



**MULTICULTURAL
AUSTRALIA**
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Submission to the Women's Safety and Justice Taskforce

*Options for Legislating Against Coercive Control and
the Creation of a Standalone Domestic Violence
Offence*

16 July 2021
Women's Safety and Justice Taskforce
GPO Box 149
Brisbane QLD 4001
Electronic submission

To Whom It May Concern

Re: Options for legislating against Coercive Control

Multicultural Australia is pleased to provide this submission to the Women's Safety and Justice Taskforce.

We welcome the Queensland Government's intent to carefully consider potential coercive control legislation, and the work of the Taskforce to undertake wide ranging consultation to inform this process. Multicultural Australia is committed to ensuring that diverse voices are represented in this critical conversation.

Multicultural Australia exists to create a welcoming and inclusive community for all new arrivals to Queensland. As Queensland's Settlement Service Provider for migrants and refugees, we have been welcoming refugees, people seeking asylum, international students and other new arrivals for over 20 years. We strive to create a fairer, more prosperous society for all Queenslanders. We work closely with diverse multicultural communities in Queensland from new and emerging communities, to the more established communities.

As a settlement service, we work to enable successful settlement across the lifespan and inter-generationally – understanding that resettlement is complex, requiring strong practice frameworks and community supports. While we are not a specialised DFV service, we often respond to domestic and family violence through our case work, and in working closely with multicultural community groups and representatives with advocacy and supports around DFV needs. Our experience highlights the significant impacts of DFV on families – especially women, in the resettlement context. Our service provision provides us a unique lens on DFV across diverse cultures, in the context of migration, as well as in the experiences of diverse communities with the DFV systems.

Multicultural Australia is committed to making a constructive contribution to the Taskforce's work through highlighting our experienced settlement practitioners' insights in working with individuals and families from refugee and migrant communities. Our submission highlights issues and experiences from migrant and refugee communities – that have an implication for understanding

and defining coercive control; presenting the diverse views expressed by our clients, communities and practitioners, and emphasising the key risks and benefits to legislating against coercive control. This submission does not provide responses to the specific options raised by the taskforce on **how to** legislate against coercive control – our primary concern is to ensure that there is very careful consideration of the potential unintended consequences of legislating against coercive control, and its impact on migrant and refugee communities who already face significant challenges in the context of the current *Domestic and Family Violence Protection Act 2012* (Qld).

Our recommendation is for a broad consideration of the criminal law as it applies to domestic and family violence, with particular consideration of current barriers to the reporting and successful charging and prosecution of DFV related offences, as well as adequate protection for victims who use violence to protect themselves to avoid inappropriate charges being laid against those victims. If legislative changes are introduced, they must be accompanied by a staged and careful implementation process that would address current challenges in terms of under-reporting and under-utilisation of existing legislation and include communication, education, resourcing and appropriate lead-in time, to support the community at large, including specialised communication for diverse communities such as migrant and refugee communities.

Our response is predominantly premised around Discussion Paper 1 (Options for legislating against coercive control and the creation of a standalone domestic violence offence). However, considerations provided in this submission are also relevant to Discussion Paper 2 (Women and girls' experience of the criminal justice system).

Multicultural Australia hopes to remain engaged in this significant work and would be happy to assist with any further information concerning this submission. For any further communication, please contact Ms Rose Dash, Chief Client Officer, Multicultural Australia at RoseD@multiculturalaustralia.org.au or 07 3337 5400.

Yours sincerely,

Christine Castley
CEO, Multicultural Australia

Summary

The complex and unique experiences of Domestic and Family Violence (DFV) among migrant and refugee women is increasingly identified in research. Key themes in literature usually consider the wide spectrum of understanding across culturally and linguistically diverse (CALD) communities around what constitutes domestic violence and related legal rights, the effect of the acculturation process and cultural norms, as well as the effect of pre-settlement experience¹. Family violence and abuse is compounded by different forms of marginalisation for refugee and migrant women – and a failure to adequately consider the intersection of gender with other aspects like race, immigration status etc., leads to exclusion, invisibility, and impairs an individual's right to protection².

In preparing this submission, Multicultural Australia has drawn on consultation with our staff on their DFV case work responses, our organisational practice knowledge, and direct engagement conducted over years with key representatives and leaders from diverse new and emerging communities in Queensland.

