

Submission to the Royal Commission into Family Violence

Submitted by inTouch Multicultural Centre Against Family
Violence

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Executive summary

inTouch Multicultural Centre Against Family Violence (inTouch) has provided integrated, culturally-appropriate family violence services to culturally and linguistically diverse (CALD) communities across Victoria for over thirty years. As such, it is well placed to advise the Royal Commission on how to reduce the incidence of family violence among the most vulnerable members of these communities.

inTouch encourages the Royal Commission to centre the needs of CALD women and children in its inquiry. Although 20 per cent of Victorians were born overseas in a country whose main language is a language other than English, the level of funding for CALD-specific family violence services, or for culturally-sensitive mainstream family violence services, does not reflect this.

While the experiences of CALD women are similar to Anglo-Australian women in some ways, a lack of knowledge about the Australian legal system, extreme social isolation, a fear of people in positions of authority and limited English skills are just some of the additional challenges CALD women may have to overcome when seeking protection from a violent family member. Similarly, the experiences of CALD children may differ to the experiences of Anglo-Australian children because of trauma related to their pre-migration and migration experiences, racism and discrimination, and the normalisation of certain cultural beliefs, such as the inferiority of women.

inTouch delivers a number of best practice programs for CALD communities, including its:

- award-winning community-led prevention program called CALD Communities Leading the Way to Respectful Relationships
- innovative Health Justice Partnership that will see the health, social and legal needs of CALD victims of family violence addressed by health, social and legal professionals working in collaboration across the Southern Melbourne region

- holistic, integrated culturally-appropriate crisis support service that addresses its clients' safety, social and legal needs in the one centre within an established relationship of trust
- highly-tailored culturally-appropriate group counselling programs for CALD women and children who have left a violent relationship and
- men's behaviour change programs delivered in Vietnamese and Arabic.

Although there have been a number of systemic advances in relation to assisting victims of family violence, CALD women and children face a range of gaps and barriers when it comes to accessing mainstream services. These include laws that fail to provide adequate protection, a court system that is inaccessible to the point of being hostile, a well-intentioned and professional police force that is insensitive to the particular needs of CALD women and children, inadequate services for child victims of family violence, and a lack of crisis and long term housing options, especially for non-permanent residents.

Better coordination and integration among the community- and government-sectors is vital to combating the prevalence of family violence. inTouch nominates centralised and responsive oversight, an integrated culturally-competent family violence system, a mandatory accreditation system for service providers, secure funding, enhanced data collection and one-stop service centres as means for achieving this.

inTouch recommends that the government, courts and police undertake 42 initiatives. If undertaken, these initiatives would greatly enhance the capacity of CALD women and children to access effective family violence support services, and thereby assist the government to achieve its aim of combating family violence.

Recommendations

Centring the needs of CALD women and children

- 1 The government should support service providers to centre the needs of CALD women and children when designing programs and services for people affected by family violence.

Best practice initiatives

- 2 The government should support the development of community-led family violence prevention initiatives for CALD communities in strategically-determined settings, such as faith groups, schools, ethno-specific organisations and migrant resource centres.
- 3 The government should deliver CALD-specific family violence prevention media campaigns through ethnic and mainstream media outlets.
- 4 The government should support the provision of culturally-appropriate health, social and legal services for CALD victims of family violence at strategically-determined health settings across Victoria.
- 5 The government should support the provision of culturally-appropriate social and legal outreach services for CALD victims of family violence at migrant settlement service delivery sites across Victoria.
- 6 The government should support the establishment of holistic, integrated culturally-appropriate service centres across Victoria to assist CALD women and children with their safety, social and legal needs.
- 7 The government should support the provision of culturally-appropriate group counselling programs for CALD adult and child victims of family violence with suitably qualified and experienced therapists.
- 8 The government should introduce a free or low cost culturally-appropriate individual counselling scheme for CALD adult and child victims of family violence with suitably qualified and experienced therapists.

- 9 The government should support the delivery of language-specific men's behaviour change programs for CALD perpetrators of family violence, including by supporting further research into effective strategies for engaging with specific ethnic groups.

Systemic gaps and barriers

- 10 The government should strengthen the family violence intervention order scheme by:
- a) establishing a formal mechanism for victims to collect essential belongings from the family home after leaving and taking out an intervention order
 - b) significantly expanding the provision of court-mandated men's behaviour change programs, including in languages other than English and
 - c) implementing a national family violence intervention order scheme that allows for the mutual recognition and enforcement of intervention orders across all Australian jurisdictions.
- 11 The government should encourage the federal government to amend the *Migration Regulations 1994* (Cth) so that migrants whose marriages to Australian citizens or principal applicants break down after experiencing family violence committed by extended family members are eligible for permanent residency.
- 12 The courts should conduct a CALD victims of family violence access audit of Magistrates' Court buildings, facilities, documents, staff and processes across Victoria, and subsequently implement a program for enhancing access for these women.
- 13 The courts should include a CALD communities component in their family violence training for magistrates and staff.
- 14 The courts should fund the provision of culturally-competent family violence support workers for CALD intervention order applicants at Magistrates' Courts whose catchment zones have significant CALD populations, including Broadmeadows, Dandenong, Geelong, Heidelberg, Melbourne and Sunshine Magistrates' Courts.
- 15 The courts should enhance the capacity of all victims of family violence to access Magistrates' Court services by:
- a) expanding the provision of remote witness facilities
 - b) creating separate waiting areas for applicants and respondents
 - c) providing affordable child care facilities
 - d) assisting applicants to include all relevant information on their intervention order applications
 - e) better explaining breaches and their consequences to all parties
 - f) revising interim and final intervention order forms so they are easier for parties to understand
 - g) ensuring all parties receive copies of the intervention order before leaving and

- h) ensuring orders for the provision of legal aid are relayed to Victoria Legal Aid and the parties concerned.
- 16 The courts should enhance the capacity of CALD victims of family violence to access Magistrates' Courts by asking all family violence intervention order applicants if they require the assistance of an interpreter. The courts should consider allowing an applicant who says yes to nominate a professional interpreter she has worked with previously.
 - 17 The courts should establish best practice guidelines for engaging interpreters that centre the needs of CALD victims of family violence, including by requiring staff to engage female interpreters for female victims of family violence, a separate interpreter for each party, interpreters with knowledge of family violence intervention orders and, in time, interpreters with specialist legal qualifications.
 - 18 The government should support the expansion of family violence intervention order training for interpreters.
 - 19 The government should review the accreditation process for interpreters so that:
 - a) adequate sanctions are imposed for professional misconduct and
 - b) legal interpreting qualifications are mandatory for those who wish to interpret in a legal setting.
 - 20 The government should provide financial incentives for women to become accredited interpreters in languages where there is a shortage of female interpreters.
 - 21 The government should determine whether a restorative justice process should be implemented in Victoria for situations of family violence. In doing so, it should look at examples of best practice in other jurisdictions and consult with victims of family violence. Any process that is piloted or adopted must be accessible to all victims of family violence whose cases are appropriate, including CALD women.
 - 22 The police should establish family violence teams and response services made up of officers and family violence support workers across Victoria.
 - 23 The police should ensure that officers and family violence support workers receive culturally-sensitive family violence training.
 - 24 The police should ensure that officers and family violence support workers who respond to family violence calls inform the parties of their rights and where to go for further information and assistance.
 - 25 The police should require officers to ask parties to a family violence incident who were born outside Australia whether they require the assistance of an interpreter.
 - 26 The police should require officers to engage a professional interpreter at the first available opportunity where a party to a family violence incident indicates they would like the assistance of an interpreter.
 - 27 The government should develop a risk assessment framework for child victims of family violence.

- 28 The government should provide greater funding to child protection services so they are able to adequately address the safety, social and legal needs of child victims of family violence, including CALD child victims of family violence.
- 29 The government should support the provision of family law and migration law training to all duty lawyers involved in family violence intervention order proceedings.
- 30 The government should support duty lawyers involved in family violence intervention order proceedings to assist applicants with their further and better particulars, possibly by mandating, and supporting the production of, victim impact statements.
- 31 The government should adopt a comprehensive social, legal and financial strategy to assist victims of family violence to stay in their homes upon separating from their violent partners.
- 32 The government should establish specialist refuges for CALD victims of family violence in strategic locations across Victoria.
- 33 The government should give greater priority to the allocation of government housing to victims of family violence, especially children.
- 34 The government should support the development of economic empowerment programs for CALD women across Victoria, including for elderly CALD women who have limited means of survival.
- 35 The government should conduct an audit of family violence services across Victoria, including with respect to the provision of services for particularly vulnerable Victorians such as CALD women and children.
- 36 Where the audit of family violence services reveals a lack of services for CALD victims of family violence in rural and regional areas with significant CALD populations, the government should support initiatives to enhance the delivery of culturally-appropriate family violence services in these areas.

Coordination and integration

- 37 The government should establish a multi-agency family violence taskforce responsible for implementing the government's response to family violence.
- 38 The government should establish an integrated culturally-competent family violence system across the justice and social services sectors, including through the active recruitment and training of bilingual workers.
- 39 The government should ensure all family violence service providers are accredited and adhere to minimum standards for organisations, staff, volunteers and programs, including a requirement that organisations adopt best practice instruments, such as the Common Risk Assessment Framework, and that staff and volunteers are appropriately qualified.
- 40 The government should provide long-term adequate funding for family violence initiatives, including those targeting CALD communities.

- 41 The government should support enhanced data collection, research and program evaluation with respect to family violence, including in relation to CALD communities.
- 42 The government should establish one-stop service centres for victims of family violence, including CALD victims of family violence.

1 Introduction

inTouch Multicultural Centre Against Family Violence (inTouch) is pleased to be able to contribute to the valuable work of the Royal Commission into Family Violence. Having provided culturally-appropriate family violence services to Victoria's culturally and linguistically diverse (CALD) communities for over thirty years, inTouch is well placed to advise the Royal Commission on how to reduce the incidence of family violence among these particularly vulnerable members of our community.

To assist the Royal Commission with its aim of advising the Government on the systemic reforms needed to better address family violence, this submission includes:

- detailed responses to the Royal Commission's Terms of Reference based on inTouch's extensive experience and anecdotal evidence provided by inTouch staff, clients and external service providers¹ and
- a list of inTouch publications that have been given to the Royal Commission to assist it with its inquiry.²

If invited, inTouch would be pleased to provide the Royal Commission with additional information about its services and the experiences of its staff, clients and external service providers in any manner that is helpful to the Royal Commission. inTouch understands that the Royal Commission is conducting public hearings and would welcome the opportunity to participate in these. inTouch would also welcome the opportunity to provide a supplementary written submission with additional information about any of the issues discussed below.

