

27 September 2018

Department of Social Services

Via email: FourthActionPlan@dss.gov.au

Submission to inform the development of the Fourth Action Plan under the National Plan to Reduce Violence against Women and their Children 2010-22

This is a submission of the Federation of Ethnic Communities' Councils of Australia (FECCA). FECCA is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA would welcome the opportunity to expand on this submission to the Committee as required. For enquiries please contact the FECCA Chief Executive Officer, Dr Emma Campbell at emma@fecca.org.au or on (02) 6282 5755.

Overview

Despite the successful outcomes resulting from the implementation of the National Plan to Reduce Violence against Women and their Children, there are still policy and service provision gaps to be addressed. FECCA is particularly concerned at how CALD women and their children fall through these gaps.

FECCA is heartened to see that one of the priorities set for the Fourth Action Plan is a focus on CALD women and their children. This [explicit acknowledgement](#) will provide opportunity for the needs and interests of CALD communities to be included in governmental responses to domestic and family violence (DFV) over the period 2019-2022. However, FECCA argues by way of this submission that CALD women and their children need to be factored into discussions of *each* of the priorities listed for the Fourth Action Plan.

The 2016 Census¹ revealed that 49 per cent of Australians were born overseas or had one or both parents who were born overseas. There are over 300 languages spoken in Australian homes and over 27 per cent of Australian homes speak languages other than English. These figures indicate that Australia's cultural and linguistic diversity is a significant factor in our population demographic. Ensuring that national policy plans, such as the Fourth Action Plan,

¹ Australian Bureau of Statistics, 'Census reveals a fast changing, culturally diverse nation', (2017), available at <http://www.abs.gov.au/ausstats/abs@.nsf/lookup/Media%20Release3>.

meet the needs of CALD Australians is simply about ensuring that national policy plans meet the needs of almost half of the Australian population.

When discussing DFV, CALD women are considered to be a vulnerable population group based on a range of characteristics:

- greater likelihood of not being a citizen (temporary visa or permanent resident)
- greater likelihood of being dependent on a visa sponsor (usually a man)
- lower English language proficiency
- lower digital literacy
- lower levels of full-time employment
- higher levels of employment in insecure, informal and poorly paid jobs
- lower levels of completion of Australian recognised education
- lower (or non-existent) superannuation
- greater dependence on income support payments
- greater likelihood of non-eligibility for income support payments
- cultural practices such as dowry payments
- high likelihood of being carers for children, older family members and family members with disability
- larger family size (more children to care for, less ability to study or work, less ability to find appropriate housing)
- lower likelihood of having independent means of transport (driver's licence, car)
- one third of women with disability in Australia are CALD

FECCA believes that as a result of these vulnerability characteristics, it is imperative that discussions of each of the priorities for the Fourth Action Plan include a focus on CALD women and their children. All programs developed as part of the Action Plan which are designed to deliver measureable outcomes must include accountability on issues relating to CALD women (for example, provision of language support, workforce cultural competence training and provision of dedicated CALD services).

The intersectionality of CALD women's experiences means that they involve a level of complexity which can be daunting to service providers, policy makers and program designers. Rather than siloing CALD experiences, FECCA argues that there should be dedicated analysis of CALD issues woven throughout the plan to avoid the danger of a 'tick box' approach.

This submission provides evidence-based suggestions on how the Fourth Action Plan might focus attention on the specificity of CALD women's needs with regards the priorities listed in the background paper.

FECCA recommends that the Fourth Action Plan under the National Plan to Reduce Violence against Women and their Children 2010-22 give urgent priority to the following actions:

- Development of appropriate visa pathways which protect the rights of temporary residents who are experiencing violence;
- Review of eligibility requirements to enable more victims of violence to access financial and other crisis support, particularly those on temporary visas; and
- Work with service providers to improve access to appropriate support for the most vulnerable CALD women and their children, including permanent and temporary residents.

Reducing violence against women and their children through prevention activities

Effective prevention activities need to incorporate CALD men as part of the solution, including their perspectives in conversations around DFV. FECCA argues that dog-whistle politics singles out CALD men as more likely to perpetrate DFV because of their cultural or ethnic background. FECCA believes men and boys are crucial to reducing and preventing DFV and that most CALD men are positive and loving partners, role models and fathers.

In 2017, via the Community Grants Hub, FECCA submitted a funding proposal for a prevention initiative to create tools to support CALD Australian men in their roles as partners and fathers as a way of reducing DFV through prevention. The objective of the project was to produce a mobile Application, for use by individual CALD men to empower them with information and options on how to be better partners and fathers and to reduce DFV within CALD communities. The project also included community engagement, and a qualitative and quantitative research component. While this initiative was not successful in attracting funding, FECCA believes that projects of this nature can contribute significantly to DFV prevention in CALD communities.

