpreters should be offered, particularly at police stations, if a CALD woman presents and does not speak English.
- It would be beneficial to consider ways to encourage men from CALD backgrounds to reflect on their cultural beliefs and practices that condemn gender-based violence. It's important not to perpetuate the stereotype that men from CALD backgrounds are inherently violent and abusive.
- The awareness and understanding of domestic violence in Australia have increased significantly over the past five years. However, many support systems for women who want to leave abusive relationships remain backward-thinking. Some services, including SAPOL, are inconsistent in their responses, often requiring evidence of physical injury for the victim to receive support. On the other hand, other services, like DCP, are asking women to leave their relationships or risk losing custody of their children when they suspect non-physical abuse is occurring. These systems can be confusing for Australian-born women and even more overwhelming for migrant and refugee women.

If the woman can access crisis supports and leave the home, the husband / male is left alone without supports. This can be divisive for CALD families and exacerbate the man's anger and sense of entitlement. This may place the woman and children at higher risk. It is essential that the man who uses violence receives support and counselling if he is willing. Frequently men from CALD communities have limited understanding of what they have done wrong due to entrenched patriarchal belief systems. There is still a belief in some communities that whatever happens in the home is private and that the wife is a possession of the husband.

- Many CALD women come from collective rather than individual communities. They are used to being connected to large communities and having many informal support networks. When they separate from their husbands, the women can feel ostracized from their community, and the experience of living alone in a shelter can be isolating. This may increase the risk of them returning to the relationship without any resolution or effective intervention. More informal community-led support for women who have left violent relationships is needed, as well as a cultural understanding of the support needs of these women.
- Education is needed, and community and religious leaders need to be encouraged to speak about women's rights, family relationships, and the negative impacts of Family and Domestic Violence (FDV) on children and their educational outcomes.
- It is important to ensure that crisis accommodation in South Australia is culturally safe for CALD women. Many CALD women who go into crisis accommodation feel disoriented by the unfamiliar surroundings and inability to continue with their daily routines. They also do not have access to the facilities to feed their children culturally appropriate food. Additionally, many CALD women have never encountered drugs and alcohol, which are prevalent in crisis accommodation. Therefore, these environments can be frightening and may pressure women to return to their unsafe homes.
- Additionally, some cultures view women who are alone in these types of settings as prostitutes.
- Many CALD women have grown up believing they are their husband's property, and it may take extreme levels of violence and control for them to disclose what is happening. They will frequently minimize the violence, will not talk about sexual violence, and will need delicate coaxing to disclose even the smallest details.
- Mainstream services generally require a phone consultation, and these women are unlikely to disclose what is happening via phone. Interpreters may help, but there are confidentiality

issues when using interpreters from the same state, and most women are aware of this. It is important to inform the woman if using interpreters from a different state. SAPOL and crisis

intervention services should be mindful of the difficulty these women face in disclosing violence in the home and that it is likely that the woman is minimizing what is happening to her.

Mainstream services can enhance their support by striving to understand and respect cultural differences and power dynamics. It's important to create a welcoming space for culturally and linguistically diverse (CALD) clients and to prioritize understanding their unique issues before expecting assimilation. Additionally, mainstream services should adopt flexible approaches to language translation to effectively address problems and provide meaningful solutions.

- Phone assessments are not ideal for many CALD women, as the notion of revealing intimate details of their home life over the phone is unfamiliar to them. Many CALD women struggle to understand the questions and the purpose of the phone call, with or without an interpreter.

#### **4. Recovery and Healing:**

Currently, there is no sufficient focus on recovering and healing after experiencing domestic and family violence (DFV). The current system primarily focuses on crisis interventions, assuming that women will survive, cope, and live better lives after escaping DFV and leaving their abusive partners. However, this is not the case for many CALD women and families, as the consequences continue at different levels.

- Many women who choose to leave their husbands face poverty, insecure housing, and exclusion. They often struggle to raise their children alone, finding the idea of being a single mother distressing.
- Changes to the Tenancy Act in SA are a step in the right direction, allowing women to remain in properties where they are not the primary tenants. However, it is challenging for them to provide evidence of domestic violence as it often requires police reports or an Intervention Order, and some women may be hesitant to involve the police due to their cultural background.
- Women who seek help may have limited English language skills, lack transportation, and have had little autonomy in their previous living situations. It would be beneficial to provide these women with access to settlement services upon their arrival in Australia or after the 5-year period, taking into account their changed circumstances.
- Many women who come to ARA have limited English language skills, cannot drive, and have never taken a bus. A lot of them have gone from being controlled in their parental homes to being controlled in their marital homes, with little autonomy. Many of these women have not been able to access Settlement Programs due to their Spousal Visas. After the relationship has ended, they have minimal

capacity to support themselves. It would be beneficial to provide these women with access to appropriate settlement services upon their arrival in Australia or after the 5-year period, taking into account their change in circumstances.

- ARA has provided assistance to women and children who have arrived in Australia on their husbands' skilled migrant and student visas. After separation, they may be placed on bridging visas for extended periods of time, during which they are unable to access education, Medicare, childcare, and Centrelink. This often leaves them supporting their families without any income. Their applications for permanent residency are not prioritised while on bridging visas, leading to potential years-long wait times. Short-term income support services such as Life Without Barriers and the Red Cross do not provide sufficient income for families to afford housing and food. Even once granted a permanent visa, they may still face a discretionary 4-year wait for Centrelink payments, with inconsistent outcomes.
- The current definition of domestic and family violence in Australia is limited to intimate partner violence and does not encompass other types of abuse that female family members may face, such as forced arranged marriage. This means that other forms of family violence beyond intimate partner violence are not recognized for migrant and refugee women. As a result, women from CALD backgrounds may not have access to Domestic Violence Crisis Services and may instead have to rely on Homelessness Services, which can re-traumatize them due to the type of support provided and the crisis accommodation available. Many CALD women have been subjected to arranged marriages against their will, where they did not want to marry the suggested husband. We have also encountered cases where the primary abusers were the extended family members of the husband and have worked with young women who were confined to their homes by their fathers and brothers.
- Many mainstream services make superficial gestures in their cultural safety protocols. They often believe that receiving a cultural competency training and consulting with someone who has an accent is enough to ensure cultural safety. For example, we once encountered a service that thought they had fulfilled the cultural safety requirement by asking a male Sudanese staff member about the culture of a young Afghan woman.

ARA fully supports the Royal Commission into Domestic and Family Violence and Sexual Violence and is available to provide additional information as needed during the process. It is crucial to ensure the inclusion of CALD communities, as they are often marginalized and encounter numerous barriers in expressing their experiences and concerns about domestic and family violence.