

"I lived in fear because I knew nothing"

Barriers to the Justice System Faced by CALD
Women Experiencing Family Violence



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inTouch - Multicultural
Centre Against Family
Violence was formerly
known as Immigrant
Women's Domestic
Violence Service

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About Us

InTouch Inc. Multicultural Centre Against Family Violence is a statewide organisation providing a range of culturally sensitive programs and services including crisis support services to women and children experiencing family violence, recovery groups and counselling, community education, professional development for service providers, lobbying and advocacy.

First founded in 1985 and initially known as the Refugee Ethnic Workers' Program, and until November 2010 as the Immigrant Women's Domestic Violence Service (IWDVS), InTouch is now the lead agency in Victoria providing the following services:

- a specialist response in the form of case and co-case management services to women and women with children from culturally and linguistically diverse (CALD) communities who are experiencing family/ domestic violence;
- community education and raising awareness of family violence issues within CALD communities;
- training in cultural sensitivity to family violence and homelessness sector agencies and workers;
- research and projects related to family violence issues in CALD communities;
- lobbying and advocacy.

Our strategic position within the system:

- We contributed both to the initial development and current review of the Victorian Police Code of Practice.
- We are members of the Family Violence State-wide Advisory Committee and Department of Justice Family Violence Stakeholders Reference Group representing the interests of and advocating for CALD clients.

- Our CEO is a member of the Domestic Violence Victoria Board of Management and the Executive Committee of Eastern Metropolitan Region - Integrated Family Violence Partnership.
- We have been involved in the development and delivery of the Common Risk Assessment Framework (CRAF) CALD Training sessions.
- We have also been involved with the following groups:

- Think Child Working Group that facilitates collaborative working relationships between family violence services, Child First / Family Services and Child Protection services;
- Strengthening Risk Management project reference group;
- Women's Refuge Mapping project;
- Systemic Review of Family Violence Deaths Reference group;
- Filling the Gap project reference group;
- Family Strengthening for Newly Arrived Communities group.

Other publications produced by InTouch under the name of Immigrant Women's Domestic Violence Service include:

- What about the Children? The Voices of Culturally and Linguistically Diverse Children Affected by Family Violence, 2008.
- The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria, 2006.
- Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities, 2006.

“I never thought
I could leave.”
– Rita

Rita's Journey towards Independence

Rita arrived in Australia in 2006 along with her husband and four children after spending several years in a refugee camp. She missed having her own family around and found it difficult settling into a new country and adapting to a foreign culture. Rita spoke very little English and explained, *“I knew nothing about how to look after myself in Australia. I relied totally on my husband and oldest children.”* Rita was isolated and the only people she knew here were her husband's relatives and a few members from their community.

Rita's husband had always been controlling and domineering but when the violence had got out of control in the past, the elders had always mediated. Their relationship became worse when they moved to Australia. The stresses of inadequate housing, never having enough money and the struggle to find employment seemed to make her husband even angrier. *“My husband told me he felt ashamed that he could not support our family properly and he took all his bad feelings out on me.”*

Rita learnt to put up with the shouting and emotional insults. Even though her husband's behaviour was beginning to take its toll on her, she could not imagine forging a life on her own as a single parent. Who would help her anyway? She feared she might have to leave the country if she talked to any authorities. And if she talked to anyone from her own community, they would be sure to disapprove of her leaving her husband.

One night, Rita's husband hit her with such force that she felt her life was in danger. She ran outside weeping and her neighbour called the police. They were kind to her but they had no interpreter available at that time of night – so the police officers couldn't hear her side of the story. They removed Rita's husband from their home. Rita didn't know where they were taking him or when he would return. She was afraid she and her children would also be removed from the home because it was her husband who paid the rent.

“All I understood from the police was that I had to go to court on Monday morning.” A court support worker gave her information and assistance and with the help of an interpreter, the worker explained the Safety Notice to her. Rita didn't fully understand what it all meant but was reluctant to ask questions because she felt intimidated.

Afterwards, Rita didn't know how to explain the situation to her children. She felt she had brought shame on her family by splitting them up, and that she had failed as a wife and mother. Rita continued to fear retaliation from her husband and felt insecure staying at home so she moved to a refuge.

“In the refuge, they kept telling me I was safe from my husband now and there was no reason to worry. But they didn't understand. I was grieving again because this was yet another loss for me. My family was the only thing I brought with me from my home country that I could call my own – and I couldn't keep my family together.”

Rita felt more alone than ever and could think of no other solution but to return to her husband after a few days. Besides, she was sure he would regret what he had done and treat her kindly again.

Unfortunately, it wasn't long before the violence returned. It was another two years before Rita finally found support from another woman from her own community who had similar experiences to hers, as well as a GP who told Rita about community intervention services that could help her become more independent. Eventually, Rita had acquired enough information about her legal rights and the supports available to her that she had the confidence to leave her husband and start a new life with her children – a life without violence.

Executive Summary

It is estimated that as many as one in five women living in Australia experience sexual violence and one in three Australian women experience physical violence at some point in their lives (*A Snapshot to Time for Action: The National Council's Plan to Reduce Violence against Women and their Children, 2009-2021, 2009*). The report published by InTouch in 2006, *Refugee Settlement, Safety and Wellbeing: Exploring domestic and family violence in refugee communities*, found from a literature review that the incidence of family violence amongst refugee and migrant families is not higher. However, it did find that being newly settled does expose families to stresses that increase the risk of intimate partner violence. The consequences for women from immigrant and refugee backgrounds can be even more damaging for them and their children because they are likely to face greater obstacles in their struggle to break the cycle of violence.

This project therefore began with the understanding that the barriers for Culturally and Linguistically Diverse (CALD) women are distinct and in addition to those faced by women from the broader community. This research was driven by a concern for the compromised safety and wellbeing of these women and their children due to the various barriers they face in accessing the legal / justice system.

The primary objective was to identify and explore in depth these barriers faced by Victorian CALD women who have been in situations of family violence and who have accessed or attempted to access the legal system. The methodology comprised three components including: surveys and focus groups with CALD women, consultations with service providers and an online survey. Workshops were also conducted to help formulate recommendations.

While the women generally acknowledged that there were protective legal structures in place that ultimately

helped them to escape the violence, it became apparent that CALD women do face additional barriers accessing the legal system. The research identified that CALD women experienced barriers to the justice system on two levels: firstly, the barriers they face accessing the justice system and secondly, the barriers they face going through the justice and support systems. These impediments mean that CALD women are less likely to report violence in the first place, they are often quickly discouraged from progressing further with their complaints, they may disengage prematurely from support, and the outcomes they achieve are less positive than they might otherwise have been.

A tendency to under-report means it is not unusual for CALD women to wait until a point of crisis before they seek help. Under-reporting is influenced by a lack of information about their rights and how to access them, a fear of authorities, and not knowing what constitutes family violence in Victoria. Considerable external pressure from family and community is also a significant factor.

CALD women also face obstacles throughout the legal process such as language difficulties, intimidating court processes, prejudicial attitudes, and inadequate support from services. These factors put CALD women at a distinct disadvantage when it comes to dealing with the legal system.

Strategies for change need to build a sense of self-empowerment in women to enable them to confidently navigate the legal system. From the research, four key areas were identified as priorities for change:

1. Changing attitudes and building awareness of family violence – A steady and persistent stream of information needs to be filtered through to women, men and their communities. Primary prevention strategies need to be tailored to ethno-specific communities, and the delivery of key messages need to take into account varying levels of literacy and different dialects.

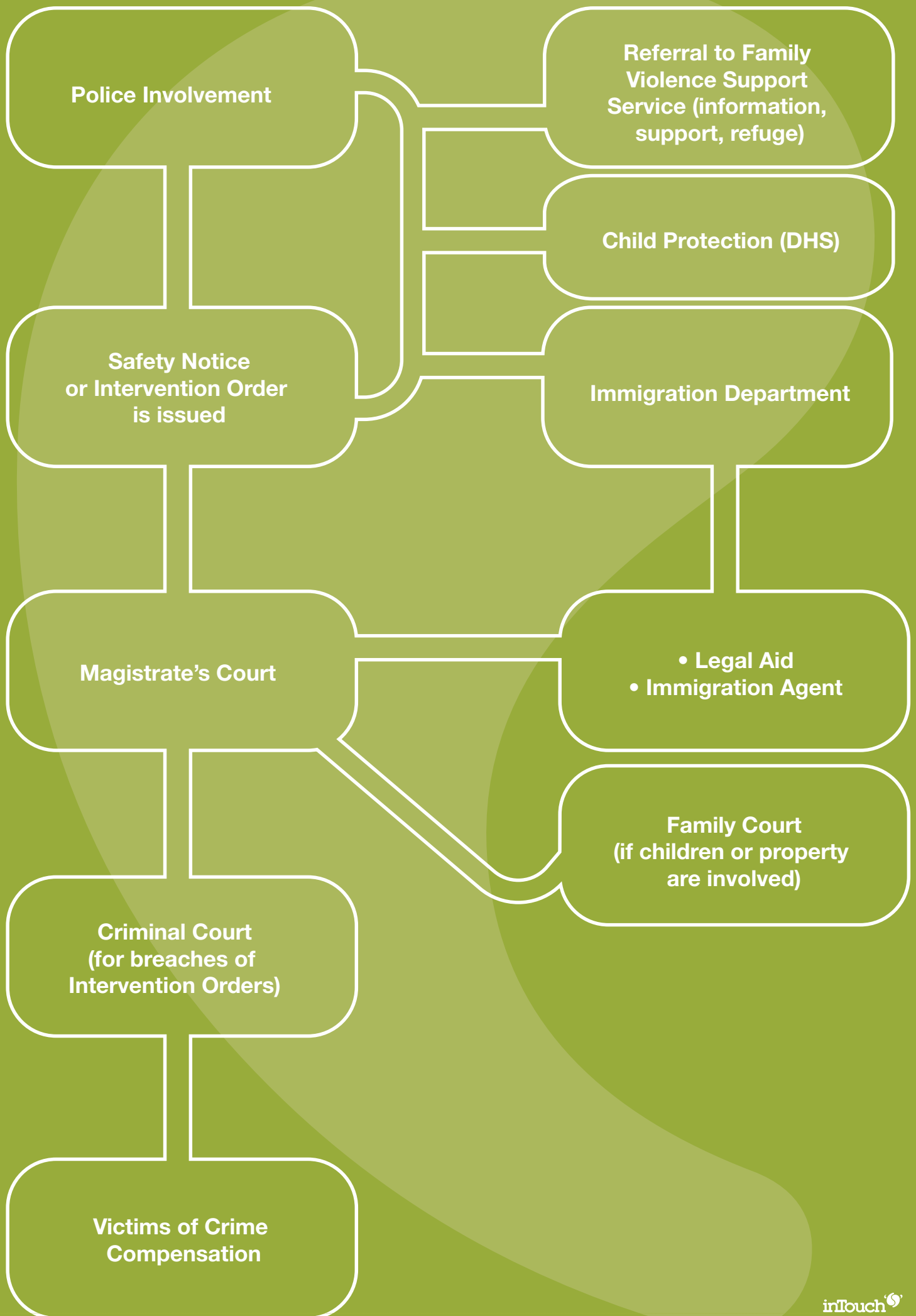
2. Overcoming language barriers – There is a need for more detailed information about legal proceedings, and for a commitment by the police, legal representatives and the courts to apply more consistency in the use of interpreters. The interpreters need to be rigorously trained in appropriate interpreting techniques and on the issues of family violence and legal concepts.

