

AUSTRALIA'S NATIONAL RESEARCH
ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

Attention: Committee Secretary

Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
Canberra ACT 2600
By email: jscfadt@aph.gov.au

Response to the Inquiry into the rights of women and children

Dear Committee Secretary,

Australia's National Research Organisation for Women's Safety (ANROWS) thanks you for the opportunity to make a submission in response to the Inquiry into the rights of women and children.

ANROWS is an independent, not-for-profit company established as an initiative under Australia's first *National Plan to Reduce Violence against Women and their Children 2010–2022*. Our primary function is to provide an accessible evidence base for developments in policy and practice design for prevention and response to violence against women, nationally. Every aspect of our work is motivated by the right of women and children to live free from violence and in safe communities. We recognise, respect and respond to diversity among women and children, and we are committed to reconciliation with Aboriginal and Torres Strait Islander Australians. ANROWS will continue to deliver and develop this function under the new *National Plan to End Violence against Women and Children 2022–2032*.

Primary funding for ANROWS is jointly provided by the Commonwealth and all state and territory governments of Australia. ANROWS is also, from time to time, directly commissioned to undertake work for an individual jurisdiction, and successfully tenders for research and evaluation work. ANROWS is registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profit Commission (ACNC).

This submission discusses domestic and family violence (DFV) and sexual violence as human rights violations, highlighting women and children's experiences and the adequacy of support services in Australia. This submission draws on ANROWS research and other rigorous peer-reviewed evidence.

Yours sincerely



Padma Raman PSM
Chief Executive Officer

9 January 2023

Overall comments

ANROWS is pleased to make a submission to the Inquiry into the rights of women and children, responding to the following terms of reference:

- understanding the treatment of women and children internationally and the impact of this treatment on their human rights
- the adequacy of support services, including legal services, available to affected women and children.

For the purposes of this submission, ANROWS defines “treatment” as domestic and family violence (DFV) and sexual violence and identifies these forms of violence as violations of women’s and children’s human rights. ANROWS draws on evidence that has an Australian focus to contribute to an international understanding of violence against women and children as a violation of human rights.

DFV and sexual violence as violations of human rights

DFV and sexual violence can be understood as violations of women’s and children’s human rights. The United Nation’s *Declaration on the Elimination of Violence Against Women*, adopted in 1993, defines violence against women as a violation of the human rights and fundamental freedoms of women (United Nations, 1993). Australia has committed to preventing discrimination against women through signing and ratifying the *Convention on the Elimination of All Forms of Discrimination against Women* (“CEDAW”) in 1980 and 1983 respectively (Australian Human Rights Commission, n.d.). While CEDAW itself does not address violence against women specifically, the CEDAW Committee later defined gender-based violence as a “form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms” in General Recommendation no. 19 (*United Nations Convention on the Elimination of All Forms of Discrimination against Women*, 1981, p. 1). Domestically, the *National Plan to End Violence against Women and Children 2022–2032* (“the National Plan”; Commonwealth of Australia. Department of Social Services, 2022) states that the Australian Government is committed to the international human rights framework in responding to violence against women and children. ANROWS suggests that the language of human rights can be useful in framing and understanding DFV and sexual violence. Shifting to the affirmative language of human rights and equality when discussing DFV and sexual violence in Australia may provide a unique opportunity to understand and respond to violence against women and children.

A note on terminology

Migrant and refugee

The terms “migrant”, “refugee”, “immigrant” and “culturally and linguistically diverse” (CALD) are used across the literature. This submission uses the same terminology as original reports when discussing findings, as each report may use different definitions for these terms. This difference in terminology across the literature reflects the challenges in capturing the experiences of a diverse group of women and children. When discussing overall themes, this submission uses the term “migrant and refugee”.

First Nations

This submission uses the term “First Nations”, rather than “Aboriginal and Torres Strait Islander” or “Indigenous”, to capture the diversity of identities and cultures across Australia. “Family violence” is the preferred term to use when discussing experiences of DFV in First Nations communities as it captures relationship ties beyond intimate partners as well as the forms of abuse that can occur across extended family and kinship relations (Blagg et al., 2020; Carlson et al., 2021; Olsen & Lovett, 2016).

Other terms for First Nations peoples (for example, “Aboriginal and/or Torres Strait Islander peoples”, “Indigenous peoples”) and family violence perpetrated against First Nations women and children (for example, “domestic and family violence”, “domestic violence”, “intimate partner violence”) will be used only where it is necessary to ensure consistency with an original source.

Domestic and family violence

ANROWS uses the term “domestic and family violence” (DFV) when discussing violence against women and children more broadly.

Sexual violence

ANROWS notes that the evidence base can differ in whether sexual violence is captured in data as a tactic of DFV or as a standalone form of violence that occurs both within and external to the domestic and family context. Where possible, this submission highlights this distinction when discussing research findings.

Summary of recommendations

Recommendation 1: Review temporary visa conditions to address unintended consequences for women’s wellbeing and safety.

Recommendation 2: Provide accessible information to migrant and refugee women on their rights in relation to their visa class, safety from violence, employment conditions, and access to support services.

Recommendation 3: Provide training to police and legal officers to improve their understanding of domestic and family violence as involving patterns of behaviour that occur within the overarching context of coercive control and to support a shift from incident-based to pattern-based police responses to DFV and sexual violence.

Recommendation 4: Provide training to police and legal officers to respond adequately to family violence perpetrated by or against First Nations peoples, including consideration of whether the application of domestic violence legislation is appropriate.