While FECCA acknowledges that violence manifests differently across cultures, many CALD communities are engaged in vibrant conversations about changing cultural practices and attitudes with regards family dynamics and gender roles for men and women. These conversations should be supported by the Fourth Action Plan through respectful recognition of grassroots cultural change and engagement with CALD communities from a positive rather than a deficit starting point.

Reducing sexual violence

The available data about CALD women experiencing sexual violence is contradictory and not easily accessible. FECCA recommends that population-level surveys, such as the Personal Safety Survey, be reviewed to ensure that they more accurately capture information in relation to the prevalence of sexual violence in CALD communities and the nature of CALD women's experiences. FECCA further recommends that the Fourth Action Plan include specific targeted research and data collection of CALD women's experiences of sexual violence and how this may be similar to, or different from the sexual violence experienced by non-CALD women.

In particular, this research should examine the varying manifestations of sexual violence, their prevalence and impact on CALD women, including those facing intersectional disadvantage (i.e. CALD women with disability). Research should consider the impact of immigration status, access to income and social security, barriers to employment, racism and discrimination, loss of social networks, the pre-migration journey and other factors that may increase vulnerability to sexual exploitation and abuse. FECCA also recommends that further research examine cultural and systemic barriers to accessing support or reporting sexual violence. This may include research around support services, law enforcement and knowledge of rights and access to appropriate information.

FECCA understands that certain CALD cohorts are particularly vulnerable to sexual violence, including international students. Perpetrators of sexual violence may target international students, as they are perceived as especially vulnerable, or lacking protective factors such as family. This cohort face additional barriers in reporting or seeking support for abuse², because they often lack understanding of the local healthcare system and/or have lower levels of English language proficiency. There may be cultural reasons as to why victims do not want to disclose sexual assault to a medical service, or they may fear their families at home finding out³. A lack of CALD services, or services that are not appropriate to the needs of LGBTIQ

² End Rape on Campus Australia, 'Connecting the dots: understanding sexual assault in university communities', (2017), p9, available at <https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/58b3d08ddb29d6e7a2b8271d/1488179368580/Connecting+the+dots.pdf>.

³ Ibid, p15.

students, also increase these difficulties for CALD or LGBTIQ students who experience sexual violence⁴. It is important that the Fourth Action Plan consider CALD specific and intersectional issues relating to sexual violence.

Addressing the impact of violence on women from culturally and linguistically diverse communities

Based on intersecting vulnerability, CALD women are impacted by DFV in a number of distinctive and often unintended ways. FECCA understands that the Australian immigration system disempowers CALD women from seeking support or leaving situations of violence. Research demonstrates that CALD women often find it harder to leave violent situations for a number of reasons, including that their immigration status precludes access to crisis accommodation or social security. Eligible CALD women also find it more difficult to meet the procedural thresholds for government assistance for a variety of reasons, including the rigid definition of family violence included in legislation. More quantitative data is needed to understand the prevalence of DFV in CALD communities and to inform policies that address the additional challenges faced by CALD women.

Migration Law

The immigration status of women who experience DFV has a significant impact on their experience of that violence and their ability to exit safely. Research has shown that visa dependence remains one of the main barriers to migrant women seeking and accessing legal and justice support for DFV⁵. Immigration status also directly impacts the ability of women to access social security, crisis accommodation and support services. Immigration status may make CALD women reluctant to report DFV or leave violent situations based on perceived or actual visa dependence, fear of deportation or distrust in law enforcement based on their pre-migration experience.

It is imperative that CALD women are able to access support and safely exit situations of DFV regardless of their immigration status. FECCA has consistently advocated for appropriate visa pathways to assist victims of DFV, by:

- broadening the definition of family violence in the Migration Regulations 1994 (Cth), as recommended by the Victorian Royal Commission into Family Violence, to ensure that a person who experiences violence perpetrated by a family member other than the person's spouse can apply for the family violence exception;
- expanding the family violence exception to cover secondary applicants for onshore permanent visas, and holders of a Prospective Marriage (Subclass 300) visa who have experienced family violence but who have not married their Australian sponsor, as recommended by the Australian Law Reform Commission in its 2011 report, Family Violence and Commonwealth Laws – Improving Legal Frameworks; and
- amending the evidentiary requirements for the family violence exception to make it easier for women to prove that they have been subjected to violence, as recommended by the Australian Law Reform Commission in its 2011 report, Family Violence and Commonwealth Laws – Improving Legal Frameworks.

Working across government to address key aspects of Australian Migration Law that disempower or discourage women from leaving violent relationships should be a priority for the Fourth Action Plan. So too should associated systemic complexities which set up negative unintended consequences such as the denial of access to crisis accommodation or social security support payments or benefits.

⁴ Ibid, p17.

⁵ 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, (2010), p25.