3. Cross-sector partnerships – CALD women do not always access family violence or legal services in the first instance, but may be referred via culturally-specific organisations or generalist health services. Partnerships and collaborations between services are therefore vitally important and all services should know how to respond to CALD victims of family violence.

4. Providing longer-term supports– Crisis responses are not sufficient for women in family violence situations and strategies must be employed to ensure their engagement over the long term. It needs to be acknowledged that immigration laws leave some women extremely vulnerable as they have limited access to most forms of support.

This report signals that there is much work to be done in alleviating the barriers. *The National Plan to Reduce Violence against Women and Their Children, A Right to Respect: Victoria's Plan to Prevent Violence Against Women* (2010-2020), and *A Right to Safety and Justice : Strategic Framework to Guide Continuing Family Violence Reform in Victoria* (2010-2020) indicate a strong commitment by governments at the Federal and State levels towards the elimination of violence against women. However, it is the responsibility of each one of us to act upon these findings.

It is estimated that as many as one in five women living in Australia experience sexual violence and one in three Australian women experience physical violence at some point in their lives.



1. Introduction

In 2010, InTouch (formerly known as the Immigrant Women's Domestic Violence Service) celebrated 25 years of providing services to Victorian women and their children from culturally and linguistically diverse communities who have experienced family violence. Over the years, the agency has come across many instances where the safety and wellbeing of women and their children have been further compromised due to the various barriers they face in accessing the legal / justice system.

It was positive to find that more than two-thirds of the CALD women surveyed rated their overall experience with the legal system to be positive. The participants had all endured the lengthy process of accessing justice, and most of them were able to access support. Working through this process and ultimately achieving the outcome they wanted no doubt helped to build their confidence. This was reflected in their recommendations to other women, as they repeatedly emphasised how important it is for women to be empowered and to actively pursue their legal rights. *'Now I know that the whole society actually is saying "no" to such behaviour, which gives me encouragement and support. I think everyone should know more about the Australian law, and let all the users of violence know that this society is fair and just.'*

We must examine how we are failing the other significant proportion of women who were at times overcome by the barriers they face in our justice system. In many ways, the obstacles encountered by immigrant women, including refugees, are similar to those experienced by women from mainstream communities who seek legal assistance for the violence they are experiencing. The existence of attitudes around them that diminish the seriousness of family violence, along with the erosion of self-esteem and fears of retaliation can disable the victim's capacity to take legal action.

Yet for CALD women, their challenges are exacerbated as they, and in particular newly arrived women, face multiple complex issues. These include living in a new country that might be completely foreign to their own, having limited English language skills, little knowledge of the Australian culture and justice system and extremely limited access to employment and housing. In addition, many CALD women come from countries which do not have legal, financial or emotional support systems like those we have in Australia, and so they have no awareness whatsoever that such support systems even exist. They are effectively much more isolated and dependent upon their abusive partners to a far greater degree than other women. And as a result, they are much more vulnerable to ongoing abuse.

This report is essentially about identifying the barriers to the justice system encountered by women who are disempowered by violence and abuse and by virtue of belonging to a community that is marginalised from the mainstream.

1.1 Victorian Family Violence laws

Each state and territory has its own laws in relation to family violence. Federal laws govern the issues relating to children and property. The state laws referred to in this report are Victorian, as InTouch is a Victorian-based agency.

Significant steps have been taken in Victoria in recent years in an attempt to improve the way in which the legal system addresses the issue of family violence. In 2008, after extensive consultation with a wide variety of services that work with victims of family violence, the Crimes (Family Violence) Act 1987 was replaced by the Family Violence Protection Act 2008.



The Family Violence Protection Act 2008 endorses a more integrated and consistent response to family violence. It specifically sets out three purposes of the legislation, namely:

- (i) To maximise safety for children and adults who have experienced family violence;
- (ii) To prevent and reduce family violence to the greatest extent possible; and
- (iii) To hold perpetrators of violence accountable for their behaviour.

The Family Violence Protection Act 2008 provides a very comprehensive definition of family violence, listing specific types of abusive behaviour as well as behaviour that “in any other way controls or dominates the family member that causes that family member to feel fear for the safety or wellbeing of that family member or another person”.

The definition of family violence also specifically includes “*behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of*” the behaviour defined as family violence.

The definition of “*family member*” in the Family Violence Protection Act 2008 is broad, and acts as an acknowledgement that family violence occurs in a diversity of family arrangements and intimate partnerships, including adolescent violence and elder abuse.

The Act also specifically recognises that family violence is mostly perpetrated by male members of the family and that the victims are most likely to be female.

The Family Violence Protection Act 2008 gives the police specific powers when they attend at a family violence incident. The police are given holding powers in relation to the alleged perpetrator of violence, and are also able to issue Safety Notices on the spot, which can have the effect of immediately removing the perpetrator from the home.

The Victoria Government has also established the Family Violence Division of the Magistrates’ Court, and set up several Specialist Family Violence Sites at various Magistrates’ Courts around the State. In conjunction with the establishment of the Division and the Specialist Sites, specific and focused professional development relating to family violence was introduced for the Magistrates who are to sit in these Courts.

The Family Violence Division Courts are staffed by specialist Applicant and Respondent support workers, to assist with intervention order applications.

The Divisions also have Applicant and Respondent duty lawyers, to ensure that all parties to intervention order applications have access to legal advice at Court. In addition, InTouch cultural case managers support CALD clients at Heidelberg, Sunshine, Melbourne and Dandenong Magistrates’ Courts.

The Family Violence Division Courts have the ability to order a male respondent to attend behaviour change counselling at the same time that they make an intervention order.

Victims of family violence in Victoria are also eligible to apply for compensation pursuant to the Victims of Crime Assistance Act 1996 where they have been the victim of a violent offence. This would include physical and sexual assaults and also threats to kill, which have occurred as part of the family violence. Applicants can receive funding to pay for counselling and medical expenses which are incurred as a result of the family violence. In addition, applicants may also receive funding to assist them to take other steps to recover from the effects of the act of violence, for example, to allow them to relocate, to install home security or change the locks on the home, or to learn self defence. This compensation is further recognition of the effects that family violence can have, not only on the victim herself but also on other members of the family, especially the children.

In Australia, protection from family violence comes in the form of crisis support, longer-term therapeutic support and legal redress. Despite awareness-raising campaigns and improved laws, family violence still persists, affecting victims across cultural and socio-economic divides. While there have been significant changes recently in our system of justice, our research confirmed there are still considerable gaps when it comes to protecting women.

1.2 Literature review

A review of the literature revealed that there has been limited research into the specific issue of the barriers to the justice system for CALD women who experience family violence. Six key texts were identified as most relevant to this research.

Assafiri and Dimopoulos in their article “*NESB Women as Deviant : The Legal System’s Treatment of NESB Women Victims of Male Violence*”, (1995) write that “*migrant women encounter particular problems when they seek to leave or escape violent men.*” These challenges can stem from the differential treatment both mainstream and CALD women in

particular face before the law, not so much from legal policy but from the discriminatory attitudes of individual magistrates, court workers and police they encounter in their journey through the legal system. These attitudes manifest in the construction of CALD female victims who come before the courts as “*deviant, passive and invisible*”. They further argue in the article that the behaviour and culture of the non-English speaking victim comes under closer scrutiny from the magistrate so that protection under the law becomes more a privilege than a right.