Recommendation 5: Increase the resourcing of the DFV and sexual violence service systems to enable providers to deliver comprehensive supports and services across prevention, early intervention, response, and recovery.

Recommendation 6: Increase the resourcing of culturally safe and specialist services for victims and survivors, e.g. to improve access to interpreters and legal or immigration services for migrant and refugee women living in regional areas.

Recommendation 7: Increase access to culturally safe, strengths-based, and community-led responses to family violence against First Nations victims and survivors.

Recommendation 8: Recognise the vital role that multicultural and settlement services are currently playing in responding to migrant and refugee victims and survivors and support the development of sustainable cross-sector collaboration with DFV services.

Recommendation 9: Consider alternatives to the criminal legal system, particularly alternative justice approaches for First Nations communities such as the Koori Courts in Victoria.

Recommendation 10: Support strong cross-sector integration by enabling the development of infrastructure and delivery of training focused on system integration and collaboration. The recommendations in *Working across sectors to meet the needs of clients experiencing domestic and family violence* (ANROWS, 2020a) provide clear actions to support this integration.

The treatment of women and children internationally and the impact of this treatment on their human rights

Rates of DFV and sexual violence

DFV and sexual violence are violations of human rights that can impact women and children of all ages, cultural backgrounds, socio-economic groups, sexualities, and disability status (Mitra-Kahn et al., 2016; Townsend et al., 2022; United Nations, 1993). However, DFV and sexual violence do not impact all women and children equally (Mitra-Kahn et al., 2016). To understand the scope of this human rights violation in Australia, it is important to recognise the rates of violence experienced by women and children across different population groups.

General population

The prevalence of DFV and sexual violence perpetrated against women and children in Australia highlights significant ongoing human rights violations. Findings from the Australian Bureau of Statistics' (ABS, 2017) *Personal Safety Survey* in 2016 indicated that approximately 1 in 4 women had experienced violence by a current or previous intimate partner, which includes boyfriends, girlfriends and dates, regardless of whether the respondent lived with them. Furthermore, 1 in 6 women had experienced violence since the age of 15 that was perpetrated by a married or de facto partner that they currently or had previously lived with (ABS, 2017). A study by Boxall and Morgan (2021, p. 10) on experiences of intimate partner violence since the beginning of the COVID-19 pandemic indicated that:

- 1 in 3 women who had been in a relationship in the past 12 months had experienced emotionally abusive, harassing, and/or controlling behaviours from their current or most recent partner
- 1 in 10 had experienced physical violence
- almost 1 in 12 had experienced actual, attempted or threatened sexual violence.

Townsend et al (2022, p. 8) highlighted the significant rates of sexual violence in Australia, with more than half (51%) of women in their twenties, 34 per cent of women in their forties, and 26 per cent of

women aged 68 to 73 having experienced sexual violence in their lifetime. Townsend et al. (2022) noted that the differing prevalence by age may reflect generational differences in understanding of sexual violence, personal feelings about disclosure, and the length of time since the incident. Rates of sexual violence also differed based on other characteristics, with women who identified as bisexual or as mainly or exclusively lesbian more likely to report having experienced sexual violence, with the same true for women with disability or illness (Townsend et al., 2022). The study also identified that 13 per cent of women had experienced sexual violence during childhood (Townsend et al., 2022, p. 31).

First Nations women and children

Rates of family violence perpetrated against First Nations women and children also highlight the significant prevalence of human rights violations. The 2014–15 *National Aboriginal and Torres Strait Islander Social Survey* indicated that around 1 in 10 Aboriginal and Torres Strait Islander women had experienced an incident of physical family and domestic violence in the past 12 months (ABS, 2019). In the ANROWS report, *“I just felt like I was running around in a circle”: Listening to the voices of victims and perpetrators to transform responses to intimate partner violence*, Hegarty et al. (2022) identified that Aboriginal and Torres Strait Islander victims and survivors reported experiencing polyvictimisation, whereby women experience more than one form of violence across their lifetime. The report identified that:

- 32.7 per cent of Aboriginal and Torres Strait Islander victims and survivors in the study had experienced lifetime IPV, sexual violence, and reproductive coercion
- 35.6 per cent had experienced lifetime IPV, sexual violence, reproductive coercion, and child abuse (Hegarty et al., 2022, p. 51).

As any relationship in which domestic violence occurs carries a risk of lethal violence (Australian Domestic and Family Violence Death Review Network & ANROWS, 2022), First Nations women who experience family violence may be at risk of homicide. This is evidenced by a study of intimate partner homicide (IPH) between 2010 and 2018 which identified that 22.9 per cent of female victims of IPH killed by a male intimate partner identified as Aboriginal and 1.7 per cent identified as Aboriginal and Torres Strait Islander (ADFVDRN & ANROWS, 2022, p. 34).¹

The interpretation of these prevalence rates must be informed by the recognition that it is difficult to determine the full extent of family violence against Indigenous women due to underreporting and recording practices (Olsen & Lovett, 2016). Estimates suggest that up to 90 per cent of incidents of violence perpetrated against Aboriginal women are not reported (Department of Social Services, 2016; Willis, 2011, both as cited in Langton et al., 2020a). This underreporting is driven by a myriad of factors, including distrust of the police and legal system, fears of repercussions from community, cultural norms, and the availability and appropriateness of services (Olsen & Lovett, 2016; see also the sections “The need for improved police and legal responses” and “Understanding help-seeking behaviours”). The recording of violence against Indigenous women can also be impacted by the incomplete identification of Indigenous status in survey datasets and service providers’ screening

¹ The report cautions that these figures must be considered in the context of broader literature and emphasises that DFV is not part of First Nations cultures (ADFVDRN & ANROWS, 2022).

processes (Olsen & Lovett, 2016). Despite the limitations on available data, there is a clear need to urgently address family violence against First Nations women and their children as a violation of their human rights.

