



A SUBMISSION TO

VICTORIAN ROYAL COMMISSION INTO FAMILY

VIOLENCE

May 29, 2015

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1. The Victorian Immigrant and Refugee Women's Coalition

Victorian Immigrant & Refugee Women's Coalition (VIRWC) is a peak body representing immigrant and refugee women's organisations across Victoria. The coalition provides capacity building support and advice for a range of organisations that provide services to immigrant and refugee women. It was established in 1998 to give Victorian immigrant and refugee women "a voice" in government and non-government policies, programs and services.

It undertakes community development, training delivery, community arts, research, policy development, mentoring, advice/referral and social activities to assist immigrant and refugee women. It works in partnership with other peak bodies, service agencies, educational institutions, governments and the media to facilitate the achievement of its goals.

VIRWC is an inclusive women's organisation and offers services and support to all migrant and refugee women in need including asylum seekers, women without permanent residency and female international students. For this reason, government agencies refer some clients to us that are not eligible for government support. VIRWC is run by women and utilises predominantly CALD female staff and volunteers to manage the office and run projects.

2. Introduction

Family violence harms. The extent of the consequences of family violence is not only limited to the immediate physical and emotional suffering by the victims and survivors, but to long-term socio-economic hardships, the costs of which are shouldered by victims, survivors, their close networks, and Australian society at large.

Family violence is not a private concern but a public one; despite its name, it is not merely a "family matter," but a matter of social justice. Whilst it is recognised that family violence can be perpetrated by anyone regardless of gender, cultural background, age or sexual orientation, the evidence shows that perpetrators are overwhelmingly men, and victims and survivors are overwhelmingly women and their children. Family violence is "the leading cause of physical injuries to women of reproductive age and a factor implicated in approximately 60 percent of Australian homicide cases involving a female victim" (Selke 2014, p. 1). Cases featuring physical injuries were overwhelmingly "male to female perpetrated, [with] women and children suffering the most severe consequences when subjected to domestic violence" (ABS 2012 & Edleson 1999, cited in Selke 2014, p. 1).

The Victorian Immigrant and Refugee Women's Coalition (VIRWC) commends all efforts to end family violence, its root causes, and its harmful impacts. However, significant improvements can be made to confront family violence and its effects on a particular sector of the Australian population: CALD women and children, especially those whose access to legal aid and social support services are restricted because they are on temporary visas. To say that family violence is difficult for anyone who has experienced it is an understatement; but there are very particular vulnerabilities experienced by CALD women and children living in Australia who are not Australian citizens or permanent residents.

In this submission, the VIRWC focuses on the following primary issues:

- 1) the underrepresented concerns of CALD women suffering from family violence, especially those on temporary visas;
- 2) the lack of cultural considerations on the part of crisis responders and service providers when dealing with CALD women who have suffered family violence; and
- 3) the lack of state's support to community-based organisations' efforts to educate their own members in recognising family violence, preventing it, and responding to it when it occurs.

Whilst the VIRWC regards cultural background and visa status as essential variables affecting particularities in help-seeking behaviour and the specific forms of family violence affecting CALD women, we maintain that cultural differences in themselves are not the causes of family violence. Family violence involving male perpetrators and women survivors occurs when men feel justified in their attempts to control women, to remind them of "their place," to restrict their freedoms. This happens in cultural communities all over the world, including white Anglo-Australian families.

In direct response to the RCFIV's questions (in brackets), this submission is divided into 4 main topics:

- A. VIRWC's work on Family Violence (Q4)
- B. VIRWC's knowledge/experience about Family Violence (Q6, Q7, Q17, Q18, Q19)
- C. Recent reforms and the Family Violence system (Q2, Q3, Q5, Q8, Q9, Q10, Q11)
- D. Recommendations (Q1, Q2, Q20, Q21)

3. Scope and limitations

This submission focusses on the experiences of first-generation CALD women who comprise the majority of the VIRWC's client base. Our core premise is that the first-generation CALD women's experiences of sexual assault and family violence tend to be subordinated to the experiences of Australian women citizens, especially white Anglo-Australian women. There are many reasons for this, ranging from limitations posed by CALD women's temporary visas and severely restricted access to legal, financial, and health services; anti-migrant sentiments and racism towards coloured peoples in Australia, a low level of English-speaking competence or confidence amongst some CALD women; and CALD women's lack of knowledge about their options to access justice under Australian law.

This submission focusses on violence experienced by CALD women and their children at the hands of Australian male citizens regardless of their racial backgrounds.

Whilst the VIRWC recognises that family violence perpetrators and survivors can include same-sex partnerships and families, as well as partnerships and families involving transgender persons, this submission will exclude these issues from its scope. Nevertheless, the VIRWC lauds all efforts to reduce family violence in all possible contexts, and this submission is written

in the hopes that these recommendations help reduce family violence against CALD women as well as all vulnerable parties, including those whose voices might not expressly be heard in this particular paper.

A. VIRWC's work on Family Violence (Q4)

VIRWC's involvement in addressing family violence dates back to the work pioneered by Melba Marginson, its inaugural Chairperson, on the issue of family violence against Filipino women in the 1990s.

Violent deaths and disappearance of Filipino women in Victoria (1980- present)

Between 1987 and 2007, there were cases of 1 disappearance and 7 killings of Filipino women in Victoria. These cases are part of an ongoing monitoring of deaths and disappearances of Filipino women, which began in 1992 when Filipino women advocates in several states and territories decided to collect information from police reports and news clippings of Filipino women who became victims of domestic violence in Australia. Soon enough, a campaign to expose this phenomenon was launched under the leadership of Melba Marginson (author of this submission), who was Victoria-based.

The most recent statistics of Violent Deaths and Disappearances amongst Filipino women and children in Australia since 1980 is attached.

Eighteen cases of deaths and disappearances of Filipino women in Australia were presented to then Human Rights and Equal Opportunity Commission, whose then Race Commissioner acted promptly by getting a researcher compared the CPCA data with overall Australian data. The researcher came up with the finding that "Filipino women are almost six times as likely to be murdered as Australian women, and suffer higher rates of domestic violence" (Cunneen & Stubbs, 1997).

The CPCA requested that a Royal Commission inquiry be conducted at the national level, however, the HREOC declined the request on the basis that their resources were limited and their priority at that time was to undertake the Royal Commission Inquiry on Stolen Generations. To placate the CPCA and the Filipino community, the HREOC commissioned the Institute of Criminology at the University of New South Wales to write a book about the cases, hence the book ***Gender, 'race' and international relations: Violence against Filipino women in Australia***.

The VIRWC includes this piece of history for a number of reasons:

- (1) To remind the governments of Victoria and Australia that the fight against domestic violence has been around since the 1970s, and peaked during the 1980s and 1990s with the surge in domestic violence incidents against Filipino women - the Filipino community being the only community that put the issue on a national scale in Australia;
- (2) To introduce to this Inquiry the importance of reviewing Australia's immigration policies and the role they play in the DV/FV experience of many women from CALD

backgrounds;

- (3) To remind the Royal Commission panel that 90% of the killed Filipinas in Victoria had histories of domestic violence, hence court cases of killings committed against CALD women in Victoria may need to be reviewed to gather relevant information for the Commission.

Attached here is a list of the killed women and sources of case and media information about them.

The ARIES program

The Victorian Immigrant and Refugee Women's Coalition (VIRWC) ran Advice, Referral, Information and Educational Support (ARIES), a multicultural women's integrated service between 2007-2012, that assists CALD women regardless of their citizenship status. Up to its closure in 2012, the ARIES program has assisted 199 multicultural women who were mostly victims of domestic violence. Files were kept documenting details of the women, including their country of origin and details of their visa and marriage history. Some of the files were incomplete, while others contained detailed histories. The absence of funding and heavy reliance on volunteers, largely counseling and social work students who were also of multicultural backgrounds, has made it quite difficult for the VIRWC to continue the ARIES service.

Here is a summary snapshot of the service data, covering 166 cases:

A total of 166 clients have sought assistance from VIRWC between 2007 and 2011, but a significant increase in clients was recorded in just 11 months in 2011.

- Overwhelmingly, the clients presented with complex family violence issues that were interconnected with problems in migration, child care, financial, housing, and mental health.
- Sixty-three clients came for help at the VIRWC between January and November 2011. 11.1% were international students; 56% were without Permanent Residency (PR); and 33.3% had PR.
- 89 (57.0%) of clients were referred to the VIRWC by fully funded service providers, including WIRE, Migrant Resource Centres, Centrelink and even the Department of Immigration and Citizenship.
- 42 (27%) of clients were referred to the VIRWC through informal networks such as community organisations, friends, and by word of mouth.
- 64.2% of clients came to Victoria between 2000 and 2009, which corresponds to a significant increase of international students arriving in Victoria in the last decade.
- 68% of clients were mainly from Asia.

- 73% of clients had enough English to communicate with VIRWC staff who are also from CALD backgrounds.
- Ages of clients ranged from 17 to 69 years old; however, 40% of clients who sought help from us were between the ages of 30 and 39.
- 68% of clients did not have permanent residency in Australia and thus had limited access to services.
- 67% of clients resided in 3 key inner west/north sub-region of Metropolitan Melbourne, namely the City of Melbourne, City of Maribyrnong and City of Darebin.
- 71% of clients had children.

This service was very much in demand from service providers and multicultural communities that even after its closure in 2012, the VIRWC continues to receive referral calls and direct victim calls up to now. We maintain a Referral service only and in cases where we realize the victim could benefit from our Women's Friendship Cafes, we encourage the women to attend one near their residence or refuge.

Women's Leadership Courses

The VIRWC has developed a 7-day Women's Leadership Course that is tailored for CALD women and their need for self-care and self-development as well as knowing about their rights and the Australian systems. Since we delivered the course in 2002, more than 1000 women have been trained, some of them were directly able to manage their DV situations after having attended the course.

The WLC is now available for offer at Learn Locals, hence community women can enrol to attend the course. Women who come out of the course develop self-esteem and confidence, begin to make sense of their life here in the new country, and learn how to connect with other women and seek help from service agencies.

Women's Friendship Cafes

VIRWC has set up 10 Women's Friendship Cafes (WFCs) around Greater Melbourne to address the issue of social isolation among CALD women. The friendship cafes are run by VIRWC women champions; these are women who completed the Women's Leadership Course and have committed to volunteer at VIRWC.

A WFC is usually a 2 to 3-hour weekly gathering of women to develop friendship with one another, assist and support each other, learn new skills and gain knowledge. It is VIRWC's model for social inclusion of women, similar to Men's Shed except the WFC is not at all funded by government and is run by volunteers. There are 2000 men's shed nationally and all are

funded by local/state/federal governments.

At the friendship café, women are able to tell their stories in a friendly, safe and women-only space. Often, our women champions are able to help victims or potential victims of FV in the WFC. Once they tell their story and agree to be assisted, they are referred to suitable service agencies. While they are attending to their FV problem, they continue to participate in the friendship café wherein they develop themselves and get supported in a nurturing environment.

We believe the Women's Friendship Café model is a fantastic FV primary prevention strategy.

B. VIRWC's knowledge/experience about Family Violence (Q6, Q7, Q17, Q18, Q19)

CALD women as fighters for their human rights

It has become obvious that in spite of being victims, women have been able to stand up and fight for their rights. CALD women who predominately were considered passive are now voicing their desire to be free and effect change in their lives.

For example, █████, a Bangladeshi woman who experienced domestic violence, came to VIRWC for assistance in █████. She has been married to an Australian citizen and applied for permanent residency on partner grounds and was currently on a bridging visa. Her husband has been threatening her to return back to live with him and the consequence of not doing so meant that he was determined to inform DIAC to have her application withdrawn.

She however did not want to go back to her husband as she feared for her life and her █████ year old son's life. She knew her rights and wanted to fight for her case to remain in Australia. With the help of the caseworker at VIRWC she was referred to a migration lawyer who helped her so that her permanent residency application could be processed in spite of the fact that the relationship with her husband had broken down. She also access counselling services. In her own words "...I no longer want to suffer, I know rights, and want to fight my case...."

Interpreters' role in DV support

Those with inadequate English competency needed an interpreter or a support person who could translate for them, as in the following story:

█████ a █████ year old Burundi woman sought help from VIRWC. She had a █████ month old son. She could not speak, read, and write in English. Additionally, she was illiterate in her own language.

█████ was in a violent relationship with her husband and decided to leave the family home. Her husband found out where she was and went to her flat. When she called the police, he went away.

She came to us and the VIRWC case worker with the help of an interpreter was able to assess her case and provided her with advice. We gave █████ a better understanding of what an intervention order is and how to apply for one. We also provided her with information about family law in Australia. █████ then went to the Magistrate's Court to apply for an intervention order and was referred to one of our lawyers for further help.

The language barrier is thus the biggest hurdle faced by CALD women. For them, the key to adapt and be able to call Australia home is to learn English. With poor English competency, it becomes difficult for these women to understand the Australian welfare system and to be able to seek help from organisations.