¹ See Chapters 3-6.

² See Appendix A.

2 About us

Established in 1984 as a multilingual support service for CALD women in family violence refuges across Victoria, inTouch now provides a range of holistic, integrated culturally-appropriate intervention and support services for CALD women and their children. It also undertakes community-wide prevention initiatives and language-specific men's behaviour change programs, as well as research and advocacy. In addition, inTouch provides family violence cultural competency training for professionals likely to come into contact with potential or possible CALD victims of family violence.¹

inTouch's professionally trained staff collectively speak 25 languages. In the last financial year, they assisted 972 women (and 547 accompanying children) with their social, legal and therapeutic needs; engaged approximately 10,000 CALD community members in family violence prevention initiatives; and coordinated the delivery of men's behaviour change programs in Vietnamese to 20 men.

In response to the Terms of Reference, inTouch has listed many of its programs as examples of best practice. As such, more detailed information about its programs can be found below.²

For further information about inTouch and the services it provides, see *About Us: inTouch Multicultural Centre Against Family Violence* or our 2013-14 Annual Report, both of which have been supplied to the Royal Commission.

¹ inTouch acknowledges concerns that the word 'victim' reduces women and children affected by family violence to their experience of victimisation. By using the word throughout its submission, inTouch does not mean to suggest these women and children lack resilience or strength. However, inTouch does wish to convey that many of these women and children face numerous challenges while trying to navigate a life threatening situation. 'Victim' connotes both the harm they are experiencing at the hands of another and their need for assistance.

² See in particular Chapter 4.

3 Centring the needs of CALD women and children

[The Royal Commission may have regard to] the needs and experiences of people affected by family violence with particular regard to children, seniors, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, gay, lesbian, bisexual, transgender and intersex communities, regional and rural communities and people with a disability and complex needs.³

Introduction

inTouch encourages the Royal Commission to centre the experiences of particularly vulnerable people affected by family violence in its investigation, including women and children from CALD communities.

In these days of rights- and evidenced-based policy design, it is widely acknowledged that the efficacy of any given policy largely depends on the extent to which it centres the needs of those it seeks to assist.

Unfortunately, inTouch routinely sees policies and systems designed to assist people who are affected by family violence that offer little, if any, protection to CALD women and children, or that even cause them further harm. Notwithstanding the best intentions of community- and government-sector providers of mainstream services, a lack of resources coupled with ignorance about the particular needs of CALD women and children often serves to reinforce the disadvantage experienced by these women and children.

³ Terms of Reference, paragraph 6.

Case Study 1: Mainstream services that are inaccessible

Although ██████ is struggling to find affordable accommodation after leaving her violent husband, she cannot move into the refuge that offered her a place as the refuge's requirements conflict with her student visa requirements. For safety reasons, refuges often require residents to discontinue studies or work while staying there. However, if ██████ discontinues her studies, she will be in breach of her student visa and may face deportation.

Although ██████ had been subjected to ongoing abuse throughout her 15 year marriage, her husband's physical assaults increased in intensity and frequency after they arrived in Australia. During the latest incident, her husband dragged her through their home by her hair and cut her clothes off, at which point a house guest called the police. Although the court approved the police application for an intervention order, ██████'s husband has continued to intimidate and threaten to kill her on many occasions.

██████'s in-laws have been supporting their son from their country of origin and she fears serious repercussions, perhaps even death, if she is forced to return.

Case Study 2: Mainstream services that cause further harm

██████ arrived in Australia as a refugee with her husband and three children. Throughout her marriage, ██████'s husband has subjected her to ongoing physical, emotional and financial abuse. After one violent incident she miscarried their child.

██████ approached City Mission for assistance, who then referred her to inTouch. inTouch helped her to get an intervention order, but when she arrived home and told her husband that she had taken out an intervention order, he screamed at her and pushed her, before tearing up the intervention order and calling the police.

When the police arrived, ██████ asked them for an interpreter so that she could explain that she had taken out an intervention order, however, the police engaged ██████'s husband as her interpreter. ██████ did not understand what her husband told the police, and child protection officers soon arrived at the house. ██████ became hysterical and started screaming in her native language as she could not explain the situation to the police or the child protection officers, and her children were getting more and more distraught, crying and asking for their mother.

The police then called an ambulance and a Critical Assessment Team from the hospital arrived. ██████ was medicated against her will and, unconscious, she was taken to a mental health facility where she was kept for three days. ██████ says she was not told why she was there and was not allowed to see her children.

When inTouch was told about ██████'s detention in the mental health facility, her case manager successfully advocated for her release.

Experiences of CALD women and children

In some respects, the experiences of CALD women are similar to the experiences of all women, except that they may be exacerbated because of the high level of privilege men continue to enjoy in many CALD communities. These experiences include being:

- made to feel that family violence is a private matter between a husband and his wife
- financially dependent on their husbands and
- fearful of reprisals from their husbands, extended family members and communities if they leave the relationship.

However, CALD women also experience additional difficulties not normally faced by Anglo-Australian women because of their status as migrant women. These include being:

- ignorant of the law and legal system
- extremely socially isolated
- fearful of losing the right to reside in Australia due to their dependency on their husbands' migration status
- unable to return to their birth family after having their passports confiscated by their husbands
- fearful of losing custody of their children
- distrustful of people in positions of authority
- unable to speak and/or write in English and
- exposed to complex forms of family violence in extended-family and community settings.

In addition, among CALD communities, there are a range of experiences that are unique to certain communities. These include:

- the ways in which cultural practices, such as marriage and circumcision, are carried out and
- the type and extent of trauma experienced in their country of origin or transit.

Among the experiences particular to, or more prevalent among, CALD children affected by family violence are:

- trauma related to their pre-migration and migration experiences
- a general feeling of being caught between two worlds
- racism and discrimination
- a high-level of responsibility for the care of younger siblings and

- the normalisation of issues identified above in relation to their mothers, such as the inferiority of women or forced marriage.

Culturally-specific forms of family violence

Although many forms of family violence that take place within CALD communities are the same as those that take place within the broader Anglo-Australian community, some forms of family violence are specific to, or more prevalent among, CALD communities. Dowry-associated violence, forced marriage, honour killings and female genital mutilation are examples of these.

Less well recognised, though more prevalent than the above types of family violence, is family violence committed by extended family members. It is more common for women in CALD communities to move in with their husbands' extended family members, and to be seen as subservient to those family members. inTouch knows of many instances in which mothers-, fathers-, sisters- and brothers-in-law have engaged in the ongoing physical, sexual, emotional, social and financial abuse of CALD women and their children.

Increasingly inTouch is seeing older CALD women who are being abused by their children and children-in-law. In the last financial year, it had 58 clients over the age of 55. Most problematic are those who have been brought to Australia on a Contributory Aged Parent Visa, typically to look after their grandchildren. People on this visa are not eligible for Centrelink assistance for 10 years after their arrival and, with no other family support in Australia, they remain dependent on their abusive family members.

In addition, inTouch has seen an increase in human trafficking for sexual and domestic servitude in recent years, especially in regional areas. Typically, a foreign woman enters into what she believes is an arranged marriage with an Australian citizen, but upon arrival is treated as a slave by her husband, and repeatedly subjected to physical, sexual and other forms of abuse.

Generic family violence initiatives that address family violence in all its forms are desirable because they address the characteristics of family violence found in all communities, they are relatively simple and easy to understand, and they avoid unnecessarily stigmatising particular communities. That said, each of these culturally-specific forms of violence also needs a tailored response if it is to be adequately addressed.

Conclusion

For reasons of equity and efficacy, it is inappropriate to treat CALD community members as an afterthought when it comes to the design and implementation of family violence initiatives. All women in Australia are entitled to live free from family violence, regardless of where they were born. Furthermore, investing in programs for

mainstream Australians to the exclusion of programs for the one-fifth of Victoria's population that was born overseas in a non-main English-speaking country undermines our capacity to address family violence as a society.⁴

Whether mainstream organisations should centre the needs of CALD communities in their program design, or whether CALD-specific service providers should be funded to assist women to access mainstream programs, depends on the circumstances. The most effective solutions will often entail a combination of both.⁵

Recommendation

- 1. The government should support service providers to centre the needs of CALD women and children when designing programs and services for people affected by family violence.**

⁴ For data on Victorians born overseas, see Victorian Multicultural Commission, *2011 Census: a snapshot of our diversity* <<http://www.multicultural.vic.gov.au/population-and-migration/victorias-diversity/2011-census-a-snapshot-of-our-diversity>>.

⁵ For example, the needs of CALD child victims of family violence would ideally be met through a culturally-competent mainstream child protection service that worked collaboratively with a specialised CALD community family violence service provider, as envisaged in Recommendations 6 and 28.

4 Best practice initiatives

[The Royal Commission must] examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations to establish best practice for the prevention of family violence, early intervention to identify and protect those at risk of family violence and prevent the escalation of violence, support for victims of family violence and measures to address the impacts on victims, particularly on women and children, and perpetrator accountability.⁶

Introduction

Best practice family violence organisations, policies, programs and services:

- centre the needs of women and children
- prioritise the safety of women and children
- support a rights-based approach
- support an evidence-based approach
- promote professionalism, including by adhering to validated codes of conduct and risk assessment tools and
- uphold confidentiality, trust and the right to privacy (where appropriate).

For reasons of brevity, inTouch has chosen to focus on its programs as examples of best practice to the exclusion of family violence programs delivered by other service providers.⁷

Prevention initiatives

Language and cultural barriers often render mainstream family violence prevention initiatives inaccessible to CALD communities. inTouch fills this gap by conducting culturally-appropriate educational initiatives among these communities in order to challenge belief systems that support family violence and provide information for

⁶ Terms of Reference, paragraphs 1(a)-(d).

⁷ While inTouch wishes to bring the particular needs of CALD women and children to the Royal Commission's attention in line with its core aim of eliminating family violence within CALD communities, it also wishes to acknowledge the following mainstream family violence initiatives as examples of best practice: high level specialist oversight roles and bodies, such as the appointment of the Minister for the Prevention of Family Violence; specialist family violence divisions and lists in Magistrates' Courts; family violence awareness training for key service providers; Risk Assessment Management Panels; and the Common Risk Assessment Framework.

women on where to go if they need help. Most recently, inTouch completed its award-winning community-led prevention program called CALD Communities Leading the Way to Respectful Relationships.

CALD Communities Leading the Way to Respectful Relationships

Over two and a half years, this project sought to raise awareness about gender equality and respectful relationships within Victoria's Croatian, Indian, Sudanese and Vietnamese communities.⁸With the support of inTouch staff, community leaders mobilised their local communities by designing and delivering culturally-appropriate awareness raising programs. Together they reached 20,190 community members.