As we facilitate important conversations on coercive control and its relationships to the definition of DFV in legislative and policy settings, our submission is premised around two main points:

- I. Consideration of legislative changes around DFV and Coercive Control must take into account a multitude of experiences. In particular, we seek the consideration of the vulnerabilities of migrant and refugee women, and an understanding of how their experiences of violence and abuse are shaped by an intersection of gender with other social categories including (i.e., race, ethnicity, immigration status etc.) These factors impact on the ability to identify and report domestic violence, and the ability to collect sufficient and credible evidence in seeking to enforce the law. Further, there should be a consideration of potential inadvertent negative consequences of legislation to both victim and perpetrators within multicultural communities.
- II. Secondly, introduction of any legislative changes must be accompanied by a wide-ranging implementation process that would include communication, education,

¹ Maeve Lu, Xannel Mangahas, Jessica Nimmo (2020), Domestic and Family Violence in Culturally and Linguistically Diverse (CALD) Communities. Pro Bono Centre, UQ [Domestic and Family Violence in Culturally and Linguistically Diverse \(CALD\) Communities \(uq.edu.au\)](#)

² Ghafournia, N and Eastel P (2018). Are Immigrant Women Visible in Australian Domestic Violence Reports that potentially influence policy? ([PDF](#)) [Are Immigrant Women Visible in Australian Domestic Violence Reports that Potentially Influence Policy? \(researchgate.net\)](#).

resourcing, and carefully planned and staged lead-in time.

A discussion on key issues informing the above points is presented below.

I. Diversity of Experiences

There is a diversity of identity and experiences across the broad group of migrant and refugee women³ – including age, ethnic/religious identity, visa/residency status etc., – that have implications for understanding and defining coercive control. Our submission particularly considers some questions raised by the Taskforce in its Discussion Papers that highlight this diversity. These include specific questions around:

- Types of coercive controlling behaviours or risk factors used by perpetrators in domestic relationships that might help identify coercive control;
- Women's attempts to survive and resist abuse;
- Improving community understanding of coercive control (e.g., its dangers to women and ways to improve how people seek help and intervene).

In addressing the above, we would like to highlight the following issues: (1) scale and prevalence of abuse and control, (2) understandings of DFV within multicultural communities, (3) complex forms of abuse and control perpetrated (including the role of migration status), (4) children in coercive control; and (5) rationalisations by perpetrators, and acceptance by survivors.

Scale and prevalence of abuse and control:

Studies note an ambiguity in relation to the prevalence of DFV among culturally and linguistically diverse (CALD) women. This is linked to limited quantitative data on the prevalence of DFV for migrant and refugee women in Australia, indicating apparent under-representation in the overall experiences of CALD women experiencing DFV; yet other studies suggest a much higher risk for CALD women. This ambiguity in data not only contributes to the invisibility of CALD women in

³ Note on terminology: 'immigrant and refugee' identities encompass a broad range - including voluntary and forced migrants (including refugee/humanitarian entrants); temporary migrants (including international students or people on short term work visas) and independent and dependant migrants (in skilled or family migration categories). These also encompass cultural and linguistic diversity.

DFV policies, it also makes other aspects of their 'culture-specific' experience invisible⁴.

As we continue conversations on legislative options for coercive control, it is critical to make the experiences of migrant and refugee women more visible. A recent report by the Harmony Alliance and Monash University, a first of its kind, asks migrant and refugee women specific questions about controlling behaviours related to their visa and migration status. This survey of 1392 migrant and refugee women across Australia (while not a representative sample) - provides a sample snapshot of the experiences of this cohort. Significantly, it found 33% of respondents had experienced some form of DFV (the most common form of victimisation experienced by participants). Of those who experienced DFV, it found that controlling behaviours (91%) were most prevalent, followed by violence towards others and/ or property (47%), and physical or sexual violence (42%)⁵.

1. Scale and prevalence of abuse: as identified by Multicultural Australia Case Managers

Multicultural Australia Case Managers note that case work relating to DFV forms a significant part of the case load in a specialist program we deliver - Specialised and Intensive Services (SIS). Funded by the Department of Home Affairs, SIS provides intensive support to address multiple and complex barriers to settlement within the first five years of resettlement.

In one instance, four settlement Case Managers appeared at Court at the same time on the same day in relation to separate family violence issues. This example is noted as significant, in that we are not a specialist DFV service provider. Our work is related to resettlement, addressing complex psychosocial barriers to settlement; service delivery involving supporting families through DFV related issues (i.e., DFV and controlling behaviours), and liaising with specialist DFV service providers, is a common occurrence.