Children

Children become part of domestic violence that can hamper their development and they themselves might become violent and depressed from being separated. It becomes a challenging situation for women to fight to get the rights of the custody of the children as in █████'s case:

█████ a █████ year old woman arrived in Australia in █████. She did not speak English very well and so mainly spoke in Turkish. She was in a sole parent family with dependent children. She had been separated from her husband for an undefined period of time. Her husband worked as a █████ in a █████ at that time.

█████ came to meet us in █████ to seek assistance with custody of her █████ year old girls. Furthermore, she was in need of help with her settlement issues. One of the case workers attended to █████ and she then referred the matter to a lawyer who then took over the matter.

Other caseworkers do not want anything to do with the children hence leaving women with the sole burden of looking after the children.

Police responses

The Victorian Police operate within a Code of Practice which recognises the special needs of certain groups of victims of family violence such as CALD women, indigenous women, and women with disabilities. New initiatives express the police's commitment to this Code of Practice, such as the introduction of multicultural liaison officers, new and emerging communities liaison officers, and family violence liaison officers. They also provide training for all police officers, which enables them to provide more effective risk assessments when responding to family violence situations. Additionally, there are improved referral practices as well as more integrated responses between the police and support services. (taken from InTouch report)

Furthermore, police have new special powers under the *Family Protection Act* in which they are entitled to give on the spot 'safety notices.' Consequently, they are authorised to immediately remove the perpetrator from the home and thus reduce the risk of abuse.

Nevertheless, certain critical problems still continue to inhibit the adequate protection of migrant and refugee women.

The lack of interpreters is one such problem for CALD women as this usually makes it difficult for them to understand key information communicated by the police, to ensure that the statement they provide to the police, if any at all, is accurately reported, or to be adequately informed regarding any documents they are asked to sign.

Moreover, the lack of cultural sensitivity and the continued existence of discriminatory attitudes amongst police officers increase the sense of powerlessness and degradation felt by abused CALD women when they seek help and alienate them further.

■■■■, a ■■■ year-old woman who was sexually and verbally abused by her Australian husband for over two years, disclosed that there was a disparity in the treatment she received between two police precincts. She shared that, on different occasions, the officers at the nearest precinct sounded irritated or used delaying tactics in serving her husband with the intervention order and in helping her retrieve her belongings from the house. ■■■■ finally had to request assistance from another precinct whose officers were more responsive and empathetic.

Sponsorship blackmail

Not having permanent residency places women in a vulnerable situation especially when they are in a relationship with a partner. Many husbands/partners have taken advantage of the circumstances of women by emotionally, physically, psychological and socially manipulating them. For example, husbands have constantly threatened women to inform DIAC to withdraw their partner's permanent sponsorship if their needs are not met. This becomes a mind game where the women is placed in a challenging situation whereby she heartedly wants to remain in Australia but her husband wants her to suffer by withdrawing his sponsorship for her not to gain permanent residency as in ■■■■'s case:

■■■■ a Singaporean lady was married to an Australian man in ■■■■ but came to us after having been tortured mentally and emotionally by her husband. The situation stressed her out, and so wanted to leave him but at the same time wanted to get her Permanent Residency. Her case was referred to a legal representative.

Accommodation

In many cases, when women have been prone to domestic violence, their personal safety has been at risk resulting for them to live in temporary accommodation either by themselves and/or their children. Public housing, short term housing and transitional housing are the main options available to woman but this service can only be accessible by women who are permanent residency holder. Most women are referred to crisis accommodation as in the following story:

■■■■, a ■■■ woman from the Philippines, was in a relationship with an Australian man. She met him online and they have been in a long distance relationship for ■■■ years. ■■■■ was

an educated woman who was then living in [REDACTED] working for a company. Her Australian partner begged her to join him in Australia and she eventually came here in [REDACTED] on a [REDACTED] months tourist visa. She then became pregnant in [REDACTED]. Her pregnancy deteriorated and she needed medical attention. She begged her partner to take her to hospital but he kept on ignoring her plight and she lost the baby.

She left for the Philippines in [REDACTED] and after [REDACTED] her partner again rang her and implored her to come back to Australia. She came to Australia in [REDACTED] on a [REDACTED] year tourist visa and ever since that time had been a victim of domestic violence. She found out that her partner was already married and had [REDACTED] children. He also had a number of liaisons with different woman. Her partner's situation also changed at that time as he had lost his job. She became pregnant in [REDACTED] and again her partner did not care for her medical expenses leaving her in a deplorable situation. She has been constantly experiencing physical, emotional, mental and verbal abuses. One day he threw her out of the house. [REDACTED] was very stressed and depressed by how much she had to endure with her partner. She rang a crisis women centre who offered her refuge for a number of weeks. She came to VIRWC in [REDACTED] and received many counselling sessions. We also helped her in obtaining an intervention order and linking her with a lawyer.

Family Violence and Migration

Through its extensive experience working as an advocate for migrant and refugee women, the VIRWC understands the added complexities associated with violence in specific cultural contexts. For multicultural women, the experience of violence is often amplified by certain factors unique to their circumstance. An awareness of cultural context is therefore paramount in order to understand the factors which increase the potential for violence, as well as the types of violence that are prevalent within multicultural communities. **One such area that should be considered is the complex relationship between migration and violence.** As is recognised by the VIRWC, the migration process often amplifies the risk of violence against women in all its forms. According to Patricia Easteal (1996, pg xv), it is widely accepted among those who work with immigrant women and victims of domestic violence, that *'aspects of ethnicity or the migration experience contribute to the abuse in the home.'*

Easteal (1996) affirms that these risk factors include:

- Normative wife abuse within the culture of origin
- Changes in gender roles in Australia
- Isolation, lack of support
- Language barriers
- Change of employment status

From its own case by case experiences, the VIRWC wishes to add:

- Overpowering control of one spouse over the other
- Lack of financial independence
- Community/cultural censorship, taboos, wrongly interpreted religious sanctions
- Lack of accessible legal information

- Limited woman to woman support services
- Lack of cultural sensitivity by many existing mainstream services

Other Cultural and Social Barriers

Family violence recognises no nationality, race, culture, status, religion, or any other discriminating factor. For CALD women, however, their vulnerability to being exposed or subjected to it is heightened by certain violence-tolerant beliefs, attitudes, or practices that prevail in their cultures. Consequently, these various social and cultural stressors impede or discourage CALD women from successfully breaking free from the cycle of violence.

Of particular significance is that these women often originate and are socialised in traditionally patriarchal societies. In these male-dominant cultures, the woman's autonomy is undermined *or taken away from her as she is pressured by her family and/or her community, particularly by male members*, to obey whatever dictates they have decided on regarding her own life – decisions that normally perpetuate gender-prescribed restrictions for women. In situations wherein there is conflict between a man and a woman, it is not uncommon for the community to side with the male individual, as evidenced by people condoning family violence perpetrated by a male member or believing a man's word over a woman's.

■■■■■, a ■■■■ year-old woman, experienced the oppression of patriarchy when a well-respected man in her community repeatedly raped her. As a way to control her, he threatened that he would start spreading rumours that she was a promiscuous woman if she stopped seeing him. ■■■■■ was particularly fearful of how her ex-husband and sons would react if the man contacted them, and consequently, she allowed him to continue with the rape for several months.

Additionally, it is not uncommon for many CALD communities to insist on resolving problems internally and to preserve longstanding customs and traditions that usually highlight 'togetherness'. Given this atmosphere of communitarianism, people often know each other's business, and even more, believe that they have a right to meddle in other community members' affairs as these ultimately affect the overall community. Hence, abused CALD women often find themselves subjugating their personal issues, no matter how distressing, in order to keep their families intact and to prevent potential criticism from the community. Furthermore, they fear bringing significant stigma, isolation, or ostracism to themselves and their families if they seek help from the authorities or specialist agencies.

Moreover, religion itself is a potential stressor for abused women as their religious beliefs often uphold the sanctity of marriage or can be used to defend men's claims of superiority over them. Many Catholic Filipino women, for example, have been raised to believe that the man is the head of the family and that divorce is unacceptable. Religious leaders also often play an influential role as they are regarded to be key advisers in these communities. Significantly, service providers report that interference from such faith leaders is a particular challenge because they often discourage women from separating from their violent husbands, which would constitute 'breaking up' the home (VicHealth, 2010).

Many abused CALD women are also still financially dependent on their husbands or partners. When children are involved, separation becomes even less of a possibility for them as their main concern centres on providing for the children's needs. Hence, they usually feel discouraged to take any concrete steps to address the abuse because of the ensuing financial burden, which can be particularly stressful for those who have no other support system here in Australia aside from their immediate family. A common concern for many VIRWC clients, for instance, has been generating the necessary financial resources to pay for their legal representation.

Furthermore, the economic status of these CALD women generally goes hand-in-hand with their host-language skills, which is frequently another substantial challenge for them. Specifically, language barriers inhibit their capability to communicate their issues, gain information, and access family violence-specific services that are provided here in Australia. Even more, the perpetrator often finds security in the woman's insufficient English competency and feels emboldened to continue controlling and abusing her because of her inability to seek help.

*Please also find an unpublished report titled **A Lack of Culturally Appropriate Family Violence Services in Victoria** written for VIRWC by Mariam Zahari, an intern from RMIT. This paper further provides details of VIRWC experience in assisting CALD women clients.*

Women without permanent residency

Alarmingly, one specific area overlooked by the state government is the situation experienced by multicultural women subjected to violence who are without Permanent Residency. This includes the following women:

- Women who hold a Prospective Marriage Visa
- Women who are Secondary Applicants for Permanent Visas- that is, women whose application for Permanent Residency is dependent on that of their spouse (the Primary visa holder)
- Temporary visa holders - the most vulnerable category of women. This includes the spouse/partner of International Students, Tourist Visa, International Student Visa, (Secondary holders of a temporary visa)

The options for this community of women are particularly limited and are of great concern to the VIRWC. Currently, if violence occurs or is reported, these women are unable to access support services accorded to permanent residents, including social security, Medicare, legal assistance, or refuge at various shelters that lack the necessary funding. What the VIRWC caseworkers have experienced in working with these women is that they feel discouraged to break free from the cycle of violence due to the difficulty of accessing support. As a result, there is a great reliance on the *pro bono* work of solicitors as well as charity and support through community-based volunteer organisations like the VIRWC.

In instances wherein these non-PR women do decide to end their abusive relationships and

seek help, the scarce services and resources available to them often means that they have to settle for less-than-satisfactory arrangements. For example, non-PR clients who have no accommodations after leaving their abusive partners have resorted to living with a family from their own cultural community, often for several weeks, before moving in with another family. Whilst this arrangement provides them with a place to stay, it poses other problems for them as well, such as increased emotional distress and a heightened sense of uncertainty as they move from family to family as well as prying questions and undesirable remarks directed at them by some members of their foster family.

Please find attached a Matrix of Common Issues Experienced by Non-Permanent Female Residents.

This issue is of particular concern to the VIRWC, which has assisted multicultural clients since 2007, 60-70% of which were without Permanent Residency. The Family Violence provision contained in *Migration Relations 1994 (Cth)*, grants Permanent Residency to victims of violence despite the breakdown of the spouse or de facto relationship upon which their migration status depends. This provision aims to ensure that individuals are not forced to remain in a violent relationship in order to ensure a migration outcome. However, the Family Violence exception cannot be invoked if they do not hold a temporary partner visa or certain skilled stream visas.

In these cases, the migration status of the woman is entirely dependent on that of her spouse or partner. The situation is particularly vulnerable for temporary migrants, where the primary visa holder is not yet a permanent resident - for instance, the spouse or partner of an International Student holding a temporary visa.

Currently, all government reforms in the area of family violence fail to recognise the needs of this community of women. Their chances of remaining in Australia are slim, with their migration status unclear. In many cases, women are unable to return to their Country of Origin due to the social implications resulting from the breakdown of marriage. Often, some are forced to make a claim for Asylum or apply for a Protection Visa. In its latest report, the ALRC makes recommendations for extending the application of the Family Violence provision, where there is a legitimate expectation of a permanent migration outcome. It has recommended the development of a new temporary visa to secondary holders of temporary visas, in order to give them more time to consider their options.

C. Recent reforms and the Family Violence system (Q2, Q3, Q5, Q8, Q9, Q10, Q11)

As previously stated, the experience of multicultural women is a significant area that fails to be addressed comprehensively by Victorian and Australian government's policy reforms. The governments do not fully acknowledge that interaction with this diverse group of women requires specific attention in service provision and delivery. Whilst multiple action areas draw on the importance of community awareness, education, a coordinated approach, and the

provision of tailored services to Indigenous communities, they do not effectively attend to the specific needs of multicultural women. Consequently, there is a lack of tailored and culturally sensitive services to address their issues.