Data Collection

There is currently very limited comprehensive and accurate data and statistics available concerning CALD women's experiences of DFV in Australia. FECCA has consistently highlighted the need for comprehensive data collection and further research on the experiences of CALD and migrant women, as gaps in knowledge directly impact on the appropriateness of policy and program design. FECCA commends the creation and work of ANROWS, however CALD specific research should be a priority for ANROWS funded projects in the Fourth Action Plan.

Anecdotal evidence shows that the rate of violence perpetrated against CALD women is high, and is marked by intersectional disadvantage. As noted by the Department of Social Services, qualitative data suggests that migrant women experiencing DFV are impacted by additional challenges such as the loss of social networks and economic independence, lack of knowledge regarding support systems and fear of deportation. This contrasts with quantitative data that suggests that women from CALD backgrounds experience violence at lower rates than those from non-CALD backgrounds⁶. This apparent contradiction suggests that it may be the case that CALD women do not experience less DFV than other women, but rather that their experiences are underreported. As noted above in relation to sexual violence, it is vital that population-level surveys are able to accurately capture prevalence rates in CALD communities. Comprehensive research on the experiences of DFV for CALD and migrant women is also needed to develop conclusive analyses.

While DFV is prevalent in all sections of Australian society, the nature or form of abuse experienced will differ between communities and individual incidence. The different manifestations of DFV experienced by CALD and migrant women such as dowry abuse and forced marriage, are not well understood by the Australian community or more troublingly, by policy makers and service providers. There is little quantitative or qualitative data available regarding these practices in Australia. FECCA recommends that more research be funded to understand the experiences of CALD and migrant women experiencing DFV, including intersectional challenges and specific manifestations of violence. Particular attention should be paid to the intersectional vulnerability of CALD women with disability or who are LGBTIQ in regards to DFV.

Addressing the impact of violence on women with disability

International research indicates that, regardless of age, race, ethnicity, sexual orientation or class, women with disability are assaulted, raped and abused at a rate of at least two times greater than women without disability⁷. However, they are much less likely to access or receive assistance or services if they experience violence.

Women from CALD backgrounds with disability face severe problems accessing services and participating in society more broadly. Due to increased vulnerability characteristics, they are at higher risk of experiencing violence and being unable to access appropriate services and assistance to address such violence⁸. For those that are able to access services, service providers are often ill-equipped or unable to provide for the needs of women from CALD backgrounds with disability.

Additionally, women with disability may be reluctant to report DFV as they may be afraid of losing custody of their children to their abusive partner or family member. This fear is not

⁶ Department of Social Service, 'National Plan to Reduce Violence Against Women and their Children, Fourth Action Plan (2019-22) Background and Evidence Draft', (24 August 2018).

⁷ Domestic Violence and Incest Centre, Chris Jenkins, 'Violence and Women with A Disability Breaking Down the Barriers', available at <http://www.wvda.org.au/wp-content/uploads/2013/12/jennings1.pdf>.

⁸ Multicultural Disability Advocacy Association of NSW, 'Improving Access to Services for Women from non-English Speaking Backgrounds with Disability Experiencing Violence', (1010), pp9–13. <http://www.adfvc.unsw.edu.au/PDF%20files/Violence%20Through%20Our%20Eyes.pdf>.

unjustified, as women with disability disproportionately have children removed from their care⁹. The fear of losing children and associated stigma within CALD communities may make CALD women with disability even more reluctant to seek help and escape violent relationships.

CALD women living with disability tend to have higher dependency on their spouse/partner for multiple reasons including:

- Lack of social connections in the new country;
- Lower English language proficiency and inability to access information regarding available services;
- Lack of knowledge of Australian systems and processes. Women with disability for whom English is not their first language have great difficulty navigating the complex service-support system and a lack of co-ordination between services can compound feelings of disempowerment;
- Lower access to employment. In Australia, almost half of those living with a disability are not participating in the labour force (46.6 per cent)¹⁰. This is compounded for CALD women, with research suggesting that racial discrimination and unconscious bias in recruitment results in candidates with names linked to particular ethnicities needing to apply for considerably more job vacancies before being short-listed for an interview, as compared with candidates with Anglo-Celtic names¹¹. This intersectionality of disability and recruitment bias makes it more difficult for CALD women to access employment; and
- Tradition and/or culture. Some individuals may use cultural attitudes or practices to accept or condone violence towards females or people with disabilities. Cultural attitudes towards family loyalty, the 'shame' of family breakdown or fear of being ostracised from the family and the community, can all be factors that prevent CALD women with disability from seeking help.