Understandings of DFV within multicultural communities:

This section is informed by our practice experience and in-depth communication with

⁴ Ghafournia and Eastel, n.2

⁵ Segrave, M. Wickes, R, and Keel, C. (2021) Migrant and Refugee Women in Australia: The Safety and Security Survey. Monash University.

multicultural community representatives⁶.

Through our community conversations we noted a gap in information about the different forms of abuses classified under domestic and family violence law. While there is majority acceptance about DFV as a serious issue in the community, requiring at times the involvement of community leaders, elders, or religious leaders – there is some opacity around understanding its various forms. In our conversations, individuals across diverse community and cultural groups identified a range of ‘issues’ as causal factors of DFV. These ranged from traditional or religious beliefs and cultural norms; relationship patterns particular to communities (e.g., arranged marriages), settlement issues (e.g., unemployment or financial pressures), alcohol and drugs, and mental health related factors (e.g., settlement stress and depression).

The above section provides a sample of the prevailing diversity of community attitudes to DFV, who seek to provide underlying factors which contribute to DFV – as factors that may lead to violence within families. Settlement stressors, alcohol and drug dependence, mental health issues etc., are understood as potential causal factors of DFV and at times may exacerbate incidences. It is important to note that these ‘factors’ do not acknowledge patterns of abusive behaviour within relationships and its varying manifestations between serious violence to subtle abuse, which may be used to control someone.

The *Domestic and Family Violence Protection Act 2012* (Qld), provides recognition to domestic violence as an ‘ongoing pattern of abuse over a period of time’ – and also provides a broad definition to include physically or sexually abusive; emotionally or psychologically abusive; economically abusive; threatening or coercive behaviours. Due to a lack of understanding of the Australian legal system, both men and women in migrant and refugee communities may not know and/or recognise that family violence is prohibited and that it extends beyond physical violence (to include financial, emotional, or psychological abuse). This can mean people may not easily identify themselves as victims of domestic and family violence, control, or know whether/how to report and seek assistance.

⁶ Multicultural Australia coordinates a Community Leaders’ Gathering (CLG) – a regular forum led by and for community leaders and representatives from new and emerging communities in the Greater Brisbane region. The CLG has had a detailed focus on DFV issues since 2016. The CLG along with Multicultural Australia and Souths Community Hub, undertook a series of ‘Community Conversations’ – to capture the understanding of communities about the prevalence, causes, impacts or consequences and ways to address or prevent it. Community attitudes were informed by conversations with over 165 respondents (roughly male and female) – representing multiple ethnic communities and groups. (Multicultural Australia internal report).

A well-defined offence of coercive control could have significant benefits by providing an objective basis for education and behavioural change across ethnic and faith-based organisations about what is right and wrong behaviour in a relationship. However, this will only work if it is supported by taking great care in the crafting of any legislative solution, and by investing in the education, cultural capability, and support (including translator/interpreter services) for service providers, law enforcement, and the judiciary.

In raising diverse experiences and understandings around the issue, Multicultural Australia would like to emphasise that culture or religion is never an excuse for breaking the law, and cultural patterns of behaviour that cause harm should never be excused. At the same time, forms of violence, especially against women, take place across all cultures and faith groups. It is equally important to note here that there are a range of experiences and ideas within communities; and it is not our intention to identify multicultural/CALD communities as a monolithic whole. The range of experiences recounted in community conversations and noted below, highlight this:

2. Understandings of DFV: *Voices from the Community*

A DFV survivor in community described it as - "...to abuse someone for no reason, Abuse is when someone is hurting or beating you, or hitting you".

Another DFV survivor noted "... people in bad situations, abusive situations. Beating, arguing, when people have no self-confidence, no privacy, being forced to be isolated 'like a jail, can't go out', eating problems – can't access/go get food. Not being able to communicate with family/friends. Feeling ashamed to share with others. Feeling scared. Sexual abuse – forcing to have sex".

A community representative in our community conversations noted a "perception that women and children have more rights than men and men feel powerless" [after resettlement in Australia].

Complex forms of abuse and control:

For migrant and refugee communities, current understandings about DFV need to be interlaced with understandings of cultural expectations around gender, sexuality, family formation, etc. For some communities, DFV may be seen as a family matter requiring resolution only from family, without any 'outside' intervention. The 'family' itself could be viewed as the extended family, or even the cultural community. Families from collectivist societies may subordinate their needs to those of the collective. Women in marital violence and abusive relationships may choose to protect and conceal the status quo to uphold family's status and reputation.