Migrant and refugee women and children

Migrant and refugee women and children also experience DFV and sexual violence as human rights violations in Australia. Prevalence data is incomplete due to factors impacting the availability of reliable data, including difficulties capturing migrant and refugee women and children as a population group and communication barriers impacting access and responses to surveys (Cox, 2016; Mitra-Kahn et al., 2016; Segrave et al., 2021; Webster et al., 2019). Despite these challenges, evidence suggests that migrant and refugee women and children experience violence at rates at least as high as the general Australian population (Australian Institute of Health and Welfare, 2018; Mitra-Kahn et al., 2016, both as cited in Vaughan et al., 2020). For example, in a non-representative sample of migrant and refugee women in Australia, Segrave et al. (2021, p. 9) found that 33 per cent of respondents had experienced some form of DFV perpetrated by a current or former partner or extended family member. Furthermore, data from providers of domestic violence support services suggest an overrepresentation of CALD women seeking support (Mitra-Kahn et al., 2016). Hegarty et al (2022, p. 51) identified that women victims and survivors with a migrant background can also experience poly-victimisation, noting that:

- 22.4 per cent had experienced lifetime IPV, sexual violence, and reproductive coercion
- 14.7 per cent had experienced lifetime IPV, sexual violence, reproductive coercion, and child abuse.

Segrave et al.'s (2021) study also provides insight into the types of DFV experienced by migrant and refugee women. This study identified that 91 per cent of migrant and refugee women who had experienced DFV reported experiencing controlling behaviours, 47 per cent reported violence towards others or property, and 42 per cent reported experiencing physical or sexual violence (Segrave et al., 2021, p. 9). In Townsend et al.'s (2022) study, the prevalence of sexual violence against women from CALD backgrounds was found to be similar to the rates experienced by women without a CALD background, despite concerns that women from CALD backgrounds may be less likely to report experiencing interpersonal violence. This study highlighted that almost half of women with a CALD background aged 24 to 30 years had experienced sexual violence, compared to almost 1 in 3 women aged 40 to 45 years and over 1 in 5 aged 68 to 73 years (Townsend et al., 2022, p. 37). Research also suggests that female international students may be at increased risk of experiencing sexual harassment and abuse in the workplace or in high-density student housing (Department of Social Services, 2015; Lievore, 2003; Polkski, 2011, all as cited in Mitra-Kahn et al., 2016).

The visa status of migrant and refugee women and children can be a focus of coercive control perpetrated in immigration contexts. Coercive control is a pattern of behaviour within relationships that is characterised by micro-regulation of the lives of victims and survivors, which results in fear (Stark & Hester, 2019), denies personhood, and restricts autonomy (ANROWS, 2021b). Coercive control perpetrated in immigration contexts can include perpetrators making threats of visa cancellation, deportation, withdrawal of visa sponsorship or financial support, and withholding immigration documents (see in Touch, 2020, as cited in Koleth et al., 2020; Vaughan et al., 2016).

Perpetrators can further manipulate victims' and survivors' isolation by preventing them from socialising, learning English, or accessing services and information about their rights (Vaughan et al., 2016). This is a significant concern, as Vaughan et al. (2016) indicated that the majority of immigrant and refugee women who were interviewed for their study reported experiencing this kind of violence.

Available data can provide insight into who the perpetrators of violence against migrant and refugee women are. In a study by Vaughan et al. (2016), while the majority of immigrant and refugee women who had experienced family violence reported that this had been primarily perpetrated by their male partner, some women reported experiencing violence perpetrated by their father or members of their extended family. This aligns with research that suggests that immigrant and refugee women can be at risk of experiencing DFV perpetrated by extended family members, particularly in communities where wives are responsible for maintaining family unity or where norms of subordination exist (Salter, 2014; Vaughan et al., 2015, both as cited in Mitra-Kahn, 2016). This broader family violence can include dowry abuse, forced marriage, and financial abuse (Mitra-Kahn et al., 2016; Vaughan et al., 2016; see also Legal and Constitutional Affairs References Committee, 2019).

It is important to recognise that DFV and sexual violence perpetrated against migrant and refugee women and children can be influenced by a range of interrelated factors. Migrants and refugees may have experienced complex trauma, physical and/or sexual violence, and acculturation stress (El-Murr, 2018; see also Vaughan et al., 2020). Migrant and refugee families may experience intersecting trauma and challenges during migration, including social isolation, poverty, and poor physical and mental health (Vaughan et al., 2020; see also Schweitzer et al., 2006; Carswell et al., 2011; Pearce & Sokoloff, 2013, all as cited in Koleth et al., 2020). It is critical to understand the context in which DFV and sexual violence occur for migrant and refugee women in order to respond effectively.

The adequacy of support services, including legal services, available to affected women and children

The need for appropriate services

The rates of DFV and sexual violence perpetrated against women and children in Australia, including First Nations peoples and migrant and refugee communities, indicates that this human rights violation is significant. It is therefore critical that appropriate services are available to support victims and survivors and to address DFV and sexual violence as human rights violations.