The Women’s Legal Service NSW conducted similar research to this report in 1994. The report, *Quarter Way to Equal: A Report on the Barriers to Access to Legal Services for Migrant Women*, focused on CALD women’s access to the law generally, and identified family violence law as one area of law they are most likely to experience. The research identified barriers including lack of access to interpreters, a legal system which was insensitive to their needs, a lack of female workers in the legal system, inadequate legal representation due to a lack of financial resources, and a lack of translated information. A follow up report was published by the service in 2007, entitled *A Long Way to Equal: An Update of Quarter Way to Equal*. The aim of this report was to review their original 1994 findings to determine if the factors they identified as barriers to the law are still applicable more than a decade later. Unfortunately, their research found that those same barriers do still exist.

Our report, *The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria* (2006) (published under our previous name of IWDVS), identified the importance of CALD women having access to legal information and services. Fears are likely to emerge when there is a lack of information. These fears can result in no action being taken at all. It also noted that a key barrier to accessing legal rights is a lack of awareness of them. However, there is a tendency for CALD women (like all people) to become

interested in learning more about their rights when a problem arises. Unfortunately, waiting until the situation has reached crisis point makes the whole process of accessing rights much more difficult, leaving CALD women especially vulnerable.

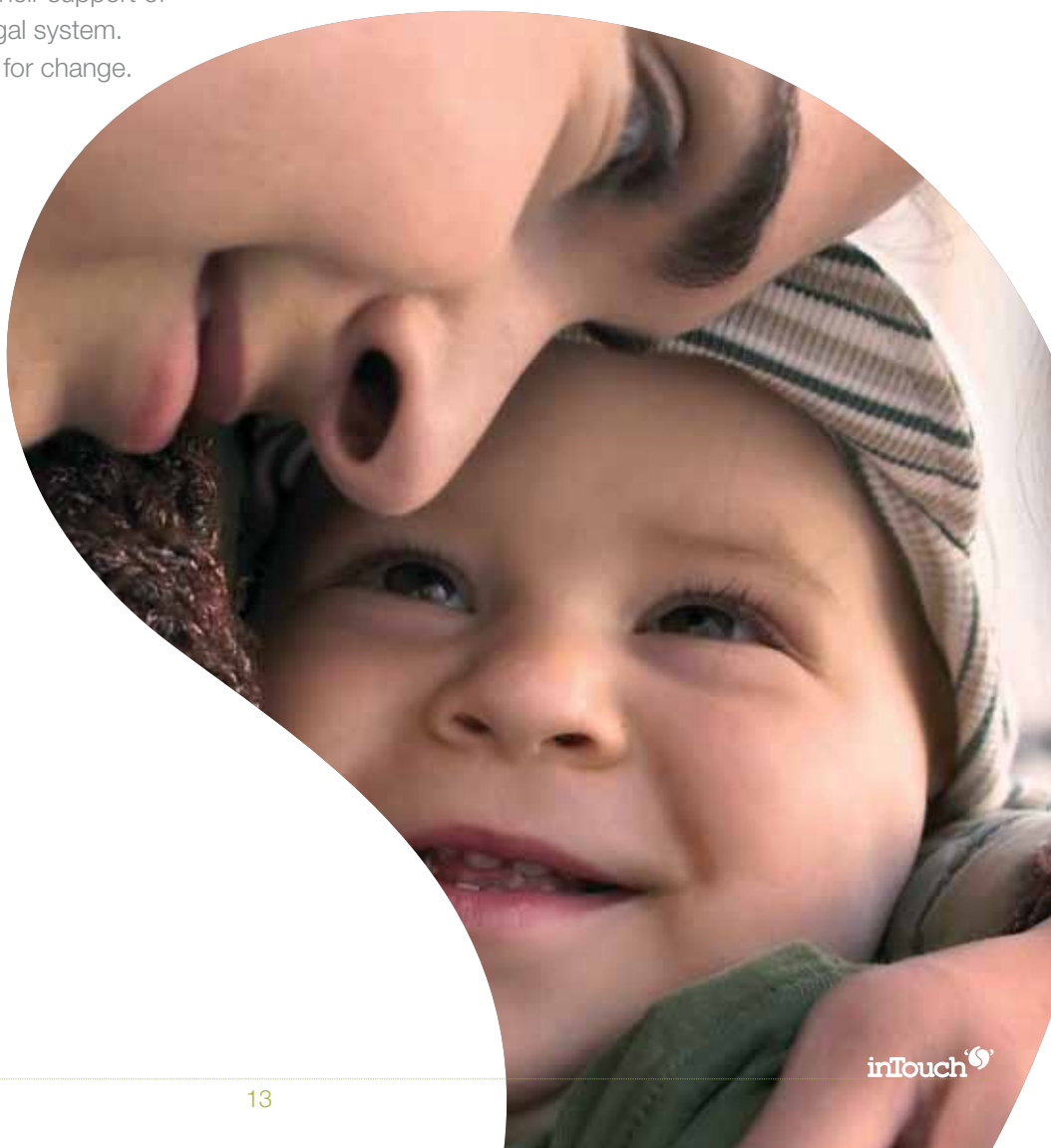
Another publication by InTouch (under the name of IWDVS), called *Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities* (2006), explored the significance of and connection between cultural, psychosocial and economic factors in the safety and wellbeing of refugee families who were experiencing family violence. It identified the greater vulnerability of immigrant and refugee women to family violence and cites features that are specific to their experiences such as language barriers, unemployment, isolation from mainstream society, prior experiences of trauma and the presence of fundamentalist religious beliefs which support the strategies of perpetrators of violence and discourage women from seeking help.

Windermere Child and Family Services produced a report in 2007 entitled *Report on Victims of Crime and Counselling - Access for Culturally and Linguistically Diverse Communities (Achieving Sustainable Change)*. The report explored the barriers to CALD communities accessing their Victims of Crime and Counselling Programs as they recognised notably low levels of CALD community engagement with the program. The study found that CALD communities had limited knowledge of and difficulty understanding concepts such as ‘counselling’ and ‘support services’. While family violence was identified as a key issue impacting on CALD communities, women were deterred from seeking help for numerous reasons including: an unwillingness to contact police, lack of confidence in the legal system and a denial that family violence constitutes a crime. At the same time, the report also acknowledged the limited awareness of cultural issues on the part of workers within the organisation.

2. Objectives

This research had the following objectives:

- To identify and explore in depth any barriers accessing the legal / justice system, and the barriers they face when they go through the justice and support systems.
- To investigate the experiences of Victorian CALD women who have been in situations of family violence and who have accessed or attempted to access the legal / justice system.
- To identify the difficulties faced by service providers (including legal, family violence, mainstream and culturally specific providers) in their support of CALD women accessing the legal system.
- To formulate recommendations for change.



3. Methodology

The methodology comprised two components including:

1. **Data Collection**
 - 1.2. **Surveys and focus groups with CALD women;**
 - 1.3. **Consultations with service providers;**
 - 1.4. **Online survey.**

2. Workshops

The data collection phase of the project was then followed by a series of workshops held in five different regions to formulate recommendations. The majority of the data collected was qualitative as it was determined that this is the best way of identifying and exploring barriers.

Previous research undertaken by IWDVS *The Right to be Safe from Domestic Violence (2006)* provided evidence that CALD women living in rural areas face additional barriers. Shepparton was chosen as a rural sample due to its relatively high proportion of CALD communities.

Most of the women surveyed (81% of women or n42) had experience applying for intervention orders or their partner had been issued with a Safety Notice (31% or n16). Involvement with the Magistrates' Court arises as a result. Around 71% (n37) had experience with the police as a result of the family violence and 63% (n33) had experience working with lawyers. A further 40% (n21) had gone through the family court, 8% (n4) had been to the Criminal Court for breaches of intervention orders, 27% (n14) had experiences with the Immigration Department as a result of experiencing family violence, 12% (n6) had experience with sexual assault teams and 8% (n4) had accessed the Victims of Crime Compensation.

NB Further information on the methodology can be found in Appendix 2.

The questionnaires for each survey method are attached in Appendix 4.

Survey summary

Survey method	Total numbers
Surveys with CALD women (focus groups and one-on-one surveys)	52
Court surveys with CALD women	2
Consultations with service providers	18 forums representing approximately 180 organisations
Online surveys for service providers	144
Workshop participants (five regions)	42
TOTAL	420

"It is generally accepted that some groups are less likely to report than others, and that overall immigrant women are much less likely to report domestic violence...than other Australian women" (1991).

4. The Barriers

The research identified that CALD women experience barriers to the justice system on two levels: firstly, barriers they face when they access the justice system; and secondly, the barriers they face going through the justice and support systems. This section explores the various impediments at both levels.

4.1 Barriers to accessing the justice system

'I was not aware of support systems and had no idea of my rights. I had been enduring the abuse for a while...'

Reluctance to report family crime is a key obstacle to accessing the justice system. This section explores the range of reasons why CALD women fail to report or delay reporting family violence. *The Women's Legal Service NSW in their report Quarter Way to Equal* (1994) quote Iredale:

"It is generally accepted that some groups are less likely to report than others, and that overall immigrant women are much less likely to report domestic violence...than other Australian women" (1991).

While it appears from the responses that women go through a process of gradually acquiring information through referrals and supportive assistance, they did not necessarily initiate new contact with service providers when they needed help because of family violence. It came about more as a consequence of the relationships they already had with services or community members such as kindergarten teachers, refugee assistance services, English language teachers and hospital social workers. Sometimes workers acted on the women's behalf or they provided the information and emotional support necessary for them to seek more help. They also referred the women on to more appropriate services. One participant responded that a network of health and ethnic support workers was very helpful to her. *'They supported and navigated me to take the matter to court. The help...was profound.'*

4.1.1 A misunderstanding of the concept of family violence

A reluctance to report family violence may reflect a failure on the part of the victim to recognise that what she is experiencing is a crime in Australia. In some CALD communities, their understanding of crime is synonymous with grave physical assault or murder. In Victorian Law, the definition of family violence includes a range of behaviours such as physical and sexual assaults, threats to kill, and stalking.