Further, understanding of coercive control is generally framed within the context of abusive intimate relationships, in the micro-regulation of the lives of victims-survivors, or the dominance and control of intimate partners (e.g., physically, economically, socially and emotionally)⁷. For migrant and refugee communities, control may not only be exercised by intimate partners, but also by other extended family members and beyond that, by the community at large. For example, in the Harmony Alliance research, migrant and refugee women respondents noted their main perpetrator around specific forms on DFV as their current or former partner. Significantly, where participants indicated there had been more than one perpetrator, 35% indicated perpetrator as a family member, and 23% noted perpetrator as a member of their family-in-law⁸.

Multicultural Australia Case Managers have shared that in some cases, controlling behaviours and DFV occurred within the family structure from a brother towards a sister, a dependent or adult child, a community member, and/or controlling influence by family members overseas. Communities may also note other forms of violence, such as forced marriage or dowry abuse. These forms of control and violence sit outside of the generally understood construct of intimate partner violence, and are not easily visible to the mainstream community. Nevertheless, their harm and impact to victim survivors is immense⁹.

Immigration related abuse is another critical consideration in understanding coercive control for this cohort. Many survivors experience types and effects of violence that are a unique intersection

⁷ Boxall, Hayley and Morgan, Anthony (2021). Experiences of coercive control among Australian women. Statistical Bulletin 30. Australian Institute of Criminology. [Experiences of coercive control among Australian women \(aic.gov.au\)](https://www.aic.gov.au/publications/statistical-bulletin-30-experiences-of-coercive-control-among-australian-women)

⁸ See n.4

⁹ A Senate Inquiry into the nature and prevalence of dowry abuse in Australia, while ruling out specific law for criminalising dowry, considered it necessary to identify and document dowry abuse in the Australian context – as well as the connection between dowry abuse and other forms of family violence and the more extreme forms of exploitation. Practice of dowry and the incidence of dowry abuse in Australia. (2019) Senate Legal and Constitutional Affairs Committee [Report – Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/Reports/Reports/2019-2020/Practice-of-dowry-and-the-incidence-of-dowry-abuse-in-australia)

of immigration and/or their ethnicity and identity as an immigrant¹⁰. The structural complexity of immigration, its related legal and practical factor, can control and trap women – with the visa status being leveraged to control and abuse. The Harmony Alliance research noted that temporary visa holders consistently reported higher levels of DFV and controlling behaviours in relation to migration. These included behaviours like threats of deportation or withdrawal of (visa) sponsorship; threats of deportation without children; disallowing the access of other family members to travel to Australia, etc. Often women may be reliant on their partners (or in-laws) for information (e.g., legal rights, systems in Australia), and any support or assistance in Australia.

3. Complex forms of abuse and control: *Identified by Multicultural Australia staff*

A young refugee woman was assisted to relocate to Brisbane from a regional area. This followed physical abuse and controlling behaviours from her older brother in the family (that included her parents and other siblings). It was the abuse and control perpetrated by the older brother that caused the young woman to seek relocation away from her family and support networks.

Women arriving under specific visa categories (e.g., 204 Women at Risk visa) usually arrive single, or with dependent children. Some case managers noted examples of women in some households being controlled by their sons. Patriarchal norms of control can transcend generations. In instances of family violence, if the police turn up, the mother is treated as the adult – while in fact the son is the actual perpetrator.

In another community, single young women arrived in Australia as refugees. An elderly male in the community started targeting the women, including stalking them. The behaviours continued for some time, with the women unable to do anything. One of them approached a community leader, but was advised to keep quiet and not report to the police. However, the young woman approached the Queensland Police Service (QPS) with the assistance of her Case Manager. While QPS investigation is continuing, the young woman has had to move house, and is now known by her community as the 'one that went to the police'. The other young women targeted by such behaviours have not been willing to come forward and report the behaviours, fearing going to QPS could lead to loss of community support and being ostracised.

¹⁰ Ghafournia and Eastel, n.2

One Multicultural Australia Case Manager noted that in new and emerging (especially collectivist) cultures, the role of extended family overseas play a very significant role in family dynamics. Family overseas can play a part in keeping women in coercive situations to avoid shame to her own family – or her partner's family. If a woman/wife reports DFV or QPS become involved, the husband can call his own or her family overseas, and report how the wife has got him in legal trouble. The wife's family 'back home' is pressurised, and at times threatened and, out of care for the family overseas, the wife may choose to return to the violent relationship.