Understanding help-seeking behaviours

Help-seeking patterns

Understanding the help-seeking behaviours of victims and survivors is critical to ensuring that service responses are appropriate. While Hegarty et al. (2022, p. 57) identified that victims and survivors of intimate partner violence were more likely to have disclosed to friends (54.3%) or family (38.3%) than to have accessed a formal support service, many victims and survivors still engaged with formal supports. For those who did seek formal support, the most commonly accessed support was health services (51.4%), followed by specialist services (40.1%) and justice services (35.6%; Hegarty et al., 2022, p. 59). Victims and survivors also accessed housing and financial services (15.1%) and other

community services (11.3%) for support (Hegarty et al., 2022, p. 59). Women with a migrant background sought help from specialist services less often than other groups and 28 per cent did not seek support or advice at all (Hegarty et al., 2022, p. 103). In a study by Vaughan et al. (2016), most immigrant and refugee women reported seeking help at the point of crisis, prompted by an escalation of the severity and frequency of violence and threats, and often making multiple attempts to stop or manage a perpetrator's behaviour. The findings from Hegarty et al.'s (2022) study also suggested that Aboriginal and Torres Strait Islander women engaged with formal and informal support more than other groups, although suggested that these higher rates may be due to repeated attempts at help-seeking from different services over time or due to higher rates of social disadvantage that can encourage engagement with formal services.

Barriers to help-seeking

Connections to Country, community, and kinship and familial ties can influence First Nations victims' and survivors' willingness and ability to report family violence and to seek support. In Langton et al.'s (2020a) study, Aboriginal and Torres Strait Islander women disclosed reasons why they had disengaged or refused to seek help from services. A common theme was fear of isolation, ostracisation, and shame from family and community (Langton et al., 2020a). Many women described the significant and damaging impacts of social isolation, including ongoing harassment from family members and the perpetrator, and identified that staying with a perpetrator of family violence could be easier than facing the consequences of reporting violence (Langton et al., 2020a). Aboriginal and Torres Strait Islander women may also prefer to seek supports that allow them to stay in their communities, which is not commonly supported by current responses to family violence (Blagg et al., 2015, as cited in ANROWS, 2019).

Migrant and refugee women's visa status can also act as a barrier to help-seeking and accessing services. Visa conditions can exacerbate victims' and survivors' dependency on perpetrators and isolation from community by restricting women's access to employment, social security, housing, childcare, and education (Vaughan et al., 2016). Furthermore, as applicants for partner visas must undergo a two-year waiting period and prove a genuine relationship with their partner, victims and survivors may face pressure to stay in an abusive relationship while waiting for permanent residency (Segrave & Burnett-Wake, 2017; Ghafournia & Easteal, 2017; see also Senate Legal and Constitutional Affairs References Committee, 2019; inTouch, 2020, all as cited in Koleth et al., 2020). Outside of the domestic and family context, migrant workers, particularly those on temporary visas, are at increased risk of workplace exploitation and sexual harassment due in part to the power imbalances created by their visa status and related difficulties in accessing alternative employment (Australian Human Rights Commission, 2020). The role of visa conditions in exacerbating or prolonging women's and children's experiences of DFV and sexual violence as human rights violations must be addressed.

Migrant and refugee victims and survivors may also face personal barriers that influence their help-seeking behaviours. In *Multicultural and Settlement services Supporting women experiencing violence: The MuSeS project*, Vaughan et al. (2020) note that migrant and refugee women may face fear of social isolation or ostracism from community and may also come from communities that have differing conceptions of family that result in a strong motivation to resolve violence without breaking up their families. In Koleth et al.'s (2020, p. 34) report on insights from the "Culturally and Linguistically Diverse Projects with Action Research" initiative, one service provider noted that "without any

exception – whether we talk to men, women, young people – they all wanted to have their family... And they all say, after all, ‘We have left everything... We have nothing. So then if we lose this family, what is the point of having a life?’”

Recommendation 1: Review temporary visa conditions to address unintended consequences for women’s wellbeing and safety.

Recommendation 2: Provide accessible information to migrant and refugee women on their rights in relation to their visa class, safety from violence, employment conditions, and access to support services.

Adequacy of support services for victims and survivors

The need for improved police and legal responses

Research suggests that police and legal responses to DFV and sexual violence need improvement to adequately address these human rights violations through preventing the misidentification of the perpetrator, the incarceration of victims and survivors, and the barriers and potential impacts of reporting.

Victims’ and survivors’ decisions on whether to engage with the police and legal system can be driven by a myriad of factors. For migrant and refugee women who have migrated from countries where arbitrary arrest is common, engaging with police may be accompanied with fear of arrest (Vaughan et al., 2020). Aboriginal and Torres Strait Islander peoples may also have a low level of trust, having endured historic and systemic injustices at the hands of the police and the legal system (ANROWS, 2020b; Human Rights Law Centre, 2017). The legal system is viewed by many Indigenous peoples as a direct source of harm to themselves, their families, and their communities (Nancarrow, 2016, as cited in Day et al., 2018), caused through actions such as historic and ongoing child removal and Indigenous peoples’ deaths in custody (Blagg et al., 2015; Langton et al., 2020a, 2020b). First Nations victims and survivors therefore must balance their need to seek support or report violence to police with the risk of potential consequences for their families and communities (Blagg et al., 2015). Victims and survivors who do report their experiences to police and engage with the legal system face a complex, costly, traumatic and lengthy process (for discussion of complexity, see Nancarrow et al., 2020; Wangmann et al., 2020; for cost, see Wangmann et al., 2020; for trauma, see Salter et al., 2020; for length, see Kaspiew et al., 2022).

