



AUSTRALIAN MUSLIM WOMEN'S CENTRE FOR HUMAN RIGHTS  
*Equality without Exception*

**Submission to the Joint Select Committee on  
Australia's Family Law System**

**31 January, 2020**

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## About us

This submission has been developed by the Australian Muslim Women's Centre for Human Rights (AMWCHR). The AMWCHR is an organisation of Muslim women leading change in our own communities to advance the rights and status of Muslim women in Australia. This submission is based on over 25 years of experience providing one to one support to Muslim women and children, developing and delivering community education and capacity building programs to raise awareness and shift attitudes within Muslim communities that can contribute to family violence in all its forms. We also work as advocates, researching, publishing and offering training and consultation, to increase sector capacity to recognise and respond to the needs of Muslim women.

This submission is designed to contribute greater awareness and understanding of the unique challenges and barriers facing Muslim women engaging in the Australian family law system, and their vulnerabilities as victim/survivors of family violence.

## Acknowledgment of Country

This submission recognises that gender, race and religion intersect to create multiple forms of discrimination and violence against Muslim women, particularly in a family violence context. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities and before we can successfully tackle issues within our communities, we must address the ongoing impacts of colonisation, racism and discrimination in all its forms in this country.

The AMWCHR acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which our centre is located and where we conduct our work. We pay our respects to ancestors and Elders, past and present. AMWCHR is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

## Response to the Inquiry

We raise concerns that this inquiry has been called in a politicised climate casting doubt on the validity of victim/survivors accounts of family violence. We also raise concerns that this inquiry is the latest in a significant number of parliamentary and other inquiries into the family law system, from which recommendations remain unaddressed and unimplemented. Since 2009, 12 major reports on the operation and improvements of the family law system have been released outlining the reforms that need to be implemented.<sup>1</sup>

AMWCHR signed a Joint Statement rejecting the legitimacy of the proposed inquiry and calling for immediate reform to ensure safety in the family law system. The statement has been signed by 110 organisations across Australia and we continue to support this statement. We also support Safety First in Family Law<sup>1</sup>, a policy platform developed by Women's Legal Services Australia outlining 5 steps to creating a family law system that keeps women and children safe. We strongly believe that the government has enough evidence and reports to make much-needed changes in the family law system and that waiting for the outcomes of further inquiries will only put victims/survivors in harm's way by delaying change.

AMWCHR reiterates the point made in the Joint Statement.<sup>2</sup> However, we are making a submission in order to raise awareness of the issues facing migrant and/or Muslim women and to ensure consideration is given to the unique barriers facing these highly vulnerable women and we seek to support victim/survivors trying to build lives free from family violence.

AMWCHR also refers the Committee to recommendations previously made to the Australian Law Reform Commission (**ALRC**) in its [Review of the Family Law System](#), the Social Policy and Legal Affairs Parliamentary [Inquiry into a Better Family Law System](#) to support and protect those affected by Family Violence.

## Why we are concerned

Families that have intersecting legal needs are some of the most vulnerable within the court systems. Our client groups are Muslim women, many are victim/survivors of family violence, many are migrants, refugee and humanitarian entrants that have settled in Australia. As they seek safety for themselves and their children, justice and separation from their abuser/s they are negotiating both the complex layers of state and federal legal systems and for some, they do this whilst also engaging with religious divorce and settlements.

Given this vulnerability for so many of our clients, we draw the Committee's attentions to the issues of family violence broadly and more specifically for Muslim and culturally and linguistically diverse

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<sup>1</sup> Safety First in Family Law: [http://www.wlsa.org.au/uploads/campaign-resources/Safety\\_First\\_in\\_Family\\_Law\\_Plan.pdf](http://www.wlsa.org.au/uploads/campaign-resources/Safety_First_in_Family_Law_Plan.pdf).