For many multicultural women who are non-native English speakers and who are still honing their fluency in this adopted language, there is great difficulty for them to be aware of, understand, access, and navigate the available services because these are mainly delivered in English. Thus, there is a need for services and materials to be interpreted/translated into diverse languages, especially for cultural communities with higher statistics of domestic violence. Additionally, such language barriers necessitate an increased availability of properly trained interpreters with minimum/no fees.

Furthermore, the VIRWC stresses that multicultural women are often discouraged or intimidated by the lack of cross-cultural understanding and sensitivity amongst service providers. For instance, many VIRWC clients have disclosed that they felt further traumatised or helpless due to poor interactions with the responding/attending police officers, i.e., a male officer reassuring the client that he “understood” what she was going through, a client being denied a female officer as well having a male interpreter for the detailed police report of a sexual assault case.

Hence, this lack of cultural sensitivity and awareness amongst service providers means that they can not only be ineffective in attending to the situation of a multicultural woman but even worse, they can actually increase her sense of hopelessness and emotional distress.

After undertaking in-depth consultations with members and clients, the VIRWC has identified specific Action Areas that are considered paramount to effective service delivery:

- **Promoting awareness both within multicultural communities and the wider Victorian community.** One significant drawback is the lack of cross cultural understanding and culturally specific training in the current system of service delivery. Various individuals with a direct role, such as social workers, counsellors, psychologists, doctors, nurses, case workers, solicitors, the police, translators, interpreters, and migration agents, require greater awareness of cultural context so that they can address family violence issues in culturally appropriate ways. Caseworkers at the VIRWC have reported serious delays in due process, particularly in the area of law enforcement. The VIRWC refers to *Recommendation 20-5* of the ALRC’s report (2012, p512), which recognises the need for government to ‘*collaborate with relevant migration service providers, community legal centres and industry bodies to ensure targeted education and training on family violence issues.*’ The VIRWC affirms that greater cross-cultural training delivered by women/men from multicultural backgrounds will enable a more effective means of providing tailored and coordinated responses.
- **Promoting greater awareness of legal and human rights is paramount.** For diverse reasons, many multicultural women are often unaware of their rights. This presents a

complex challenge, particularly if a woman has been denied the opportunity to exercise the full extent of her rights in her country of origin and in Australia. This issue cannot be simply countered by distributing written information to women in the community. The solution must recognise the additional complexities of such cases and respond in a way that is culturally appropriate. Multicultural women often experience challenges in accessing available information due to language barriers, illiteracy, deliberate restriction by family members and feelings of disempowerment caused by traditional perceptions of gender roles. Additionally, multicultural women entering the state may not be fully versed in the nature of their visa and what their rights are to available services.

The VIRWC acknowledges that there are cross-cultural training offered to service provider agencies, either externally delivered or in-house. However, this does not seem to be enough especially when they rely on a few and limited cultural experts who have been dominating the cross-cultural consultancy arena in Victoria.

Communities that have the capacity to be involved in service planning will deliver better value for dollar. They offer not only their cultural expertise, but bring in the networks and commitment often lacking among in-house 'experts'. Moreover, these community cultural experts will benefit significantly from being involved, it could be their pathway to employment which otherwise does not happen easily.

Moreover, there is great value in consulting with multicultural-specialist women's organisations like the VIRWC in order to get a clearer and more accurate understanding of the complex issues and concerns of multicultural women.

In our work on Forced Marriage and Women's Leadership, we are currently experiencing increased demand from mainstream service providers, namely Red Cross, 1800RESPECT, ACRATH, VLGA, NCW-V, VEC and others seeking our cultural expertise in developing their resources and programs.

The VIRWC believes that unless community women, not necessarily bilingual community workers, are empowered to provide solutions to family violence, the work on this important issue will not progress significantly. The VIRWC is providing recommendations to the RCIFV in this regard.

D. Recommendations (Q1, Q2, Q20, Q21)

The VIRWC submits the following specific recommendations that we believe will increase CALD communities' awareness of family violence and options for women suffering family violence; increase reporting and help-seeking behaviour amongst migrant CALD women suffering family violence; and improve service providers' responses to family violence in CALD communities:

1) Invest in the training of more women interpreters, and ensure that the training features a component on interacting effectively with traumatised populations

Traumatised non-English-speaking women with low trust in authority might be even more discouraged to accurately disclose their family violence experiences with male interpreters, who might judge them, or not correctly document the experiences. Qualified women interpreters with proper training in interacting with traumatised persons would be assist in documenting family violence cases and increasing opportunities to bring perpetrators to justice, process cases effectively, and contribute to further research on reducing family violence.

2) Invest in CALD-women-led community organisations that work to advance the rights of women in their communities

Rather than focussing resources solely on crisis response, it is critical to channel resources to women-led community organisations with strong ties to CALD communities. By financing the initiatives of CALD women seeking to advance their rights within their own communities and increase the communities' access to knowledge about family violence, the state would be sending a clear message of support for CALD women. This would encourage sufferers of family violence that it is safe for them to seek help from the state and from appropriate organisations, and hopefully discourage potential violence from perpetrators. This creates opportunities for education and early intervention, which would prevent harm from coming to potential victims.

The VIRWC's ARIES program to assist multicultural women escaping FV did not continue due to absence of funding, yet 199 clients went through the service, mostly complex cases. We would like the Commission to consider funding this program. It does not duplicate any existing service, and in fact fills in a huge gap in the need of CALD clients for a gender and culturally sensitive early intervention response.

The other program of VIRWC that needs support from the state government is the model that addresses social isolation, the Women's Friendship Cafe. As a primary prevention strategy, a WFC should be set up at least in every suburb. However, for a start, we urge the state government to fund our existing WFCs and work with us to set up more of them in areas of most need. Each WFC needs a minimum of \$10,000 a year to operate effectively. It operates every school term, hence 40 weeks in a year. Our current WFCs see around 150 women every week during school term.

3) Include the protection of women without Permanent Residency in any reform measure on Family Violence.

The VIRWC believes that the government has a duty of care to each individual who resides in its borders. It needs to ensure that all women have the opportunity to live free from violence and have options to seek assistance. The Victorian Government should incorporate the representation of women without PR in specific initiatives aimed at preventing violence, intervening early, and responding effectively.

4) Review Australia's immigration policies and the role they play in the DV/FV experience of many women from CALD backgrounds, in particular, review the limitations of the current Family Violence Provision to Immigration Act.

When the provision was legislated in 1994, there were no international students, and globalisation has not been developed and embraced. Australia is now a receiving country to many people who are simply wanting a better life. The current FV Provision needs to keep up with the new demographics and ensure no one is left unprotected, even if they are just here as tourists or students.

5) Support images of articulate and independent CALD women in the media and popular culture

Even though progress has been made to portray CALD women as strong and capable (for example, in ABC's "Maximum Choppage") there is still an overwhelming tendency for the media to depict CALD women as having poor English, being good for little else than an interracial spouse, or being a victim. Further strides to shatter stereotypes and give CALD women interesting, complex, speaking roles in quality television shows, films, and books must be made.

6) Support images of egalitarian, caring partnerships involving articulate and independent CALD women in the media and popular culture

Research shows that the discourse of "equality" in intimate relationships has led male perpetrators of family violence to justify their behaviour by blaming women for having a role in the transformation of the relationship into a violent one, and for feminism promoting a "biased, one-sided" view of family violence as being wholly male-perpetrated (See Stanley et al., 2012; Towns & Terry 2014). If media and popular culture were to feature more examples of what ideal equal and egalitarian intimate partnerships look and sound like, this would contribute to helping men become more reflective of how they treat their women partners and children.

7) State government should explore ways in which journalists can interact with women from various cultures and discuss how representation can be made empowering for women and how media can be made better agents of change.

In her PhD and subsequent papers on the Media representation of Filipino women, Saroca (2002) has stressed: "*Intersections of gender, class 'race' and ethnicity in the media construct Filipino women in particular ways and shape their experiences of violence as well as responses to it.*"

According to Cunneen and Stubbs, although the violence Filipino women experience can be understood at one level as male violence against women, masculine fantasies of Filipino women are a fundamental factor in the abuse (1997 p 119). The violence is contextualised as domination that has been mediated by representations of 'race' and gender: men attempt to live out the masculine fantasy and their Filipina partners refuse to comply (Cunneen& Stubbs, 1997 pp 113-114). These masculine fantasies are obviously a

result of media representation of Filipino women and other Asian women.

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COMMON ISSUES FOR NON-PERMANENT FEMALE RESIDENTS WHO HAVE EXPERIENCED ABUSE

LEGAL ISSUES	MAGISTRATE'S COURT / POLICE/ OTHER SERVICE PROVIDER ISSUES	ACCOMODATION ISSUES	FINANCIAL ISSUES	HEALTH ISSUES	EDUCATION ISSUES	COMMUNITY/ CULTURAL ISSUES
- Women's Legal Service Victoria can't help non-PR residents	-Difficulty in obtaining interim/intervention order (The actual IO often does not hinder the perpetrator in continuing the abuse, ie. using the community, internet, and can even increase the threat of violence in some cases)	-Very limited housing options (e.g. refugees can only take them in for 2 days)	- No access to Centrelink	- Sexual health (can even be more distressing for certain cultures)	-Student visa issues	- Enormous stigma from their own communities for reporting abuse or separating from their partners
-Very few DIAC-funded lawyers	- Negative, culturally inappropriate police treatment/ inadequate police response	-Cultural community-arranged accomodations: often unsuitable and/or even detrimental (e.g. constant moving from family to family, criticisms & ridicule from their foster family, gossip within the community)	- Very few organisations that can provide monetary assistance (Currently, VIRWC can only provide \$20/wk/client in emergency cases)	- Mental health (often need counselling/ therapeutic support)		- Sense of isolation and helplessness when they have no access to their communities (common for women with Anglo-Saxon partners)
-Various visa issues that compromise their ability to stay in Australia or to pursue their legal case	- Lack of legal representation		Common expenses: Food, clothing, medicine, housing, legal, travelling costs (including airfare), children's needs	-Physical health (Many non-PR women often do not have health insurance)		- Serious threats to their safety and their families (both in Australia and/or in their countries of origin when they are at risk of being deported)

-Work rights (These women's visas, esp. if they are bridging visas, often prohibit or grant very limited work rights, which provide no/restricted financial security.	- Lack of appropriately trained female interpreters (Using male interpreters often cause these women unnecessary distress, esp. in narrating sensitive and painful details. Likewise, untrained interpreters risk violating ethical and professional standards.)					- Language barriers e.g., poor English skills, illiteracy
	-Service providers who offer harmful advice, e.g. return to perpetrator or find another partner to be able to remain here in Australia					- Lack of knowledge of their rights and the system in Australia (Women who originate from countries wherein they had bad experiences with the authorities/service providers are hesitant to seek assistance in Australia as they fear that they will receive the same negative treatment.)

A Lack of Culturally Appropriate Family Violence Services in Victoria

Its Effect on Immigrant and Refugee Women in Family Violence Situations



Mariam Zahari

June 2011

Acknowledgements

I would like to thank the participants of the key informant interviews, which played a crucial role in the completion of this research report. I would also like to express my gratitude to all the women who contribute to the functioning of the Victorian Immigrant and Refugee Women's Coalition, all of whom had assisted me in one way or another. My deepest gratitude also to Melba Marginson whom as Executive Director had assisted me in writing this report. I would also like to thank the University of Melbourne's Coordinator and Academic Supervisor of the Public Affairs Internship Program, Tom Davis who had also provided direction and assistance to me during my work on this report.

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1.0 Acronyms

AMES Adult Multicultural Education Services

CALD Culturally and Linguistically Diverse

CASA Centre Against Sexual Assault

DIAC Department of Immigration and Citizenship

FVCD Family Violence Division Court

ISCS International Student Care Service

IWDVS Immigrant Women's Domestic Violence Service

NGO Non-Governmental Organisation

VIRWC Victorian Immigrant and Refugee Women's Coalition

VLA Victoria Legal Aid

WIRE Women's Information and Referral Exchange

WLSV Women's Legal Services Victoria

2.0 Executive Summary

The VIRWC is a statewide peak advocacy body for immigrant and refugee women in Victoria. It provides a wide range of services, programs and referrals to women with or without permanent residency in Australia including female international students, sponsored wives, female tourists, women whose spouses will not sponsor them, women who are still in their provisional resident status, women with children who have been abandoned by their partners and 'trafficked' women. In addition, its multicultural staff allows for the provision of culturally appropriate support which is lacking amongst most mainstream services. One of the services provided by the VIRWC is support for family violence through its Advice, Referral, Information and Educational Support (ARIES) program, which provides:

- Family law advice and legal referrals, including for interim and final intervention orders.
- Individual counseling, crisis support and peer support programs.
- Mentoring care support that assists these women in acquiring skills and suitable employment.
- Referrals to other participant organisations of the program in order to offer clients specialist services.

