



**Royal Commission**  
into Family Violence

**WITNESS STATEMENT OF JOUMANAH EL MATRAH**

I, Joumanah El Matrah, Executive Director of [REDACTED], in the State of Victoria, say as follows:

1. I am authorised by the Australian Muslim Women's Centre for Human Rights (**AMWCHR**) to make this statement on its behalf.
2. I refer to and rely on the AMWCHR's submission to the Victorian Royal Commission into Family Violence (**Royal Commission**) dated May 2015, which sets out seven recommendations relating to family violence prevention strategies, policies, programs and best practice. A copy of that submission is attached to this statement and marked '**JEM 1**'.
3. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

**Australian Muslim Women's Centre for Human Rights (AMWCHR)**

4. In 1991 the Islamic Women's Welfare Council of Victoria (**Council**) was established by Muslim women for Muslim women. The Council was founded on the belief that meaningful change to the status of Muslim women could be achieved through the improved situation of Muslim women individually and by building their collective capacity.
5. In December 2012, The Council's name was changed to the Australian Muslim Women's Centre for Human Rights (**AMWCHR**) to reflect the Council's significant role as a human rights defender. This change recognises the singularity of our voice and work on Muslim women's human rights across Australia.
6. The AMWCHR works to advance the rights and status of Muslim women in Australia. We believe Muslim women must be the impetus for change in their status as citizens.
7. The Australian Muslim community is characterised by diversity and hybridity, and not by a binding vision of Islam or what it means to be Muslim. We are therefore a non-

religious organisation reflecting the sectarian, cultural and linguistic diversity within the Muslim community.

8. As an organisation committed to Muslim women and human rights, we will intervene when Islam is used to undermine the status of Muslim women with facts and informed analysis.
9. Our framework of understanding is the international Muslim women's movement for equality and dignity but our action and concern is focused on the local communities in Australia where Muslim women live.
10. We work for the rights of Muslim women by:
  - Empowering women's self-determination;
  - Bringing a human rights approach to bear on issues of inequality and disadvantage; and
  - Working with individuals, the community, and government to advocate for equality within the Australian context.
11. We aim to inspire positive action by others and aspire to continuously enhance the quality, impact and effectiveness of our work.
12. We have recently established the Australian Institute for Minority Women (**Institute**) to operate as the research and consultancy arm of AMWCHR. The experience of Muslim women as a minority has much in common with women's experiences from other minority groups. The Institute was created because, we believe, the expertise we formed working with Muslim women could be useful to all minority women. As well as providing an insight into the conditions and situations of minorities in Australia generally, the Institute seeks to build an alliance with other minority women in Australia as a gesture of solidarity. The Institute undertakes research, training development and delivery, publications and consultancy services.
13. As advocates of Muslim women's rights, we are in chorus with a multitude of Muslims all over the world supporting a vision of Islam at its most progressive, immediate and pertinent to the challenges Muslim women face. Our work in Australia contributes to the already substantial work on Muslim women's human rights taking place across the world in Muslim and non-Muslim majority countries.

### **Current role**

14. I am Executive Director of AMWCHR. I have held this position since 2002. In this position I am responsible for the overall management of the AMWCHR.
15. **Background and qualifications**
16. I trained as a psychologist and has been working in the community welfare sector for approximately 20 years.
17. I have served on many government and community boards, including the Victorian Equal Opportunity and Human Rights Commission and the Australian Multicultural Advisory Council.
18. I have also published research and opinion works on Muslim women in Australia.
19. Under my directorship, the AMWCHR has come to be recognised as key organisation for Muslim women in Australia and increasingly overseas.

### **Islam and family violence**

20. AMWCHR believes that there is not one view of Islam that represents all Muslims in Australia and, further, that the diversity of Muslims in Australia is a strength.
21. The relationship between certain interpretative frameworks within Islam and family violence must be considered both as a potentially contributory factor in men's justification of violence towards women, and as a powerful and effective framework towards its eradication. The status of women has been one of the most controversial issues in the interpretative battles that have taken place over the meaning of Islam and its sacred text, the holy Qur'an.
22. Among Muslims, the interpretations and application of Islamic doctrine in relation to women varies considerably, and given the diversity of Muslims globally, there is a lack consensus as to the status of women, and this has direct impact on their treatment, in Islam. Orthodox interpretative frameworks allocate women an inferior status to men, and this directly affects marital and family relationships, rendering women vulnerable to violence and abuse. Other traditions employ interpretative frameworks that designate women equal status to men, and specifically promote an interpretative framework in which Islam carries a strong anti-violence message.