If a CALD woman with disability is able to exit a situation of violence or dependence from their partner, very few women's refuges have disabled access or are resourced to accept a woman with disability (and her children). Emergency accommodation facilities rarely have ramps, lifts, accessible showers or toilets, access to interpreting services, information in alternative formats, provision of attendant/personal care, or appropriately trained, culturally competent staff. In addition, women with disability who have children fear that they will lose custody if authorities question their capability as the sole carers.

The few women with disability who do gain access to a refuge, face additional pressure caused by the lack of social housing that is accessible and long waiting lists for existing stock. The lack of transitional housing support programs and access to medium and long term accommodation for women with disability forces many to continue living in situations where they are in immediate risk of harm¹².

CALD Australians have lower participation rates in National Disability Insurance Scheme (NDIS). It is estimated that there are around 83,000 disabled CALD Australians with disability who are eligible for NDIS - between 18 per cent and 22 per cent of the total number of eligible

⁹ People with disability & Domestic Violence NSW, 'Women With Disability and Domestic and Family Violence: A Guide For Policy and Practice', available at http://dvnsw.org.au/pwd_doc1.pdf.

¹⁰ Australian Bureau of Statistics - 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, (2015).

¹¹ Julia Calixto, 'Blind Recruitment: how the ABS Broke its Unconscious Bias', SBS News Australia, (2 June 2016).

¹² Multicultural Disability Advocacy Association of NSW (MDAA), 'Violence Through Our Eyes Improving Access to Services for Women from Non-English Speaking Backgrounds with Disability and Carers Experiencing Violence Project Report', (2010).

Australians. According to the NDIS National Public Dashboard, the status of active participants of CALD background with an approved plan on the 31 December 2017 was only 7 per cent¹³. The Dashboard however does not indicate what percentage of the 7 per cent are women. Increased participation in the NDIS could improve the likelihood that DFV against women with disability is identified. This is because active participants in the NDIS have access to a personal carer who may be able to identify and report signs of abuse.

FECCA recommends that the Fourth Action Plan address access to information by CALD women with disability. Information should be available in-language and in simple English accompanied by illustrations and in braille. Centres that provide block funded services for people with disability should have this information readily available. The Fourth Action Plan should also address the need to improve crisis accommodation for women with disability including CALD women, and transitional housing support programs.

Developing workforce capability

It is essential that frontline workers who interact with CALD women experiencing DFV, reflect the diversity of the Australian community and are provided with opportunities to improve their cultural competence. This includes all sectors working with victims of DFV including support services, social workers and staff within the justice system (police, judicial officers, judges and magistrates). All services, whether providing specialist support or other types of community services, must be able to offer culturally appropriate support accounting for the specific risks, vulnerabilities and health consequences experienced by CALD victims of DFV¹⁴. Culturally appropriate support also requires a nuanced understanding of different manifestations of DFV such as dowry abuse or forced marriage. Forms of abuse may look different across cultures, for example, financial abuse linked to bride price may look different to financial abuse linked to the joint bank account of two employed individuals. A diverse and culturally competent workforce is one important way to ensure that all victims receive culturally appropriate care.

Workforce Diversity

Culturally and linguistically diverse organisations can design, develop and deliver DFV services that more accurately reflect the diversity of the Australian population and different manifestations of violence. This also includes the attraction and retention of bilingual and bicultural workers who are appropriately remunerated¹⁵.

Cultural Competence Training

It is essential that all staff working with victims of DFV are provided with the opportunity to engage in cultural competence training. Research suggests that a lack of cultural competence in staff and service provision disproportionately and adversely impact on outcomes for CALD women experiencing DFV¹⁶. The consequences of the lack of CALD appropriate DFV services have been raised in discussions of the tragic recent death of Sadif Karimi (Ziba Haji Zada)¹⁷.

¹³ <https://www.ndis.gov.au/medias/documents/dashboard-national-31dec-17/National-Dashboard-31-Dec-2017.pdf>

¹⁴ ANROWS, 'Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: The ASPIRE Project', Landscapes: State of knowledge paper (Issue 12, 2015), pp42-43.

¹⁵ FECCA, 'Australia's Bilingual and Bicultural Workforce', (2017), available at <http://fecca.org.au/wp-content/uploads/2017/12/Australias-bilingual-and-bicultural-workforce-report-2017.pdf>.

¹⁶ Judicial Council on Cultural Diversity, 'The Path to Justice: Migrant and Refugee Women's Experience of the Courts', (2017), available at http://jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Migrant_and_Refugee_Women.pdf; The Law Council of Australia, 'The Justice Report Final Report Recent Arrivals to Australia', (2018), available at <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Recent%20Arrivals%20to%20Australia%20%28Part%201%29.pdf>.