As a specialist family violence service for immigrant and refugee women in Victoria, the VIRWC will benefit from this research report which answered the research question: How does a lack of culturally appropriate family violence services in Victoria affect immigrant and refugee women in family violence situations? **This research report concluded that a lack of culturally appropriate family violence services in Victoria results in the ineffective assistance and protection of immigrant and refugee women in family violence situations.**

A literature review on the barriers that prevent immigrant and refugee women from accessing family violence services allowed for analysis which revealed that there are several ways in which culturally appropriate family violence services are important for immigrant and refugee women. This report deduced that they are capable of effectively assisting and protecting immigrant and refugee women in family violence situations by:

- accommodating their linguistic needs;
- comprehending their isolated state;
- delivering services to them sympathetically and without discrimination; and
- taking into consideration their legal vulnerabilities.

A policy analysis of the Victorian Government's past and present policy responses to family violence demonstrates that there is a lack of culturally appropriate family violence services in Victoria. Even though the current Integrated Family Violence System implements an integrated response to family violence that entails the collaboration and coordination between the police, justice agencies and community services including specialist family violence services for immigrant and refugee women, a lack of culturally appropriate family violence services still remains.

Finally, a case study of the Integrated Family Violence System formed the basis of which key informant interviews with family violence services for immigrant and refugee women and

a female immigrant victim of family violence were delivered. These interviews also revealed a lack of culturally appropriate family violence services in Victoria. Based on the analysis of the literature review, the policy analysis and the key informant interviews, it was manifest that a lack of culturally appropriate family violence services results in the ineffective assistance and protection of immigrant and refugee women in family violence situations.

According to the findings of the research report, the following recommendations are put forward in order to ensure more effective assistance and protection of immigrant and refugee women in family violence situations:

- An improved and more comprehensive Integrated Family Violence System whereby small specialist family violence services for immigrant and refugee women in Victoria such as the VIRWC and ethno-specific organisations that provide family violence support are included.
- That these small specialist family violence services be funded and assisted through further training in family violence response and management.
- Allocated funding for proficient and readily available interpreters for family violence services.
- Allocated funding for the training of the personnel of mainstream family violence services to be more culturally sensitive to the distinctive needs of immigrant and refugee women in family violence situations.
- Available written material on family violence matters that are culturally relevant to immigrant and refugee women in family violence situations. This includes material that recognise the limited knowledge of immigrant and refugee women about their rights under the family violence laws in Victoria, and the range of assistance that is available.
- Further research to be undertaken on how women who do not have permanent residency in Australia are assisted or not by the family violence services they approach and the policy and legislative changes that are required to effectively assist and protect these women.

3.0 Introduction

Although still limited, research centring on family violence amongst immigrant and refugee women is beginning to emerge in Victoria. This is an indication of the growing awareness of immigrant and refugee women's increased vulnerability to family violence due to their marginalised status. Immigrant and refugee women now make up 19 percent¹ of the approximately 2.5 million women in Victoria.² Their growing presence in the state necessitates an enhanced focus on the safety and wellbeing of these women. Indeed, in being reputed to be the most multicultural state in Australia, Victoria must ensure that it assists and protects its growing female immigrant and refugee population including those in family violence situations.

This research report was produced based on the recognition of this evident importance of ensuring the effective assistance and protection of immigrant and refugee women in Victoria who are victims of family violence.

3.1 Terms of Reference

3.1.1 Purpose

This report will answer the research question: How does a lack of culturally appropriate family violence services in Victoria affect immigrant and refugee women in family violence situations?

It will answer this research question based on an analysis of a literature review that reveals the importance of culturally appropriate family violence services, a policy analysis of the Victorian Government's past and present policy responses to family violence and key informant interviews with family violence services for immigrant and refugee women and a female immigrant victim of family violence. These interviews were conducted in the context of a case study on Victoria's current Integrated Family Violence System. It will also recommend future directions for policy and research in order to more effectively assist immigrant and refugee women in Victoria who are victims of family violence.

3.1.2 Target Audience

This report was produced for the benefit of the VIRWC in order to facilitate any of the organisation's further research on family violence.

3.2 Research Method

This research report was predominantly based on qualitative research. The literature review was executed through the evaluation of data from scholarly journals and NGO, specialist family violence services and government documents. Policy analysis of the Victorian Government's policy responses to family violence was purely on data from government documents. Key informant interviews were conducted with a counsellor, caseworker for family violence and a female family violence victim in order to retrieve firsthand information. In applying qualitative methods of interviewing, open-ended questions were asked in order to prompt elaboration from interviewees while still eliciting relevant information.

¹ Women's Health Victoria, *Submission to the Victorian Women's Health and Wellbeing Strategy 2010-2014*, Consultation Paper, Melbourne, June 2010, p. 23.

² Ibid., p. 23.

3.3 Report Structure

1. Literature Review

Provides an analysis of the barriers that prevent immigrant and refugee women from accessing family violence services in order to reveal the ways in which culturally appropriate family violence services are important in effectively assisting and protecting these women.

2. Policy Analysis

Presents an analysis on the Victorian Government's policy responses to family violence to illustrate a lack of culturally appropriate family violence services in Victoria.

3. Analysis

Presents information retrieved from key informant interviews conducted in the context of a case study on Victoria's Integrated Family Violence System. An analysis of the literature review, policy analysis and key informant interviews in order to answer the research question.

4.0 Literature Review: The Importance of Culturally Appropriate Family Violence Services for Immigrant and Refugee Women

4.1 The Definition of Family Violence

It is imperative that the definition of family violence is first determined and evaluated in order to clarify that it is not at all limited to physical violence. This is because many acts that should be considered as family violence are not. Indeed, the laws and cultures of the countries of origin of many immigrant and refugee women do not recognise its different forms³, which can prevent these women from recognising what they are experiencing as family violence. Family violence is also referred to as domestic violence or intimate partner violence.⁴ Nonetheless, in Australia the term family violence is preferred by the Government and is consistently used in policy documents. This is despite the immigrant and refugee community's preference for the term domestic violence. The Family Violence Act 2008 provides Victoria's most authoritative and inclusive definition of family violence. The act identifies it as any:

"Behaviour by a person towards a family member of that person if that behaviour –

- a) is physically or sexually abusive; or
- b) is emotionally or psychologically abusive; or
- c) is economically abusive; or
- d) is threatening; or
- e) is coercive; or
- f) in any other way controls or dominates the family member and causes the family member to feel fear for the safety and wellbeing of that family member or another person."⁵

4.2 Family Violence Services

Family violence services are not limited to services that function specifically for victims of this violence. They can include refuges, NGOs, ethno-specific organisations, women's services, the police, justice agencies, health centres, and financial support agencies.⁶

4.3 Barriers that Prevent Immigrant and Refugee Women from Accessing Family Violence Services

Upon arriving in their new host countries, immigrant and refugee women are confronted with certain barriers that prevent them from accessing family violence services.⁷ There are varied perspectives on what these barriers are. Accurately, most academics argue that they are a low proficiency in the English language, a financial reliance on others (mainly their partners) and "a lack of trust in...government authorities."⁸ However, this report asserts that the most significant barriers are cultural barriers, language barriers, isolation and legal status. Either individually or collectively, these barriers prevent immigrant and refugee

³ A. Raj & J. Silverman, 'Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence', *Violence Against Women*, Vol. 8, No. 3, Mar. 2002, p. 370.

⁴ A.J. Taft, R. Small & K.A. Hoang, 'Intimate Partner Violence in Vietnam and Among Vietnamese Diaspora Communities in Western Societies: A Comprehensive Review', *Journal of Family Studies*, Vol. 14, No. 2, Oct. 2008, p. 168.

⁵ Victorian Government, *Family Violence Protection Act 2008*, Victoria, 2008, p. 12.

⁶ Department of Human Services, *Building Partnerships Between Mental Health, Family Violence and Sexual Services: Project Report*, Melbourne, Department of Human Services Mental Health Branch, 2006, p. 5.

⁷ C. Menjivar & O. Salcido, 'Immigrant Women and Domestic Violence: Common Experiences in Different Counties', *Gender and Society*, Vol. 16, No. 6, Dec. 2002, p. 902.

⁸ E. Erez, M. Adelman & C. Gregory, 'Intersections of Immigration and Domestic Violence: Voices of Battered Immigrant Women', *Feminist Criminology*, Vol. 4, No. 1, Jan. 2009, p. 36.

women from accessing family violence services and thus increase their vulnerability upon becoming victims.⁹

4.3.1 Language barriers

In Anglophone “Western developed countries”¹⁰ like Australia, language barriers exist as a result of an immigrant or refugee woman’s low proficiency in the English language. It is commonly argued that language barriers are the “primary reason” why immigrant and refugee women “do not seek formal service assistance or support for abuse.”¹¹ First, this is because an inability to speak the host-language causes immigrant and refugee women to be further isolated in their new communities.¹² This increased isolation prevents them from gaining knowledge about available family violence services and subsequently from accessing them. Second, inadequate skills in the English language limits an immigrant or refugee woman’s ability to understand any material or information provided by family violence services. This prevents these services from assisting and protecting them due to a failure to communicate with them successfully. There will be much misunderstanding, confusion and misinformation. Unfortunately, at times the English language is a prerequisite for receiving help from family violence services which makes immigrant and refugee women who cannot speak the language at risk of being denied it.¹³

4.3.2 Isolation

Isolation can occur for several reasons. Immigrant and refugee women can have difficulty immersing with the mainstream community either due to a low proficiency in the English language¹⁴, her physical location or both. More worryingly, they can be “intentionally kept” by their partners from any contact with the mainstream community.¹⁵ Either way, it prevents them from accessing information about available family violence services and subsequently the services themselves. Indubitably, isolation hinders the ability of immigrant and refugee women to be familiar with their new host countries including their “values”, “laws”, and “expectations.”¹⁶

4.3.3 Cultural barriers

The cultures of many immigrant and refugee women do not recognise that family violence is not limited to physical violence.¹⁷ Even worse, in some of these cultures the concept of family violence does not exist making the women who belong to them unaware of the availability of family violence assistance in their new host countries.¹⁸ In effect, these

⁹ S. Rees & B. Pease, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities*, Melbourne, Immigrant Women’s Domestic Violence Service, 2006, p. 1.

¹⁰ S. Shirwadkar, ‘Canadian Domestic Violence Policy and Indian Immigrant Women’, *Violence Against Women*, Vol. 10, No. 8, Aug. 2004, p. 860.

¹¹ A. Raj & J. Silverman, ‘Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence’, p. 386.

¹² S. Rees & B. Pease, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities*, 2006, p. 31.

¹³ M. Ingram et al., ‘Experiences of Immigrant Women Who Self-Petition Under the Violence Against Women Act’, *Violence Against Women*, Vol. 16, No. 8, 2010, p. 860.

¹⁴ S. Rees & B. Pease, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities*, 2006, p. 31.

¹⁵ Ibid., p. 28.

¹⁶ Ibid., p. 29.

¹⁷ A. Raj & J. Silverman, ‘Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence’, P. 370.

¹⁸ R. Brewer, *Culturally and Linguistically Diverse Women in the Australian Capital Territory: Enablers and Barriers to Achieving Social Connectedness*, Australian Capital Territory, Women’s Centre for Health Matters, 2009, p. 33.

women do not attempt to seek help and continue to remain in their abusive situations.¹⁹ For example, in the United States “services such as counselling or advocacy are foreign to many Haitian immigrant women” and consequently, they do not access them.²⁰ Therefore, although women from any culture can experience family violence²¹, immigrant and refugee women are at more risk of it because they often belong to cultures that retain an ambiguity in its concept.

4.3.4 Legal status

Menjivar and Salcido argue that a significant barrier that prevents immigrant and refugee women from accessing family violence services is their “uncertain legal statuses.”²² Indeed, immigrant and refugee women have indeterminate or impermanent immigration statuses. Therefore, these women fear that if they access family violence services, their abusers will resort to “destroying their...immigration papers, threatening to withdraw their petitions for immigration, or threatening to call immigration authorities and have them deported”²³ in order to avoid being incriminated. Therefore, these women do not attempt to seek assistance when they are in abusive situations. Additionally, many family violence services do not help women with indeterminate or impermanent statuses because of the complexities involved in doing so. Very frequently, immigrant and refugee women are denied help because these services will only help women who are citizens or permanent residents.²⁴ In effect, these women are left unassisted and unprotected.

4.4 The Importance of Culturally Appropriate Family Violence Services for Immigrant and Refugee Women

Culturally appropriate family violence services are important because they have the capacity to assist immigrant and refugee women in overcoming these barriers and hence to effectively protect them from this violence. There is a gradual increase in the amount of research and debate centring on the necessity of culturally appropriate family violence services for immigrant and refugee women²⁵, particularly in Anglophone Western developed countries where there is most development in efforts to address family violence.²⁶ Academics, professionals, policy advisors and family violence services are increasingly acknowledging the urgent need to be culturally sensitive while responding to the needs of immigrant and refugee women in family violence situations. This is because although many governments are addressing family violence through policy, their policies “do not necessarily accommodate the diversity of cultures within [their] countries.”²⁷

Indeed, it is widely agreed that immigrant and refugee women in Anglophone Western developed countries are often disregarded by family violence services.²⁸ Even if they gain access to these services, these services’ cultural incompetence prevents these women from

¹⁹ Ibid., p. 33.