Our research highlights that the women interviewed did not have a broader understanding of what constitutes family violence in Victoria. Even though women could identify physical violence as a form of family violence, other forms of abuse such as verbal, emotional, financial, sexual and controlling behaviours were not understood as family violence.

The tendency to minimise the seriousness of family violence was reflected in our research. For example, one woman said that she did not know that yelling and sexual abuse constituted family violence, thinking it was 'part of being married...(He) kept telling me I am his property.'

The above finding is similar to the VicHealth report *National Survey on Community Attitudes to Violence Against Women* (2009), which found that the selected CALD survey respondents were less likely than the general community to view a range of behaviours such as yelling, criticising or forcing the partner to have sex, as 'always' constituting domestic violence.

Furthermore, CALD males and to a lesser extent CALD females viewed violence against women less seriously than the general community. (It must be noted though that the large majority of those surveyed in the report still believed it to be serious.)

'I knew nothing about Australian law, which was why I didn't know what to do at the beginning.'

4.1.2 A lack of information about legal rights

'I knew nothing about Australian law, which was why I didn't know what to do at the beginning.'

A lack of information or awareness about their rights and family law delayed women from seeking help. A number of women reported they did not know about the availability of services or indeed, they did not know they were entitled to receive help for the family violence they were experiencing. Sometimes their husbands contributed to their ignorance and misunderstandings about the laws here in Australia. *'He knew too much about the law...here. I lived in fear because I knew nothing.'*

A lack of knowledge about their legal rights, family law and the overall system hindered many women's dealings with the legal system and often led to less favourable outcomes. For example, some women do not know that the new *Family Violence Protection Act* (2008) gives the victim of violence the ability to remain in the home. Not being aware of this ability means that women sometimes leave the home. This course of action often leads to housing instability and homelessness, which could have been avoided if they had chosen the legal option.

Many women said that if they had more information about their legal rights and what constitutes family violence to begin with, they would have felt more protected. Having that information upon or prior to arrival in Australia would have influenced them to leave their violent partners much sooner than they did. *'If I knew my rights before I came to Australia, I would have left him then.'* Women's understanding and expectations of their legal rights can also depend upon the rights bestowed upon women in their own country of origin.

Women's lack of knowledge about their rights and the way the system works was compounded by illiteracy, low socio-economic status and a lack of accessible information, especially in their own language. Much of the information about legal rights is only available if the woman is able to attend at a community organisation, police station or a Court. Women who live in violent relationships find it extremely difficult to attend at any of these places without the knowledge of their violent partner. The difficulties faced by CALD women in getting to such an organisation are even greater where they have never been allowed to leave the home without being in the company of their partner and cannot, in any event, speak sufficient English to find their way.

4.1.3 The fear of social isolation

Not only did women avoid confiding in family and friends for help with family violence, some women we interviewed had strong fears that taking legal action would result in their isolation from their families and communities. Ostracism from their families and communities is not uncommon. Reporting to the police is like *'opening up your house'* and there is shame in divulging *'family secrets'*. *'If I leave my husband where will I go, what will I do, what will my family back home say?'* said one woman. Another woman was burdened by guilt and feared the consequences of breaking up her family. One woman said that people from her community knew about the violence but failed to help her, and another felt intimidated by the threats made by her own family back home if she left her husband. In addition, women also live in fear for the safety of their families back home. The husband's family may make threats to harm her family if she does not stay with her husband.

Some communities believe that conflict resolution is best done outside the law. This kind of mediation usually includes the man's family and the woman can



quickly be disempowered by this process. Interference from faith leaders, who often discourage women from separating or ‘*breaking up*’ the home, was cited as a challenge for service providers. They felt that this lack of emotional support and stigmatising of women when they report family violence discourages CALD women from taking legal action, and pressures them to withdraw their complaints.

The fear of social isolation is compounded in rural communities. One respondent to the online survey wrote that this is true *‘especially in rural areas, these cultural groups may only have 4 to 5 families in the geographical area...I know of some Sudanese women who have said they would rather return to Sudan than be isolated from their community in a country they did not understand.’*

As Assafiri and Dimopoulos (1995) argue, if a woman is from a culture that does not construe family violence as problematic, it is difficult for her to analyse and construct a notion of her own rights. Lacking a concept of family violence means that a woman is less likely to seek help. It is the woman’s actions to address the violence that become construed as problematic and shameful in the eyes of her family and community. The concept of marriage expands to a union between families and communities, not simply between two individuals. This notion has major consequences for a woman who wishes to leave her husband. Separation is perceived as a threat to the extended family and community. It is ‘*she*’ who is perceived as the destabilising influence, rather than the abuser. Leaving a marriage and living as a single woman also challenges inequitable ideas about gender and family and the expectations of female submissiveness.

4.1.4 Visa dependency issues

Women in our study quoted visa dependency as one of the critical barriers in accessing the justice system in

family violence situations.

Some women, those on dependant spouse visas, are justifiably concerned about the consequences that leaving their violent partner will have on their residency status.

Family Violence Provisions

At the time of writing this report, a woman who is married to a man with permanent residency status in Australia, or a woman who has been in a de facto relationship with him for at least two years prior, remains a temporary resident in Australia for two years. After this time she can apply for permanent residency, providing the couple can prove the validity of the relationship. If violence occurs while she is still on the temporary visa, a woman can apply for the Family Violence Provisions if the relationship has ended as a result of the violence. Proof must be provided in the form of judicial evidence (ie. intervention orders) or non-judicial evidence (the opinion of a ‘*competent expert*’ like a GP, social worker et cetera) (refer to legislation of Family Violence Provisions). The same applies for male holders of spousal visas. InTouch has a migration agent who can assist women to apply under the Family Violence Provisions if the status of their visa allows them to do so.

However, while women are on temporary visas awaiting their permanent residency application to be approved, they are not eligible to apply for public housing, and have limited access to income support and the right to work. Support services have only limited funds to support these clients in the long term. Our research revealed that some of these women have been residing in refuges for long periods while they wait.

While every person who resides in Australia is entitled to protection and safety, women who do not have permanent residency status and are not entitled to apply for it under the Family Violence Provisions

are especially limited in the legal options available to them. For example, women who are dependent on their spouses for visa status or when their spouses are the primary visa holders, (such as student visas, working visas or tourist visas) risk their right to remain in Australia if they separate from their abusive partner. The only potential option for women in such situations is to apply for change of their own visa status, however this option is quite restrictive and expensive.

Women who are spouses of student visa holders also face similar risks if divorced from the partners. This creates dependency on the abuser and risks the safety and wellbeing of women and children. Some women interviewed felt that Immigration laws enforced co-dependence in couples, which places significant stress on the relationship as they had to endure abuse due to lack of options available to them. Returning home may not always be the best option to women as they face further ostracism from their family and community.

The International Student Care Services is a Victorian service established to provide advice, information, support and referrals to international students. As part of our research, we interviewed the staff and they suspect family violence is hidden and not reported for the same reasons mentioned above.

4.1.5 A fear of authority

A lack of information also makes women more vulnerable to irrational fears, compounded by a general fear of the unknown. Some of the biggest fears preventing women from seeking help sooner included fears of deportation and losing their children. These fears allude to a distrust of those representing authorities such as the Immigration Department, the police, lawyers and other government agencies.

A small number of women expressed a specific fear of the police. *'I was new in this country. I was very scared*

of the police and I had no idea about my rights'. This fear was sometimes due to their experiences in their country of origin but occasionally it arose from negative experiences with the police here in Australia.

The fear of authority stifled women's interaction with the law and deterred them from seeking out help and information. These fears were further fuelled by their abusive partner. *'My husband always told me he is going to send me back. I was living in fear that the immigration officer would come to my house and send me back.'*

The fear of deportation acts as a real barrier to women who are dependent on their partners for their immigration status. Women conflate lawyers, police, and government departments as representatives from the one authority that can demand their deportation if their relationship breaks down.

Immigration laws intersect with CALD women's experiences with family violence laws. While all people in Australia have equal rights to protection from the police, leaving a violent partner can lead to a precarious visa situation, especially for those who have a dependent visa status. Family Violence Provisions only apply to women on temporary spousal visas (refer to the boxed section). Women who do have rights to stay in Australia through these provisions are not always aware of those rights and as a consequence, feel trapped in violent situations.

4.2 Barriers going through the justice / support systems

The previous section identified that CALD women often wait until crisis point before they access the justice system, evidenced by the high number of participants who said that they first learned about their legal rights through the police or refuge workers. *"The ambulance came and took me to the hospital and they called the police. That was how I got help."*

This section explores the barriers that CALD women experience once they begin to come into contact with the justice system. This includes their experiences with the police and the court system including legal representation, and support services.

4.2.1. Barriers to engaging with the police

The Victoria Police has been a key leader of Victoria's reform with a range of initiatives led by the introduction of its Code of Practice for the Investigation of Family Violence in 2004. Legislative changes have also enabled improved police responses to incidents of family violence including holding powers and the introduction of family violence safety notices. These changes permit police to issue notices to protect victims of family violence after hours.

Family violence remains a priority area for Victoria Police under its strategic forward plan The Way Ahead 2008-2013 and its new strategy Living Free From Violence - Upholding the Right : Victoria Police Strategy to Reduce Violence Against Women and Children 2009-2014 (A Right to Safety and Justice, Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010-2020).

