



HARMONY ALLIANCE

MIGRANT & REFUGEE WOMEN FOR CHANGE

Committee Secretary
House of Representatives Standing Committee on Social Policy and Legal Affairs
PO Box 6021
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Canberra ACT 2600

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Submission to inquiry into family, domestic and sexual violence

Harmony Alliance is one of the six National Women's Alliances funded by the Australian Government to promote the views of all Australian women, to ensure their voices are heard in decision-making processes. Harmony Alliance's purpose is to provide a national inclusive and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change. The Harmony Alliance membership comprises over 130 organisations and individuals representing and working for the advancement and inclusion of migrant and refugee women.

Harmony Alliance acknowledges the Traditional Custodians of country throughout Australia and their continuing connections to land, sea, community, and culture. We pay our respects to their elders, past and present and extend that respect to all Aboriginal and Torres Strait Islander Peoples. As an organisation focused primarily on the rights and issues of women from migrant and refugee backgrounds, we recognise the ongoing impacts of colonisation and seek to ensure that our work is grounded in respect for the right to self-determination of Aboriginal and Torres Strait Islander Peoples.

We adopt an intersectional, feminist, and human rights-based approach in promoting the voice and participation of women from migrant and refugee backgrounds in Australian society. We acknowledge the diversity of experiences of women from migrant and refugee backgrounds and recognise the inherent value of each person, of all backgrounds, genders, ages, abilities, social standings, sexual orientations, or religions. We promote the principles of dignity, equality, autonomy, non-discrimination, and mutual respect.

Migrant and refugee women are disproportionately affected by domestic, family and sexual violence due to compounding barriers and intersections of multiple forms of systemic disadvantage—including on the basis of migration status, race, culture, religion, language, gender identity, sexual orientation, age, and disability. Any national plan to reduce the occurrence of family, domestic, and sexual violence against women in Australia must address migrant and refugee women's concerns at structural level.

We welcome the opportunity to make a submission to the Standing Committee on Social Policy and Legal Affairs in response to their inquiry into family, domestic, and sexual violence. This submission highlights the specific ways in which migrant and refugee women are impacted by family, domestic, and sexual violence, and offers recommendations to effectively address these concerns in the Second National Plan to Reduce Violence Against Women and their Children. This submission has been prepared in consultation with, and with input from, our members, council, and advisory groups.



Summary of Recommendations:

1. Incorporate intersectional understanding of violence against women in the National Plan
2. Collect disaggregated data and embed intersectional analysis in all programs under the National Plan from the outset
3. Recognise that all forms of violence are complex and avoid otherising of certain cultures and communities
4. Remove structural barriers inherent in the migration and social security systems that prevent women on temporary visas from seeking safety
5. Provide adequate and ongoing funding to specialist family, domestic, and sexual violence services
6. Embed cultural responsiveness in all universal service provision
7. Prioritise migrant and refugee women's safety in all crisis response and recovery measures

1. Intersectional understanding of violence against women

Violence motivated by any combination of sexist, racist, homophobic, and ableist attitudes is qualitatively different to gender-based violence on its own. Some specific examples include sexual harassment and violence against migrant and refugee women at workplaces, sexual violence at universities against female international students, sexist racist attacks against women of colour online and offline, racial and sexual violence against multicultural LGBTQI+ communities, family and domestic violence in intercultural relationships where men are from dominant/mainstream culture and women are from migrant or culturally diverse backgrounds, physical and mental abuse against disabled women from culturally diverse backgrounds. All these examples suggest that while gender inequality remains a fundamental driver of violence against women, it should not be the only framework for understanding multi-faceted motivations of violence against women from diverse backgrounds. An intersectional understanding of violence against women is indispensable to addressing the issues of family, domestic, and sexual violence in Australia.

- ⇒ Incorporate an intersectional understanding of violence against women in the national plan, particularly with reference to racially motivated family, domestic, and sexual violence against migrant and refugee women—including LGBTQI+ and disabled persons.

2. Disaggregated data collection and intersectional analysis

There is a distinct lack of data available on the impacts of family, domestic, and sexual violence against women from diverse backgrounds. The lack of disaggregated data leads to policies that perpetuate disadvantages faced by women from certain backgrounds—particularly when they are impacted by multiple layers of structural barriers. For example, a lack of national data on migration status of women and their children experiencing violence leaves women on certain visa categories helpless as there are no tailored support and services available for them. There is also a lack of disaggregated data about the perpetrators which hinders the success of primary prevention work including men's behaviour change programs.