²⁰ R.E. Latta & L.A. Goodman, ‘Considering the Interplay of Cultural Context and Service Provision in Intimate Partner Violence: The Case of Haitian Immigrant Women’, *Violence Against Women*, Vol. 11, No. 11, Nov. 2005, p. 1448.

²¹ C. Menjivar & O. Salcido, ‘Immigrant Women and Domestic Violence: Common Experiences in Different Counties’, p. 901.

²² Ibid., p. 898.

²³ M. Ingram et al., ‘Experiences of Immigrant Women Who Self-Petition Under the Violence Against Women Act’, p. 859.

²⁴ Ibid., p. 860.

²⁵ L. Simbandumwe, ‘Family Violence Prevention Programs in Immigrant Communities: Perspectives of Immigrant Men’, *Journal of Community Psychology*, Vol. 36, No. 7, 2008, p. 902.

²⁶ S. Shirwadkar, ‘Canadian Domestic Violence Policy and Indian Immigrant Women’, p. 860.

²⁷ Ibid., p. 861.

²⁸ R.E. Latta & L.A. Goodman, ‘Considering the Interplay of Cultural Context and Service Provision in Intimate Partner Violence: The Case of Haitian Immigrant Women’, p. 1442.

using them effectively.²⁹ Culturally appropriate family violence services must therefore be available for these women.³⁰ This is despite that it is still not firmly substantiated that family violence is more prevalent amongst immigrant and refugee women. It is in fact highlighted that regardless of “differences in language, religion and custom” family violence can “occur at all social and economic levels.” Nevertheless, immigrant and refugee women are more vulnerable in family violence situations due to the aforementioned barriers, which materialise once they enter a new host country.³¹

Culturally appropriate family violence services are aware of the cultural contexts and the unique needs of immigrant and refugee women and provide services to them accordingly. Academics state that this

“cultural competence requires the acquisition of skills, attitudes and values that will enable individuals and institutions to respond effectively to cultural beliefs, interpersonal styles, attitudes, language and behaviour of people from diverse cultural backgrounds.”³²

Indeed, these services recognise “the rights of all clients to receive cultural and linguistic support”³³ while receiving assistance and protection for family violence. Based on extensive research, this report deduces and specifies the ways in which they do so.

4.4.1 Accommodating the linguistic needs of immigrant and refugee women

The primary attribute of culturally appropriate family violence services is their ability to assist immigrant and refugee women in overcoming the language barriers that prevent them from accessing these services. First, this is achieved through the use of interpreters who can ensure that immigrant and refugee women are able to communicate with family violence services properly.³⁴ This way, the experiences of these women are better understood by family violence services in order for them to address these women’s needs suitably, including their medical, financial and legal needs. Understandably, there are certain difficulties that accompany the use of interpreters. For example, it is evidenced that it is not financially feasible to provide them.³⁵ Indeed, due to inadequate resources numerous family violence services are not able to hire an interpreter or consistently have them readily available.³⁶ Additionally, many immigrant and refugee women have expressed their concern with the tendency of interpreters to jeopardise the confidentiality of their situation or to inaccurately interpret.³⁷ In a study, interpreters working for family violence services were

²⁹ C. Menjivar & O. Salcido, ‘Immigrant Women and Domestic Violence: Common Experiences in Different Counties’, p. 915.

³⁰ Ibid., p. 901.

³¹ Western Region Network Against Family Violence, *Measuring the Tides of Violence: Current Family Violence Data for the Western Region of Melbourne*, Melbourne, Women’s Health West, 2003, p. 61.

³² L. Simbandumwe, ‘Family Violence Prevention Programs in Immigrant Communities: Perspectives of Immigrant Men’, p. 902.

³³ Western Region Network Against Family Violence, *Measuring the Tides of Violence: Current Family Violence Data for the Western Region of Melbourne*, 2003, p. 74.

³⁴ Windermere Child and Family Services, *Report on Victims of Crime and Counselling: Access for Culturally and Linguistically Diverse Communities (Achieving Sustainable Change)*, Victoria, Myriad Consultants, 2007, p. 17.

³⁵ Multicultural Disability Advocacy Association, *Violence Through Our Eyes: Improving Access to Services for Women from Non-English Speaking Backgrounds with Disability and Carers Experiencing Violence Project Report*, New South Wales, Multicultural Disability Advocacy Association, 2010, p. 8.

³⁶ M. Athaide, *A Case for Justice: Immigrant Women’s Experience with Australian Migration Law*, Australian Capital Territory, Toora Women, 2010, p. 9.

³⁷ Multicultural Disability Advocacy Association, *Violence Through Our Eyes: Improving Access to Services for Women from Non-English Speaking Backgrounds with Disability and Carers Experiencing Violence Project Report*, 2010, p. 8.

accused of filtering and distorting the information given by immigrant and refugee women.³⁸ Obviously, not all interpreters can be “expert to follow the nuances of meaning in a” conversation on family violence. Nevertheless, interpreters or even personnel who speak a foreign language are extremely essential in providing immigrant and refugee women support in family violence situations.³⁹ Without their expertise, these women will remain helpless and unable to communicate their predicaments and needs to family violence services in order to effectively receive assistance and protection.

Second, culturally appropriate family violence services assist immigrant and refugee women to overcome language barriers through providing written “material in languages other than English.”⁴⁰ Family violence services typically have brochures, fact sheets and documents that describe the services they provide. Often, this is accompanied by information about the different forms of family violence, the rights of women and ways in which they can be assisted out of an abusive situation. In offering this information in the languages of immigrant and refugee women, these women will be able to navigate through the family violence sector more successfully. Indeed, family services that assist “women break through language barriers [have] a significant impact...on their ability to leave an abusive relationship.”⁴¹

4.4.2 Understanding the isolated state of immigrant and refugee women

Culturally appropriate family violence services are able to understand that due to isolation, immigrant and refugee women experience difficulty in accessing information on family violence services. Isolation in their new host countries causes these women to be unfamiliar with the laws and assistance available for family violence.⁴² Furthermore, the fact that family violence is a crime and that they have rights as immigrant and refugee women experiencing family violence can remain unknown to them. This lack of information on the part of immigrant and refugee women considerably obstructs their access to family violence services.⁴³ It results in their inability to recognise if they are experiencing family violence and to be aware of existing services that can help them once they become subject to this violence. In response to this, culturally appropriate family violence services ensure information reaches immigrant and refugee women who are isolated.

However, inadequate resources typically restrict the ability of family violence services to “get information out”⁴⁴ to immigrant and refugee women. Nonetheless, the capacity to dispense this information to these women is specific to culturally appropriate family violence services. Additionally, they will make certain that the information they offer is multifaceted and is effective in allowing immigrant and refugee women the ability to identify and comprehend the different constituents involved in leaving an abusive situation and in “accessing assistance once they had left.”⁴⁵ This would usually be accompanied by assistance in putting immigrant

³⁸ C. Menjivar & O. Salcido, ‘Immigrant Women and Domestic Violence: Common Experiences in Different Counties’, p. 914.

³⁹ Justice Institute of British Columbia, *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships: Final Report*, Canada, Justice Institute of British Columbia, 2007, p. 35.

⁴⁰ Multicultural Disability Advocacy Association, *Violence Through Our Eyes: Improving Access to Services for Women from Non-English Speaking Backgrounds with Disability and Carers Experiencing Violence Project Report*, 2010, pp. 13-14.

⁴¹ Justice Institute of British Columbia, *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships: Final Report*, 2007, p. 2.

⁴² Ibid., p. 2.

⁴³ Ibid., p. 2.

⁴⁴ Multicultural Disability Advocacy Association, *Violence Through Our Eyes: Improving Access to Services for Women from Non-English Speaking Backgrounds with Disability and Carers Experiencing Violence Project Report*, 2010, p. 15.

⁴⁵ Justice Institute of British Columbia, *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships: Final Report*, 2007, p. 19.

and refugee women in contact with other family violence services.⁴⁶ Finally, culturally appropriate family violence services also have the facility to articulate what information they have to immigrant and refugee women considerately and supportively. This is because they understand that immigrant and refugee women are in isolated circumstances and often do not even know “what to ask service providers.”⁴⁷

4.4.3 Delivering services to immigrant and refugee women sympathetically and without discrimination

Culturally appropriate family violence services possess the faculty to avoid discriminating against any race, culture or religion allowing them to deliver services transparently, supportively and compassionately to immigrant and refugee women. This is pertinent because these women are often discouraged to access family violence services due to fears of racism⁴⁸ and being discriminated against by these services.⁴⁹ Therefore, in being more sensitive to these fears culturally appropriate family violence services will give confidence to immigrant and refugee women to seek assistance and protection upon becoming a victim of family violence. They form solid relationships with these women, from which they are able to continuously guide them through the process of leaving an abusive situation. This is unlike the inclination of mainstream family violence services to be impatient and intolerant of the cultural intricacies that are involved in providing services to immigrant and refugee women. Indeed, it is revealed that at times legal services and the police choose not to assist immigrant and refugee women experiencing family violence⁵⁰ because they believe that it is “inherently a part of their culture – and thus nothing can be done about it.”⁵¹ In contrast, culturally appropriate family violence services understand the ways in which racism and discrimination can affect these women and hence avoid it.

4.4.4 Taking into consideration the legal vulnerabilities of immigrant and refugee women

Due to their indeterminate or impermanent immigration statuses, it is often difficult for immigrant and refugee women to receive help from family violence services in their new host countries. In Canada, “sponsored women [are] unable to access services independently of their abusive husbands” and “women with only visitor status [are] not eligible for services at all.”⁵² In Australia, these difficulties also exist for immigrant and refugee women. Culturally appropriate family violence services anticipate these immigration difficulties faced by immigrant and refugee women and are ready to provide them assistance accordingly. First, this includes informing these women of the processes they must undertake in order to avoid being deported and to attain more stable immigration statuses.⁵³ Second, they ensure that these women are knowledgeable in immigration matters through disseminating information to them “clearly and repetitively.”⁵⁴ Finally, these services initiate efficient and effective referrals to the appropriate services that can help these women with their immigration statuses. However, most important is that culturally appropriate family violence services will assist and protect immigrant and refugee women regardless of the complexities of their immigration status.

⁴⁶ Ibid., p. 33.

⁴⁷ Ibid., p. 39.

⁴⁸ S. Shirwadkar, ‘Canadian Domestic Violence Policy and Indian Immigrant Women’, p. 869.

⁴⁹ S. Ozdemir, *The Victims of Crime in CALD Communities Project: Achieving Sustainable Change*, Conference Paper, Victoria, Windermere Child and Family Services, 2007, p. 7.

⁵⁰ S. Rees & B. Pease, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities*, 2006, p. 1.

⁵¹ C. Menjivar & O. Salcido, ‘Immigrant Women and Domestic Violence: Common Experiences in Different Counties’, p. 901.

⁵² Justice Institute of British Columbia, *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships: Final Report*, 2007, p. 41.

⁵³ Ibid., p. 44.

⁵⁴ Ibid., p. 44.

5.0 Policy Analysis

Despite the evident importance of culturally appropriate family violence services, the Victorian Government's past and present policy responses to family violence do not entail the rigid implementation of their provision. Indeed, its policy responses do not prioritise immigrant and refugee women as victims of family violence. This is not to say that it entirely disregards the female immigrant and refugee population in forming policy frameworks that function to address family violence. In fact, the Victorian Government acknowledges that "family violence occurs within every Victorian community regardless" of "location", "culture", "ethnicity or faith."⁵⁵ Additionally, it regularly highlights the difficulties inherent in assisting and protecting immigrant and refugee women who are victims of family violence and how this makes them more vulnerable in abusive situations.⁵⁶

5.1 The Victorian Government's Policy Response to Family Violence as Experienced by Immigrant and Refugee Women: A Lack of Culturally Appropriate Family Violence Services in Victoria

The Victorian Government's first panoptic policy response to family violence after 16 years was embodied in a policy document entitled *Women's Safety Strategy: A Policy Framework*, which was released in October 2002 and implemented for five years.⁵⁷ Although this policy framework functioned to address violence against women in general, it nevertheless identified the enormity of family violence as a problem in itself.⁵⁸ The policy framework endeavoured to address family violence through the integration of the services⁵⁹ of all relevant stakeholders including specialist family violence services⁶⁰, NGOs, community groups, health professionals, women's services, the police, the courts, local government, Ministers and Government Departments.⁶¹ This "integrated response"⁶² would form the basis for all succeeding policy frameworks designed by the Victorian Government to address family violence. In implementing this policy framework, the Victorian Government established a Statewide Steering Committee to Reduce Family Violence⁶³ in order to advise it on further reforms on family violence policies.