¹⁷ The Canberra Times, 'An ocean of grief: Family waits for answers about how Sadif Karimi was burnt alive', (10 July 2018), available at <https://www.canberratimes.com.au/national/victoria/an-ocean-of-grief-family-waits-for-answers-about-how-sadif-karimi-was-burnt-alive-20180709-p4zqgh.html>; The Age, 'Afghan teen who burnt to death came here as child bride on fake papers', (24 July 2018), available at

Similarly, FECCA has anecdotal evidence that despite best efforts, some law enforcement jurisdictions still struggle to appropriately respond to CALD women experiencing DFV, particularly in cases where women have lower levels of English language proficiency. Negative interactions with law enforcement can impact the ability of a women to access assistance or exit situations of violence. For example, if a woman with lower levels of English language proficiency is unable to file a report against a perpetrator, as she was not provided with an interpreter, she is unable to obtain a police report. The victim would then be unable to obtain an Apprehended Violence Order (AVO) and consequently, unable to access crisis accommodation. In this way, the first interaction for women seeking support is crucial in determining their ability to exit a situation of violence. It is essential that the first interaction is culturally and linguistically appropriate.

Cultural competence training should also include training staff on how to engage and work with interpreters. Lack of language service support is a key barrier faced by CALD women and their access to justice. It impacts negatively upon CALD women's ability to engage with police, support services, completing forms and understanding paperwork, communicating with court staff and participating in legal proceedings¹⁸. The provision of professional, appropriate and skilled interpreters is crucial if the legal system is to respond to the needs of migrant and refugee women experiencing DFV. The ability of all justice system workers to work effectively with interpreters is also crucial.

FECCA recommends that the Fourth Action Plan prioritise the development of workforce cultural competence supported by the attraction and retention of culturally and linguistically diverse staff. CALD women in situations of DFV often experience intersectional disadvantage and all sectors working with victims of DFV should be trained to provide culturally appropriate responses.

Responding to the impact of family and domestic violence on children

It is important that staff working in DFV are trained to work with CALD children who have experienced violent situations. This includes the attraction and retention of appropriately remunerated bilingual and bicultural workers¹⁹. Children who have experienced DFV can often end up in foster care or out of home care, and for CALD children who have already experienced the trauma of violence, it is important that they are placed in culturally appropriate care. Initiatives or messaging targeted at children experiencing DFV, particularly messaging aimed at reporting DFV or seeking support, should be culturally appropriate. For instance, in some cultures, reporting DFV may be perceived as disrespecting elders and therefore avoided by children. Messaging must consider and reflect the diverse family dynamics and cultural norms present in Australia to ensure that children are empowered to seek support regardless of their cultural or linguistic background.

Adequate crisis accommodation

Adequate crisis accommodation remains a vital priority to be addressed in the Fourth Action Plan. FECCA understands that there is currently a critical shortage of crisis accommodation for women experiencing DFV across the country. This problem is compounded for migrant women and women of CALD background and their children, as immigration status impacts access to social security and access to accommodation.

<https://www.theage.com.au/national/victoria/young-mother-who-died-in-burns-tragedy-illegally-entered-australia-as-a-child-bride-20180723-p4zt6e.html>.

¹⁸ Judicial Council on Cultural Diversity, "The Path to Justice: Migrant and Refugee Women's Experience of the Courts", (2017), p8, available at http://jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Migrant_and_Refugee_Women.pdf.

¹⁹ FECCA, 'Australia's Bilingual and Bicultural Workforce', (2017), available at <http://fecca.org.au/wp-content/uploads/2017/12/Australias-bilingual-and-bicultural-workforce-Report-2017.pdf>.

Research indicates that a significant proportion of DFV cases intersect with homelessness or risk of homelessness²⁰. The situation is particularly dire for women who do not fulfil residency requirements because, despite wanting to leave, their inability to secure independent income means that they are often unable to secure housing and so they stay with the violent perpetrator as a result²¹. FECCA also understands that CALD and migrant women often present to the homelessness sector with complex immigration issues, with little or no income while they wait for a decision about their visa status. FECCA also has anecdotal evidence to suggest that CALD women with multiple children or male children over the age of 10 face additional challenges in accessing crisis accommodation. FECCA has heard reports of women being turned away from refuges as they have been unable to separate from their teenage sons. CALD women may also have fewer social networks and are therefore more likely to be reliant on crisis accommodation for alternative housing, as they are less likely to be able to stay with family, friends or other networks.

CALD women tend to have lower awareness of availability of support services for victims of DFV, including the availability of accommodation services. In the case that there is awareness of such services and they are approached by CALD women, these services do not have relevant supports needed to assist them, including access to interpreter services, information in alternative formats, or appropriately trained, culturally competent staff.

CALD women in need of crisis accommodation, often come from relationships in which there was some form of financial dependency. That means, when approaching the crisis accommodation, they lack the financial means to provide for food and basic needs for themselves and their children. The *2008 Women, Domestic and Family Violence and Homelessness: A Synthesis Report by the Department for Social Services* from recommends that if women on temporary and spouse visas need to seek shelter at a refuge then funding should be available to support them²². The Report also finds that some services do not have the resources and therefore are not prepared for significant increases in numbers of women from CALD backgrounds.