While attitudinal and behavioural change take a long time, this project was successful in breaking the silence that surrounds family violence within the four targeted communities. The project's success was driven by the development and implementation of a highly successful community engagement model where, in each of the communities, inTouch recruited bi-lingual facilitators, established formal relationships with ethno-specific organisations and formed taskforces consisting of community leaders. The project focused on building the ongoing capacity of ethno-specific organisation and taskforce members.

In 2014, CALD Communities Leading the Way to Respectful Relationships was the state winner of the Australian Crime and Violence Prevention Awards.⁹

⁸ CALD Communities Leading the Way to Respectful Relationships was funded by the Commonwealth Department of Social Services. More information about this initiative can be found in inTouch Multicultural Centre Against Family Violence, *Break the Silence: CALD Communities Leading the Way to Respectful Relationships Report* (2014).

⁹ This award was granted by the Council of Australian Governments' (COAG) Law, Crime and Community Safety Council.

Case Study 3: Leading the way to respectful relationships within Victoria's Indian community

An Indian taskforce member said the following of her experience leading the way:

[Talking about] family violence within the Indian community is considered a taboo. Families are encouraged to confine this within family, and women who seek assistance from external sources are often ostracised by the community.

The biggest challenge of the project was to... start talking about it. One of the settings that held a strong access point was the local faith setting. During White Ribbon Week, we organised an event at a local Sikh temple where messages of respect and non-violence were reinforced by the head priest during his sermon. It was the first time that family violence had been mentioned in that setting.

It is very important to tailor community awareness raising initiatives in a culturally sensitive manner and meet communities where they are at so meaningful and long term engagement can be achieved.

We have seen some changes in the community. People are gradually opening up and participating in awareness raising events. We have achieved the project goal of 'breaking the silence'. Since most of the family violence happens in darkness, this project put some light out there.

Conclusion

Some CALD communities are more accepting of gender inequality than the general population, and are therefore more likely to endorse attitudes that support violence against women. Community-led prevention programs play a vital role in challenging these attitudes and encouraging women to seek help.

The delivery of community-wide prevention programs like CALD Communities Leading the Way to Respectful Relationships across other CALD communities within Victoria is needed to break down patriarchal attitudes that support family violence, as are culturally-appropriate prevention programs targeted at faith groups, school students (including those who attend ESL schools) and recently arrived migrants. Also needed are media campaigns targeted at CALD communities.¹⁰

¹⁰ More about prevention initiatives in Victoria can be found in VicHealth, *Preventing Violence against Women: Community of practice* (September 2014).

Recommendations

2. The government should support the development of community-led family violence prevention initiatives for CALD communities in strategically-determined settings, such as faith groups, schools, ethno-specific organisations and migrant resource centres.
3. The government should deliver CALD-specific family violence prevention media campaigns through ethnic and mainstream media outlets.

Early intervention initiatives

inTouch trains community leaders, faith leaders and other 'first points of contact' for CALD victims of family violence to recognise family violence and advise the women where to go for assistance. inTouch is currently undertaking two prevention programs aimed at enhancing the capacity of health practitioners to identify and address the health, social and legal needs of potential or possible victims.

Health Justice Partnership

inTouch has partnered with legal, health and family violence support organisations to provide integrated and culturally-appropriate health, social and legal services within a health setting (initially at Dandenong Hospital) in the Southern Melbourne region.¹¹ It is one of only eight family violence health justice partnerships across Australia, and the only partnership with a primary focus on refugee and migrant women.

The City of Greater Dandenong was chosen as the site for delivery because:

- 55 per cent of the population was born overseas in non-English speaking countries
- the rate of family violence per 100,000 has almost tripled in the last ten years, from 547 to 1547 and
- it contains over 50 health service providers.¹²

The Health Justice Partnership is based on the Medical-Legal Partnership (MLP) in the United States of America. The MLP integrates the work of healthcare, public health and civil legal aid to more effectively identify, treat and prevent the health-harming legal needs for patients and communities. MLPs have been established in 36 states, 135 hospitals, in 127 health centres and 127 legal aid agencies, with the involvement of 32 medical schools, 46 law schools and 70 law firms.

¹¹ The Health Justice Partnership is funded by the Victorian Legal Services Board from November 2014 to October 2016.

¹² City of Greater Dandenong, *Statistical Data for Victorian Communities*, <<http://www.greaterdandenong.com/document/18464/statistical-data-for-victorian-communities>>.

Phase one of the project involves establishing a system for the delivery of therapeutic, culturally sensitive social and legal services in the Dandenong Magistrates' Court catchment area. Phase two will see inTouch establish an outreach clinic in Dandenong Hospital. Training health care professionals to identify and assist CALD victims of family violence will take place under phase three.

Successful project implementation is linked to the strength of inTouch's strategic partnerships with Monash Health, Jean Hailes for Women's Health, Monash University, Maurice Blackburn, Lander & Rogers, the Dandenong Magistrates' Court, Victoria Legal Aid (VLA) and community legal centres (CLCs) in the region. Evaluation has been embedded in the project since the beginning and will inform the ongoing development of the model.

inTouch's conservative estimate of the number of women it will provide social and legal assistance to over two years is 240. Its conservative estimate of the number of health care and legal professionals it will provide CALD-specific family violence training to is 250.

Case Study 4: Identifying CALD women and children at risk through the provision of health services

██████ was admitted to hospital four times over several months after presenting at the emergency department with heart pain (which has since been diagnosed as anxiety and panic attacks). She underwent testing on her heart each time, but nothing unusual appeared. On her fourth visit, a nurse asked ██████'s sister about ██████'s personal life and her sister revealed that ██████'s husband and brother-in-law had been abusing her physically, as well as by taking her salary, stalking her and threatening to kill her. A hospital social worker eventually referred her to inTouch.

When ██████ asked for a copy of her discharge summary to use as evidence to obtain an intervention order, she was told it would cost \$26, which was difficult for her to afford as she had lost her job as a result of her ongoing health issues.

inTouch hopes that its Health Justice Partnership will lead to more effective and compassionate responses for women like ██████.

(See also Case Study 16)

Harmony: Achieving justice for Indian family violence survivors

In collaboration with Victoria's Indian community, inTouch will develop culturally-appropriate strategies for general practitioners with an Indian background to increase the identification of, and the provision of support services to, Indian victims of family

violence.¹³ A similar project in the United Kingdom, saw a sixfold increase in the number of referrals by participating doctors to family violence service providers.

It is hoped that the pilot, which is being carried out in partnership with LaTrobe University, will demonstrate the benefits of providing culturally-sensitive family violence training to front line health workers, and generate the data needed to secure the funding required to continue the project beyond the pilot phase.

Conclusion

inTouch's current early intervention initiatives will fulfil a major unmet need for specialised, culturally-appropriate health, social and legal support that will be delivered by professionals working together to improve outcomes for CALD victims of family violence.

A remaining unmet need for CALD victims of family violence insofar as early intervention is concerned is the provision of culturally-appropriate social and legal outreach services within migrant settlement service delivery sites.

Recommendations

4. The government should support the provision of culturally-appropriate health, social and legal services for CALD victims of family violence at strategically-determined health settings across Victoria.
5. The government should support the provision of culturally-appropriate social and legal outreach services for CALD victims of family violence at migrant settlement service delivery sites across Victoria.

Support initiatives

inTouch provides crisis support for CALD women and children currently experiencing family violence as well as recovery support for women and children who have left situations of family violence.

Crisis support

inTouch's case managers assist CALD victims of family violence with their safety and social needs. The case managers, all of whom are migrants or refugees, are specialised family violence support workers. Collectively they speak 25 languages. In the last

¹³ The Harmony project is funded by La Trobe University from February 2015 to January 2016.

financial year, they provided support to 972 women from 89 different countries of origin, and to their 547 accompanying children.¹⁴

The work of inTouch's case managers is complimented by inTouch's Legal Centre, which assists CALD victims of family violence with their legal needs.

Safety and social assistance

When clients first contact inTouch, their needs are identified through a risk assessment undertaken by an intake worker.¹⁵ Depending on a client's needs and wishes, they may then be provided with case management support that focuses on enhancing their safety. Case management support is funded, and most often provided, for 13 weeks. However, due to the complex needs of some clients, inTouch has extended the length of its support to 12 months.

Family Violence Crisis Support Service

Case managers provide clients with information about family violence support services across Victoria.¹⁶ Case managers routinely liaise with staff from various agencies, assist clients with applications and provide referrals to relevant services in relation to their housing, education, training, employment, health and other needs.

Immigration support

This program is conducted by a case manager who is also a Registered Migration Agent (RMA).¹⁷ With support from other bi-cultural case managers, the RMA assists clients to apply for permanent residency under the family violence provisions of the *Migration Regulations 1994* (Cth). Among the tasks the RMA performs are providing referrals, gathering evidence, lodging applications and liaising with Department of Immigration staff, psychologists and Centrelink social workers. In the last financial year, 354 women were provided with immigration support.

Court support

inTouch case managers provide emotional and logistical support to CALD victims of family violence one day a week at the Heidelberg, Dandenong and Sunshine

¹⁴ Case managers are not funded to provide services to children, however, they often assist their clients' children with their safety planning, intervention order, court support and immigration needs, and provide referrals to, and act as liaisons with, Child FIRST and child health professionals.

¹⁵ inTouch uses the Common Risk Assessment Framework to conduct its assessments in accordance with industry best practice.

¹⁶ The Family Violence Crisis Support Service is funded by the Victorian Department of Health and Human Services.

¹⁷ This role is, and always has been, unfunded.

Magistrates' Courts.¹⁸ Case managers provide information and advice before the women attend court, and emotional support through the court process. They do this by, among other activities, ensuring the women are represented appropriately, interpreters are engaged, all relevant information is provided to prosecutors and defence lawyers, and intervention orders are tailored to meet the clients' needs. inTouch provided 243 women with court support during the last financial year.¹⁹

Intensive Family Violence Support Service

inTouch provides intensive support to CALD victims of family violence who have complex needs, as determined by reference to 12 areas of need.²⁰ These clients are identified as having complex needs with limited support. Intensive family violence support is funded for 12 women each year, however, 15 women received support under this program in the last financial year.²¹

Complex Case Support Program

inTouch provides complex case support to refugees, special humanitarian entrants and protection visa entrants who are victims of family violence, provided they entered Australia within the past five years.²² These clients receive intensive support over a period of three to nine months. Under these interventions, a thorough needs assessment is conducted at the outset, a milestone report monitors the progress halfway through and an exit report evaluates the progress at the end of the intervention against the Case Management Plan. This intervention is outcome based, and is therefore not limited to a set a period of time. In the last financial year, inTouch assisted four families under this program.