Another Case Manager noted the example of a women sponsored by her husband for arrival in Australia as a dependent spouse. The husband was extremely controlling – deciding what she could wear, monitoring her phone, and deciding her contacts in the community. Not only was she isolated in a new country, she could also not access supports from her cultural community as she felt there would be cultural shame attached with such disclosures. Adding to the complexity and shame, the husband threatened to release their intimate videos on social media. For this young woman from a very strict patriarchal community, this shame would not only dishonour her family, it could also mean her family overseas would be physically threatened and targeted. As a result, she was unwilling to report the control and abuse for a while. Matters came to a head when the husband disappeared with their young child for five days. She finally reported him and he was placed in police custody. The young woman was supported to relocate out of Brisbane – to be completely isolated from her cultural community as a result of 'community shame'.

A family (i.e., husband, wife and daughter) awaited their refugee status determination in Australia (as asylum seekers). The wife reported threats from the husband – including to kill her. She approached her Case Manager seeking help to leave. With a specialist DFV service, QPS were contacted in order to get a retrieval order for the woman's possessions. When QPS interviewed her and asked her to take out a Domestic Violence Order, she became frightened that this could impact on their family's asylum claim. Specifically, she was concerned that her husband would be detained under a breach of his Behaviour Code. She made the decision to return to her husband, and did so.

In another case of a family seeking asylum in Australia, the wife was controlled by the husband who repeatedly threatened he would leave her and take the children if she did not behave as he

told her to. Her experience was shaped by the uncertainty of her visa status and her prior experience/fear from her home country where if a woman leaves her husband, she surrenders her rights to her children. Her dominant fear was that if she left her husband and her asylum application was not favourable, she could be sent back to her country of origin, and lose her children.

Children in Coercive control:

Coercive control can generally extend across relationships to children, who can be used as part of a strategy to control victims. For women from migrant and refugee communities these could include fears of deportation and loss of children or an assumption that the father has more rights to children. Some issues in relation to this have been noted in the previous section on immigration related abuse.

4. Children in Coercive Control: *Identified by Multicultural Australia staff*

In the example of a new and recent cultural community being resettled in Australia, Multicultural Australia staff note examples of family violence. These are, however, underreported due to cultural expectations/norms as well as factors that impact the wider Australian community, such as self-confidence to report and concerns about safety in asking for help. In this community, the women are concerned that they will be responsible for financially supporting their children independently, should they separate from their partners. There is also a cultural expectation that the children remain with the male in the event of separation – again, reducing the women's confidence to take action. The act of separation itself, is taboo in their culture.

Concept of safety within the family can be hard to explain for women with children from recent refugee experiences. As a Multicultural Australia Cultural Support Worker noted, 'when the husband/head of the household was the protector and provider in the (past) insecure refugee experience, any verbal or financial abuse or control in their new life in Australia can be difficult to explain to women and children. As the worker noted, "how do I explain to someone, that you are emotionally unsafe?"

Rationalisations of abuse by perpetrators and acceptance by survivors:

DFV and controlling behaviours in migrant and refugee communities can often be rationalised by male perpetrators as part of their cultural expectations, and established gender roles. Women on the other hand, are left carrying the burden of shame/stigma, fear from the abuse and control, as well as carrying the expectations of keeping the family and the community/culture together.

5. Rationalisations and acceptance of abuse: *Voices from the Community*

A female respondent in our community conversations, gave the analogy of two types of men from her cultural perspective: “a man who beats a woman and another that does not”. The former is viewed as “disciplinary and manly”, while the latter is considered either “controlled by his wife or educated, who does not like violence, but has other means – equally hurtful ways of treating his wife”.

Another female respondent in community conversations connected ‘cultural orientation’ to DFV and controlling behaviours. She noted the experiences of women beaten, slapped, or shoved by their partners, who try and minimize these as ‘normal relationship problems and not such a big deal’. She noted the women are somewhat afraid to acknowledge the adverse meaning of DFV ‘so as to avoid blame, isolation by friends, family and/or financial difficulties. In fact, some victims from this background may only seek help when Police or Child Safety officers intervene during an incident, or when they are severely injured’.