Interpreting and translating services are another weak point in the provision of crisis accommodation. There is a lack of awareness around the availability of government funded interpreting services which leads to lack of utilisation of these services. FECCA has heard anecdotal evidence of CALD victims of DFV being referred from one service to another because of failure to engage interpreters and thus understand the specific needs of the client.

Service provided by refuges may not be suitable for the particular needs of CALD women. For example Muslim women often have concerns that services are not culturally or religiously appropriate environments for them and their children. They may lack facilities for food preparation, prayer facilities or gender segregation of women and male children of certain ages.

It is often also difficult to move CALD women from crisis services because of discrimination in the private rental sector and the high costs of private housing. Rental histories are difficult for newly arrived migrants and those for whom prior leases are in their husband's name. In addition some migrant women do not have adequate life skills to maintain a private rental tenancy; and the information available to migrant women varies considerably across state and

²⁰ National Social Security Rights Network, 'How well does Australia's social security system support victims of family and domestic violence?', (2018), p6, available at http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf.

²¹ Ibid.

²² Department of Social Services, 'Women, Domestic and Family Violence and Homelessness: A Synthesis Report', available at <https://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/women-domestic-and-family-violence-and-homelessness-a-synthesis-report?HTML>.

territory jurisdictions.²³ Finding suitable accommodation can be particularly challenging for women with four or more children. Providing accommodation options for larger families is a particular challenge for service providers and in both the private market and in social housing.

FECCA recommends that the Fourth Action Plan pay attention to the shortage of crisis accommodation for CALD women and their children experiencing violence, as a matter of urgent priority. FECCA recommends that the plan acknowledge and include strategies to address the additional and specific barriers to finding accommodation experienced by CALD and migrant women, who may be particularly vulnerable due to their inability to secure independent income or alternative accommodation by virtue of their immigration status.

Supporting the medium to long-term safety, wellbeing and independence of women and their children

Ensuring that CALD women have access to adequate social security, as well as secure, paid employment and financial literacy, will assist in reducing situations of extreme vulnerability. Similarly, strategies that address the gender pay gap, offer access to career development and leadership opportunities, and accommodate rather than penalise those who care for others, will help to support the medium to long-term independence of CALD women.

Social Security

Research suggests that DFV intersects with eligibility and the rate of social security entitlement across a broad range of payments and issues²⁴. Often CALD and migrant women are ineligible to access social security payments if they are not permanent residents or citizens. Sometimes there is no discretion in relation to the social security eligibility criteria, meaning that if a person does not meet specific criteria, they are not eligible for payment, even in situations of acute financial distress²⁵. In the case of newly arrived migrants in violent situations, the Newly Arrived Residents Waiting Period (NARWP) remains an obstacle to some women accessing social security and consequently escaping DFV. FECCA notes that there is currently legislation to increase the NARWP before Parliament, a move that would only further impact the ability of CALD and migrant women to leave violent situations. For those women who are eligible for social security payments, the amount is often too low to secure essential needs such as safe accommodation.

FECCA is concerned that the social security system includes particularly harsh treatment of New Zealand permanent residents who fall into the non-protected Special Category Visa holder category. Unlike other nationalities, New Zealanders are not required to apply for permanent residence and consequently are not eligible for social security payment. This places women from New Zealand at particular risk of violence, as they are more likely to find themselves unable to leave given they cannot access income support.

FECCA recommends that the Fourth Action Plan include a strategy to improve the ability of women experiencing DFV to access social security payments regardless of their immigration status. This includes addressing the particularly harsh treatment of New Zealand permanent residents living in Australia who experience a substantial change of circumstances and find themselves in extreme financial hardship, enabling them to access Special Benefit payment²⁶.

Employment

²³ Department of Social Services, 'Women, Domestic and Family Violence and Homelessness: A Synthesis Report', available at <https://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/women-domestic-and-family-violence-and-homelessness-a-synthesis-report?HTML>

²⁴ National Social Security Rights Network, 'How well does Australia's social security system support victims of family and domestic violence?', (2018), available at http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf.

²⁵ Ibid, p16.

²⁶ Ibid, p9.

People from CALD backgrounds, and particularly women, face multiple disadvantages including economic and workforce participation. It was reported that 51 per cent of low paid employees (earning below, at, or just above the minimum wage) were women compared with 47 per cent of the total workforce²⁷. Women from CALD backgrounds are overrepresented in insecure and low paid employment fields which include industries such as food services, and cleaning. They are more likely to be employed on a casual basis and to be at a disadvantage in negotiating conditions of employment. CALD women face additional barriers to employment including systemic racism, job-skidding, a lack of existing networks, or difficulties in having overseas qualification recognised. Women from CALD backgrounds are under-represented at senior positions even in workforces dominated by women²⁸.