¹⁸ Funding for inTouch's court support services is provided by Heidelberg Magistrates' Court only. inTouch has been approached by the Melbourne Magistrates' Court to provide its services at that Court without any additional funding. inTouch does not have the resources to extend its services to that Court at present.

¹⁹ While many of these women are inTouch clients, inTouch's court support workers assist any CALD women on the intervention order list on the day they are there.

²⁰ These are exposure to violence, money management, housing, health, access to services, access to social support, challenging behaviour, personal safety and well-being, mental health issues, alcohol and drug use, disability and parenting.

²¹ The Intensive Family Violence Support Service is funded by the Victorian Department of Health and Human Services.

²² The Complex Case Support Program is funded by the Commonwealth Department of Social Services.

Case Study 5: Providing culturally-appropriate crisis support - safety and social

After attending a family violence incident at her home, the police applied for a family violence intervention order on ██████'s behalf and referred her to inTouch.

██████'s case manager accompanied her to court for the intervention order hearing. While waiting in front of the court room, ██████ was repeatedly threatened by her husband and his friend. The case manager asked court staff to provide ██████ with a private area in which to wait as ██████ was extremely fearful of her husband as demonstrated by her continual shaking and crying.

After obtaining her copy of the intervention order, ██████ wanted to leave the court but her husband and his friend were waiting outside the main public exit. The case manager asked the police to provide her with a police escort to leave the court through a private exit, which they did. Unaware that she had left the building, ██████'s husband and his friend waited in front of the court for several hours before being asked to move on by the police.

██████'s case manager unsuccessfully sought to find her crisis accommodation in a refuge. ██████ will not discontinue her studies in accordance with the refuge's requirements, partly because she fears for her safety if deported for contravening the requirements of her student visa, and partly because her husband was controlling and manipulative and it is now very important to her to maintain her independence.

inTouch's continual liaison with ██████ has involved supporting her request for individual counselling. The impact of ongoing violence committed by her husband has resulted in feelings of fear, shame, isolation and unworthiness. ██████ often blames herself and sometimes questions the seriousness of the ongoing threats of violence, worrying that she is causing a fuss about nothing.

██████'s case manager has been instrumental in normalising anger and grief as a response to trauma. She has been affirmed for the positive steps she is taking in seeking a life free from violence. inTouch has connected her with a family violence support group to assist her to share her experiences and build relationships with other survivors of family violence.

██████'s husband continues to threaten her by following her, asking friends to pass on messages and sending her presents that he says are symbolic of the pain she has caused him. inTouch has supported the client by helping her to identify intervention order breaches and providing emotional support while she reports these breaches to the police.

Before ██████'s student visa expires, her case manager will assist her to apply for a protection visa on the grounds that she is at risk of being killed for leaving her husband if she returns to her country of origin.

Legal assistance

inTouch Legal Centre is an accredited CLC that provides in-house legal support to CALD victims of family violence who are too isolated and vulnerable to follow through with referrals to external legal services on their own.²³

Legal Centre clients are referred from in-house caseworkers, ensuring that clients are assisted in language and in culture. Each client receives a two hour therapeutic consultation during which their legal needs are assessed and addressed. The model explores the client's strengths, experiences and trauma so that the Legal Centre not only assists the client to achieve a positive legal outcome, but also to ensure their experience navigating the court system is as positive as possible. Clients are provided with an inTouch Legal Centre information pack designed to enhance access to justice and facilitate an increased understanding of legal processes for CALD women. Depending on capacity and legal need, clients are either referred to VLA, other CLCs or private firms, while inTouch case managers and lawyers continue to manage and guide the clients through the court system.²⁴

inTouch's telephone advice line is open to CALD women experiencing family violence from 11am to 3.00pm every Tuesday.²⁵ As the majority of callers require an interpreter, the Legal Centre relies heavily on the Translating and Interpreting Service (TIS National). Calls usually last for approximately one hour, although the length of the call is determined by the complexity of the matter. For many callers, it is the first opportunity they have had to discuss their legal concerns, and it is necessary to take the time to gain enough trust to allow them to share their story and thereby provide effective legal advice.

Between January 2013 and February 2014, inTouch Legal Centre had 314 clients. One hundred and forty one of those were also case managed by inTouch, 87 were externally referred and 33 were telephone advice line callers.

²³ In February 2012, inTouch secured funding from the Legal Services Board of Victoria to establish a Legal Centre within inTouch. The two year grant allowed for the development of a model and the establishment of an operational service. In March 2014, inTouch Legal Centre received funding from Victoria Legal Aid (VLA) to continue its operation in the Sunshine Magistrates' Court catchment zone until June 2014. The VLA grant also allowed for the development of a partnership model with VLA, including a referral pathway in particular.

²⁴ Limited resources mean that inTouch is unable to represent clients in court proceedings or run complex cases.

²⁵ The Maddocks Foundation funded the establishment of inTouch's legal advice line in August 2013. inTouch continues to provide this service although funding ceased in August 2014.

Case Study 6: Providing culturally-appropriate crisis support - legal

█████ is in her █████s and lives with her █████ year old daughter █████, who suffers from mental illness. Until recently, █████'s other daughter and her de facto partner, █████, also lived with █████. █████ was a methamphetamine user and experienced episodes of drug induced psychosis and paranoia. Throughout the █████ years he lived with █████, he terrorised everyone in the house and the police were called on many occasions.

█████ and █████ applied for an intervention order against █████. They were granted an interim order which required █████ to move out of █████'s home, but they needed legal assistance to obtain a final order as █████ contested the application.

█████ called the inTouch Legal Centre telephone advice line and an appointment was arranged for her and her daughter to see an inTouch lawyer. At the initial two hour therapeutic consultation to assess their situation, the inTouch lawyer identified the clients as being particularly vulnerable due to their medical conditions, cultural background and █████'s age.

Efforts to engage CLC and VLA duty lawyers to represent the clients in court were unsuccessful due to their involvement with the respondent. As such, █████ and █████ were left with no legal representation at the mention date but were supported by an inTouch court support case worker.

This situation, where both CLC and VLA lawyers are unable to assist applicants because of a conflict of interest, is a common obstacle faced by inTouch Legal Centre's clients, and a key point at which inTouch lawyers attempt to ensure clients do not disengage and slip through the cracks.

inTouch lawyers wanted to obtain legal representation for the clients at the directions hearing, particularly because of their concern that █████ would not be able to withstand cross-examination if the matter went to a contest hearing. As the clients did not have the financial resources to retain a private firm, inTouch lawyers briefed counsel who agreed to act pro bono.

At the directions hearing, counsel successfully obtained a █████ year final intervention order against █████, which meant a final contest hearing would no longer be necessary.

Conclusion

Specialist family violence support services are needed to address the particular needs of CALD victims of family violence.²⁶ Moreover, addressing all of the client's needs at one centre within an established relationship of trust is an efficient, effective and therapeutic way of providing CALD victims of family violence with the information and support they need to make the best choices they can during a very distressing time in their lives.

inTouch is not funded to provide social and legal support to CALD children, however, it is often impossible to resolve the problems of the mother without also resolving the problems of her children. inTouch is not aware of an organisation that provides specialist support for CALD children to supplement the support inTouch provides to their mothers. Such a service would be of great assistance to the most vulnerable victims of family violence.

Recommendation

6. The government should support the establishment of holistic, integrated culturally-appropriate service centres across Victoria to assist CALD women and children with their safety, social and legal needs.

Recovery support

While inTouch's recovery support most often consists of strategically developed group counselling programs for CALD women and children, in 2014 inTouch published a children's book, *The Empty Jar*, to help CALD children whose mothers have left violent relationships to work through their experiences.

Group counselling

Unlike most agencies funded to deliver group counselling, inTouch tailors its programs to the specific needs of the community with whom it is engaging.²⁷ While all of inTouch's group counselling programs have some focus on healthy and respectful relationships, the therapeutic aims, framework and modality of the programs differ according to the assessed needs of the particular group. Most programs are run by bi-lingual facilitators and therapists with the assistance of interpreters if required.

²⁶ See Chapter 3 for more on the specific experiences of CALD women and children.

²⁷ Group counselling is funded by the Victorian Department of Health and Human Services.

The process for developing a group counselling program begins with an assessment of which communities are in need and which issues they might need assistance with. Partner agencies are identified and engaged, and bilingual facilitators chosen. Events are run with all of the participants' needs catered for, including transport, child care and meals. Feedback forms are supplied in the language of each group, with the responses translated and included in the program evaluations.

Case Study 7: Beach side camp for Turkish women and children

inTouch ran a three-day beach side camp for Turkish women and children from the northern region of Melbourne. Nine women, all former clients of inTouch, and their 18 children attended. The aim of the camp was to provide families who had experienced family violence with the opportunity to spend an enjoyable and therapeutic time together in a safe and engaging environment.

Recognising the impact of trauma on families, and in particular on the attachment between mothers and their children, the camp was an opportunity for mothers to re-engage with their children. Turkish- and English-speaking facilitators with family violence expertise were recruited and trained to deliver the program. Activities included beach walks, camp fires, story-telling, music and a Marine Centre visit.

Family violence often isolates families and this was a good opportunity for the women to make friends and realise they were not alone. They were able to recognise that the experience was not their fault and that they should not blame themselves for their separation from their husbands.

The evaluation revealed that mothers were experiencing difficulties engaging with their teenage children. This allowed for the planning and formation of a 'Parenting Teenagers after Violence' group for the Turkish mothers who had attended the camp.

The Empty Jar

The Empty Jar is a children's book that tells the story of Sunni, a young girl who, after migrating to Australia, finds herself facing yet another challenge when her mother separates from her father.²⁸ Sunni and her younger brother, Marli, are afraid of moving to a new home, and a new school, where they will have to make new friends. With their mother's support, and a little imagination, Sunni and Marli find ways to overcome their fears.

The book appeals to young children through engaging illustrations and a narrative that validates difficult emotions while recognising a child's resilience and strengths. The story also acknowledges the dual impact for a CALD child of family violence as well as

²⁸ *The Empty Jar* was partially funded by Victorian Multicultural Commission.

the possible trauma of dislocation caused by migration. Built upon therapeutic frameworks, *The Empty Jar* provides practitioners with strategies to help children to tell their story to an empathic listener, find words to express their emotions and find a place for difficult emotions and thoughts. It also provides the opportunity to help children identify their strengths and get the support they need to heal from their experience of trauma.