Summarising the diversity of experiences across migrant and refugee communities:

The intent behind providing a range of issues and community experiences above, is to provide an indication of the diversity of experiences across the broad group of migrant and refugee women in engaging with current DFV legislation, and the implications for understanding and defining coercive control. In particular, it serves to highlight:

- **Types of coercive controlling behaviours or risk factors used by perpetrators in domestic relationships:** specific to migrant and refugee communities, there needs to be a much broader understanding of controlling behaviours and risk factors and understand a wide range of motives, intent, and patterns of abuse. These include going beyond the definition of intimate partner violence to considering inclusion of family and

community relationships, and understanding migration in coercive control.

- **Women's attempts to survive and resist abuse:** women in abusive relationships in migrant and refugee communities face unique challenges around understanding their abuse, and seeking appropriate help. Often, personal safety remains a secondary consideration to keeping the family and culture together.
- **Improving community understanding of coercive control, particularly its dangers to women and ways to improve how people seek help and intervene:** it is important to note that this consideration is true for the community at large – and inclusive of diverse communities. Over recent years we have seen rapid changes and learnings around a coercive control framework - as against a 'violence model'. As our submission indicates, there is a diversity of understandings and experiences around DFV within the community. A widespread understanding of coercive control will need to move from the realm of the DFV 'system' and into community. Changing culture and attitudes are critical to this work – and important not only for the safety and security of victims, but also for community members to readily recognise controlling behaviours in individuals and intervene accordingly.

II. Implementation Process

As noted earlier our submission, the introduction of any legislative changes around coercive control could be problematic. If legislative changes were to progress, consideration is required of the range of diverse experiences, as well as be cognisant of potential flow-on impacts to both victim and perpetrators within multicultural communities. Further, it must be accompanied by a wide-ranging implementation process that would include communication, education, resourcing, and lead-in time. In particular, we consider the following questions raised by the Taskforce in its Discussions Paper:

- Addressing gaps in the service system that could be addressed to achieve better outcomes for victims and perpetrators of coercive control;
- Perpetrators have access to services and culturally appropriate programs with the capability to respond to coercive control; and
- Legislating against coercive control (e.g., benefits, risks, ability to improve the safety of women and children, or encourage greater reporting and improving community

awareness).

In addressing the above, we would like to highlight the following issues: (1) experiences of DFV service systems in migrant and refugee communities, and (2) current supports available to male perpetrators of DFV.

Experiences of DFV support systems:

Often women in migrant and refugee communities will not seek action on DFV and control, through the criminal justice system as this is not something they might be culturally predisposed to do. Many community members will not easily disclose DFV or control and this could be from a general fear/mistrust of police and systems, and a genuine concern around the interface of the DFV and child protection systems. For many women, the fear that children can be taken away from the family is a real barrier to disclosure. Many families fear that their children can be isolated from the family and distanced from their culture.

For the others that may seek service interventions, their literacy of language (i.e., both English and first language), and knowledge of processes and systems, can be a barrier. Appropriately credentialed interpreters are not always made available through Court and Queensland Police Services (QPS) responses, additionally there are not many accessible culturally appropriate and safe spaces available for migrant and refugee women leaving abusive relationships. Significantly, how refugee and migrant survivors (and even perpetrators) appear and present to services, can influence service response. Survivors and perpetrators may report prior trauma, experiences of war or conflict, rape, sexual assault, torture etc., – resulting in physical, mental and sexual health conditions – and these may influence how they present to services¹¹. Further, refugee and migrant communities' prior experience of abuses of trust by service systems, may leave survivors or perpetrators fearful to speak out or seek help outside of their trusted relationships.

In terms of services, a lack of cultural knowledge or even respect for diversity, of a

¹¹ 'Victims of domestic and family violence with complex trauma or who did not present as an 'ideal victim' often received poor service system responses and were more likely to be misidentified as the primary perpetrator of violence' – The 2019-20 Annual Report of the Domestic and Family Violence Death Review and Advisory Board. [Government's response to the Domestic and Family Violence Death Review and Advisory Board 2019-20 Annual Report](https://www.courts.qld.gov.au/government-s-response-to-the-domestic-and-family-violence-death-review-and-advisory-board-2019-20-annual-report) ([courts.qld.gov.au](https://www.courts.qld.gov.au))

representative workforce, as well as limited specialist CALD services, can impact community help-seeking behaviours.

In Multicultural Australia's experience with diverse communities, we notice the significant trust community members place in their elders or identified leaders. Community elders and leaders are generous with their time and effort in supporting families through DFV issues. However, as leaders, they are also supporting their (cultural) community through other significant matters, while managing their own settlement in Australia. This is a significant impost on community members, and there is no remuneration available for such roles. There is room for resourcing specialist consultancy and advise services that can provide assistance to mainstream organisations supporting victims and perpetrators from CALD backgrounds.