The Victoria Police operates within a Code of Practice which recognises the special needs of certain groups of victims of family violence such as CALD women, indigenous women and women with disabilities. New initiatives express the police's commitment to this Code of Practice, such as the introduction of multicultural liaison officers, new and emerging communities liaison officers and family violence liaison officers. They also provide training for all police. This enables the police officers to more effectively assess risk when responding to family violence. Now, there are also improved referral practices and more integrated responses between the police and support services.

Insufficient information

The way in which police responded to the women we interviewed demonstrated that they play a fundamental and pivotal role in the way that women access the justice system. Police intervention often represents the first step in highly complex process of legal recourse. We know from the research that CALD women often first learn about their legal rights through the police. Women rely on the police as a source of information about how intervention orders can protect them, and as a source of referral to other organisations such as Legal Aid or women's refuges.

The large number of women surveyed found the police to be very helpful and were appreciative of their assistance. *'At first I didn't know anything and then they explained everything.'* Service providers have also observed significant improvements in police attitudes to family violence.

It is not unreasonable for women to expect the police to provide detailed and accurate information about what lies ahead. They also play a crucial role in the gathering of evidence upon which a woman's successful application for an intervention order depends (and for the Family Violence Provisions in immigration law, to prove her right to apply for permanent residency independent from her spouse).

Unfortunately, the information provided in regard to their rights can sometimes be scant. One of the women we interviewed in court said that the police failed to explain that her partner was applying for an intervention order against her. *'I asked the police on the night of the incident what this is about and the police stated, "nothing major". The police didn't explain to me at all that this is an order against me.'* It was only when she arrived in court that she learned she could also apply for an intervention order against him.

For CALD women who are not well informed with legal processes, [it] is a huge disadvantage.

Another woman said that, *'It was not made clear to me that I had to put certain things in my intervention order in order to get my stuff from the house... I just assumed they would automatically put that order in the intervention order'*. Another woman said, *'I have to put a lot of effort to understand and help them to understand my issues. For CALD women who are not well informed with legal processes, this is a huge disadvantage.'*

Failure to utilise interpreters

There was a high awareness amongst women surveyed of the 000 number to dial in emergency. Calling the police was not difficult but communicating with them was a major issue. Regretfully, not all women had positive experiences with the police. If there were failings around police intervention, it usually involved the under-utilisation of interpreter services when the police were called out to an incident. This concern was also echoed in the responses of service providers: *'There is a lack of use of interpreters by police when attending family violence incidents where the perpetrator speaks English and the woman does not.'* *'Police do have access to interpreter service but do not always use it and it seems difficult to access in emergencies.'* *'Barriers encountered have been with the police when they have attended an incident and they have not used an interpreter, [the] woman's story has not been heard and documented correctly, making it difficult for [the] woman when attending court for an intervention order.'*

One CALD woman said that *'It was good that the police came, but the difficulty [was that there was] no interpreter...so the police talked to a little boy, the 8 year old son of my husband, so I didn't understand what they were talking about.'* Another woman was disappointed that they did not use interpreters as often as required and another claimed they failed to take her statement – a predictable outcome if there is no interpreter. One woman reported that because there was no interpreter when she was making a statement to the police, she signed a document that contained a critical error.

Failure to engage an interpreter made women feel their experiences were being diminished and they were being marginalised from the process. One woman felt particularly let down by the police who talked to her husband but left without talking to her because there was no interpreter. Such incidents can give a CALD woman a sense that the law is biased towards the male perpetrator and reinforce the sense that his evidence is more valid than hers, leaving her with little faith that the legal system will protect her. At this point one woman reported losing *'trust in the police.'* Another said, *'There is not much to it really, it mainly supports men... They just don't care what children and women go through.'*

Service providers also alleged that the police do not always act or are slow to act when there are breaches of intervention orders. This leaves women feeling unprotected and unable to rely on the police to consistently enforce the protections available at law.

Reporting sexual abuse

Giving statements to the Sexual Offences and Child Abuse (SOCA) unit of Victoria Police was particularly stressful for one woman, who needed to repeat the statement four times, including once through a male interpreter. Another found the detailed responses required of her to be very embarrassing and she was made more uncomfortable by the fact that the interpreters were different each time.

Unsympathetic police attitudes

Sometimes, police attitudes came across as unsympathetic and disappointing to women. One reported that she waited 45 minutes for the police to arrive and when they did she found them *'uncaring'* towards her predicament, and made her feel *'humiliated by the way they talked to [her]'*. Another felt that she was discriminated against by the police because she only had a student visa. *'I went to the police station three times to report incidences of violence, but nothing happened! If I was a permanent resident, maybe the outcome would have been different.'*

4.2.2 Barriers to court processes and legal representation

The introduction of the Family Violence Protection Act 2008 ensures an improved court system to encourage greater reporting from victims. It also restricts the respondents to family violence intervention orders who are self-represented from personally cross-examining their victims in court.

Despite all the recent reforms, the research revealed that women's discontent with the legal system was highly influenced by the negative experiences they had in the courtroom. In fact, in addition to language barriers, court processes presented the biggest challenges to women when it came to accessing help.

There was evidence that women often lacked proper knowledge of the proceedings in court, and had insufficient emotional support to protect them from the intimidating aspects of court. Being unprepared for the lengthy delays which are to be expected in court, and confused by the processes which have never been explained to them in detail, CALD women can easily become discouraged by the experience and withdraw prematurely. Service providers also observe how complex and onerous court proceedings can deter women from advancing their cases.

On the other hand, representatives from legal services reported some difficulties working with CALD women because of their reluctance to discuss personal details about their relationships and their tendency to minimise the violence or even take the blame for it.

Interpreters

Sometimes, no interpreter was available in court and one woman felt that her interpreter was distorting her words. Comments from service providers reflected the difficulties arising when interpreters *'are not well trained in family violence or legal terms and are unable to either*

accurately interpret matters or on occasion have been aggressive to victims.' They also noted limitations in the provision of interpreters: *'The court house is not organised properly to provide interpreters... and it is only for court mention/hearings. No interpreters are available to assist women in completing applications for intervention orders or anything else.'*

In addition, *'the Courts only book interpreters for a limited time, which may mean that the interpreter is not available to the woman for the whole time that she is at Court. Some Courts also book only one interpreter to interpret for both the wife and the husband in intervention order proceedings which compromises the woman's sense of trust and confidentiality. This perception causes great fear in the woman and often results in her unwillingness to speak openly about the violence while the interpreter is present.'*

Sometimes, there is no interpreter at the point that an incidence occurs and police are called. By the time of the court hearing, there may be a disparity between stories, reflecting the breakdown in communication. Being unable to provide proper evidence was a cause of great anxiety for the CALD women surveyed.

Court outcomes

Some women were disappointed with the outcomes of their hearings. One woman was dismayed that the intervention order was not mentioned in the family court hearings. Another said *'I was not granted an intervention order despite the fact that my husband was very violent'*. Without the intervention order, she had trouble gaining permanent residency as the Immigration Department requested the order as judicial evidence.

Women rely on lawyers, the courts, Legal Aid, Women's Legal Service or telephone help lines to provide them with accurate information.



However, insufficient, incorrect or biased advice occasionally resulted in poor outcomes for women. One private lawyer told a woman that she had no claims to the house; another woman's solicitor told her if she gave evidence against her husband (he was being charged for raping her niece as well as abusing her) she risked losing her children.

Some women despaired at the perceived relative inequity of their husband's situation compared to their own: *'He can hire the best lawyer in the city, and I am struggling to find a service to help me with legal expenses.'* In fact, a number of women were disappointed by their legal representation or the lack of it. Male lawyers sometimes give the women the impression that they are *'on men's side, because he told me I would fail if I applied for divorce,'* because she didn't contribute financially to family expenses. Another felt that her lawyer didn't listen to her and was frustrated by the lack of continuity of support she received *'always sending different barristers to court, telling the story over and over'.*

When women access the law, their limited access to resources means they have relatively little choice in the legal representation available to them. An article by Braaf and Meyering (2009) identifies the impact that seeking legal assistance for family violence generally has on the financial circumstances of women. It concluded that while the legal system can be used to augment an individual woman's financial situation, it is also likely to be a source of stress and a significant barrier to adequate legal support.

The biggest barrier was that women felt intimidated in court. One said it was the most stressful and difficult part of the process, another said she felt anxious, another feared the magistrate. Anxiety was increased if they had no support or legal representation. However, they did find applicant workers who were present in court to be helpful and supportive.

4.2.3 Barriers to engaging with Support Services

Services can give women the supportive assistance and information they need to help them access and pursue legal redress. They support CALD women to access the legal system predominantly through making referrals, but also through co-case management with CALD specific services and providing advocacy and court support. They accompany women to appointments with legal representatives, often providing interpreting services at these appointments. They also conduct community education and provide outreach.

Indeed, support services were invariably and frequently described as helpful to women dealing with the legal system, especially if the workers spoke their language and understood their culture. Women relied on the workers to advise them of their rights to receive ongoing advocacy on their behalf and to have support in court.

'Without that help I would have been lost.'

It was widely acknowledged by service providers and the police that an integrated response to family violence leads to better outcomes for the victim. This trend has been encouraged by changes to the Family Violence Protection Act in Victoria. There has also been improved training in Common Risk Assessment Frameworks (CRAF) extending beyond family services to a range of services such as the Department of Immigration and Citizenship, settlement agencies, health services and housing services. Working within this framework promotes earlier intervention.

However, it was acknowledged by the services themselves that the following shortcomings have a significant impact on women's willingness to engage with the services.

Often what CALD women want is for the violence to stop – not necessarily for the partner to be removed from the home.