Victims and survivors may also be misidentified as the perpetrator by current police and legal responses to DFV and sexual violence. Incident-based policing approaches often focus on individual incidents of violence (mostly physical) and overlook patterns of coercive and controlling behaviour (ANROWS, 2021a). This incident-based focus, combined with misconceptions about the “ideal victim” presenting as submissive and powerless, can lead to victims and survivors who use self-defence being misidentified as the perpetrator by police and the legal system (Nancarrow et al., 2020). Misidentification of the person most in need of protection contributes to women’s imprisonment (Bevis et al., 2020; Nancarrow et al., 2020), undermines women’s trust in the legal system, denies them access to appropriate support, and reduces the likelihood that they will report family violence in future (ANROWS, 2020c). Misidentification can also increase a victim’s and survivor’s vulnerability to systems abuse by the perpetrator (Nancarrow, 2019), which could take the form of perpetrators

providing misleading statements to police (Nancarrow et al., 2020), pursuing a protection order against the victim and survivor (Nancarrow et al., 2020), or not complying with parenting orders (Kaspiew et al., 2022). As gendered stereotypes intersect with systemic racism, Aboriginal and Torres Strait Islander victims and survivors are particularly vulnerable to decisions based on stereotypes around what the ideal victim should look like (Nancarrow et al., 2020).

The incarceration of First Nations victims and survivors can also occur through the inappropriate application of DFV legislation. First Nations women can engage in couple fights / chaos violence, which are incident-based and driven by the ongoing impacts of colonisation and dispossession rather than patterns of controlling or coercive behaviour (Nancarrow, 2016). ANROWS research further identifies that aggressive physical and non-physical behaviour between couples that is not intended to coerce or control may be associated with factors such as mental health and complex trauma (Campbell et al., 2020). DFV legislation, including protection orders, was designed to allow police to address coercive control with extraordinary powers to act in the interests of women's safety, even without a victim's or survivor's agreement (ANROWS, 2021a; Nancarrow et al., 2020). When police and legal system responses do not distinguish between fights and coercive control in First Nations communities, First Nations women may be engaged in the legal system unnecessarily (Nancarrow, 2016).

Recommendation 3: Provide training to police and legal officers to improve their understanding of domestic and family violence as involving patterns of behaviour that occur within the overarching context of coercive control and to support a shift from incident-based to pattern-based police responses to DFV and sexual violence.

Recommendation 4: Provide training to police and legal officers to respond adequately to family violence perpetrated by or against First Nations peoples, including consideration of whether the application of domestic violence legislation is appropriate.

Limited resourcing for frontline, culturally safe and specialist services

The DFV and sexual violence service system is under-resourced to provide adequate supports to victims and survivors. A report by Cullen et al. (2022) that explored the perspectives of the domestic, family and sexual violence workforce revealed that respondents felt that the service system is only sufficiently resourced to be reactive to incidents of violence and not to provide early intervention and prevention services. These resourcing constraints were seen to manifest in restricted eligibility criteria for victims and survivors, limited duration of service provision, and inadequate follow-up measures (Cullen et al., 2022). Respondents were concerned that limited resourcing and resulting inadequate responses may re-traumatise victims and survivors and/or impact the availability of services to address the behaviours of perpetrators (Cullen et al., 2022). This is reflected in victims' and survivors' perspectives on the service system: they felt that the service system was under-resourced and only able to provide short-term support, minimal protection, and limited financial, material, and emotional supports (Hegarty et al., 2022).

Limited resourcing can impact access to culturally safe and specialist services for victims and survivors. Immigrant and refugee victims and survivors may need access to tailored services, including interpreters and assistance with complex legal and immigration matters (Vaughan et al., 2016). Vaughan et al.'s (2016) study identified several challenges with women's access to interpreters,

including limited access in regional areas and in language spoken by new and emerging refugee communities. Access to female interpreters, often a preference when discussing sexual violence, was also limited (Vaughan et al., 2016). Interpreters interviewed in Vaughan et al.'s (2016) study identified that they felt they did not have appropriate training in family violence, trauma-informed practice, or how to interpret in crisis situations, and had a lack of debriefing and support for vicarious trauma. The study also identified concerns about the interpreter being known to the victim and survivor, instances of inaccurate translation, and unprofessional and dangerous behaviour, such as sharing information with perpetrators and victims' and survivors' families and communities (Vaughan et al., 2016). Victims and survivors interviewed for this study identified that police sometimes did not follow protocol to engage interpreters and instead relied on the perpetrator or a family member to interpret for the victim and survivor (Vaughan et al., 2016). The fact that these access issues are exacerbated in regional areas, as identified by Vaughan et al. (2020), is of particular concern as some migration policies actively encourage migrants to settle in regional and rural areas (Koleth et al., 2020).