Addressing the systemic barriers to employment for CALD women will help to support their medium to long-term safety, wellbeing and independence. This includes a strategy to address the factors impeding the economic advancement of CALD women such as the provision of appropriate pathways for career advancement so that they are better reflected in senior levels in all industries.

Superannuation reform

Research has shown that in Australia, men's superannuation balances at retirement are on average twice as large as women's – meaning that women, particularly single women, are at greater risk of experiencing poverty, housing stress and homelessness in retirement²⁹. This discrepancy is based on a number of complex and interrelated factors including that women are more likely to work in lower paid roles and lower paid fields, are more likely to work part-time or casually, and are more likely to take breaks from paid employment to provide unpaid care for others³⁰. This is compounded for CALD women, who due to a number of barriers to employment, find their employment options are focused on the retail, hospitality, hygiene, construction and fast food sectors. There is large overlap between employment sectors dominated by CALD women and high-risk sectors for the black-market economy, which are 'building and construction, restaurants and cafes and hair and beauty salons'³¹.

FECCA understands that CALD women are more likely to accept casual employment or work for family businesses that do not make superannuation contributions. CALD women are also more likely to take time away from the paid workforce as carers for children or family members, further reducing their superannuation contributions. Migrant women are likely to have less superannuation on retirement than non-migrant women by virtue of the fact that they have started to accumulate super later in life, at the point of migration to Australia, rather than at the commencement of their careers.

There is much more to be done to reduce the increased vulnerability to CALD women created by drastic discrepancies in superannuation for men and women. FECCA supports reforms to the paid parental leave (PPL) scheme to allow for 26 weeks paid parental leave through the combination of government and employer funding³². FECCA also supports the recommendation that the superannuation guarantee should be paid on the Commonwealth

²⁷ L Nels, P Nicholson and T Wheatley, 'Employees earning below the federal minimum wage: review of data, characteristics and potential explanatory factors Minimum Wages and Research Branch', Fair Work Australia, (2012).

²⁸ Australian Human Rights Commission, 'Leading for Change A blueprint for cultural diversity and inclusive leadership revisited', (April 2018), available at https://www.humanrights.gov.au/sites/default/files/document/publication/Leading%20for%20Change_Blueprint2018_FINAL_Web.pdf, p25.

²⁹ Parliament of Australia, 'A husband is not a retirement plan', (29 April 2016), available at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Economic_security_for_women_in_retirement/Report, xi.

³⁰ Ibid.

³¹ Black Economy Taskforce, Commonwealth of Australia, 'Interim Report March', (2017), p.51.

³² Ibid, p9.

PPL Scheme and that mechanisms for improving the retirement incomes of carers be examined³³. Addressing long-term economic security for vulnerable CALD women should be included in the Fourth Action Plan.

Addressing technology-facilitated abuse

FECCA understands that lower levels of digital literacy within CALD and migrant communities, make it difficult for CALD and migrant women to get support for technology-facilitated abuse. FECCA understands that often, when CALD women are asked if they are experiencing technological abuse, they say 'no', however once the associated behaviours are explained, women recognise that they have experienced this type of abuse.

In the review of domestic violence homicides occurring between 2000 and 2012, the NSW Domestic Violence Death Review Team observed that technology was commonly being used by perpetrators to stalk, monitor, and control their intimate partners while the relationship was ongoing, defying the previous misconceptions that this behaviour only occurred after the relationship was over. Knowing and recognising such behaviour by CALD women would potentially help facilitate their escape from abusive relationships.

Higher levels of awareness of technology-facilitated abuse in CALD communities need to be achieved. Efforts need to be invested into providing information and conducting research specific to CALD communities, so that targeted campaigns can be implemented.

FECCA understands that the e-Safety Commissioner is currently in the process of developing a report on e-safety among CALD women. This type of evidence will be useful for then developing specific targeted activities for the Fourth Action Plan.

Access to justice

Australians of CALD and migrant background may have had negative interactions with authorities in their country of origin or in Australia. Negative interactions with law enforcement, fear of deportation and lack of knowledge about their rights may disempower women from leaving situations of violence. Engaging CALD men and women in positive prevention initiatives is a key opportunity to build trust with institutions, law enforcement and support services. Collaborative engagement with communities ensures that if women do find themselves in situations of violence, they feel safe to engage with relevant authorities because the relationships of trust already exist.

For CALD Australians, there may be multiple stress points in any interaction with the justice system. A lack of appropriate support, information or access can result in catastrophic outcomes for women and their children experiencing violence. FECCA emphasises that access to LegalAid is crucial for CALD women, who often lack the financial means to engage paid legal services.