A critical issue that was overlooked by the *Women's Safety Strategy: A Policy Framework* was family violence as experienced by immigrant and refugee women. This is despite the policy framework's emphasis on assisting and protecting other similarly marginalised women that could be victimised by violence, such as Indigenous women and women with disabilities.⁶⁴ Indeed, it provided a specific strategy for confronting family violence amongst Indigenous women in Victoria recognised as the *Indigenous Family Violence Strategy*.⁶⁵ Unfortunately, a similar measure was not taken for the female immigrant and refugee population. Nevertheless, in 2005 the Statewide Steering Committee to Reduce Family Violence released a policy advice document that recognised the necessity to take into

⁵⁵ Victorian Government, *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*, Melbourne, Department of Planning and Community Development, 2010, p. 23.

⁵⁶ Ibid., p. 23.

⁵⁷ Victorian Government, *Women's Safety Strategy: A Policy Framework*, Melbourne, Department of Premier and Cabinet, 2002, p. 1.

⁵⁸ Ibid., p. 10.

⁵⁹ Domestic Violence and Incest Resource Centre, *Developing an Integrated Response to Family Violence in Victoria: Issues and Directions*, Melbourne, Domestic Violence and Incest Resource Centre, 2004, p. 7.

⁶⁰ Department of Human Services, *Guiding Integrated Family Violence Service Reform 2006-2009*, Victoria, Department of Human Services, Oct. 2006, p. 1.

⁶¹ Victorian Government, *Women's Safety Strategy: A Policy Framework*, 2002, p. 10.

⁶² Domestic Violence and Incest Resource Centre, *Developing an Integrated Response to Family Violence in Victoria: Issues and Directions*, 2004, p. 5.

⁶³ Victorian Government, *Women's Safety Strategy: A Policy Framework*, 2002, p. 16.

⁶⁴ Ibid., p. 12.

⁶⁵ Ibid., p. 17.

consideration immigrant and refugee women while addressing family violence in Victoria.⁶⁶ Entitled *Reforming the Family Violence System in Victoria* the document had the purpose of affording the Victorian Government policy “advice on the development of a multi-agency and integrated response to family violence.”⁶⁷ In regards to immigrant and refugee women, the document only briefly acknowledged the necessity to consider their unique disadvantages through encouraging the provision of integrated services that involved:

- Competent family violence services with the capacity to be culturally appropriate in order to effectively respond to immigrant and refugee women who need assistance and protection.⁶⁸
- Efficient interaction between mainstream family violence services and the services that respond to immigrant and refugee women including ethno-specific family violence services.⁶⁹
- Available and proficient interpreters.⁷⁰

In 2006 the Victorian Government released a new and more comprehensive policy to address family violence recognised as *Changing Lives: A New Approach to Family Violence in Victoria*. It was based on the expert policy consultation of the Statewide Steering Committee to Reduce Family Violence and its *Reforming the Family Violence System in Victoria* policy advice document.⁷¹ It was evidently similar to the policy strategy articulated in its predecessor *Women’s Safety Strategy: A Policy Framework*. Informed by the work of the Steering Committee, it puts forward an integrated response “to family violence in Victoria” whereby “community services, police and justice agencies work together.”⁷² Community services include specialist family violence services, NGOs, health professionals and women’s services. What resulted was the Integrated Family Violence System.⁷³

The Victorian Government’s efforts to assist and protect immigrant and refugee women through the implementation of this integrated response were limited to the formation of links with the small number of specialist family violence services for immigrant and refugee in Victoria such as the IWDVS.⁷⁴ This was despite the aforementioned policy advice afforded by *Reforming the Family Violence System in Victoria* on catering to the unique needs of immigrant and refugee women while addressing family violence amongst them. It is evident that there was no emphasis on the provision of culturally appropriate family violence services. Certainly, the integrated response did not recognise that the small number of family violence services for immigrant and refugee women indicated a necessity to ensure that mainstream family violence services be made culturally appropriate, including the police and justice agencies.

6.0 Analysis: The Effect of a Lack of Culturally Appropriate Family Violence Services in Victoria on Immigrant and Refugee Women in Family Violence Situation

⁶⁶ Statewide Steering Committee to Reduce Family Violence, *Reforming the Family Violence System in Victoria*, Melbourne, Department for Victorian Communities, 2005, p. 13.

⁶⁷ Ibid., p. 5.

⁶⁸ Ibid., p. 20.

⁶⁹ Ibid., p. 20.

⁷⁰ Ibid., p. 20.

⁷¹ Victorian Government, *Changing Lives: A New Approach to Family Violence in Victoria*, Melbourne, Department for Victorian Communities, Nov. 2005, p. 4.

⁷² Victorian Government, *Changing Lives: A New Approach to Family Violence in Victoria*, Nov. 2005, p. 4.

⁷³ Victorian Government, *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*, 2010, p. 12.

⁷⁴ Department of Human Services, *Guiding Integrated Family Violence Service Reform 2006-2009*, Oct. 2006, p. 8.

Based on an analysis of the literature review, the policy analysis and the following key informant interviews with specialist family violence services for immigrant and refugee women and a female immigrant victim of family violence, it is manifest that a lack of culturally appropriate family violence services results in the ineffective assistance and protection of immigrant and refugee women in family violence situations.

6.1 Case Study: Victoria's Integrated Family Violence System

The Integrated Family Violence System continues to be the primary mechanism responsible for addressing family violence in Victoria.⁷⁵ It is now guided by the Victorian Government's most current policy framework to address family violence, recognised as *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*⁷⁶ and complementing the Government's 2010 *Violence Against Women Policy Statement*.⁷⁷ Concurrent with the implementation of this system, the Government continues to receive policy advice from the Statewide Steering Committee to Reduce Family Violence which is now recognised as the Statewide Advisory Committee to Reduce Family Violence.⁷⁸

The Integrated Family Violence System now involves the increased cooperation between the police, justice agencies and community services catered to immigrant and refugee women who are victims of family violence.⁷⁹ This is due to the *Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*'s acknowledgment of the fact that immigrant and refugee women are more apt to experience family violence because of their marginalised status.⁸⁰ Indeed, although the policy document does not have a specific focus on assisting and protecting immigrant and refugee women in family violence situations, it rightly emphasises that the absence of an integrated response can indeed affect them more drastically than mainstream women.⁸¹ It stresses that the Integrated Family Violence System will "take into account all people's experiences so that the system is available and accessible to all and" that "there are no barriers to access."⁸² This means the Victorian Government will consider the unique experiences and needs of immigrant and refugee women during the implementation of the current integrated response to family violence.

Specifically, it is attempting the following in order to do so:

- Increased integration of services between the police, justice agencies and community services for immigrant and refugee women including CALD agencies.⁸³
- Enhanced responses to family violence from the police including an increased ability to make effective "referrals [to] and partnerships with specialist [family violence]

⁷⁵ Victorian Government, *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*, 2010, p. 26.

⁷⁶ Ibid., p. 26.

⁷⁷ Victorian Government, *Violence Against Women Policy Statement: Reforming and Preventing*, Melbourne, Department of Planning and Community Development, 2010, p. 2.

⁷⁸ Victims Support Agency, *Victorian Family Violence Database Volume 4: Nine Year Trend Analysis*, Melbourne, Department of Justice, 2009, p. 20.

⁷⁹ Victorian Government, *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*, 2010, p. 26.

⁸⁰ Victorian Government, *A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020*, 2010, p. 11.

⁸¹ Ibid., p. 11.

⁸² Ibid., p. 23.

⁸³ Ibid., p. 26.

services”⁸⁴ in order to assist and protect immigrant and refugee women more effectively.

- Increased cultural competence of the police. Indeed, the Victoria Police now “operates within a Code of Practice which recognises the special needs of certain groups of victims of family violence such as CALD women.”⁸⁵ In committing to this Code of Practice, the police have commenced the employment of “multicultural liaison officers, new and emerging communities liaison officers and family violence liaison officers.”⁸⁶
- Formed the FVCD of the Magistrates’ Court including that of Heidelberg and Ballarat⁸⁷, which allows family violence victims including immigrant and refugee women increased access to and assistance from the Magistrates’ Court. This way, they will also have the ability to more easily seek intervention orders themselves. Indeed, the FVCD “aims to make the process of applying for an intervention order less intimidating, by having support services available at the court premises.”⁸⁸

Unfortunately, these strategies are not rigidly implemented. In fact, it is evident that there is still a lack of culturally appropriate family violence services in Victoria. Based on the aforementioned ways in which culturally appropriate family violence services are important, it is clear how a lack of them affect immigrant and refugee women in the state. It results in the ineffective assistance and protection of these immigrant and refugee women in family violence situations. This is demonstrated by the following analysis:

1. An inability to accommodate the linguistic needs of immigrant and refugee women.

Family violence services in Victoria find great difficulty in making available interpreters while they assist immigrant and refugee women who approach them. The Victorian Government itself highlighted this in their research document entitled the *Victorian Family Violence Database*, in which it is stated that there is only a small fraction of CALD family violence victims that is provided the use of a proficient interpreter while accessing the services of the police and the courts.⁸⁹ In fact, the available data demonstrates that “the use of an interpreter was recorded for less than three percent of victims”.⁹⁰ This is due to:

- “limited availability of translators in particular languages
- limited availability of translators overall when the hearing of matters can not be tightly scheduled (e.g. may be adjourned or held over and translator may not be available to wait)
- lack of awareness of translation services
- unknown proportion of informal translation through family and friends.”⁹¹

⁸⁴ Victims Support Agency, *Victorian Family Violence Database Volume 4: Nine Year Trend Analysis*, 2009, p. 21.

⁸⁵ InTouch Multicultural Centre Against Family Violence, *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*, Victoria, Victorian Government, 2010, p. 19.

⁸⁶ *Ibid.*, p. 19.

⁸⁷ Victims Support Agency, *Victorian Family Violence Database Volume 4: Nine Year Trend Analysis*, 2009, p. 21.

⁸⁸ *Ibid.*, p. 21.

⁸⁹ Victims Support Agency, *Victorian Family Violence Database Volume 4: Nine Year Trend Analysis*, 2009, p. 100.

⁹⁰ *Ibid.*, p. 100.

⁹¹ *Ibid.*, p. 100.

An interview with a VIRWC counsellor revealed that the majority of its clients which is represented by immigrant and refugee women, was referred to the NGO. More specifically, the referrals came from mainstream family violence services such as AMES, Domestic Violence Victoria, CASA, mental health services, Spectrum, the Heidelberg Court, Centrelink, the ISCS and even the DIAC. Although these referrals demonstrate a certain level of coordination between different stakeholders, it unfortunately also demonstrates a lack of culturally appropriate family violence services in Victoria. One of the reasons for this is their inability to accommodate the linguistic needs of immigrant and refugee women. Indeed, the counsellor stated that:

"[Clients] were referred to us because these services did not offer them bi-lingual services. They just couldn't help these women because there was a lot of misunderstanding, since they couldn't speak in these women's languages."

In an interview with a VIRWC caseworker, after making an appointment with the Melbourne Magistrates' Court to seek an intervention order for a female immigrant victim the court failed to make available an interpreter during the appointment as was promised. Upon asking for the interpreter, the caseworker was given the reply that *"interpreters cannot be plucked from thin air."*

This corresponds to the results of a study completed by the IWDVS. According to this study, rural specialist family violence services identified the difficulties in accommodating the linguistic needs of immigrant and refugee women due to the unavailability of interpreters:

*"The availability and time taken to locate an interpreter, and for them to provide the service, can also be onerous. For example, if police are required to attend a home dispute, it is difficult to require that they wait at the location for three or four hours until an appropriate interpreter can be found. One worker commented that interpreting services are prohibitively expensive."*⁹²

This was demonstrated in another IWDVS study entitled *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*:

*"One CALD woman...was disappointed that they did not use interpreters as often as required and another claimed they failed to take her statement – a predictable outcome if there is no interpreter. One woman reported that because there was no interpreter when she was making a statement to the police, she signed a document that contained a critical error."*⁹³

This failure to be culturally appropriate through accommodating the linguistic needs of immigrant and refugee women can have a detrimental effect on the degree of which these women can be assisted and protected upon becoming victims of family violence. As previously mentioned, it leads to misunderstanding, confusion and misinformation. Immigrant and refugee women will be unable to communicate their predicaments and needs, while family violence services will have difficulty in understanding these needs and responding to them accordingly. In effect, these immigrant and refugee women cannot receive suitable assistance and protection for their abusive situations. For example, if a female immigrant or refugee victim is in an abusive situation that necessitates an intervention order, the inability of a family violence service to comprehend this due to

⁹² Immigrant Women's Domestic Violence Service, *The Right to be Safe From Domestic Violence: Immigrant and Refugee Women in Rural Victoria*, Victoria, Victorian Government, 2006, p. 14.