Conclusion

inTouch supports approximately 60 CALD women and/or children each year through its group counselling programs. There are many more victims of family violence who could benefit from culturally-appropriate group counselling programs.

CALD women and children would also benefit from affordable individual counselling services from practitioners who understand the intersection between the trauma associated with their migration experiencing and the additional trauma of family violence.

Recommendations

7. The government should support the provision of culturally-appropriate group counselling programs for CALD adult and child victims of family violence with suitably qualified and experienced therapists.
8. The government should introduce a free or low cost culturally-appropriate individual counselling scheme for CALD adult and child victims of family violence with suitably qualified and experienced therapists.

Initiatives to hold perpetrators to account

inTouch assists to make men who commit family violence accountable for their actions by providing integrated safety, social and legal support services (which enable its clients to take legal action against their abusive partners) and by providing language-specific men's behaviour change programs.

inTouch's integrated safety, social and legal support services

The gaps and barriers CALD women face when seeking to access mainstream family violence services, including through the courts, police and legal services are outlined below in relation to systemic gaps and barriers.²⁹ The ways in which the culturally-appropriate safety, social and legal services provided by inTouch assist CALD women

²⁹ See Chapter 5.

to overcome these gaps and barriers are outlined above in relation to inTouch's crisis support services for victims of family violence.³⁰

Language-specific men's behaviour change programs

CALD perpetrators of family violence have limited access to mainstream men's behaviour change programs as proficiency in English is one of the eligibility criteria for enrolment.

In partnership with other organisations, inTouch has been delivering men's behaviour change programs in Vietnamese for six years, and will soon be delivering them in Arabic.³¹ In addition to adhering to the behaviour change principles, these sessions explore issues of pre-migration history, exposure to torture and trauma, settlement challenges and differences in cultural values, beliefs and expectations.

In the last financial year, 20 Vietnamese-speaking men participated in inTouch's men's behaviour change programs. Retention rates were high, with participants providing

Case Study 8: Vietnamese Men's Behaviour Change Program

Many men arrive for their first session of the Vietnamese Men's Behaviour Change Program angry and confused. Although most participants are aware that physical forms of family violence are wrong, many are not aware that non-physical forms of family violence are also wrong, and they struggle to reconcile that fact with the culturally-embedded behaviours they believe they need to display as the head of the household. In addition, many participants were not aware that the state would intervene in what they saw as a private matter to be resolved within the family.

The migration experience itself also informs participants' attitudes and behaviour, especially among older Vietnamese men who arrived in Australia as refugees and have their own traumatic experiences that remain unaddressed, even after all this time.

All of these issues are examined in the Vietnamese program, in addition to the topics covered within the mainstream program. Conducting the program in Vietnamese obviously assists Vietnamese migrants with low levels of English proficiency to express complex experiences and emotions. Equally importantly, it allows all Vietnamese men, regardless of their fluency in English, to share their stories in a culturally safe environment in which they are understood. This is vital if they are to open up and take on board the transformative messages of the program.

³⁰ See pages 22-28.

³¹ inTouch's partners in the Vietnamese Men's Behaviour Change Program are Relationships Australia, Kildonan Uniting Care, the Neighbourhood Justice Centre, the Victorian Department of Health and Human Services and Djerriwarrh Health Services. inTouch's partners in the Arabic men's behaviour change programs are Kildonan Uniting Care and Whittlesea CALD community family violence project.

anecdotal evidence of increased awareness of the legal consequences of family violence and of the impact of their behaviour on their wives and children.

Conclusion

Historically, it has been difficult for women of all backgrounds to pursue legal action in relation to family violence in Australian courts. For CALD victims of family violence, a range of language and cultural barriers have made it even more difficult to seek assistance through the legal system. inTouch's culturally-appropriate safety, social and legal support services assist CALD women to overcome these challenges.

In addition, inTouch's language-specific men's behaviour change programs go some way to fulfilling an unmet need for these programs in languages other than English. Although there are many more men who would benefit from these programs, a lack of ongoing funding prevents inTouch from establishing an annual timetable of these programs and, consequently, from placing suitable perpetrators on a waiting list.

Recommendation

9. The government should support the delivery of language-specific men's behaviour change programs for CALD perpetrators of family violence, including by supporting further research into effective strategies for engaging with specific ethnic groups.

5 Systemic gaps and barriers

[The Royal Commission must] investigate the means of having systemic responses to family violence, particularly in the legal system and by police, corrections, child protection, legal and family violence support services, including reducing reoffending and changing violent and controlling behaviours.³²

Introduction

While accessing court, police, legal and other family violence support services is challenging for many women, it may be especially difficult for women from CALD communities because of their limited proficiency in English, a lack of assumed knowledge about how the services operate, a fear of people in positions of authority and a heightened fear of community reprisals, among other factors.³³ There is much that can and should be done to enhance the capacity of CALD women to access these vital services.

Legal system

In this section, inTouch reviews the gaps and barriers CALD women face when seeking to rely on the law and courts to protect them from family violence. The challenges CALD women face when seeking to access mainstream legal services are discussed below.³⁴

Law

Changes to the law governing intervention orders and residency options for non-permanent residents experiencing family violence would enhance our capacity to protect CALD victims of family violence.

inTouch is aware that some hold the view that Victorian law does not adequately prohibit culturally-specific forms of family violence, such as dowry. Without a more comprehensive understanding of the law relating to these practices, inTouch is not in a position to comment on this view.

³² Terms of Reference, paragraph 2.

³³ For a more comprehensive list of factors see pages 14-15.

³⁴ See page 47.

Intervention Orders

The family violence intervention order scheme introduced under the *Family Violence Protection Act 2008* (Vic) is commendable in many respects, not least because it contains a broad and unequivocal definition of family violence that is simple for ordinary people, including those whose first language is not English, to understand.

However, the following issues undermine the scheme's effectiveness:

- After leaving the family home and obtaining an intervention order, a woman's capacity to retrieve essential belongings (including expensive items for the care and safety of her children) is dependent upon the resources and kindness of the police at her local police station.
- Intervention orders obtained in other states are not recognised in Victoria, which is made more problematic by the fact that a number of women who have moved to Victoria from other states have done so to flee their violent ex-partners.
- Demand for men's behaviour change programs, particularly in languages other than English, far exceeds supply.

Migration Regulations 1994 (Cth)

Under the *Migration Regulations 1994* (Cth), the partner of an Australian citizen or primary applicant for permanent residency may be granted permanent residency notwithstanding the fact that her relationship has broken down, if she can prove that she and/or her dependents have been victims of family violence, and that she had a genuine relationship at the time of the violence. The violence must have been committed by her spouse.³⁵

As noted in chapter three, one form of family violence that is particularly prevalent within CALD communities is violence committed by extended family members. inTouch has had a number of clients who were ineligible for permanent residency because the perpetrator of family violence was the applicant's mother-, father-, sister- or brother-in-law, notwithstanding the fact that their husbands knew of, and in many cases facilitated, the violence. The added danger for women in this position is that when they return to their countries of origin, they are in danger of reprisals at the hands of their husband's family as well as their own.³⁶

³⁵ *Migration Regulations 1994* (Cth) sch 2, cl 100.221 (4)(c).

³⁶ inTouch recently had a client whose birth family refused to collect her body from Australia after she was murdered by her husband because she had, according to her birth family, brought shame on their family by, according to her husband, having an affair. See case studies 1 and 5 on pages 13 and 25-26 involving another client who is scared to return home because she is worried that her husband's family will kill her.

Conclusion

The law plays a vital role assisting victims of family violence who seek the state's assistance to protect themselves from those who would cause them harm. At present, the protection afforded to CALD women and children under the *Family Violence Intervention Order Act 2008* (Vic) and the *Migration Regulations 1994* (Cth) is inadequate.

Recommendations

10. The government should strengthen the family violence intervention order scheme by:
 - a) establishing a formal mechanism for victims to collect essential belongings from the family home after leaving and taking out an intervention order
 - b) significantly expanding the provision of court-mandated men's behaviour change programs, including in languages other than English and
 - c) implementing a national family violence intervention order scheme that allows for the mutual recognition and enforcement of family violence intervention orders across all Australian jurisdictions.
11. The government should encourage the federal government to amend the *Migration Regulations 1994* (Cth) so that migrants whose marriages to Australian citizens or principal applicants break down after experiencing family violence committed by extended family members are eligible for permanent residency.

Courts

With a few notable exceptions, there are significant gaps in the delivery of culturally-appropriate services to CALD victims of family violence in Magistrates' Courts across Victoria.

Culturally-appropriate service delivery

inTouch applauds the provision of:

- a full-time Vietnamese interpreter at Sunshine Magistrates' Court
- a program at Sunshine Magistrates' Court whereby women who withdraw their intervention order applications, a disproportionate number of whom are from CALD communities, are invited to attend a class at which the intervention order process and the factors leading to withdrawal are explained to them so they can make an informed choice about whether to continue with their application

- inTouch case managers at Heidelberg Magistrates' Court one day each week³⁷ and
- translated directional signs at Heidelberg Magistrates' Court.

For the most part, however, Magistrates' Courts are highly inaccessible and disorienting for CALD women, which often exacerbates their trauma. A number of changes could be made to Magistrates' Court buildings, facilities, documents, staff and processes to enhance the experience of these women. Greater access to professional interpreters with family violence and legal expertise is also needed.

Buildings and facilities

While Heidelberg Magistrates' Court has translated directional signs, inTouch has not seen such signs in Dandenong, Broadmeadows, Sunshine or Melbourne Magistrates' Courts where they also have high migrant populations. None of Victoria's Magistrates' Courts has a prayer room.

In addition, having intervention order applicants and respondents wait together in the foyer in front of the court rooms, often for hours, is extremely traumatic for the women involved. Even if the women are not directly threatened by the respondent while they are waiting, although that is a regular occurrence, they sit there terrified, often shaking, with the respondent only metres away.

The presence of children in this situation is particularly alarming. Many women, including CALD women who do not have family or friends in Australia who can look after their children in their absence, have no other child care options available to them. While waiting for the matter to be heard, these children often run back and forward between their parents, creating a stressful situation for the mothers who fear for their children's safety and/or feel guilty for taking legal action against the father of their children. It is not uncommon for children to witness abusive behaviour against their mother while waiting in the court. These children then have to enter the court room while the matter is being heard, unless an appropriate person, such as a police officer or court support worker, can care for them.

³⁷ inTouch provides case managers at Heidelberg, Dandenong and Sunshine Magistrates' Courts for one day each week, however, of these Courts, only Heidelberg Magistrates' Court provides funding.