1. Experiences of DFV support systems: *Voices from the community*

"The impact and consequences are far more reaching and long-lasting than we would like to admit. The victims are often re-victimized by the community for calling the police instead of keeping the abuse secret or tell her in-laws so it can be handled by the family. Most of the time what the victims want is the violence to stop, but stay in that relationship. The family separation part is not something that most victims in my community anticipate. The element of self-blame and the feeling of guilt becomes overwhelming for the victims. The community also isolates the victims because they have stepped outside the community to seek help. Mental health issues are also part of the equation for the victim as well as the children involved..."

Many families 'do not want police to get involved' [in DFV] as they consider the process 'very complicated' and noted their own 'lack of knowledge and language skills to deal with the police...'

Community participants' biggest concern seemed to be their fear that when a husband and wife fight and the Police are called the children are at risk of being taken by child safety. Some participants reported cases in the community that when the children were taken, they may not come back. Someone else, raises the child. The child loses any relationship with their parents and family. All participants expressed that this grieved the community.

1. Experiences of DFV support systems: *Identified by Multicultural Australia staff*

A case example provided by Multicultural Australia Case Manager:

A Multicultural Australia client who reportedly had a very controlling husband who would also use violence. She reported that he would not allow her access to a separate, shared bank account, and/or ATM card; giving her small amounts of change every couple of days (i.e., \$4.00).

The Case Manager was supporting the client to access court systems around DFV where both parties were present. The husband had assembled community and church members to support him at Court – in contrast to the wife, who was socially isolated. The interpreter booked by the Court, was a friend of the husband. The interpreter walked up to the husband, shook his hand in front of the client, audibly greeting and welcoming him. The interpreter then came up to the Case Manager and client stating, ‘she [the client] should not be doing this’.

Case Manager contacted the Court and advised them of the conduct of the interpreter, and requested an alternative interpreter be utilised at the next Court appearance. However, the Court failed to book another interpreter. Subsequently, the couple’s daughter who was present in Court, was used as an interpreter, instead of adjourning until another interpreter could attend. The daughter was reportedly vocal in sharing her father’s perspective, upset at her mother’s engagement with the justice system, to seek safety, and separate from the family unit, which carried cultural shame and taboo.

The Case Manager believes that due to this poor experience of the criminal justice system it is unlikely that the Client will seek help from QPS or Courts again.

Supporting male perpetrators:

Refugee resettlement is a complex process. Family is a resource for this process, providing former refugees with a sense of cultural continuity and a link to identity. Nonetheless, the family can also be a site of loss. Some of the unique challenges faced by these family units include that role designations, used in the western construct of nuclear family for example, may not apply to

traditional family structures¹². This means that processes of acculturation within families are complex as members adjust to new role expectations, including to their gendered identities.

Understandings of family structures and roles of household heads do not easily lend themselves to understanding DFV and coercive control. For example, marriage is protected, respected, and roles of men as protectors/providers remain critical. There is need for considering the safety and security for women; along with supporting men through the resettlement process, such as, education of Australian complex legal systems and culture, addressing settlement challenges (e.g., housing, financial, etc.), address challenging behaviours, and provide support to men who want to change their behaviours.

Our practice experience points overwhelmingly to migrant and refugee families' desire to address DFV, while retaining the integrity of the family. Most victim-survivors seek an end to the violence, without the family separation. However, we increasingly find a dearth of appropriate service and referral options to support men through appropriate behaviour change programs. Working with male perpetrators from refugee backgrounds requires an understanding of violence in the context of refugee trauma and settlement challenges, and a need to work within refugee family and community structures¹³.

2 Supporting male perpetrators: Experiences from Multicultural Australia staff

A male perpetrator was separated from his family as a result of DFV (serious criminal charge). However, the wife who was pregnant caring for four children wanted him back in the family. To support the family, appropriate child safety assessments were conducted and Multicultural Australia Case Manager worked with the male perpetrator to secure consent to engaging in appropriate behaviour change programs. However, there are very limited programs that address issues specific to culturally and linguistically diverse and/or refugee men.