⁹³ InTouch Multicultural Centre Against Family Violence, *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*, 2010, p. 20.

language barriers can result in the victim receiving unsuitable assistance and hence remaining in her abusive situation.

2. An Inability to Understand the Isolated State of Immigrant and Refugee Women.

Numerous family violence services in Victoria fail to understand the isolated state of immigrant and refugee women; therefore they are not proactive in ensuring that these women understand their rights, the family violence laws in Victoria, and the family violence assistance that is available. They do not consider that due to their isolated state, immigrant and refugee women have limited knowledge in family violence matters. In addition, they do not take into account the fact that because they are so isolated these women may still have different perceptions of family violence due to their varying cultures, values and religions. Indeed, often “any information supplied to” these women is not “in a manner and at a literacy level that can be easily understood.”⁹⁴ Accordingly, immigrant and refugee women who approach these services are inaccurately assisted, remain unknowledgeable about the ways in which they can leave abusive situations and are left unprotected.

In the interview, the VIRWC counsellor expressed:

“In our organisation the fact that our workers are from similar cultures to our clients lets them create solid and trustful relationships with the women which speeds the process of helping them. Like me, I am from Iraq. The mainstream family violence services cannot address the priority needs of the clients and that are cultural demands, needs and values. They are very inconsiderate of these needs and often try to simply refer the women to other family violence services.”

Certainly, if the personnel of family violence services are from immigrant or refugee backgrounds themselves, they are able to better comprehend and address the unique circumstances and needs of these women when they access their services. Subsequently, there will be more effective assistance and protection of these women. A lack of this cultural competence will also discourage immigrant and refugee women from seeking help. As the IWDVS states, it can make these women “feel their experiences...were being marginalised by the process” which leaves them questioning the ability of the family violence system to assist and protect them.⁹⁵

3. An inability to deliver services to immigrant and refugee women sympathetically and without discrimination.

Based on information retrieved from key informant interviews and a study published by the IWDVS, it is apparent that many family violence services in Victoria are unable to deliver services to immigrant and refugee women sympathetically and without discrimination. According to the literature review on the importance of culturally appropriate family violence services, the faculty of family violence services to function sympathetically and without discrimination is important because it will encourage immigrant and refugee women to seek help if they are in a family violence situation. The VIRWC counsellor had highlighted that an inability to function this way can indeed discourage these women from seeking help at all causing them to remain in their abusive situations. The counsellor stated:

“Many clients refuse to use the existing family violence services because they believe that they cannot comprehend their problems due to cultural differences and will be mean to them

⁹⁴ Western Region Network Against Family Violence, *Measuring the Tides of Violence: Current Family Violence Data for the Western Region of Melbourne*, 2003, p. 74.

⁹⁵ InTouch Multicultural Centre Against Family Violence, *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*, 2010, p. 20.

and impatient with them. As a result, they avoid seeking help and remain victims. Lack of culturally appropriate family violence services creates mistrust for the immigrant and refugee women.”

Furthermore, this inability also results in the ineffective assistance and protection of immigrant and refugee women who are in family violence situations. During the interview with a Chinese VIRWC immigrant client, it is clear that the police are still unable to be culturally appropriate while assisting and protecting these women. She states:

“The police, they are very prejudiced. They said they’ll go to serve the intervention order at 1.30pm, they said they would wait at the corner [of the street] but they weren’t there, I didn’t see them. When I called them after a few hours they yelled at me loudly and asked me, ‘Do you understand English?’ I asked them about the situation but they just said to me keep waiting.”

In addition, the police had liaised with the client’s perpetrator in order to ensure that he would not be served the intervention order. The client revealed:

“The police told him not to open the door when they were coming to serve the intervention order. They actually told him I asked for an intervention order. They warned him that I wanted to serve an intervention order because I wanted to get [permanent residence]. So he knew I applied for intervention order so he changed the locks.”

This is an impeccable demonstration that family violence services are still racist and discriminative towards immigrant and refugee women, even the police. In discriminating against the immigrant status of the VIRWC client, the police had assumed that she sought assistance in order to acquire a more stable immigration status. Unfortunately, this resulted in her homelessness and the serving of the intervention order to be greatly delayed. Evidently, they had not been able to effectively assist and protect her.

This is not unlike the experiences of the immigrant and refugee women interviewed in the *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence* published by the IWDVS:

“Sometimes, police attitudes came across as unsympathetic and disappointing to [these] women. One reported that she waited 45 minutes for the police to arrive and when they did she found them ‘uncaring’ towards her predicament, and made her feel ‘humiliated by the way they talked to [her].’ Another felt that she was discriminated against by the police because she only had a student visa.”⁹⁶

4. An inability to take into consideration the legal vulnerabilities of immigrant and refugee women.

Family violence services in Victoria also fail to take into consideration the legal vulnerabilities of immigrant and refugee women. As previously mentioned, most immigrant and refugee women have indeterminate or impermanent immigration statuses, which makes helping them more complex. As a result, numerous family violence services refuse to help these women. The VIRWC counsellor revealed:

“The majority of services do not deal with clients whom do not have permanent residency as we do, as a result they are referred to us. Sometimes the mainstream services also have regulations that limit their assistance to a migrant or refugee who has been in Australia for

⁹⁶ InTouch Multicultural Centre Against Family Violence, *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*, 2010, p. 20.

less than five years. This does not apply to all the clients therefore they are referred to our organisation."

Additionally, during an interview with the VIRWC caseworker she stated that she had assisted a Laotian immigrant client with no permanent resident status. Upon being approached by the client who was experiencing abuse by her partner, the caseworker contacted VLA in order to acquire the assistance of a lawyer. However, no help was given on the basis that the victim's case was an *"immigration matter"* and that *"it was not important enough."* It is apparent that VLA did not want to take into consideration the legal vulnerabilities of the victim in assisting and protecting her; instead it neglected these vulnerabilities and rendered them too trivial for the victim to receive any help. Not only does this illustrate an unsuccessful referral, it also demonstrates that the justice system does not possess the cultural competence needed to effectively assist immigrant and refugee women experiencing family violence. Indeed, the victim was not assigned a lawyer and her process of applying for an intervention order was difficult and prolonged.

Furthermore, upon approaching several family violence services the Chinese VIRWC client who was interviewed was denied any assistance because she was on a student visa. She expressed:

"They told me, you know, 'to be honest, we can't financially help you.' They said because I had no [permanent residence] they can't help me. But after getting temporary visa they can help me."

This refusal of many family violence services to assist and protect immigrant and refugee women with complex immigration statuses results in excessive referrals of these women to other family violence services until one that can effectively assist them is found. The VIRWC client stated that after approaching the WLSV, she was referred to WIRE and finally to the VIRWC. Although this collaboration between different family violence services is important, excessive referrals are time consuming and often intimidating to immigrant and refugee women. This is particularly because they have a limited capacity to navigate the family violence system. In effect, they are either discouraged to access family violence services at all or often discontinue their efforts to seek assistance in order to leave an abusive situation.

7.0 Conclusion

It is clear that a lack of culturally appropriate family violence services in Victoria results in the ineffective assistance and protection of immigrant and refugee women in family violence situations. Through analysing the barriers that prevent immigrant and refugee women from accessing family violence services, it is clear that there are several ways in which culturally appropriate family violence services are important. They are capable of effectively assisting and protecting immigrant and refugee women in family violence situations because they can accommodate the linguistic needs of immigrant and refugee women, comprehend their isolated state, deliver services to them sympathetically and without discrimination and take into consideration their legal vulnerabilities while helping them. An analysis of the Victorian Government's policy responses to family violence demonstrates that there is a lack of culturally appropriate family violence services in Victoria. Even though the current Integrated Family Violence System implements an integrated response to family violence that entails the collaboration between the police, justice agencies and community services including specialist family violence services for immigrant and refugee women, a lack of culturally appropriate family violence services still remains.

This lack of culturally appropriate family violence services causes the ineffective assistance and protection of immigrant and refugee women in family violence situations. Based on an analysis of the literature review, the policy analysis and key informant interviews this effect of a lack of culturally appropriate family violence services is clear.

In order to better assist and protect immigrant and refugee women in family violence situations, this report recommends:

- An improved and more comprehensive Integrated Family Violence System whereby small specialist family violence services for immigrant and refugee women in Victoria such as the VIRWC and ethno-specific organisations that provide family violence support are included.
- That these small specialist family violence services be funded and assisted through further training in family violence response and management.
- Allocated funding for proficient and readily available interpreters for family violence services.
- Allocated funding for the training of the personnel of mainstream family violence services to be more culturally sensitive to the distinctive needs of immigrant and refugee women in family violence situations.
- Available written material on family violence matters that are culturally relevant to immigrant and refugee women in family violence situations. This includes material that recognise the limited knowledge of immigrant and refugee women about their rights under the family violence laws in Victoria, and the range of assistance that is available.
- Further research to be undertaken on how women who do not have permanent residency in Australia are assisted or not by the family violence services they approach and the policy and legislative changes that are required to effectively assist and protect these women.

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7 FILIPINO WOMEN KILLED IN VICTORIA (1987 to present)

1987 Nenita Evans

(a) <http://doenetwork.org/cases-int/477dfvic.html>

1989 GenerosaBongcodin

(a) See Chapter 7: Representing GenerosaBongcodin in Saroca, Cleonicki. "Hearing the Voices of Filipino Women: Violence, Media Representation and Contested Realities." PhD Thesis, University of Newcastle, Australia, 2002. (Bound hard copy on shelves DDH & Spiral bound p'copy MAG 100.01 & Digital File: Saroca-Thesis 02whole.pdf).

(b) See pages 9, 12 & 13 - Cunneen, Chris & Julie Stubbs (1996). 'Violence Against Filipino Women in Australia: Race, Class and Gender', *Waikato Law Review Taumauri*, Vol. 4 Issue 1, Special Issue on Domestic Violence, School of Law, University of Waikato (TeWhareWananga o Waikato), Hamilton, New Zealand (Aotearoa), pp.131- 154, 1996. Downloaded from http://www2.waikato.ac.nz/law/wlr/special_1996/5_cunneenstubbs.html on 8/02/2002. [Digital File: Cunneen& Stubbs - Waikato Law Review VAFilW in Australia.doc &p'copy in LAF 104.26]

1989 Nanette Villani

(a) there is almost no information on Nanette

1990 Milagros "Mila" Dark

(a) there is almost no information on Mila

1992 Marylou Orton

(a) "Marylou Orton : Her Story", by Melba Marginson, 1992"

(b) See Chapter 9: Representing Marylou Orton in Saroca, Cleonicki. "Hearing the Voices of Filipino Women: Violence, Media Representation and Contested Realities." PhD Thesis, University of Newcastle, Australia, 2002. (Bound hard copy on shelves DDH & Spiral bound p'copy MAG 100.01 & Digital File: Saroca-Thesis 02whole.pdf).

2000 Ruth AmoresButay

- killed by Jesus Butay, a Filipino

(a) R v Butay [2001] VSC 417 (2 November 2001), in the Supreme Court of Victoria, 2 November 2001, transcript. Download at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2001/417.html?stem=0&synonyms=0&query=butay> [Digital File: R v Butay [2001] VSC 417 (2 November 2001).odt]

(b) DPP v Butay[2001] VSC 346 (5 September 2001), in the Supreme Court of Victoria 5 September 2001, transcript. Download at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2001/346.html?stem=0&synonyms=0&query=butay> [Digital File: DPP v Butay [2001] VSC 346 (5 September 2001).odt]

2007 LuvinaDayang

- murdered in Springvale, Vic. by Danilo Miranda Guingab, a Filipino.

(a) R v Guingab [2011] VSC 110, in the Supreme Court of Victoria, 1 April 2011, Download at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2011/110.html?stem=0&synonyms=0&query=guingab> [Digital File: R v Guingab [2011] VSC 110 (1 April 2011).doc]

(b) R v Guingab (Ruling) [2010] VSC 256, in the Supreme Court of Victoria, 15 June 2010, Download at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2010/256.html?stem=0&synonyms=0&query=guingab> [Digital File: R v Guingab (Ruling) [2010] VSC 256 (15 June 2010).odt]

Source: *Violent Deaths & Disappearances of Filipino Women in Australia*, unpublished research of the Centre for Philippine Concerns Australia (CPCA), compiled by Dee Hunt, 2015.