Lack of cultural awareness

The Women's Legal Service NSW report (2007) found that CALD women often do proactively seek out legal information but are stymied by barriers put up by the service providers, such as a lack of cultural sensitivity, cultural stereotyping and by not engaging interpreters.

A lack of bi-cultural workers was often cited as a shortcoming. The workers' beliefs about CALD communities and their tolerance of family violence can also influence the way workers respond. Support services have a responsibility to make their services as accessible as possible, to rigorously address deficiencies, and to have some understanding of what is the most appropriate service response for the cultural groups that live in their catchment.

Limited resources

Limited resources also inhibit services from helping CALD women to access the legal system. *'We have limited funds across the service'*. One comment given in the online survey was, *'We would like to have a funded program at court, plus funding to assist in contested matters and at directions hearings; and funding for more use of interpreters and translations'*. Workers were also concerned by their incapacity to support women with no income and no residency status. They have almost no entitlements to resources that would achieve a better longer-term outcome for them such as access to refuges, English classes, public housing and employment. Service providers also suspect that CALD women under-report family violence because of a lack of longer-term supports for them. Crisis support is unsustainable and insufficient for supporting the longer and more complex process of separation.

Responses from services located in non-metropolitan areas also revealed a concern about the relative lack of services for CALD women living in rural areas, such as interpreting services and culturally specific services. *'There is no specific service for CALD women,'* lamented one worker. Similarly interpreters were difficult

to get hold of due to the distance from metropolitan centres, less availability of face-to-face interpreters and no locally based interpreter service contractors.

Lack of integration

Women are more comfortable going to settlement services (generalist services) for all their issues in expectation that everything will be provided in-house, including legal advice. However, the lack of referral procedures between settlement services, support agencies and legal service providers was also identified as a barrier.

A large scale study in the US found that the more women perceived that services were working together, the more highly they rated their effectiveness (Epstein and Goodman, 2008). This was reflected in our research. Some service respondents from legal centres or family violence services for example expressed a concern that CALD services were not referring women to their services for more appropriate support. *'These services often work in silos and are not well linked.'* However, this may also be attributed to women's reluctance to take further action with another service with which she is not familiar. *'Many CALD women access health services and disclose but are reluctant to access other services or may be unable to due to the level of violence.'*

Challenges when working with interpreters

Workers were also frustrated by interpreters who are not well trained in family violence or the use of legal terms. Without accessible, confidential and competent interpreters with expertise in legal language, CALD women's access to the law is severely diminished. Despite the good intentions on the part of service providers (and this applies to the police we interviewed as well), it is often extremely difficult to engage interpreters. For example, it is challenging to find an appropriately skilled interpreter quickly in the middle of a crisis, particularly in the evening or on the weekend - or to find an interpreter who can travel to a rural area.

In addition, interpreting services are not available to CALD women when they initially see a private lawyer (as opposed to community legal services) as no government funding is provided for such a service. Unless the woman is able to afford to pay for an interpreter herself or has a friend or support worker who can accompany her to the appointment and interpret for her, this lack of access to interpreters severely restricts CALD women's access to private legal practitioners.

Sourcing interpreters who speak particular dialects from newly emerging communities can also pose a challenge. Issues of confidentiality arise when interpreters come from a small community. The interpreter may be known to the woman, or indeed have a vested interest in the dispute. They may pose a real or perceived safety risk. Women often feel uncomfortable disclosing issues of family violence in the presence of male interpreters.

Unrealistic expectations of clients

One worker noted how our system appears to be designed for empowered women. She felt a CALD woman who has not learned basic life skills in her new country, such as accessing money from an ATM, can transfer her dependence on her husband to her worker. A disparity between what the woman expects from the service and how the service can actually help her sometimes leads to confusion and disappointment.

All these factors mean that a woman is likely to withdraw her complaint. *'You know they'll return home'* was one worker's dispirited comment.

4.3 Conclusions

Navigating the legal system is a complex and challenging process and this is especially true for immigrant women, including refugees. We can conclude from the research that CALD women face obstacles throughout the legal process such as language barriers (which were not effectively overcome by the use of interpreters), lack of access to information, confusing and intimidating court processes, prejudicial attitudes, and inadequate support from services.

While cultural norms and pressures as well as limited access to resources and information can all account for the disempowerment of CALD women, the legal system can also contribute to a sense of disempowerment. This was evidenced in the negative reflections women conveyed about their experiences in court. These factors put CALD women at a distinct disadvantage when it comes to dealing with the legal system and foster a perception that the law is biased against them and uninterested in their experience as victims. For example, in court the victim is often reduced to that of a witness supplying evidence against the accused. The process becomes less about her and more about the defendant's right to justice.

Often what CALD women want is for the violence to stop - not necessarily for the partner to be removed from the home. This again points to the need for primary prevention methods that apply to men from different cultural backgrounds.

There should be awareness within the legal system that not all victims are empowered women who are aware of their rights, who proactively seek out information and support. In reality, it can be the court system that sometimes disempowers and traumatises the victim. Accessing the legal system is a two-way process. The victim must feel empowered enough to seek out information but at the same time, the information needs to be available and accessible.

The victim must feel empowered enough to seek out information but at the same time, the information needs to be available and accessible.

It is futile to attempt to disentangle problems arising from experiences with the legal system from the whole experience of family violence. The women we interviewed did not, so we cannot ignore the primary prevention issues that arise from the research. Any shortcomings in the law to provide protection reflect a failure of response from other areas as well. The changes recommended in this report cannot be considered without addressing the cultural perception of family violence, systemic obstacles and attitudinal problems.

The experiences of service providers suggested that the primary motivation for some CALD women who seek out help is support rather than legal intervention. *‘When they do seek help, they tend to want information and support more so than legal intervention.’* A tendency to under-report means it is not unusual for CALD women to wait until a point of crisis before they seek help. This often necessitates police intervention of some kind, which may or may not be what women actually want.

There is tension between individualist values and community values in which keeping the family together takes primacy over the woman’s safety and wellbeing. We must practise caution when we make judgements about different values and invalidate them. Safety must always be the priority, but services should be sensitive to all the women’s concerns about the consequences of taking legal action.

The subject of CALD women’s access to justice induced vigorous discussions amongst the service providers who were interviewed - an indication of their commitment and their willingness to work collaboratively to address the problem. Furthermore, the women we surveyed appreciated the protection that the legal system offers them in Australia and were grateful for the support they received from services. The recommendations discussed in the following section build upon the strengths that are already inherent in the legal system, and the expertise and goodwill of support services.

5. Looking to the future: Recommendations for change

From the research, four key areas were first identified as priorities for change and then workshopped with diverse stakeholders in five regions to develop strategies. The key areas are: changing attitudes towards and building awareness of family violence; overcoming language barriers; providing longer-term supports; and the need for cross-sector partnerships. They are discussed below as key recommendations, incorporating strategies.

Recommendations

5.1 Changing attitudes and building awareness

A key aim is to change attitudes towards family violence which stigmatise the victims and alienate them from their extended networks. A steady and persistent stream of information needs to be filtered through to women and their communities. More expansive orientation should be provided when CALD women and men first arrive in Australia, and prior to settlement. It is important to provide information about Australia's cultural norms and values, promote confidence that the legal system has a role to play in the protection of women in the home and provide reassurance that in Australia, it is not considered shameful to seek help for family violence.

Information needs to reach women sooner and be reinforced repeatedly. Some of the potential avenues could be through English language classes, maternal and child health nurses, Centrelink and settlement services. Specifically, there is a need for more information about the family violence provisions relating to immigration law for women on temporary spousal visas, for the right to request professional interpreters and the right to access the various services available.

There is also a strong tendency to look to trusted individual community members and the power

of word-of-mouth within communities cannot be underestimated. This can be maximised by identifying leaders or providing mentoring opportunities for those willing to assume these roles. They should be trained so they are well informed and less likely to express attitudes which may discourage women from seeking help or to simply mediate rather than also being a conduit to the legal system.

Having an awareness of cultural issues such as the presence of stigma and shame associated with terms like 'family violence' could mean that services reframe key messages so they are less alienating. An example could be replacing the term 'family violence' with terms like 'healthy relationships' or 'women's wellbeing' when promoting information sessions.

There is also a need to lessen fears about the unintended consequences of taking legal action. Some women need reassurance that the partner will not go to jail but to an alternative place of accommodation. Police community information sessions help to build bridges with communities and fully inform women, especially when conducted in collaboration with local community groups.

Raising awareness requires a multi-pronged approach – media strategies and audio-visual communication methods, combined with information sessions tailored to ethno-specific communities, and which take into account varying levels of literacy and different dialects. Being flexible in session times and having the support of influential community members and women who want to assume leadership roles are important in establishing successful education campaigns. These campaigns must raise women's awareness about their rights and the supports and protections in place, as well as being effective in the primary prevention space – preventing violence before it occurs through cultural and attitudinal change.

5.1.1 Strategy examples

- Media campaigns aimed at CALD media with tailored key messages developed in consultation with cultural specific groups.
- More availability of targeted information on family violence (including immigration provisions, services available to temporary residents and the right to interpreters) and family violence laws to CALD communities both on arrival in Australia, and through education in schools, educational institutions and play groups, English language classes, maternal and child health nurses, Centrelink and settlement services.
- Include legal information pertaining to family violence in the information packs new arrivals receive from the Department of Immigration and Citizenship.
- More family violence and cultural awareness training (for GPs, Centrelink and other mainstream organisations).
- Encourage informed word of mouth (eg CDs that can be passed around amongst women).
- Build upon tours like the 'Walk in her shoes' tour in the Magistrates' Court of Victoria which traces the process of applying for an intervention order
- Expand models like the Northern Crisis Advocacy Response Service (NCARS) which provides a flexible, 24 hour, face-to-face crisis intervention service.