There are also, of course, a multitude of Muslim traditions and frameworks between these two approaches.

23. Like most religions, the definition of Islam and the status of women have varied considerably historically and continue to be subject to political, social and economic change. Because of this, it is important to establish the specific geographic and sectarian contexts of women's situation and oppression rather than referring generally to them as "Islamic".
24. What may be considered Islamic in one Muslim context may be totally unheard of in another.
25. Globally, Muslims in both Muslim majority contexts and in contexts where they are a minority, are increasingly responding to family violence through education campaigns, service provision and legal reform. In fact, in some Muslim majority contexts, more support is available to Muslim women than here in Australia.
26. Muslim women campaigners across the globe consider family violence among the Muslim community as a complicated human rights issue; this creates a legal framework in which governments have been forced to respond to women's concerns by international institutions because of convention obligations.
27. In our experience, violent Muslim men, irrespective of religious adherence use religion to justify violence. This converges with media coverage of Muslims, and at times political discourse in Australia, which situates Islam as misogynistic, Muslim men as inherently violent and Muslim women as in need of protection. This creates a culture in Australia which allows Muslim men to avoid responsibility for their violence because the Australian service and legal system sees religion and culture as the cause for violence against Muslim women in the home.

### **Barriers to assistance**

28. There is increasing acknowledgement of the challenges facing at risk groups. As an at-risk group, Muslim women and the issues they encounter require research and specific attention. Many Muslim women experience a complex intersection of challenges.
29. Further to AMWCHR's submission to the Royal Commission, we wish to further explore the following two challenges which we consider require urgent attention:

19.1 Structural inequalities that contribute to the increased vulnerability of Muslim women in the family violence system; and

19.2 Barriers that Muslim face when accessing assistance.

**Structural inequalities that contribute to the increased vulnerability of Muslim women in the family violence system**

30. Further attention is required not so much around Islam itself but around how perpetrators use Islam, how such use prevents Muslim women from seeking assistance and how such use influences the way in which service providers approach and service Muslim women.
31. Careful consideration is required as to what Islam actually says about violence, gender, relationships and the right to use a non-Muslim state to respond to violence. We believe that while Islam does not permit violence against women, there are significant problems of interpretation of Islamic doctrine relating to the status of women, how they are to be treated in the home and the level of control permissible by a husband over his wife.
32. This all speaks to the importance of offering a more targeted service response to Muslim women and a legal system that recognises there needs to be a more specific and culturally appropriate response to Muslim women.
33. Racism contributes to the challenges Muslim woman's face in escaping violence. For example, mainstream racism prohibits women from seeking help or using police or the legal system. A confused understanding of the role of the state and its responsibility to citizens, coupled with mainstream racism throughout the community, makes many Muslim women reluctant to draw upon the state for assistance.
34. The rapid increase in anti-terrorism laws which are perceived as unnecessary and draconian by many Muslims means that law enforcement and the courts are no longer seen as neutral, safe and interested in providing protection for Muslims. This has developed into apprehensiveness about the Australian legal system and a mistrust of both government and the legal system. This significantly impacts women's confidence in seeking protection from a system that they generally perceive to be targeting their community. Muslim women, feel they have no option but to stay with their violent partner. One form of violence is simply considered to be more tolerable than another.