Aboriginal and Torres Strait Islander peoples have consistently called for increased access to culturally safe, strengths-based and community-led responses to family violence that include Aboriginal justice models and Law and Culture (Blagg et al., 2020). Complexities also still exist when First Nations victims and survivors consider whether to access culturally safe services and responses. In the ANROWS-funded report *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women*, Langton et al. (2020a) identified that Aboriginal and Torres Strait Islander women may be hesitant to report family violence or seek help due to the risk of service providers having kinship allegiances to perpetrators of violence. This can create conflicts of interest and risks to confidentiality and is a particular concern in regional and remote areas (Langton et al., 2020a). As such, a number of participants in Langton et al.'s (2020a) study expressed a preference for accessing mainstream services, even where these weren't culturally safe, due to the perception that their anonymity and confidentiality would be better protected.

Recommendation 5: Increase the resourcing of the DFV and sexual violence service systems to enable providers to deliver comprehensive supports and services across prevention, early intervention, response, and recovery.

Recommendation 6: Increase the resourcing of culturally safe and specialist services for victims and survivors, e.g. to improve access to interpreters and legal or immigration services for migrant and refugee women living in regional areas.

Recommendation 7: Increase access to culturally safe, strengths-based, and community-led responses to family violence against First Nations victims and survivors.

The vital role of multicultural and settlement services

Multicultural and settlement services can play a significant role in migrant and refugee women's help-seeking experiences. These services are often one of the first points of contact for new arrivals to Australia and these service providers can receive disclosures of family violence or become aware of violence through other means (Vaughan et al., 2020). In a study by Vaughan et al. (2020, p. 31) with multicultural and settlement service providers, 86 per cent of survey respondents in the non-representative sample reported that they had encountered victims of family violence through their work, with 45 per cent indicating that this occurred every month.

Multicultural and settlement service providers reported providing a myriad of supports and services to new arrivals and victims and survivors of DFV (Vaughan et al. 2020). This included providing information on family violence laws, gender norms and rights in Australia, and family violence response services, providing navigational support to women encountering complex systems when seeking support for family violence, and in some cases working with men who use violence (Vaughan et al., 2020). Service providers also reported advocating for victims and survivors who needed access to financial, legal and housing support, particularly when ineligible for survival services due to their visa status (Vaughan et al., 2020). However, these service providers faced many barriers to providing these valuable supports, including that the services were not funded sufficiently to dedicate appropriate time and support to women experiencing violence, eligibility constraints for service users, high turnover of staff, lack of training, and limited referral options for both victims and survivors and perpetrators (Vaughan et al., 2020).

Recommendation 8: Recognise the vital role that multicultural and settlement services are currently playing in responding to migrant and refugee victims and survivors and support the development of sustainable cross-sector collaboration with DFV services.

Promising alternative justice approaches for First Nations communities

Alternative justice approaches may provide an opportunity for victims and survivors to receive support without engaging with the traditional legal system. The Koori Court in Victoria, which operates as a specialist sentencing court for Aboriginal and Torres Strait Islander clients, provides an insight into alternative justice approaches (Langton et al., 2020b). Whilst the Koori Court has the same sentencing options as the Magistrates' Court, it also engages in therapeutic justice and involves the community in achieving outcomes beyond punishment (Langton et al., 2020b). Elders and Respected Persons are appointed to serve with the presiding magistrate and hear cases, counsel perpetrators and victims and survivors, and advise on services and solutions (Langton et al., 2020b). Evidence from interviews suggests that the Koori Court located in Mildura has been an effective engagement mechanism for perpetrators, their families and communities, and service providers. In particular, the involvement of Elders and Respected Persons had a significant impact due to the shame that perpetrators felt when appearing before them to confront that their behaviours had been disrespectful to their Elders and community (Langton et al., 2020b).

Recommendation 9: Consider alternatives to the criminal legal system, particularly alternative justice approaches for First Nations communities such as the Koori Courts in Victoria.

The opportunity for an integrated whole-of-system response and holistic service provision

Victims and survivors often have complex needs that are not able to be met by a single service, and benefit when services are integrated across sectors (ANROWS, 2020a). Victims and survivors are at risk of experiencing secondary victimisation, in the form of additional harm and perceived betrayal, when they do not receive appropriate service responses (Laing, 2017, as cited in ANROWS, 2020a). An integrated approach to service delivery can help to overcome some of the risks and barriers that victims and survivors face when seeking help (ANROWS, 2020a). While there is no consensus on what defines an integrated approach, it can include networks, collaboration and partnerships between services across sectors, co-location of services, and streamlined referral pathways (ANROWS, 2020a).

Victims and survivors from specific groups may have an increased need for holistic service provision. This need is particularly apparent for migrant and refugee women and children on temporary visas, who can experience a myriad of intersecting challenges and barriers to help-seeking and service access (see National Advocacy Group on Women on Temporary Visas Experiencing Violence 2018, 2019; inTouch, 2020 both in Koleth et al., 2020). Holistic service provision should address migrant and refugee women's and children's needs for access to visa protections, physical and mental health services, working rights, housing, specialist family violence services, and the legal system (see National Advocacy Group on Women on Temporary Visas Experiencing Violence 2018, 2019; inTouch, 2020, both as cited in Koleth et al., 2020; Vaughan et al., 2020). First Nations women and children would also benefit from holistic approaches to addressing family violence with the recognition that family violence is the result of complex and intersecting issues (Morgan et al., 2022; Olsen & Lovett, 2016).

Recommendation 10: Support strong cross-sector integration by enabling the development of infrastructure and delivery of training focused on system integration and collaboration. The recommendations in *Working across sectors to meet the needs of clients experiencing domestic and family violence* (ANROWS, 2020a) provide clear actions to support this integration.