5.2 Overcoming language barriers

There is always a need for more detailed information about legal proceedings in community languages in general and at crisis point, and for a commitment by the police, legal representatives and the courts to apply more consistency in the use of interpreters. Interpreters need to be rigorously trained in appropriate interpreting techniques and about the issues of family violence and legal concepts. Currently, failings around the use of interpreters and on the part of police to provide detailed

explanations make it essential for immigrant and refugee women to have support workers in court. Specialist family violence courts which encourage services to collaborate are proving to be successful; as are initiatives like training women from cultural communities to support women through the court procedures. Unfortunately, resource constraints do not always make court support possible.

Service providers should be sensitive to the issues relating to interpreters including confidentiality and gender issues. A lack of interpreters from newly emerging communities or those who speak particular dialects is a structural issue and requires more commitment from different levels to improve training and incentives.

In addition, recent initiatives to make information available via the internet are not helpful to CALD women who often do not have access to a computer or are not computer-literate.

5.2.1 Strategy examples

- Translate Intervention Orders into different community languages.
- Simplify legal language and information.
- More easily accessible information being available in community languages.
- Increase the level of resources available for CALD court support programs.
- Increase funding for interpreters
- More professional training for interpreters on legal, family violence and confidentiality issues.
- Develop strategies aimed at encouraging more bi-cultural workers into community legal centres and support services.

5.3 Cross-sector partnerships

The need for collaboration between services and government departments is fundamental given that CALD women do not always access family violence or legal services in the first instance, but rather via culturally-specific organisations (including religious organisations) or generalist health services. An example of this could be an increased capacity for outreach amongst specialist services. It is these types of organisations that are the trusted sources of information and support.

Ethno-specific services are highly trusted by communities, however as they are not specialised in family violence issues, partnerships and collaborations between services are vitally important.

Women often become discouraged when they seek help if they are shunted off to various other groups. It could be an advantage to provide a centralised hub of information which operates from a known and trusted service such as InTouch. The solution rests upon cooperation and integration between family violence services, legal services and settlement services.

5.3.1 Strategy examples

- Funding for outreach legal services to health centres, neighbourhood houses and CALD services.
- Ongoing information-sharing forums amongst service providers including representatives from CALD services on existing committees and networks.
- More cultural awareness training delivered by family violence services to legal services, and vice versa.
- Establish more interpreter working groups comprising stakeholders from a range of services.

5.4 Long term supports

In considering access to the legal system, we must take into account the other structural inequities faced by CALD women that influence their wellbeing and sense of empowerment. If access to housing, employment and language skills are not addressed, women are at risk of disengaging or being involuntarily cut off from support prematurely - especially if their access is limited by their residency status. This also means that a crisis response to women in family violence situations will never be sufficient and that complementary strategies such as culturally appropriate men's behaviour change programs are required.

5.4.1 Strategy examples

- More resources to shorten waiting times for services.
- Better resourcing of case management services.
- Legal centres providing outreach to settlement services (to provide a central information hub).
- Peer support linkages.
- Improved welfare services in private colleges, including proper crisis response procedures, and orientation that targets the students as well as their partner
- More funding for face-to-face interpreters and the recruitment of local interpreters (especially in rural areas)
- Improved welfare services in private colleges, including proper crisis response procedures, and orientation that targets the non-studying spouse as well as the student
- Inter-country agreements should be made in relation to family violence, so that women who are forced to return home can feel some protection from the punitive actions of their family.

‘At the end of the day we need to empower women to make their own choices.’

5.5 What does it really take for change to occur?

It was clear from the research that services have good intentions when it comes to accessibility and equity objectives. The most effective approaches include those that are strategic and regularly evaluated such as targeted communication messages that take account of cultural sensitivities and programs developed through collaboration and relationship-building. It is also vital that the workforce is trained in cultural awareness issues and comprises a portion of bi-cultural workers.

‘At the end of the day we need to empower women to make their own choices.’ Strategies for change must be aimed at self-empowerment. They must take into account the fact that CALD women’s access to the law is substantially hindered by their relative disempowerment compared to women from mainstream communities, and this is brought about by a combination of cultural and structural issues. Strategies need to simultaneously build self-empowerment to enable women to confidently navigate the legal system.

The Women’s Legal Service NSW report, *Long Way to Equal* (2007) looked into why the recommendations made in their first report *Quarter Way to Equal* (1994) have not been successful in addressing the barriers to the legal system. They found that a number of one-off projects had occurred but there was no

monitoring and no coordinated response between the community sector and government agencies. The Violence Against Women Specialist Unit of the NSW Government found that improvements in practice lag behind improvements in policy and recommended an inter-agency response to ensure that changes were monitored and sustainable. Taking note of this learning is crucial in the successful implementation of these recommendations.

While the research revealed that there is much to be done to improve CALD women’s access to and experience of the legal system, any commitment to change must be supported by investment at both the state and federal levels of government, and a coordinated response across the sectors.

Strategies for change must be underlined by the value of inclusiveness. CALD women’s experiences and voices provide the most valuable source of knowledge and wisdom. It is vital that they continue to be heard. As an important part of the Integrated Family Violence System in Victoria, InTouch will use the recommendations of this report to continue advocating on behalf of CALD women to make sure that their voices are heard and that the issues they face are addressed in a timely and appropriate way.

Appendices

Appendix 1 Bibliography and References

Assafiri, H & Dimopoulos, M, (1995) "NESB Women as Deviant: The Legal System's Treatment of NESB Women Victims of Male Violence", Multiculturalism and the Law, Australian Institute of Criminology, Canberra, ACT. (http://www.aic.gov.au/events/aic%20upcoming%20events/1993/~/_media/conferences/multiculturalism/assafiri.ashx).

Australian Bureau of Statistics, Women's Safety Australia (1996).

Barrett Meyering, I. & Braff, Dr R. (2009) "When does it End? The Continuation of Family Violence Through the Court Process, Financial Outcomes for Women and Good Practice", Australian Institute of Judicial Administration Family Violence Conference, Brisbane, Queensland. (http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/When%20Does%20it%20End_%20AIJA%20Conf_ADFVC.pdf.)

Domestic Violence Laws in Australia - Family Violence Protection Act 2008 (Vic) (http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/domestic_violence_laws/Documents/part2_6.htm)

Epstein, D., & Goodman, L.A (2008) Listening to Battered Women: A survivor approach to advocacy, mental health and justice, American Psychological Association, Washington D.C.

Family Violence Safety Notices (<http://www.legalaid.vic.gov.au/xfw/2212.htm> www.legalaid.vic.gov.au)

Immigrant Women's Domestic Violence Service, (2006) The Right to be Safe From Domestic Violence: Immigrant and Refugee Women in Rural Victoria, Immigrant Women's Domestic Violence Service, Melbourne, Victoria.

Immigrant Women's Domestic Violence Service, (2006) Refugee Settlement, Safety and Wellbeing: Exploring Domestic and Family Violence in Refugee Communities, Immigrant Women's Domestic Violence Service, Melbourne, Victoria.

Lay, Y. (2006) "Identifying the Woman, the Client and the Victim", Australian Centre for the Study of Sexual Assault Newsletter, No. 12, pp.15-20, Australian Institute of Family Studies. (<http://www.aifs.gov.au/acssa/pubs/newsletter/n12.html#identifying>)

Nesci, A. (2006) "Overcoming Barriers to Providing Domestic Violence Services for Women from CALD Backgrounds", Parity, Vol 19, No. 2, p 44, Council to Homeless Persons, Victoria.

Office of Women's Policy, Victorian Government, (2010) A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010 - 2020, Melbourne, Victoria.

Springvale Monash Legal Service, (2010) 'Boys, You Wanna Give me Some Action?' Interventions into Policing of Racialised Communities in Melbourne, Springvale Monash Legal Service, Melbourne, Victoria.

VicHealth, (2009) National Survey on Community Attitudes to Violence Against Women 2009: Changing cultures, changing attitudes – preventing violence against women, VicHealth, Melbourne, Victoria.

Victoria Police Code of Practice for the Investigation of Family Violence — (http://www.police.vic.gov.au/content.asp?Document_ID=674)

Wakim, J. (2002) Attitudes and Opinions of Police, Service Providers and Community Leaders to Domestic Violence in Culturally Diverse Communities in Sydney, Australia, —(http://www.aic.gov.au/events/aic%20upcoming%20events/2002/~/_media/conferences/policewomen3/wakim.ashx)



Windermere Child & Family Services (2007) Report on Victims of Crime and Counselling-Access for Culturally and Linguistically Diverse Communities (Achieving Sustainable Change): Key Findings and Recommendations, Windermere Child & Family Services, Melbourne, Victoria.

Women's Legal Service NSW, (1994) Quarter Way to Equal: A Report on the Barriers to Access to Legal Services for Migrant Women, Women's Legal Resources Ltd., Sydney, NSW

Women's Legal Service NSW, (2007) A Long Way to Equal: An Update of 'Quarter Way to Equal: A Report on the Barriers to Access to Legal Services for Migrant Women,' Women's Legal Resources Ltd., Sydney, NSW

Appendix 2

Methodology

2.1 Surveys with CALD women

Fifty-two CALD women from 26 different cultural backgrounds participated in the survey in two ways – either by undertaking a one-on-one interview or by participating in a focus group. The majority of surveys were completed with women in one-on-one interviews as they were often more comfortable discussing their experiences in a more confidential space rather than in a group forum. The questions asked of the individuals and the groups were essentially the same.