Case Study 9: Accessible family and criminal courts in New York

While visiting America to learn more about best practice in relation to family violence health justice partnerships, inTouch's CEO visited a children's centre inside a family law court in New York (pictured). Run by victims' assistance organisation, Safe Horizon, the children's centre is a free supportive, educational child care facility for child victims and the children of parties to proceedings and witnesses. The centre, one of six run by Safe Horizon in family and criminal courts across New York, also provides parent education and referrals to services and organisations that assist parents to meet their children's needs.



Documents

Some courts in the America have translated instructions for how to request an interpreter for court hearings, language identification flash cards, "I need an interpreter" cards and glossaries of court terminology. inTouch has not seen these in Victoria.

In addition, interim and final intervention order forms could be set out in a manner that is easier for ordinary people to understand. Interim intervention orders could include the date the applicant and respondent next need to return to court.

Staff

inTouch understands there has been a recent initiative to provide all magistrates and court staff with family violence awareness training. As far as inTouch is aware, this training does not address the particular experiences of CALD communities.

In addition, there are not enough staff, including applicant and court support workers, available to assist victims of family violence in Magistrates' Courts across Victoria.

Processes

Enhanced court processes are needed so that:

- applicants are assisted to include all relevant information on their intervention order application, including all the different types of family violence they have experienced, as well as children who may have witnessed the incidents, police attendances, etc.
- applicants are asked if they require the assistance of an interpreter
- remote witness facilities are made available to applicants more often
- applicants and perpetrators better understand what constitutes a breach and what the consequences are
- all parties receive copies of the orders before leaving the court and
- orders for the provision of legal aid made pursuant to sections 71 and 72 of the *Family Violence Protection Act 2008* are relayed from the Court to Victoria Legal Aid (VLA), and from VLA to the client.

Interpreters

Where police apply for an intervention order on a CALD woman's behalf, it is common for her to attend a first hearing date without the police having notified the court that she needs an interpreter. She will then approach the registrar who asks for her name, which she gives them, before being told to wait until the police call her. The police see her, review the application and ask to appear before the magistrate, without ever having asked the woman if she understands what is happening or feels competent to explain difficult experiences in English in a court room in front of the perpetrator. Most often, the magistrate will adjourn the case noting that the client appears 'confused', however, in some instances, the magistrate will finalise the case, without anyone ever having realised that the woman has no idea what just happened.

When interpreters are engaged, three main issues arise. The first relates to professional conduct. Interpreters are bound by the Australian Institute of Interpreters and Translators *Code of Ethics*, but how this should be applied to situations of family violence is unclear and it is not well enforced. inTouch knows of a family violence perpetrator who accepted a role interpreting for a family violence intervention order applicant.³⁸ While some interpreters do not accept a particular role because they oppose divorce or feel that women should not have standing before the courts, others have accepted a role and then attempted to persuade the applicant to withdraw their application. Where the applicant and respondent are from a small cultural community in Victoria, interpreters from that same community are sometimes engaged, leaving the applicant too embarrassed or scared to reveal the full extent of the violence she has experienced.

³⁸ See case study 10 on page 39.

The second issue relates to language competency. The National Accreditation Authority for Translators and Interpreters is responsible for ensuring that interpreters have the requisite level of competency. However, unlike in America, there is no accreditation system for specialist language services, such as in the areas of law or health. Although training in family violence is available, a number of interpreters remain unaware of what family violence actually is.

The third issue relates to the inadequate provision of interpreters by the courts. Female interpreters should be engaged, with applicants being offered the opportunity to nominate a professional interpreter they have already worked with and trust. Very often, only one interpreter is engaged for both the applicant and the respondent, which means that applicants must sit next to the respondent in the court room, with only the interpreter between them. Not only is this a safety issue for the applicant and the interpreter, but it is impossible for the interpreter to interpret for both of them at the same time. As a consequence, the interpreter will interpret the orders to the respondent as directed by the magistrate, with the applicant left confused as to what has happened. As interpreters are booked in increments of time, and as they are often booked for an insufficient period of time by the court, the interpreter will then leave for their next job, with the woman left with a copy of the order in English that she cannot understand.

Case Study 10: Lax oversight of interpreters

An inTouch case manager entered a Melbourne Magistrates' Court interview room to assist one of her clients and found her sitting alone with her interpreter, who was himself a perpetrator of family violence. The case manager had supported the interpreter's wife for two years with her own intervention order, family law and victims' compensation matters. Over the course of the two years, the interpreter breached his intervention order numerous times. The case manager expressed her concerns to the registrar, who asked the interpreter to leave. He was replaced with a female interpreter.

Conclusion

The inaccessibility of Magistrates' Courts for CALD victims of family violence further traumatises those who seek protection through the legal system, and acts as a deterrent for others to come forward. Even small changes, such as translated directional signs and culturally-competent support workers, would go a long way to making the courts feel less hostile to CALD victims of family violence. However, greater changes are needed if they are to obtain real access.

Recommendations

12. The courts should conduct a CALD victims of family violence access audit of Magistrates' Court buildings, facilities, documents, staff and processes across Victoria, and subsequently implement a program for enhancing access for these women.
13. The courts should include a CALD communities component in their family violence training for magistrates and staff.
14. The courts should fund the provision of culturally-competent family violence support workers for CALD intervention order applicants at Magistrates' Courts whose catchment zones have significant CALD populations, including Broadmeadows, Dandenong, Geelong, Heidelberg, Melbourne and Sunshine Magistrates' Courts.
15. The courts should enhance the capacity of all victims of family violence to access Magistrates' Court services by:
 - a) expanding the provision of remote witness facilities
 - b) creating separate waiting areas for applicants and respondents
 - c) providing affordable child care facilities
 - d) assisting applicants to include all relevant information on their intervention order applications
 - e) better explaining breaches and their consequences to all parties
 - f) revising interim and final intervention order forms so they are easier for parties to understand
 - g) ensuring all parties receive copies of the intervention order before leaving and
 - h) ensuring orders for the provision of legal aid are relayed to Victoria Legal Aid and the parties concerned.
16. The courts should enhance the capacity of CALD victims of family violence to access Magistrates' Courts by asking all family violence intervention order applicants if they require the assistance of an interpreter. The courts should consider allowing an applicant who says yes to nominate a professional interpreter she has worked with previously.
17. The courts should establish best practice guidelines for engaging interpreters that centre the needs of CALD victims of family violence, including by requiring staff to engage female interpreters for female victims of family violence, a separate interpreter for each party, interpreters with knowledge of family violence intervention orders and, in time, interpreters with specialist legal qualifications.
18. The government should support the expansion of family violence intervention order training for interpreters.

19. The government should review the accreditation process for interpreters so that:
 - a) adequate sanctions are imposed for professional misconduct and
 - b) legal interpreting qualifications are mandatory for those who wish to interpret in a legal setting.
20. The government should provide financial incentives for women to become accredited interpreters in languages where there is a shortage of female interpreters.

Restorative Justice

inTouch understands concerns that a restorative justice program for family violence might enable perpetrators to further intimidate and abuse their spouses. However, it also regularly sees its clients stay in violent relationships without pursuing the civil or criminal remedies that are currently available to them because neither would help them to achieve what they want, which is to continue in their relationship without the violence. The implementation of a best practice restorative justice process for family violence might assist women to achieve this aim.

Moreover, regardless of whether a woman wants to stay or leave, a restorative justice process that provided a safe forum in which the perpetrator accepted responsibility for his actions and the victim was given a chance to explain the harm the perpetrator had caused, might be a more desirable option for the woman concerned than those currently available.

Conclusion

Without greater insight into the application of restorative justice processes to family violence, inTouch is not in a position to categorically support the introduction of a restorative justice program for family violence. However, it would encourage the adoption of a consent-based, dialogue-focused, emotionally restorative process that centred the needs of victims of family violence in a safe and therapeutic setting.

In the CALD context, all of the gaps and barriers discussed above in relation accessing court services, such as specialist interpreters and culturally-competent staff, would also need to be addressed.

Recommendation

21. The government should determine whether a restorative justice process should be implemented in Victoria for situations of family violence. In doing so, it should look at examples of best practice in other jurisdictions and consult with victims of family violence. Any process that is piloted or adopted must be accessible to all victims of family violence whose cases are appropriate, including CALD women.

Police

Integrated service delivery

For many CALD victims of family violence, the police officers who attend their home during a family violence incident are the first people they come into contact with who can offer them the assistance they need to end the violence. While a law enforcement response is useful in that instance, not least because it might save the victim's life, it is also an invaluable opportunity to alert victims to the social and legal assistance available to them.

In the ACT, a community-sector family violence support worker attends every incident of family violence alongside the police officers who respond to emergency calls.³⁹ Although it does not appear to respond to emergency calls, Victoria Police has a taskforce, made up of police officers, a social worker and mental health experts, that targets recidivist family violence perpetrators.⁴⁰

Cultural-competency

Although the vast majority of police officers who assist victims of family violence are professional and empathetic, many remain unaware of the barriers CALD women face when it comes to accessing police services. CALD women may be:

- afraid of police officers as a result of their pre-migration experience
- too embarrassed to disclose sexual abuse to men
- fearful of deportation and/or
- fearful of losing their children.

In addition, cultural responses to family violence may be misunderstood. inTouch has several clients who have caused a scene in order to get police attention, however, the officers have perceived the women as aggressive or suffering from mental illness. For

³⁹ For more on the ACT's Family Violence Intervention Program, go to the Australian Institute of Criminology, *The Family Violence Intervention Program* <http://www.aic.gov.au/publications/current%20series/tbp/41-60/tbp052/06_program.html>.

⁴⁰ Miki Perkins, 'To serve and protect: welfare and policing spearhead new family violence effort', *The Age* (online) 23 May 2015, <<http://www.theage.com.au/victoria/to-serve-and-protect-welfare-and-policing-spearhead-new-family-violence-effort-20150522-gh4zsi.html>>.

example, a woman might wail and pull at her hair out of frustration and fear, and not have the capacity to explain that she is terrified.

inTouch knows of numerous instances in which violent partners, neighbours and even children have been asked by police officers to interpret for victims at family violence incidents. Among the reasons why this practice is wholly inappropriate are:

- it may be frightening and/or humiliating for the victim to disclose abuse in front of the stand-in interpreter
- it may place the victim in danger if she discloses abuse but the disclosure is not revealed by the stand-in interpreter
- it may compromise the next steps initiated by police if incorrect information is provided by the stand-in interpreter
- it may compromise the victim's capacity to obtain an intervention order if the stand-in interpreter's version of events is significantly different to her own and
- it may further traumatise child stand-in interpreters by requiring them to disclose incidents to police while they feel scared and/or conflicted by their relationship to both parents.