35. In terms of service provision, Muslim women are often conceptualised as being a sub-group of the culturally and linguistically diverse (CALD) population. While Muslim women face many of the same challenges as CALD communities in their vulnerability to violence and challenges accessing services, this view fails to recognise key differences that are crucial to both the phenomena of family violence and efforts towards its eradication.
36. In the experience of AMWCHR, for many Muslims, religious identity surpasses cultural identity, particularly in matters related to gender and family. The formation of religious identity in Muslim communities is characterised by its complexity and diversity. Currently there are thought to exist approximately 32 sects in Islam, although no accurate or reliable figures exist. Muslims herald from 83 countries globally, and formation of Muslim identity can differ profoundly depending on cultural background, class, gender, sexual orientation, level of education, country context and process of migration and settlement into Australia.
37. Muslim women experience challenges that are complex and intersectional, with religious identity playing a significant, at times, defining role in how women understand family violence and how services need to work towards its eradication. Generalised or generic approaches, which seek to work broadly with CALD communities, have do not benefit for Muslim women. Further, recognition of structural impediments or unique challenges that face CALD communities only go part of the way in recognising factors which need to be addressed in tackling family violence for Muslim communities.
38. Cultural and gender mainstreaming of services has increasingly limited the number of services available to Muslim women, resulted in defunding of community organisations capable of providing programs to shift attitudes/values conducive to violence against women. Increasingly, and to date not adequately addressed, is the culturally homogenisation of the Victorian welfare sector's workforce that is produced by mainstreaming of services.
39. The Victorian government has not sought to address the family violence that Muslim women experience in any meaningful way. For example:
  - 35.1 There is currently no service in the Victorian system that is specifically designed to respond to and assist Muslim women who are facing family violence.

- 35.2 The state government has never funded a program which seeks to adequately inform Muslim women of their rights and available protections and supports.
- 35.3 The state government has also never funded a program for Muslim communities focused on shifting attitudes which might contribute to family violence. For example, examining the relationship between values, which hold women as inferior to men and family violence. There has been no work undertaken which might address that belief where it exists, or other beliefs which may contribute to violence with Muslim communities.
- 35.4 AMWCHR has been in operation for 25 years and we have not seen one program specifically for Muslim women at the state level.
40. The Victorian system has simply developed a range of strategies for the mainstream population and another for CALD communities. It is highly problematic and we believe leads to further structural inequalities to suggest that all sub-groups within the CALD population can be treated as one. Focusing on one or two larger language groups also does not deal with all of the core communities. Muslims are generally not included in, nor do we benefit from, these strategies. Providing a general strategy for such a diverse group of people actually means that the system end up with a strategy that is of no benefit to anyone. This is costly and inefficient.
41. AMWCHR receives no funding from the state government. The majority of our work has been funded by philanthropy and the occasional Federal grant. It seems that the only programs that the Victorian government has funded in relation to Muslim communities are anti-terrorism programs.
42. All levels of government are now increasingly committed to cultural and gender mainstreaming which essentially means that community organisations are now even less likely than before to attract funding, resourcing and support to provide services such as a domestic violence case worker. This contributes to the number of challenges Muslim women face in trying to seek support.
43. Governments argue that mainstreaming is more efficient and cost effective, we are not aware of any evidence supporting this assertion. The international research regarding gender mainstreaming has found that women are less, not more, likely to receive the support they need. The short term gain of cost savings is countered by the fact that women who require culturally specific services will not receive the support they need, further that significant distress for women, costs and wastage for

services occurs from the 'referral merry-go-round' that occurs between mainstream services who lack the expertise and community organisations who lack the resources. We believe it is more, not less expensive, to divert all funding to mainstream services. We also believe that a failure to respond to women in the first instance will result in women experiencing more significant problems, and therefore requiring more funding and assistance.

44. Local Council in the United Kingdom have previously sought to mainstream and de-fund certain services. Those decisions were challenged before the Supreme Court and those challenges were successful because the local council was seen as failing to properly consider race and other equalities. We believe this will be the way of the future. An article regarding the challenge and decision of the Supreme Court is attached to this statement and marked '**JEM 2**'. A copy of the judgment of Lord Justice Moses is attached to this statement and marked '**JEM 3**'.
45. It is our view that a Muslim women's refuge is crucial to ensuring that Muslim women do leave home when they are experiencing family violence. 'Not having a place to go' - that is, not having a culturally and religious 'safe' space to go - does prevent some women from leaving violent situations.
46. Our view is that community education is one of the most important preventative interventions that can be offered to Muslim women on family violence. Community education is required not only in relation to protections and the service response available to women in Victoria but also to shift community attitudes around gender, family and violence. Without community education that promotes ownership by communities through the leadership of initiatives, success will be limited, and we don't believe a shift will occur in attitudes towards family violence.
47. Unless cultural belief and religious interpretations can be challenged and dealt with appropriately by those who are qualified (women's organisations committed to women's equality are appropriate rather than religious leaders), especially in terms of community education, shifting community attitudes and working with women considering whether they should leave the home, there will be a great number of Muslim women left to deal with family violence on their own and continuing generations of Muslim women will be exposed.
48. AMWCHR has been informed by women that religious leaders often discourage Muslim women from seeking advice and protection due to cultural reasons. Some