An additional two women were surveyed in court and a different survey was used. This brief survey aimed to capture women's expectations about the court proceedings. InTouch court support workers conducted the surveys on the spot. Time limitations prevented the collection of more of these types of surveys.

The women were selected if they met the following criteria:

- They had experienced family violence
- They were of CALD background
- They had some interaction with the legal system.

Most of the women were current or past clients of InTouch and the interviews were done by InTouch bi-cultural caseworkers who were able to conduct the interviews in the women's own languages. Women who were external to the service were also included, identified through contacts the agency had with other service providers.

The women surveyed encountered the legal system in a variety of ways. Notably, only 8 % (n4) had accessed Victims of Crime Compensation. This low response is consistent with the findings of the report published by Windermere Child and Family Services in 2007.

This found a reluctance on the part of CALD women to engage with counselling services, with cultural factors impacting on their help-seeking behaviour and a general lack of knowledge about the option of compensation.

For more information about the participants, see *Appendix 3*.

2.2 Consultations

The findings from CALD women were consolidated through the process of surveying service providers about the barriers they see CALD women facing when they access the law. A series of consultations were conducted with existing forums and networks which comprised representatives from services that women encounter throughout the journey. This included family violence services, legal centres, courts, the police and government services.

The consultations were a time efficient way to canvas a broad range of opinions and to stimulate discussion on the subject. A total of 18 consultations were conducted, comprising numerous organisational representatives. The same questionnaire was used for each consultation, although each group was encouraged to respond in ways specific to their area of work.

2.3 Online survey

An online survey was developed to capture more data from service providers. This method enabled us to reach service providers beyond metropolitan Melbourne. We also used this method to quantify certain aspects of the way that services respond to CALD women seeking legal assistance, such as the policies they have regarding the use of interpreters, and the strategies they use to improve access. We received 144 responses to the survey which was distributed through various networks.

Some women go through the legal process with little or no support from services.

Respondents were from a wide range of agency types but the majority were family violence services (24%). Metro-based services accounted for 56% of responses, 32% state-wide and 12% non-metropolitan. Non-government agencies represented 75% of respondents, 20% were from government agencies, and 5% were from other agency types.

2.4 Regional workshops

Once the data had been collected and analysed, five workshops were conducted to share the preliminary findings and to formulate recommendations. The workshops were aimed at ethno-specific organisations and organisations that worked with CALD women experiencing family violence. Four of the regions were located in Melbourne's metropolitan area (Footscray, Preston, Dandenong and Box Hill) and the fifth was held in Shepparton. Approximately 42 people participated in the workshop.

The aims of the workshops were twofold: to share the preliminary findings and invite further feedback; and to brainstorm the key issues to be addressed as identified from the research.

It was obvious from the first stages of the research that there is a good awareness in all sectors about the issues CALD women face in accessing the legal system. The workshops enabled us to capitalise on the experiences and expertise of these groups, and were a fitting way to develop recommendations.

2.5 Limitations of the research

It is acknowledged that one limitation of the research is the existence of a bias in the selection of women for participation in the surveys, due to the fact that most of the women were clients of InTouch. Some women go through the legal process with little or no support from services. Indeed, the lack of support may deter

them from accessing the legal system in any way. An attempt was made to address this bias through asking women to reflect on their original fears that prevented them from seeking help.

Analysing inter-cultural differences was beyond the scope of the research. We endeavoured to interview women from a wide range of cultural backgrounds and we acknowledge the diversity of experiences within and between cultural groups. However, we believed it was more helpful to focus on the similarities between cultural groups when it comes to determining their relative access to the legal system.

The open-ended questions explored the opinions and perceptions of all those who participated. Therefore, most of the results could not be quantified but consistent and pertinent themes were identified.

Appendix 3

Participant Information

Length of time in Australia and residency status

Approximately two-thirds of the participants were newly arrived in Australia (they had been living here for five years or less) at the time of being surveyed. Ten per cent (n5) women lived here for less than one year, 27% (n14) between one and three years, 31% (n16) women for more than three years but less than five and 25% (n13) had lived here for longer than five years. Six per cent (n3) participants did not respond to the question.

Most participants are now living in Australia either as permanent residents (29% or n15) or as citizens (17% or n9). Ten percent (n5) were on temporary spousal visas, 6% (n3) on protection visas, another 6% (n3) held student visas and 2% (n1) on a tourist visa. Thirty-one percent (n16) of women gave no information about their residency status.

Cultural backgrounds

Women surveyed came from a diverse range of countries:

Bangladesh, Bosnia, Burma, Burundi, Chile, China, Croatia, Egypt, Fiji, the Philippines, Hong Kong, India, Iraq, Japan, Lebanon, Mexico, Nepal, Pakistan, Peru, Serbia, Spain, the Sudan, Syria, Turkey, and Vietnam.

Appendix 4

Questionnaires

Consultation Questions

1. What do you think are some of the barriers that CALD women experiencing family/domestic face in accessing law and justice? (We will be conducting focus groups and individual interviews with the women directly but would be interested to know from you as some of you might have experience of directly working with them.)
2. As a service provider, what are some of the difficulties you face in engaging CALD women experiencing domestic violence to access the legal system? (In their context.)
3. What changes have you seen recently that have improved CALD women's access to the legal system?
4. In your opinion, what strategies could be employed to help CALD women access the legal system (within your context)?
5. Any other comments?

Online Survey

1. Which category best describes your service?
 - Family violence
 - Migrant or settlement
 - Community health
 - Counselling
 - Court
 - Other
 - Child and family support
 - Legal service
 - Victims of Crime
 - Police
 - Education
2. Which best describes your organisation?
 - Metropolitan
 - Non-metropolitan
 - State-wide
3. Is your organisation
 - Government
 - Non-government
 - Other
4. Can you list the major culturally and linguistically diverse (CALD) communities within your organisation's catchment area?

5. Which, if any, of these strategies does your organisation use to make it more accessible to CALD communities?
- Promote the service through CALD media
 - Produce translated written materials
 - Hold information sessions in different languages
 - Actively recruit bilingual staff
 - Engage interpreters
 - Have an Access & Equity Policy in place
 - Provide training to staff
 - Network and partner with local migrant groups
 - We do not have any strategies in place
 - Other
6. Which of these statements reflect your organisation's approach to the use of interpreters? Choose as many as apply.
- We have a policy of using professional interpreters rather than family members.
 - Because of budgetary restraints we only use interpreters when we really need to.
 - We would always use a female interpreter if a female client has been the victim of family violence.
 - Clients must organise and pay for their own interpreters.
7. Are you aware of any specific services that you would refer a CALD woman to in situations of family violence for legal / justice advice? If so, please specify.
8. If you are a specialist family violence or legal service working with CALD women experiencing family violence, how would they be referred to you? Choose up to three.
- Self refer
 - Family / friends / neighbours
 - Medical or community health services
 - Migrant service
 - Family support service
 - Counselling service
 - Education service
 - Police or Court
 - Not applicable
 - Other
9. From your observations, what type of legal / justice assistance would CALD women who are experiencing family violence typically seek out?
- Obtaining intervention orders / safety notices
 - Breaches of intervention orders
 - Family court hearings
 - Police
 - Victims' compensation (financial or counselling)
 - Reporting sexual assault
 - Immigration issues
 - Legal representation
10. In your opinion or experience, what are the barriers that prevent CALD women who are experiencing family violence from seeking legal / justice help?

11. In what ways does your organisation support CALD women who are experiencing family violence to access the legal / justice system?
12. What barriers do you, as a service provider, encounter when you are trying to help CALD women in situations of family violence, access the legal / justice system?
13. In your opinion, how could women from CALD communities be made more aware of the legal / justice systems?
14. What do you believe would be helpful for your agency to support CALD women experiencing family violence?

Surveys of CALD Women

1. How long have you been living in Australia and what residency status do you hold?
2. What is your cultural or ethnic background?
3. What type of experience have you had with the legal system here in Australia in regards to family violence issues?
 - ↑ - Intervention Orders
 - ↑ - Safety Notices
 - ↑ - Police
 - ↑ - Victims of Crime compensation
 - ↑ - Family Court hearings
 - ↑ - Criminal Court hearings
 - ↑ - Lawyers
 - ↑ - Sexual assault teams
 - ↑ - Immigration Department
4. How easy or difficult was it to get help for the family violence you were / are experiencing? Did anyone help you with the process?
5. Where did you gather information about your legal rights and the legal processes from? How did you learn about your rights here in Australia?
6. Did you have any fears or concerns that prevented you from getting help earlier?
7. Who or what made things most difficult when it came to dealing with the legal system? Who or what was most helpful to you?

8. Overall, would you say your experiences working with the legal system were positive or negative?
9. In terms of the legal system, what do you think can be done to make CALD women feel more protected?
10. What is a better way of distributing information about legal rights / legal processes to women from your community?
11. After your experiences, what would you recommend to another woman in similar circumstances?
12. This survey is one way that we are collecting information from you about your experiences. Have you found the process helpful?

Court Surveys

1. Is this your first time in court today?
2. Do you have access to an interpreter today?
3. Can you briefly explain to me the reason why you are in court today? (Safety notice, breach of intervention order, etc.)
4. When the police arrived at your home, did they explain to you what action they would be taking? Did they provide you with an interpreter then?
5. Did the police explain to you what would happen today in court? (How long it would take, what evidence you would need to provide, etc.)
6. If the police did not give you an explanation, what do you understand the procedure will be today?
7. What are you hoping will be the outcome of today's court session for you?



InTouch would like to thank each of the women who shared their stories and experiences with us. Your contributions will help other women escape the cycle of violence.



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