Multi-agency Coordination

Engaging with the justice system can require numerous and complex interactions with law enforcement, support services, government agencies and the judicial system. It is vital that there is coordination across different sectors within the justice system, as a lack of coordinated response increases the likelihood that victims will fall through the gaps, particularly for CALD women with increased vulnerabilities such as lower English language proficiency and visa complexities. The development of a multi-agency protocol for responding to DFV incidents may assist in ensuring that CALD women are better catered for. A protocol could integrate existing frameworks, with the inclusion of checkpoints for assistance and communication processes linking services. The ability to pinpoint the breakdown of process or communication within the system, will allow for greater transparency, accountability and continual

³³ Ibid, p13.

improvement of the responsiveness of the justice system to the needs of CALD women in situations of DFV.

Similarly, cross-sector partnerships assist in ensuring that CALD women are not left without support. CALD women do not always access DFV or legal services in the first instance, but may be referred via culturally specific organisations or generalist health services³⁴. Partnerships and collaborations between these services are vitally important.

Language Services

A consistent barrier to equal justice for CALD women is the lack of provision of interpreters who are appropriately supported by judicial officers, law enforcement and processes³⁵. It is essential that appropriate, accredited translators are readily available and free to people from CALD backgrounds who cannot afford them. This also requires the provision of training for those working within the justice system about working with interpreters. Training would ensure that staff can work effectively with interpreters and improve the experience of CALD women who have limited English language proficiency³⁶. Language services also include the attraction and retention of bilingual and bicultural workers who are appropriately remunerated.

Information and resources created should also be translated to ensure that CALD women with lower levels of English language proficiency can read vital information in-language, including where and how to access support. It is essential that translated materials are always community reviewed.

It is vital that government funding for services includes adequate provision for Translating and Interpreting Services (TIS), and organisations seeking funding for DFV services should be required to demonstrate that their proposed budgets adequately account for the provision of TIS.

Cultural Competence Training and Workforce Diversity

Cultural competence requires that those working within the justice system to understand different manifestations of DFV. Victims/survivors from CALD backgrounds are often reluctant to disclose violence due to a range of factors including language barriers, social isolation, mistrust of police and the justice system and shame and stigma associated with seeking help. Improving cultural competence will assist in addressing some of the additional barriers faced by CALD victims/survivors, and assist in educating frontline staff within the justice system on the different manifestations of DFV and how to appropriately respond. Requiring cultural competence training for all staff and judicial officers in the justice system is likely to improve the ability of staff to respond to often complex cases of CALD women experiencing DFV.

Cultural competence training should be supported by a focus on increasing workforce diversity as a priority in recruitment including attracting and retaining diverse judicial officers, registrars, associates, administrative staff, security personnel and law enforcement staff.

Education

CALD women experiencing DFV often lack knowledge around their rights and support options. Education for CALD and migrant women experiencing DFV, to create increased awareness and knowledge of Australia's legal and judicial systems and processes may help to increase

³⁴ 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', (2010), p8.

³⁵ Judicial Council on Cultural Diversity, 'National framework to improve accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women', (2017), p18, available at http://jccd.org.au/wp-content/uploads/2017/09/JCCD_National_Framework.pdf.

³⁶ Ibid, p19.

confidence and trust and empower women to leave situations of violence³⁷. FECCA commends the government for the provision of the 'Family Safety Pack' which is provided to all visa applicants and which outlines Australia's laws and rights relating to DFV, sexual assault and marriage. The pack is available in 46 languages and was developed as part of the Second Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*. However, FECCA recommends a revision of the pack which could include a revised definition of DFV so it is expanded beyond intimate partner violence to include family violence (i.e. including in-law violence), information regarding dowry abuse and the inclusion of information for holders of visa categories other than partner visas.

Much of the research and the practical recommendations to improve access to justice for CALD women experiencing DFV have already been created³⁸. The Judicial Council on Cultural Diversity and the Law Council of Australia have outlined a number of evidence-based recommendations that would vastly improve access to justice for CALD women, and FECCA recommends that the Fourth Action Plan focus on their implementation.

³⁷ Judicial Council on Cultural Diversity, 'National framework to improve accessibility to Australian courts for Aboriginal and Torres Strait Islander women and migrant and refugee women', (2017), available at http://jccd.org.au/wp-content/uploads/2017/09/JCCD_National_Framework.pdf, p14.

³⁸ Judicial Council on Cultural Diversity, 'The Path to Justice: Migrant and Refugee Women's Experience of the Courts', (2017), available at http://jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Migrant_and_Refugee_Women.pdf; The Law Council of Australia, 'The Justice Report Final Report Recent Arrivals to Australia', (2018), available at <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Recent%20Arrivals%20to%20Australia%20%28Part%201%29.pdf>.