Violent Deaths and Disappearances Amongst Filipino Women and Children in Australia since 1980

Last updated as at 30 May 2015

Compiled by CENTRE FOR PHILIPPINE CONCERNS AUSTRALIA

based on personal accounts, news clippings, press releases, court transcripts, doctoral and Institute of Criminology research

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Date	Name of Victim	Age	Place of residence	Incident	Outcome	Suspect or accused	Legal Verdict/ What is being done
1980	Teresita Beatriz Andalis	21	Brisbane, Qld.	Reported as "Drowning accident in a boat" on 10 August 1980 off Tippler's Resort.	David Mathiesen, her employer, had insured Teresita's life for \$AUS 400,000.	David Grant Mathiesen, 26, alleged he was Teresita's fiance.	On 16 April 1981, after 8 months of investigation, David Mathiesen was found guilty of murder and given a life sentence with hard labour by Judge Connely of the Supreme Court, Queensland.
1984	Carmelita Lee	22	Hoxton Park, NSW	On 21 January 1984 shot dead, bound & naked, at home with her de facto husband, Edward 'Billy' Cavanagh, 57, who had also been killed.	Edward Cavanagh's death was a gangland revenge murder. Carmelita was also killed because she witnessed his murder.	Lindsay Robert Rose	On 3 September 1998 Lindsay Robert Rose was tried for their murder (and 3 others in separate incidents). He was given 5 life sentences. His appeal on 11 October 1999 failed and the convictions and sentences upheld.
1986	Pauline Kelly	??	Wollongong, NSW	Beaten to death on 23 December 1986 during a domestic argument. Her body was thrown over a cliff.	Husband arrested 25 December 1986	Kevin Emmett Kelly, 45, husband	Kevin Kelly was found guilty of manslaughter and sentenced on 13 November 1987 to 7 years gaol with a non-parole period of 2 years by Justice Roden in Wollongong Supreme Court.
1987	Rowena Pasandalan Sokol	17	Blacktown, NSW	Shot 5 times and beaten about the head with the butt of a rifle on 23 February 1987.	Ten days before her death Rowena had complained to the Blacktown Local Court of her husband's violence toward her but a hearing was set for 18 March, 23 days after her death.	Joseph Christopher Sokol, 41, separated husband	Joseph Sokol pleaded not guilty to murder but guilty of manslaughter on the basis of diminished responsibility. He was sentenced to 10 years gaol, with a non-parole period of 6 years from the date of police custody on 23 February 1987.
1987	Azucena "Asing" Pollard Harold Jr.	33	Tumbarumba, NSW	Disappeared with her 3-yr-old son, Harry jnr. Sometime between 8 January 1987 and 4 June 1987.	In July 1987 relatives in the Philippines notified police of their disappearance. Her husband says "she ran away to Melbourne with another man in mid-March 1987."	Harry Pollard, husband (suspect)	A coronial inquiry concluded that there was a prima facie case against Harry Pollard for murder, but the DPP decided at that time not to proceed. The case was reopened late 1995 and was initially listed for hearing on 14 March 1997 in the NSW Supreme Court. On 15 September 1997 Pollard's motion that proceedings on the indictment be stayed was rejected by the court. We do not know what date was set for trial.
1987	Nenita Westhof	33	Brisbane, Qld.	Her throat was slashed on 18 February 1987 and her body found at home on 26 February. On 27 February 1987 her ex-husband was shot by the same man.	Both Nenita and her ex-husband, Willem "Jimmy" Westhof, died of their injuries.	Antonio Juan Curado, 39, her de facto partner.	Antonio Curado was convicted and sentenced on 7 March 1988 of both murders. He was sentenced to life imprisonment by Justice McPherson in Queensland Supreme Court.

Date	Name of Victim	Age	Place of residence	Incident	Outcome	Suspect or accused	Legal Verdict/ What is being done
1989	Julietta Apacway Herring	37	Berowra Heights, NSW	Her husband reported he found her drowned in their backyard pool on 25 November 1989.	Forensic evidence showed that her death was caused by tap water not pool water with chlorine in it. Her husband had almost \$AUS 500,000 in insurance policies on her life.	Keith David Herring, 43, her husband.	Keith Herring was found guilty of murder and sentenced to life imprisonment in NSW Supreme Court in October 1991. On appeal a re-trial was ordered. He was re-indicted and again found guilty. On 4 December 1995 his sentence was changed to 22 years and 3 months with a minimum term of 18 years commencing 19 March 1990. Further appeals against conviction and sentence were dismissed on 24 November 1998. Herring was released in mid-June 2012 but he resisted deportation back to the U.K. He eventually left Australia on a plane to the U.K. escorted by 5 security officers on September 13, 2012..
1989	Generosa Bongcodin	34	Oak Park, Vic.	Strangled on 9 July 1989	Died of strangulation in her ex-husband's Newport, Vic. residence.	Charles Schembri, 41, her ex-husband	Charles Schembri was allowed to plead guilty to the lesser charge of manslaughter and on 9 July 1990 he was sentenced to 8 years to serve a minimum of 5½ years by Justice Vincent in Melbourne's Supreme Court. However, he was released on 11 July 1993.
1989	Nanette Villani	36	Moorabbin, Vic.	Her decomposing body was found by police in June 1989 in her flat with cut wounds to the head and other parts of her body. She was separated from her 57 year old husband.		No suspect	Cause of death not determined.
1990	Milagros "Mila" Dark	39	Noble Park, Vic.	Reported by her husband as having gone missing on 14 February 1990.	On 17 February 1990 she was found in Endeavour Hills, 10 km from her house, bashed to death, with her head bound in a plastic bag.	Neville Lawrence Dark, 52, her husband (suspect)	In early August 1991 Neville Dark was acquitted of the murder of his wife due to lack of evidence. Mila worked at the Melbourne Club where Vincenzo Leonardi, had been her supervisor. [see also the case of Nenita Evans and endnote #1 below.]
1991	Eve Roweth	44	Marrickville, NSW	She had been stabbed 30 times in March 1991.	Found dead in the Lace Massage Parlour where she was the Manager	No one has yet been charged with the murder.	The NSW State Coroner set a hearing for 6/7/1994.
1991	Normita Barrios Garrott and Teresita Matan Garrott	36 and 34	Tantawanglo, Candelo, NSW	Mass suicide on 1 May 1991 of the two women and their husbands who were brothers, John, 53, and Brian Garrott, 44.	The close foursome were said to be traumatised when they learned that one brother, John, had a fatal heart disease.		A coronial inquiry on 22 October 1992 found that all 4 "cooperatively" planned their joint suicide. Teresita's family disputes this finding.
1991	Rosalina Cecilia Canonizado We refer to Rosalina by her family name of Canonizado out of respect for the wishes of her mother who does not want her daughter to be remembered in the name of Keir.	24	Tregear, NSW	Strangulation and burning.	Strangled with a lamp cord and then set on fire on 13 April 1991	Thomas Andrew Keir, 33, her husband was tried for murder. The prosecution alleged his motive was the \$80,000 insurance policy.	On 6 April 1993, Thomas Keir was acquitted due to lack of evidence. [see also the case of Jean Angela Strachan Keir above]

Date	Name of Victim	Age	Place of residence	Incident	Outcome	Suspect or accused	Legal Verdict/ What is being done
1996	Susan Dimatulac Pecson	32	Paradise Point, Qld	Disappeared on Thur 26/9/96 on her way to work. Her blood stained car was found nearby.	Her body has not yet been found. She was 5 or 6 months pregnant at the time.	Although Susan's body has not been found, Michael Pecson, her husband was tried for murder. He is a Filipino.	Michael Pecson found guilty of murder and sentenced to life imprisonment.
1998	Annabel Sabellano Strzelecki	28	Clare, SA.	Reported "missing" by a friend.	Her husband, Wlodzimierz "James" Strzelecki (71) said he last saw Annabel when she left their home in the middle of the night on 6 June 1998 in the company of a Filipina friend and a man.	No charges have been laid.	Wlodzimierz "James" Strzelecki was found dead in his home having committed suicide sometime during the weekend of 17-18 June 2000. Police investigations into Annabel's case continue.
1999	Marie Ann Stanton	40	Lake Clifton, WA	Shot at her home by her estranged husband, Kenneth Francis Stanton on 11 March 1999.		Kenneth Francis Stanton (69) was charged but at the first trial the jury was discharged because they could not reach a verdict. At a re-trial he was convicted of wilful murder on 18 September 2000 and sentenced to 20 years minimum imprisonment.	On 22 June 2001 the WA Court of Criminal Appeal held that the Supreme Court judge erred in his directions to the jury and on 22 June 2001 the conviction was quashed and a re-trial ordered. However, the High Court of Australia on 29 May 2003 overruled the Appeals Court and decided no error was made.
1999	Loida Smith	35	Marrickville, NSW	Stabbed to death a number of times by her housemate Michael Pello on 19 May 1999.	Loida had arranged a marriage between Pello & Elma Valdehueza. Loida attacked Elma & her sister and Pello. He killed Loida in a fit of rage.	Michael Pello was indicted for Loida's murder but his plea of guilty to manslaughter was accepted by the Crown on the basis of provocation. Pello is a Filipino.	On 3 August 2001, Michael Pello was sentenced to imprisonment for 5 yrs & 6 months to date from 19 May 1999 with a non-parole period of 3 yrs.
2000	Ruth Amores Butay	34	Werribee, Vic.	On 23 June 2000 police found Ruth in her bedroom at home bludgeoned to death with a half kilo hammer.	Ruth had returned to her home after a week's separation from her husband to discuss an amicable divorce.	Her husband, Jesus 'Jess' Butay (44) was arrested on 24 June 2000 and charged with her murder. He claimed that because of provocation he lost control and has no recollection of attacking her. Jesus Butay is a Filipino.	On 2 Nov 2001 in the Supreme Court of Victoria he was found not guilty of murder but guilty of the alternative charge of manslaughter due to provocation. He was sentenced to eight years imprisonment with a non-parole period of 6 years.
2001	Loiva Gonzales Clodine Gonzales	43 18	North Ryde, NSW	On 10 July 2001 the mother, father, and the sister of the accused were killed. He claimed to have returned home and found them dead.	His sister, Clodine, was strangled, struck on the head with a bat and stabbed a number of times. His mother, Loiva, was stabbed a number of times and her throat cut. His father, Teddy (46), also died of multiple stab wounds.	Sef Gonzales (20) was arrested on 13 June 2002 and charged with their murders. During his trial it was established that he had previously attempted to poison his family. His motive was to inherit the family wealth. Sef Gonzales is a Filipino.	On 20 May 2004 Sef Gonzales was found guilty in the New South Wales Supreme Court of three counts of murder. On 17 September 2004 he was given three concurrent sentences of life imprisonment commencing from 13 June 2002. On 27 November 2007 the NSW Court of Criminal Appeal rejected his appeal of conviction & sentence.

Date	Name of Victim	Age	Place of residence	Incident	Outcome	Suspect or accused	Legal Verdict/ What is being done
2013	Joan Canino Asequia Ryther	27	Logan, Qld.	Joan's body was discovered at 7am, 22 May 2013 in the front yard of a residential property less than a kilometre from her home. Eight weeks pregnant, she had been sexually assaulted and beaten around the head with a blunt object as she walked to work on 21 May.		An 18-yr old male was arrested on 31 May 2013 and charged with murder, rape & unlawful assault of a pregnant woman. He denied having anything to do with the crime and was remanded in custody.	The accused appeared in Beenleigh Magistrates Court on 3 June 2013. The case is adjourned until 5 August. An application for bail has been lodged in the Brisbane Supreme Court; the application will be heard on 12 June. To date the police are still investigating the crime and the suspect remains on remand. On 29 th April 2015, it was ruled in Beenleigh Magistrates Court that there was sufficient evidence to commit Andrew Michael Burke to trial in the Supreme Court.

NOTES:

1. In early 1954 Anna Maria Pontarollo (28), allegedly the mistress of Vincenzo Leonardi, disappeared. She was never officially reported as a missing person. We do not know if Pontarollo is a Filipina. Investigations into the links between the cases of Anna Pontarollo, Nenita Evans, and Mila Dark were reactivated for DNA testing on 28/10/98.

SUMMARY OF THE ABOVE DATA: Since 1980, 7 children and 29 women have been killed, 1 woman survived an attempted murder, 2 women died in a mass suicide incident, 5 women and 2 children have disappeared. The most recent case we have recorded occurred in May 2013.

All but 5 of the known suspected, accused, or convicted perpetrators were either the woman's husband, de-facto partner, ex-partner, employer/fiancee, son, sibling or child's father. 24 of the accused were convicted: 1 for wilful murder, 13 for murder and 8 of manslaughter (1 man murdered his estranged wife and child, 1 man killed 2 children, another murdered his 3 children, another also murdered the woman's estranged husband while another murdered his father as well as his mother and sister). In 1 case we do not know the result of trial, in another no trial date has as yet been set. Also, 1 man committed suicide after attempting to murder his wife and killing his child. The husband, in the case of one missing woman, has since committed suicide. Of the 2 trials which resulted in acquittals, no one else has been charged, and 1 man who was acquitted of the murder of his second wife was finally convicted, after 3 trials, for the murder of his first wife. In 1 case, two men were accused; one was convicted but the other was acquitted. In 3 other cases no one at all has been charged. All 46 victims are Filipino and where the ethnicity of the perpetrators is known, all but 5 to the best of our knowledge, are non-Filipinos.

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FURTHER READING:

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