mainstream services and programs have worked in conjunction with religious leaders in order to be inclusive without actually seeking advice beforehand as to whether or not such a partnership is appropriate. The vast majority of religious leaders are not supportive of violence against women but many are of the view that men have some authority over their wives and that Islam does allocate men a higher position to women. As long as religious leaders hold those views, violence cannot be eradicated.

### **Barriers for Muslim face when seeking assistance with family violence issues**

49. As set out in AMWCHR's submission to the Royal Commission, Muslim women accessing assistance face the following barriers:

- Lack of resources, workers and information (in print and online) in languages other than English;
- Lack of resources for women who cannot read or write in any language;
- Lack of culturally appropriate or sensitive response services;
- Lack of culturally relevant and targeted prevention programs, leading to generic messaging to CALD communities which do not have resonance to any community;
- Lack of access to appropriate early intervention and prevention programs; and
- Ongoing issues and challenges to appropriate interpretation and translation services to women.

50. In our experience, as a result of the above, one of the most significant barriers that Muslim women face is a limited knowledge of their rights and protections available in Australia. There is a lack of awareness as to what constitutes family violence and the protection and support available to women experiencing family violence. Further, there is a lack of awareness of the legal system itself and a lack of civic literacy which prevents women from seeking assistance.

51. Language barriers also continue to feature quite profoundly in Muslim women's consideration as to whether or not to seek assistance. Services and governments generally prefer to provide information about the system via written or audio resources. This obviously present challenges in terms of language barriers,

interpretation and translation of material. Such resources also presume a fluency in technology (for example computers or mobile telephones) which not all Muslim women have.

52. Those resources should also not be seen as a substitute for one to one or group sessions informing Muslim women about what constitutes family violence and how women experiencing family violence can be helped.
53. Some Muslim women have an insecure migration status and there is increasing number of migration legislation that significantly limits women's rights. For example, the provisions for spousal visa applicants to stay in Australia under the family violence provision once their relationship breaks down due to violence limits, rather than promotes, women's right to escape violence. Most Muslim women on spousal visas who apply to stay in Australia and not remain with their partner on the grounds of family violence face a very unpredictable application pathway and most women are unsuccessful when they do apply.
54. Trying to locate affordable housing when leaving a family violence situation is very difficult for women in general. Once language issues and racism become additional barriers, it becomes almost impossible for Muslim women to locate appropriate housing. Additionally, Muslim women living on their own after escaping family violence also have to contend with loss of their entire community and quite regularly, losing their families. This means they require additional support to contend with community and family isolation.
55. Women living on their own also have to consider whether they have the strength, and are prepared, to face daily forms of racism in the civilian community without the support of their community. Many Muslim women are subject to verbal abuse, acts of discrimination and even physical violence from the civilian community. It is not unusual for Muslim women to be spat on or to have their hijab removed, therefore they need to decide if they are able to deal with that by themselves. Not every Muslim woman faces racial abuse but there is sufficient community awareness of it and this acts as a deterrent for Muslim women considering leaving home.
56. In summary, there is currently no consistent or comprehensive approach for Muslim communities in regard to family violence. In particular, Muslim women have been largely invisible in the Victorian government's considerations as to how it chooses to address family violence and its funding considerations.

A handwritten signature in black ink, appearing to read 'Joumanah El Matrah', is written over a horizontal dotted line. The signature is contained within a light gray rectangular box.

Joumanah El Matrah

Dated: 11 August 2015