Case Study 11: Lack of cultural-competency on the part of the police

After numerous hospital visits, ██████ was referred to inTouch. She disclosed that her husband and her husband's brother had subjected her to ongoing abuse for the past two years, including physical assaults, stalking and threats to kill her. Her husband had also sexually abused her throughout their marriage and frequently accused her of being unfaithful. On one occasion, her husband held her down on the stove, which resulted in burns to her forearms. All this time, her husband threatened to have her deported by withdrawing his sponsorship of her.

Despite her fear of going to the police, ██████ reported her husband to the police after her case manager explained that the police could apply for an intervention order on her behalf and may pursue criminal charges.

When ██████ went to the police station, she asked for an interpreter but was told it could not be arranged. She disclosed various instances of physical assault to the police officer, but found it difficult to describe the full extent of the abuse because of her limited English skills. In addition, she was too embarrassed to disclose the sexual abuse as the officer was male. The officer asked her if her husband had used a gun or a knife at any time, to which she replied, 'no'.

The officer concluded that as ██████ was now living with her sister (after being locked out of her family home by her husband), she was no longer at risk. He agreed to apply for an intervention order, but said that he could not provide further assistance.

After a distraught phone call from ██████, ██████'s case manager contacted the officer who told her that he and his boss had concluded that she needed mental health assistance (to deal with her panic attacks), not police assistance. On the contrary, ██████ felt even more at risk than before, with her husband again threatening to kill her after he found out she had gone to the police.

██████'s case manager approached the family violence unit at the police station that ██████ had attended, as well the registrar at her local Magistrates' Court, and was sent back and forth between the two. After contacting the Divisional Family Violence Coordinator for the area, the client obtained an intervention order without having to appear in court. Criminal charges have also now been laid against him, and the police assisted her to collect her belongings from her family home.

(See also Case Study 2)

Conclusion

inTouch applauds Victoria Police for its commitment to assisting victims of family violence and playing a significant role in bringing family violence and its impacts to the

public's attention. However, more needs to be done to ensure the police provide CALD victims of family violence with the assistance they need by to end the violence.

Recommendations

22. The police should establish family violence teams and response services made up of officers and family violence support workers across Victoria.
23. The police should ensure that officers and family violence support workers receive culturally-sensitive family violence training.
24. The police should ensure that officers and family violence support workers who respond to family violence calls inform the parties of their rights and where to go for further information and assistance.
25. The police should require officers to ask parties to a family violence incident who were born outside Australia whether they require the assistance of an interpreter.
26. The police should require officers to engage a professional interpreter at the first available opportunity where a party to a family violence incident indicates they would like the assistance of an interpreter.

Child protection

A 2008 inTouch report, entitled *What about the Children? The voices of culturally and linguistically diverse children affected by family violence*, argued that there was an absence of support services available to address the serious impact of family violence on children. At present, there is no industry standard risk assessment that assesses the needs of children who have experienced family violence. There are limited programs designed specifically for children, and even fewer that are designed from a culturally-sensitive perspective.

The impact of regularly witnessing family violence has serious consequences on a child's emotional, behavioural and neurological development. The impact of family violence on CALD families often mirrors the impact felt amongst families in the broader community. However, additional factors may complicate engagement and support.

Exposure to violence, either directly or as a witness, increases children's levels of anxiety and fear. This leads to disrupted sleep, inhibits developmental milestones and interrupts school performance. Physical ailments such as headaches and stomach pains can accompany social difficulties including withdrawal, anger and risky behaviour. Family relationships are often disrupted, affecting interpersonal trust, self-esteem and confidence. For some children, violence is perceived as normal.

CALD children may experience the additional impact of being displaced from other countries, spending time in refugee camps, having witnessed torture and trauma, unsafe travel to Australia and/or loss of extended family and community networks. CALD children may have additional pressures to learn at school while acquiring a second language and navigating new social rules. They may also experience discrimination and racism in the wider community.

Case Study 12: Children left with family violence perpetrators without any support

■■■■ came to Australia by boat with his mother, father and three siblings. Their traumatic pre-migration and migration experiences were compounded by their experiences in a detention centre, where they were held for ■■■ months before being released into community detention.

■■■■'s father had been persecuted in their country of origin because of his political affiliations. This impacted on his physical and mental health and he started using drugs and alcohol. He has refused mental health support services.

■■■■'s father regularly beat his mother until one night when ■■■■ called the police. While his mother and three younger siblings were placed in a refuge, as a ■■■ year old boy, ■■■■ was not allowed to stay with them.

■■■■ remains at home with his violent father without a single source of assistance.

Conclusion

CALD families often have large numbers of children whose needs go unmet if they experience family violence. The isolation they feel from the general Australian community may make it harder for them to access the limited number of services that are available to child victims of family violence, and many of those services fail to address the particular needs of CALD children.

Recommendations

27. The government should develop a risk assessment framework for child victims of family violence.
28. The government should provide greater funding to child protection services so they are able to adequately address the safety, social and legal needs of child victims of family violence, including CALD children.

(See also Recommendations 2, 6, 7 and 8 on the education, safety, social, legal and counselling needs of CALD children)

Legal services

As discussed above, CALD victims of family violence need integrated culturally-appropriate legal services if they are to overcome the gaps and barriers they face when it comes to accessing the legal system.⁴¹

In addition, all duty lawyers should have a sound awareness of the intersection between family violence and family law, and between family violence and immigration law.

In family violence intervention order proceedings, it is common for applicants to be given legal assistance by community legal centre (CLC) lawyers and respondents to be given legal assistance by Victoria Legal Aid (VLA) lawyers. This disadvantages women in relation to their family law matters as VLA has greater resources with respect to such matters.

While both VLA and CLC lawyers have limited capacity to assist their clients with further and better particulars, this gap in support disproportionately affects CALD people with limited English language skills as they struggle to provide coherent and comprehensive further and better particulars and thereby fail to meet the evidentiary requirements for obtaining an intervention order. Introducing, and providing funding to assist women to produce, mandatory victim impact statements may be the most efficient way to address this problem, as the same statement could then be used before the Victims of Crime Assistance Tribunal.

Conclusion

Mainstream legal services do not meet the most basic needs of CALD victims of family violence.

Recommendations

29. The government should support the provision of family law and migration law training to all duty lawyers involved in family violence intervention order proceedings.
30. The government should support duty lawyers involved in family violence intervention order proceedings to assist applicants with their further and better particulars, possibly by mandating, and supporting the production of, victim impact statements.

⁴¹ See pages 26-28.

Other family violence support services

Housing

inTouch is concerned that society continues to judge women who do not walk out on their violent partners, as evidenced in the refrain, 'why doesn't she leave?'. Many victims of family violence, especially those with large numbers of children, simply have nowhere else to go. In one respect, however, this is beside the point - the perpetrator is the one who has chosen to harm his family, why doesn't *he* leave?

Family home

More needs to be done to ensure that perpetrators of family violence are the ones who are required to leave the family home through criminal, civil or social sanctions, while women are given the assistance they need to stay, such as through the provision of legal representation when facing eviction.

Crisis accommodation

In addition to there being a general shortage of places in family violence refuges, CALD women find it difficult to secure a place because:

- they often have a large number of children
- non-permanent residents do not have access to government services (including Centrelink benefits) which makes it difficult to develop and implement an exit plan and
- the requirement for refuge residents to cease working and studying may conflict with their visa requirements.

Secure alternative accommodation

There is a dire need for affordable long-term accommodation for victims of family violence whose violent partners and fathers render them homeless.

inTouch is particularly concerned about the impact of insecure housing on child victims of family violence. After being exposed to family violence and the breakdown of their family unit, they may then be forced to move from one location to another and, in the process, lose their connection to the communities and people that are a source of strength and comfort to them.

Case Study 13: Lack of secure housing for victims of family violence

██████ has █████ children and is pregnant, and she lives in a refuge. She left her husband several years ago after suffering ongoing physical, sexual, emotional and financial abuse, often in front of the children.

After leaving her husband she was given public housing, but applied for a transfer after her husband found out where she lived. Her husband regularly turned up and abused her in front of their children, with both her youngest and unborn child conceived through sexual assault.

During the latest incidence of family violence, █████ was taken to the hospital in an ambulance. The police arrested her husband, but he was released on bail, with a court date set for later this year.

██████ has been granted an intervention order, but is too scared to go back home. She is grateful to have been accepted into a refuge but is struggling with the lack of stability and certainty in her family's life, especially as her baby is due in one month's time.

(See also Case Study 15)

Conclusion

Victims of family violence need a range of immediate and long-term housing options so that their lives are no longer put at risk because they have no-where else to go. This is especially true of CALD women who may have a high number of children and limited family and social networks through which to obtain alternative accommodation.

Recommendations

31. The government should adopt a comprehensive social, legal and financial strategy to assist victims of family violence to stay in their homes upon separating from their violent partners.
32. The government should establish specialist refuges for CALD victims of family violence in strategic locations across Victoria.
33. The government should give greater priority to the allocation of government housing to victims of family violence, especially children.

Economic empowerment

Supporting victims of violence to obtain their financial independence is vital if we are to prevent them and their children from experiencing ongoing poverty and disadvantage. While some victims of family violence are already financially

independent, others need assistance to obtain their financial independence, including recently arrived migrants with limited English language skills.

As noted in chapter three, inTouch is particularly concerned about elderly CALD women who have no means of financial support, other than their abusive children and children-in-law. These women are not able to access Centrelink benefits for 10 years following their arrival on a Contributory Aged Parent Visa, they may have no other family members in Australia they can turn to, and shame may prevent them from returning to their country of origin.

Among the skills these women should receive training in are industry-specific competencies, workforce readiness, financial literacy, health and wellbeing and, in the case of some CALD women, English language skills. Innovative qualification and employment programs are also needed.

Case Study 14: Training and employment program for CALD victims of family violence in San Francisco

With over 100 different Asian languages spoken in San Francisco and professional interpreters who were uninformed about family violence, the Asian Women's Shelter (AWS) established a language access program to respond to the needs of non-English speaking women experiencing family violence. AWS enhances the language capacity of staff in the sector by recruiting bilingual survivors of family violence in the community as language advocates. These advocates undertake an initial 42-hour training course, as well as additional ongoing training, support and supervision. The advocates work with staff and clients from different family violence services, who pay AWS an hourly rate for the advocates' services. This program provides training and employment opportunities for bilingual women, ensures cost-effective linguistic and culturally-competent support for service centre clients, and enhances awareness of family violence.