¹² Weine, Stevan, Muzurovic, Nerina; Kulauzovic, Yasmina; Besic, Sanela et al (2004). Family Consequences of Refugee Trauma Family Processes 43(2), 2004

¹³ Fisher, C., Martin, K., Wood, L., Lang, E., & Pearman, A. (2020). Best practice principles for interventions with domestic and family violence perpetrators from refugee backgrounds (Research report, 09/2020). Sydney, NSW: ANROWS

A protection order was made against a male perpetrator for a five-year duration. His inexperience/lack of understanding of local Australian laws and systems and an acute fear of police/authority figures from his prior refugee experience impacted what happened next. The man had no contact with his family for five years. He did not know he could seek visitation and only approached Multicultural Australia after five years asking, if he would be “able to see his family” now?

Summarising current experiences in the DFV system:

The above summary provides an indication of the experiences of migrant and refugee communities through the system. This has implications as we consider legislating coercive control, and the particular forms this process might take. Our submission is that the current legal and justice systems hold particular challenges for migrant and refugee communities. Legislative change and reform should not replicate or amplify existing inequities. In particular, we would like to direct attention to the following:

- **Addressing gaps in the service system** to achieve better outcomes for victims and perpetrators of DFV and coercive control. When systems fail to respond to diversity, people fail to access the services they need. This is relevant to both DFV and multicultural community's engagement within the justice system. In DFV and family abuse, people can be left at significant risk. An increasing diversity within our populace requires recognition and response to this diversity. This means, (1) seeking out cultural guidance and understanding of migrant and refugee communities; (2) embedding interpreting service access as standard practice for those with limited English; (3) regular training of frontline staff in developing their cultural capability; and (4) employing a workforce reflective of the population it serves.
- **Perpetrator access to services and culturally appropriate programs with the capability to respond to coercive control:** men are potential collaborators and beneficiaries in this reform. While male socialisation is a significant determinant to abuse and control – many perpetrators seek ways of understanding and addressing their behaviours.
- **Legislating against coercive control:** possible advantages to legislating against coercive control can include sending a strong message to the community around acceptable behaviours in families and relationships. It can help shift entrenched beliefs

around DFV and a violence model, to understand the very significant risks of coercive control. It can assist victims by validating their experiences and empower them to seek help and understand their rights. For the service system and QPS, it can provide a stronger mandate to protect women and children in controlling situations.

At the same time, we should proceed with caution – questioning if there could be potential unintended consequences and risks for marginalised individuals – especially in migrant and refugee communities.

Increasing QPS mandate to charge perpetrators – without appropriate systemic reforms could further marginalise at risk victims. Our current system even with a focus on response to physical incidents and violence is stretched in supporting migrant and refugee communities (e.g., supporting victims to safety, appropriate shelters, culturally relevant behaviour change programs for men, etc.) Overlaying expectations of prosecuting non-physical abuse will likely impact current legal and justice systems.

For migrant and refugee communities, there is a risk if the legislative changes might result in perpetrators going to greater coercive and controlling behaviours in order to decrease disclosure. We have observed how victims can prioritise safety of children and family obligations over personal safety.

Finally, any law should aim to be inclusive. If legislation ends up not reflecting particular issues for migrant and refugee communities, especially around understanding their family dynamics, complex, varying forms of control and abuse, as well as specific contexts such as, immigration abuse and control, it can actively exclude communities and individuals.

Recommendations:

Premised around the above submission, Multicultural Australia proposes the following:

- If a separate offence of coercive control were to be adopted, it would need to be framed in a way that is enforceable in the context of migrant and refugee communities' experiences, a consideration of their family patterns and structures and understands their migration experience). Any offence of domestic and family violence should go beyond an understanding of coercive control in intimate relationships to include family and community relationships.

- Prioritise an accessible program of education, training and awareness raising with stakeholders, police, and the frontline service - prior to any commencement of a (potential) criminal offence of coercive control; This will require systemic reform to prioritise identifying, learning and training around specific forms of controlling and non-physical abuse in migrant and refugee communities.
- Roll-out awareness campaigns about coercive control, as a priority – irrespective of whether or not a specific coercive control offence is legislated. This should include targeted and contextually specialised campaigns for diverse communities – including, migrant and refugee communities.
- Independent of the decision to legislate, investment in specific strategies for refugee and migrant communities – including:
 - Building workforce capacity through appropriate cultural competency training for service providers supporting people from diverse communities experiencing DFV, and those engaging within the justice system; including, appropriate training in working with interpreters;
 - Resourcing specialist services that can provide consultancy and advice to mainstream services supporting victims and perpetrators of DFV from diverse backgrounds;
 - Supporting community-led activities within refugee and migrant communities to drive deep community transformation around gender equality and violence prevention.