- ⇒ Collect disaggregated data about victims/survivors as well as perpetrators (including their ethnic, religious, and cultural backgrounds) at all government touchpoints including police, courts, healthcare system, and social security, to



enable an intersectional analysis of trends and patterns in violence against women and their children.

- ⇒ Intersectional data analysis should be embedded in all programs under the national plan from the outset.

3. Recognising all forms of violence against women as complex

All forms of violence against women are complex with regard to motivations and combinations of techniques and strategies deployed by perpetrators. Delineating certain forms of violence as “complex” based on their association with non-mainstream cultures creates a false dichotomy, otherises certain communities, encourages harmful cultural stereotypes, and disempowers victims and survivors experiencing those forms of violence. While we need to acknowledge various religious, cultural, communal, and systemic contexts within which violence against women occurs, associating some of these contexts with “complexity” while holding others as the point of reference is counterproductive.

- ⇒ Consider violence against women as a phenomenon that lies on a spectrum with various forms and manifestations—including FGM, reproductive coercion, forced marriage, dowry abuse, trafficking, modern slavery, and immigration facilitated abuse enabling coercive control.

4. Systemic barriers of migration and social security regulations

The intertwined migration and social security regulations—particularly the residency requirements for social security payments and public housing, and newly arrived residents’ waiting periods—prevent certain groups of women from seeking safety and redress after experiencing family, domestic, and sexual violence.

The current migration regulations offer pathways to permanent residency to some victims of family violence on temporary visas but require them to have ended relationships with their violent partners and prove that they had a genuine relationship before their claims of family violence are assessed. In some cases, the regulations require the victims to have married their violent partners before making any claims of violence. This requirement can be used by the perpetrators to further exploit the victims. Moreover, migration regulations do not recognise the possibility of violence perpetrated by anyone except the sponsoring partner, such as the family members of the partner. Therefore, the migration regulations, while offering some pathways to safety under the family violence provisions, remain prohibitive for many victims in view of the complex dynamics of family violence and abuse, particularly in situations of complete dependence.

The processing of permanent residency application under the family violence (FV) provisions can be a lengthy process, and the eligibility for social security is conditional upon the residency status of the applicants, effectively excluding women on temporary visas experiencing violence from government support and services. Ineligibility for the government social security supports—such as Centrelink payments or, in some circumstances, Medicare—is a significant barrier for women on temporary visas who are seeking pathways to safety from violence, particularly in situations of full dependency on their partner.

Some states and territories have programs in place to address the gaps in migration and social security regulations—for example the provision of Flexible Support Packages in Victoria. However, such initiatives remain sporadic and subject to adhoc funding decisions. The Australian federal and state governments should adopt a coordinated and consistent approach to prioritise women and children’s safety in situations of violence, regardless of their migration



status, by removing structural barriers to access social security, and committing ongoing funding to fill in the gaps where necessary.

- ⇒ Enable women on temporary visas experiencing family, domestic, and sexual violence to access key supports and services that are crucial to their ability to seek safety, regardless of their residency status.
- ⇒ Amend the migration regulations to enable women on temporary visas experiencing violence to seek safety before making alternate visa arrangements or having to leave the country.
- ⇒ Waive the residency requirement of the Social Security Act for women on temporary visas experiencing family, domestic, and sexual violence. This would also mean waiving the waiting periods for newly arrived migrants for women who gain their residency through family violence provisions of the migration regulations.

5. Funding for specialist services

Specialist services for women experiencing gender-based violence are a critical part of Australia's response to family, domestic, and sexual violence. These organisations provide client-centred women's safety services through their established referral pathways and sometimes in-house legal, casework, and multilingual teams. Many of Harmony Alliance's members provide dedicated specialist services for culturally and linguistically diverse women experiencing violence. While these services are critical to ensuring women's safety, they are often under-resourced and at capacity. These services are also inconsistently distributed through different states and territories in Australia. The government needs to ensure enhanced and ongoing funding for these services in each state and territory to strengthen the family, domestic, and sexual violence response infrastructure for all women in Australia.