Conclusion

The importance of financial security and independence for victims of family violence cannot be overstated. Much more needs to be done to achieve this end.

Recommendation

- 34. The government should support the development of economic empowerment programs for CALD women across Victoria, including for elderly CALD women who have limited means of survival.**

Service provision in rural and regional areas

inTouch rarely sees family violence initiatives targeted at CALD communities in rural and regional areas, even where they make up a significant proportion of the population.

inTouch sees an opportunity for technology to be used to address some of this need. For example, Women's Legal Service Victoria (WLSV) has extended its outreach services to family violence victims through the use of Skype. WLSV has partnered with family violence services in regional Victoria, enabling them to access clients that would otherwise be hard to reach.

Case Study 15: Lack of services for CALD victims of family violence in rural and regional areas

■■■■ lived within eight kilometres of Melbourne's CBD when she left her violent husband and sought accommodation in a family violence refuge. While no spaces were available in Melbourne, a space was found in a country town.

Upon ■■■■'s arrival in the country town, a refuge worker decided that ■■■■ could not stay as she did not speak English and there were no local services available to help her. The refuge worker drove ■■■■ and her two children, aged one year and one month old respectively, to a unisex homeless shelter on the outskirts of Melbourne. ■■■■ and her children arrived at the shelter in the evening without any explanation as to why they were there.

The shelter contacted inTouch the next morning asking for advice on how to help them. An inTouch case manager drove to the hostel and found ■■■■ and her children in a room with a mattress and nothing else – no bed sheets, no blankets and no food. inTouch gave ■■■■ the things she needed to care for herself and her children. One week later, her case manager found her a place in a family violence refuge in the city where she could access the services she needed.

Conclusion

With their relatively low cost of living and relatively high rate of low skilled employment opportunities, rural and regional areas are attractive to many recently arrived migrants. However, there is a shortage of family violence services available to women and children in these communities.

Recommendations

35. The government should conduct an audit of family violence services across Victoria, including with respect to the provision of services for vulnerable Victorians such as CALD women and children.
36. Where the audit reveals a lack of services for CALD victims of family violence in rural and regional areas with significant CALD populations, the government should support initiatives to enhance the delivery of culturally-appropriate family violence services in these areas.

6 Coordination and integration

[The Royal Commission must] investigate how government agencies and community organisations can better integrate and coordinate their efforts.⁴²

Introduction

Centralised and responsive oversight, an integrated culturally-competent family violence system, a mandatory accreditation system for service providers, secure funding, enhanced data collection and one-stop service centres would enable government agencies and community organisations to better coordinate their efforts to combat family violence, including within CALD communities.

Centralised and responsive oversight

A high level multi-agency oversight body is needed to ensure the government is able to drive family violence reform and respond to the challenges that service providers face as they seek to address the complex and varied needs of family violence victims.

It is precisely because family violence service providers have not had a centralised and responsive oversight body to report their ideas and concerns to that the Royal Commission into Family Violence is an invaluable opportunity for the government to harness service provider expertise to inform its response to family violence. The government's commitment to collaboration, as demonstrated by the establishment of the Royal Commission, should be ongoing.

Integrated culturally-competent family violence system

The justice and social services sectors that comprise the family violence system must better address the needs of CALD victims of family violence. Building sector capacity with respect to the needs of these women and children is vital if they are to receive the assistance they need to ensure their safety and prosperity.

⁴² Terms of Reference, paragraph 3.

Strategies for building sector capacity include:

- providing cultural-competency and family violence training to all service providers who first come into contact with family violence victims, including teachers, health care professionals, etc.
- adopting targeted recruitment strategies to engage bilingual workers to meet the language needs of CALD communities and
- establishing robust referral pathways across organisations and sectors.

Case Study 16: Interpreter for social service provider identifies CALD victim of family violence

■■■■■, a professional interpreter, was engaged by a maternal health service provider to accompany a midwife to visit a new mother in her home as the service was concerned that the mother may be suffering from post-natal depression.

While interpreting for the midwife and the mother, ■■■■■ observed that the mother appeared scared and kept looking over her shoulder. The father had said he would care for the baby to give them a chance to talk, but in fact he had stayed close by, repeatedly moving out of the room and then returning.

As the visit progressed, ■■■■■ became increasingly worried. She stopped the conversation, and asked the mother whether she would like her and the midwife to whisper. The mother burst into tears and disclosed that her husband had subjected her to ongoing abuse.

Mandatory accreditation system for service providers

Increased awareness of family violence has resulted in more community groups and organisations undertaking prevention and crisis response work. While these groups are to be commended for developing initiatives to meet community need, it is imperative that prevention and crisis intervention initiatives are informed by current evidence, practice and standards. inTouch is concerned that women and children in crisis are being assisted by unaccredited organisations, staff who lack professional expertise in family violence and unskilled volunteers.

Family violence is currently resulting in significant harm, and even death, to a large number of Victorian women. It is critical that those providing responses do so in accordance with industry best practice, and that their responses are part of a broader integrated family violence system that adheres to consistent referral protocols.

Secure funding

In many respects, service providers already know what the solutions to family violence are, they just need adequate, long-term secure funding so they can implement them.

Like every other family violence service provider, inTouch struggles to obtain enough funding to retain its existing programs, let alone expand into areas of recognised need. Among the impacts of insecure funding on inTouch are:

- an inability to plan ahead with certainty
- insecure employment for staff which leads to the loss of experienced staff and compromises network building
- stressful work conditions⁴³ and
- an inability to meet the needs of CALD victims of family violence across Victoria.

inTouch would like to see a greater correlation between demonstrated need and the attainment of positive outcomes on the one hand, and the allocation of funding on the other.

Enhanced data collection

inTouch evaluates all of its programs to the best of its capacity. It would welcome a more rigorous examination of the need for, and effectiveness of, its programs, but it needs the skills and resources to do it.

Enhanced evidence of need and effectiveness with respect to family violence initiatives would assist the community- and government-sectors to target their resources in a more fair and efficient manner.

One-stop service centres

To obtain the assistance they need to secure their safety, victims of family violence must visit an array of service providers across different locations. Typically, women are required to repeat their story over and over again to hospital, police, housing, court and child protection staff, with each service provider having its own processes and requirements that are unaligned with the needs of the others. This process is traumatic, time consuming and costly.

⁴³ With an ongoing increase in demand, and the delivery of services to 40 per cent more clients than inTouch receives funding for, inTouch staff are under a lot of pressure to manage their work load without compromising the safety of clients.

One-stop service centres for family violence victims should be secure, safe and private, and cater to the needs of all family violence victims, including CALD women and children.

Conclusion

Better coordination among the community- and government-sectors would enable them to combine their skills, expertise and resources to achieve better outcomes for victims of family violence, including CALD women and children.

Recommendations

37. The government should establish a multi-agency family violence taskforce responsible for implementing the government's response to family violence.
38. The government should establish an integrated culturally-competent family violence system across the justice and social services sectors, including through the active recruitment and training of bilingual workers.
39. The government should ensure all family violence service providers are accredited and adhere to minimum standards for organisations, staff, volunteers and programs, including a requirement that organisations adopt best practice instruments, such as the Common Risk Assessment Framework, and that staff and volunteers are appropriately qualified.
40. The government should provide long-term adequate funding for family violence initiatives, including those targeting CALD communities.
41. The government should support enhanced data collection, research and program evaluation with respect to family violence, including in relation to CALD communities.
42. The government should establish one-stop service centres for victims of family violence, including CALD victims of family violence.

7 Conclusion

This submission provides valuable evidence of the experiences of CALD women and children affected by family violence across Victoria.

inTouch is of the view that adopting the recommendations throughout this report would enable the government to implement a coordinated strategy to greatly reduce the incidence of family violence among CALD communities.

inTouch urges the government, courts and police to use the valuable opportunity afforded by the Royal Commission to improve the lives of women and children experiencing family violence.

Appendix A: Publications

The following inTouch publications have been given to the Royal Commission:⁴⁴

Bhandry, Roshan and Byrnes, Rose, *Understanding and Improving Responses to Family Violence within CALD Communities* (DVRCV Advocate Spring/Summer Edition, 2014)

Browne, Pablo and Dawson, Jennifer, *The Empty Jar* (inTouch, 2014)⁴⁵

Dawson, Jennifer, *What about the Children?: The Voices of Culturally and Linguistically Diverse Children Affected by Family Violence* (Immigrant Women's Domestic Violence Service, 2008)⁴⁶

inTouch Multicultural Centre Against Family Violence, *About Us: inTouch Multicultural Centre Against Family Violence* (inTouch, 2012)

inTouch Multicultural Centre Against Family Violence, *Annual Report 2013-2014*, (inTouch, 2014)

inTouch Multicultural Centre Against Family Violence, *Annual Report 2012-2013* (inTouch, 2013)

inTouch Multicultural Centre Against Family Violence et.al., *Arabic speaking Men's Family Violence Group Brochure* (inTouch, 2015)

⁴⁴ inTouch Multicultural Centre Against Family Violence was formerly known as the Immigrant Women's Family Violence Service. Both names appear in this list in accordance with their date of publication.

⁴⁵ Funded by the Victorian Multicultural Commission and inTouch Inc.

⁴⁶ Funded by The Body Shop.

inTouch Multicultural Centre Against Family Violence, *Break the Silence: CALD Communities Leading the Way to Respectful Relationships Report* (inTouch, 2014)⁴⁷

inTouch Multicultural Centre Against Family Violence, *Break the Silence: CALD Communities Leading the Way to Respectful Relationships DVD* (inTouch, 2014)⁴⁸

inTouch Multicultural Centre Against Family Violence, *'I lived in fear because I knew nothing': Barriers to the Justice System Faced by CALD Women Experiencing Family Violence* (inTouch, 2010)⁴⁹

inTouch Multicultural Centre Against Family Violence, *Submission to Senate Standing Committee on Finance and Public Administration Inquiry into Domestic Violence in Australia* (inTouch, 2014)

inTouch Multicultural Centre Against Family Violence, *Z Card* (inTouch, 2012)

Rees, Susan and Pease, Bob, *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities Report* (Immigrant Women's Domestic Violence Service, 2006)⁵⁰

Success Work, *The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria* (Immigrant Women's Domestic Violence Service, 2006)⁵¹

⁴⁷ Funded by the Commonwealth Department of Social Services and the Victorian Multicultural Commission.

⁴⁸ Funded by the Commonwealth Department of Social Services and the Victorian Multicultural Commission.

⁴⁹ Funded by the Victoria Law Foundation.

⁵⁰ Funded by the Victorian Department of Health.

⁵¹ Funded by the Victorian Department of Human Services.