References

- Australia's National Research Organisation for Women's Safety. (2019). *Review of sentencing for murder and manslaughter* [Submission]. ANROWS.
- Australia's National Research Organisation for Women's Safety. (2020a). *Working across sectors to meet the needs of clients experiencing domestic and family violence* (ANROWS Insights, 05/2020). Sydney: ANROWS.
- Australia's National Research Organisation for Women's Safety. (2020b). *Improving family violence legal and support services for Aboriginal and Torres Strait Islander peoples: Key findings and future directions* (Research to policy and practice, 25–26/2020). Sydney: ANROWS.
- Australia's National Research Organisation for Women's Safety. (2020c). *Re: Inquiry into the high level of First Nations people in custody and oversight and review of deaths in custody* [Submission]. ANROWS.
- Australia's National Research Organisation for Women's Safety. (2021a). *Defining and responding to coercive control: Policy brief* (ANROWS Insights, 01/2021). ANROWS.
- Australia's National Research Organisation for Women's Safety. (2021b) *Re: Coercive control discussion paper (Discussion Paper 1)* [Submission]. ANROWS.
- Australian Bureau of Statistics (ABS). (2017). *Personal Safety, Australia*.
<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release#experience-of-partner-violence>
- Australian Bureau of Statistics (ABS). (2019). *National Aboriginal and Torres Strait Islander Social Survey, 2014-15: Aboriginal and Torres Strait Islander Women's Experiences of Family and Domestic Violence*. ABS.
[https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Feature%20Article~Aboriginal%20and%20Torres%20Strait%20Islander%20women's%20experiences%20of%20family%20and%20domestic%20violence%20\(Feature%20Article\)~10100](https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Feature%20Article~Aboriginal%20and%20Torres%20Strait%20Islander%20women's%20experiences%20of%20family%20and%20domestic%20violence%20(Feature%20Article)~10100)
- Australian Domestic and Family Violence Death Review Network & Australia's National Research Organisation for Women's Safety. (2022). *Australian Domestic and Family Violence Death Review Network Data Report: Intimate partner homicides 2010–2018* (2nd ed.; Research report 03/2022). ANROWS.
- Australian Human Rights Commission. (2020). *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*. Sydney: AHRC.
- Australian Human Rights Commission. (n. d.). *Chart of Australian Treaty Ratifications as of May 2012 - Human rights at your fingertips*. Australian Human Rights Commission.
<https://humanrights.gov.au/our-work/commission-general/chart-australian-treaty-ratifications-may-2012-human-rights-your>
- Bevis, M., Atkinson, J., McCarthy, L., & Sweet, M. (2020). *Kungas' trauma experiences and effects on behaviour in Central Australia* (Research report, 03/2020). ANROWS

- Blagg, H., Bluett-Boyd, N., & Williams, E. (2015). *Innovative models in addressing violence against Indigenous women: State of knowledge paper* (ANROWS Landscapes, 08/2015). ANROWS.
- Blagg, H., Tulich, T., Hovane, V., Raye, D., Worrigal, T., & May, S. (2020). *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence*, Ngarluma/Jaru/Gooniyandi (Hovane), Kimberley and Pilbara region, WA, Jabirr Jabirr/Bardi (Raye), Dampier Peninsula and Kimberley region, WA, Gooniyandi/Gija (Worrigal), Kimberley region, WA (Research report, 19/2020). ANROWS.
- Boxall, H., & Morgan, A. (2021). *Intimate partner violence during the COVID-19 pandemic: A survey of women in Australia* (Research report, 03/2021). ANROWS.
- Campbell, E., Richter, J., Howard, J., & Cockburn, H. (2020). *The PIPA project: Positive interventions for perpetrators of adolescent violence in the home (AVITH)* (Research report, 04/2020). ANROWS.
- Carlson, B., Day, M., & Farrelly, T. (2021). *What works? Exploring the literature on Aboriginal and Torres Strait Islander healing programs that respond to family violence* (Research report, 01/2021). ANROWS.
- Commonwealth of Australia. Department of Social Services. (2022). *National Plan to End Violence against Women and Children 2022-2032*. Commonwealth of Australia.
- Cox, P. (2016). *Violence against women: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey, 2012* (ANROWS Horizons: 01.01/2016 Rev. ed.). Sydney: ANROWS.
- Cullen, P., Walker, N., Koeth, M., & Coates, D. (2022). *Voices from the frontline: Qualitative perspectives of the workforce on transforming responses to domestic, family and sexual violence* (Research report, 21/2022). ANROWS.
- Day, A., Casey, S., Gerace, A., Oster, C., & O'Kane, D. (2018). *The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system* (Research report, 01/2018). Sydney, NSW: ANROWS.
- El-Murr, A. (2018). *Intimate partner violence in Australian refugee communities: Scoping review of issues and service responses* (CFCFA Paper No. 50). Australian Institute of Family Studies.
- Hegarty, K., McKenzie, M., McLindon, E., Addison, M., Valpied, J., Hameed, M., Kyei-Onanjiri, M., Baloch, S., Diemer, K., & Tarzia, L. (2022). *"I just felt like I was running around in a circle": Listening to the voices of victims and perpetrators to transform responses to intimate partner violence* (Research report, 22/2022). ANROWS.
- Human Rights Law Centre. (2017). *Over-represented and over-looked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment*. Human Rights Law Centre & Change the Record Coalition.
- Kaspiew, R., Carson, R., Rhoades, H., Qu, L., De Maio, J., Horsfall, B., & Stevens, E. (2022). *Compliance with and enforcement of family law parenting orders: Views of professionals and judicial officers* (Research report, 01/2022). ANROWS.