Another avenue to strengthen and support family, domestic, and sexual violence response is through the settlement service providers for new arrivals in Australia. Newly arrived migrant and refugee women are among the most vulnerable to family, domestic, and sexual violence. Some of the factors contributing to their vulnerability include lower levels of systems' knowledge and literacy in a new country, language barriers, caring responsibilities, trauma from past experiences of violence, high rates of unemployment and dependency on their male family members. Harmony Alliance's member organisations who provide settlement services to newcomers have consistently reported their involvement in providing family, domestic, and sexual violence services despite the fact that they often lack the funding to do so. These organisations already have established case management and trusted relationships with their clients. Supporting a domestic, family, and sexual violence prevention and response system within the settlement sector will help address violence against newly arrived migrant and refugee women in Australia.

While enhancing funding for these services, the funding requirements need to be transparent. Moreover, monitoring and evaluation mechanisms, and safeguards need to be built into the funding agreements to ensure that the providers are appropriately trained to support women from migrant, refugee, and culturally diverse backgrounds.

- ⇒ Provide adequate and ongoing funding to specialist family, domestic, and sexual violence services—particularly those run by and for multicultural and faith-based groups—to ensure comprehensive, culturally responsive, and in-language support for migrant and refugee women experiencing violence.



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- ⇒ Develop a coordinated and consistent approach across states and territories to provide a baseline specialist services funding model, while ensuring transparency and accountability within the funding provisions.
- ⇒ Provide training and support to settlement service providers engaged in delivering family, domestic, and sexual violence response services to their clients.

6. Cultural responsiveness and DFV training in universal service provision

Migrant and refugee women experiencing family, domestic, and sexual violence find it hard to navigate generalist and universal services. These services are often the most feasible avenues for them to disclose their experiences of violence because specialist services are not always available or approachable due to safety concerns. Practitioners in all service touchpoints with potential interaction with victims/survivors of family, domestic, and sexual violence should be trained in cultural responsiveness as well as in dealing with disclosures of violence through safe referrals and a multi-agency approach.

- ⇒ Embed cultural responsiveness and DFV training within generalist and universal services including healthcare, education, justice, and social security.

7. Natural disasters and crises response and recovery measures

During the 2019-2020 bushfires and the Covid-19 pandemic, women from migrant and refugee backgrounds have reported an increase in their experiences of family, domestic, and sexual violence. During the bushfires, as the rates of domestic and family violence increased, migrant and refugee women in remote and regional Australia suffered due to insufficient culturally responsive DFV services available in those areas. Women on temporary visas affected by the bushfires were also left out of the government compensation payments, leaving them financially disempowered to leave situations of violence.

During the COVID-19 pandemic, migrant and refugee women who were already in lower paid and insecure jobs have been the hardest hit by loss of income and lack of government support for temporary visa holders, many of whom have families and permanent links to Australia making it impractical to leave. Economic insecurity, compounded by factors such as social-isolation and increased time at home with their abusers, led to a rise in reports of family and domestic violence¹. There have been reports of a significant increase in family and domestic violence experienced by women on temporary visas during the Covid-19 lockdown². The rise of racist attacks in the wake of the pandemic was also gendered and led to incidents of racially motivated physical and sexual violence against migrant and refugee women.

While the increase in gender-based violence during natural disasters and pandemics is universal, the inequity of the response to these crises put migrant and refugee women at a much higher risk than other women³. The response and recovery initiatives also left women on temporary visas experiencing violence out, contributing to dire outcomes such as death of an international student in Sydney⁴.

¹ "Issues paper: The impact of the COVID-19 pandemic on inTouch clients" (<https://intouch.org.au/issues-paper-the-impact-of-the-covid-19-pandemic-on-intouch-clients/>)

² "Domestic violence victims on temporary visas need urgent protections, experts warn" (<https://www.abc.net.au/news/2020-05-24/women-domestic-violence-temporary-visas-urgent-calls-protection/12276132>)

³ As pointed out in Harmony Alliance's submission to Inquiry into the Australian Government's response to the COVID-19 pandemic

⁴ "Domestic violence services say Sydney international student allegedly murdered by husband had 'nowhere else to go'" (<https://www.sbs.com.au/news/domestic-violence-services-say-sydney-international-student-allegedly-murdered-by-husband-had-nowhere-else-to-go>)



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- ⇒ Ensure that the government response to situations of crisis and natural disasters does not exacerbate the risk of family, domestic, and sexual violence for migrant and refugee women.
 - ⇒ Ensure that all response and recovery measures address the specific needs and concerns of women from migrant and refugee backgrounds.
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Contact Information:

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