- Koeth, M., Serova, N., & Trojanowska, B. K. (2020). *Prevention and safer pathways to services for migrant and refugee communities: Ten research insights from the Culturally and Linguistically Diverse Projects with Action Research (CALD PAR) initiative* (ANROWS Insights, 01/2020). Sydney, NSW: ANROWS.
- Langton, M., Smith, K., Eastman, T., O'Neill, L., Cheesman, E., & Rose, M. (2020a). *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women* (Research report, 25/2020). Sydney: ANROWS.
- Langton, M., Smith, K., Eastman, T., O'Neill, L., Cheesman, E., & Rose, M. (2020b). *Family violence policies, legislation and services: Improving access and suitability for Aboriginal and Torres Strait Islander men* (Research report, 26/2020). Sydney: ANROWS.
- Legal and Constitutional Affairs References Committee. (2019). *Practice of dowry and the incidence of dowry abuse in Australia*. Commonwealth of Australia.
- Mitra-Kahn, T., Newbiggin, C., & Hardefeldt, S. (2016). *Invisible women, invisible violence: Understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: State of knowledge paper* (ANROWS Landscapes, DD01/2016). Sydney: ANROWS.
- Morgan, G., Butler, C., French, R., Creamer, T., Hillan, L., Ruggiero, E., Parsons, J., Prior, G., Idagi, L., Bruce, R., Gray, T., Jia, T., Hostalek, M., Gibson, J., Mitchell, B., Lea, T., Clancy, K., Barber, U., Higgins, D., ... Trew, S. (2022). *New Ways for Our Families: Designing an Aboriginal and Torres Strait Islander cultural practice framework and system responses to address the impacts of domestic and family violence on children and young people* (Research report, 06/2022). ANROWS.
- Nancarrow, H. R. (2016). *Legal responses to intimate partner violence: Gendered aspirations and racialised realities* [Doctoral dissertation, Griffith University]. Griffith Research Online. <http://hdl.handle.net/10072/365564>
- Nancarrow, H. (2019). *Unintended consequences of domestic violence law: Gendered aspirations and racialised realities*. Palgrave Macmillan.
- Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). *Accurately identifying the "person most in need of protection" in domestic and family violence law* (Research report, 23/2020). Sydney: ANROWS.
- Olsen, A., & Lovett, R. (2016). *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper* (ANROWS Landscapes, 02/2016). ANROWS.
- Raman, P. (2022). *Alice Tay Lecture on Law & Human Rights: Understanding Domestic and Family Violence*. Australian National University Freilich Project for the Study of Bigotry. <https://freilich.anu.edu.au/news-events/events/alice-tay-lecture-law-human-rights-padma-raman-psm-anrows-ceo-understanding>

- Salter, M., Conroy, E., Dragiewicz, M., Burke, J., Ussher, J., Middleton, W., Vilenica, S., Martin Monzon, B., & Noack-Lundberg, K. (2020). *“A deep wound under my heart”: Constructions of complex trauma and implications for women’s wellbeing and safety from violence* (Research Report, 12/2020). Sydney: ANROWS.
- Segrave, M., Wickes, R., & Keel, C. (2021). *Migrant and Refugee Women in Australia: The Safety and Security Survey*. Monash University.
- Stark, E., & Hester, M. (2019). Coercive control: Update and review. *Violence Against Women*, 25(1), 81–104. <https://doi.org/10.1177/1077801218816191>
- Townsend, N., Loxton, D., Egan, N., Barnes, I., Byrnes, E., & Forder, P. (2022). *A life course approach to determining the prevalence and impact of sexual violence in Australia: Findings from the Australian Longitudinal Study on Women’s Health* (Research report, 14/2022). ANROWS.
- United Nations. (1993). *Declaration on the Elimination of Violence against Women*. United Nations Office of the High Commissioner for Human Rights. <https://www.ohchr.org/sites/default/files/eliminationvaw.pdf>
- United Nations Convention on the Elimination of All Forms of Discrimination against Women, September 3, 1981. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>
- Vaughan, C., Davis, E., Murdolo, A., Chen, J., Murray, L., Quiazon, R., Block, K., & Warr, D. (2016). *Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia. The ASPIRE Project: Research report* (ANROWS Horizons 07/2016). Sydney: Australia’s National Research Organisation for Women’s Safety.
- Vaughan, C., Chen, J., Sullivan, C., Suha, M., Sandhu, M., Hourani, J., ... Murdolo, A. (2020). *Multicultural and Settlement services Supporting women experiencing violence: The MuSeS project* (Research report, 11/2020). Sydney: ANROWS.
- Wangmann, J., Booth, T., & Kaye, M. (2020). *“No straight lines”: Self-represented litigants in family law proceedings involving allegations about family violence* (Research report, 24/2020). Sydney: ANROWS.
- Webster, K., Vaughan, C., Yasmin, R., Diemer, K., Honey, N., Mickle, J., Morgan, J., Parkes, A., Politoff, V., Powell, A., Stubbs, J., & Ward, A. (2019). *Attitudes towards violence against women and gender equality among people from non-English speaking countries: Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS)* (ANROWS Insights, Issue 02/2019). ANROWS.