<sup>2</sup> AWAVA – Australian Women Against Violence Alliance 2019. Joint Statement – Make family law safe: stop putting victim-survivors of family violence and child abuse in harm's way. [https://awava.org.au/2019/10/18/media-release/joint-statement-make-family-law-safe?doing\\_wp\\_cron=1574230059.8131129741668701171875](https://awava.org.au/2019/10/18/media-release/joint-statement-make-family-law-safe?doing_wp_cron=1574230059.8131129741668701171875).

(CALD) women and the unique and sometimes overwhelming barriers to accessing support and justice in an Australian context.

### **Family violence in family law cases**

Given the widespread nature of violence against women in Australian society generally, it is not surprising that family violence is prevalent in family law cases. Family violence therefore needs to be addressed as part of the core business of the courts, not treated as if it were an exceptional circumstance. In its major review, the ALRC found that up to 70 per cent of parents in family law proceedings reported their children had been exposed to family violence, and almost one in five said they had safety concerns either for themselves or their children, or both. Analysis of cases before the Federal Circuit Court conducted by Harmon<sup>3</sup> showed that 76.12% cases before the court involved allegations of family violence.

Another report by AIFS notes that family violence is “the most commonly raised factual issue in litigated proceedings”.<sup>4</sup> The number of cases before the court that involve family violence is increasing.<sup>5</sup> With this information it is evident that, unfortunately, allegations of family violence cannot be treated as rarely occurring or a possibility.

### **Family violence**

Family violence occurs around the world, irrespective of country, region, culture, ethnicity, religion, race or socio-economic status. Here in Australia, 1 in 6 women have experienced physical or sexual abuse by a current or previously cohabiting partner.<sup>6</sup>

Violence against women is widespread in Australia and therefore common within the family law system. The mass of evidence showing widespread violence against women cannot be ignored when this inquiry addresses problems with the family law system. Family violence is a gross human rights violation that does not discriminate. It can happen in any relationships where one partner chooses to use control, coercion and violence over another. However, it has been established that family violence is a gendered crime with the vast majority of family violence perpetrated against women and children, most commonly by men.<sup>7</sup>

### **Family violence viewed intersectionally**

Understanding the dynamics of family violence requires an understanding of the nature of power and control and how these play out very differently for victims when viewed through an intersectional and

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<sup>6</sup> AIHW - Australian Institute of Health and Welfare 2019. Family, domestic and sexual violence in Australia: continuing the national story 2019 In brief. [https://www.aihw.gov.au/getmedia/b180312b-27de-4cd9-b43e-16109e52f3d4/aihw-fdv4-FDSV-in-Australia-2019\\_in-brief.pdf.aspx?inline=true](https://www.aihw.gov.au/getmedia/b180312b-27de-4cd9-b43e-16109e52f3d4/aihw-fdv4-FDSV-in-Australia-2019_in-brief.pdf.aspx?inline=true).

<sup>7</sup> See ABS, Crime victimisation, Australia, 2012–13 cat no 4530.0 December 2014 <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4530.0main+features100022012-13>; Royal Commission into Family Violence, in the terms of reference states: “Family violence is the most pervasive form of violence perpetrated against women in Victoria. While both men and women can be perpetrators or victims of family violence, overwhelmingly the majority of perpetrators are men and victims are women and children”.

gendered lens. These dynamics are occurring within a mainstream patriarchal society where male dominance and privilege are normalised, for Muslim women these dynamics are potentially further heightened and reinforced when occurring within a marginalised, minority cultural group.

### **Family violence for Muslim women**

While acknowledging that family violence is a universal problem, we know that women from CALD backgrounds around the world, including in Australia are particularly vulnerable to certain kinds of abuse and structural barriers, especially those from newly arrived CALD communities as well as refugee and immigrant communities,<sup>8</sup> including Muslim women.

There is still limited data available on the experiences of violence for CALD women however it is well established that CALD women are less likely to seek assistance in situations of family violence due to compounding barriers such as isolation of living in a new country, dependence on community and therefore greater vulnerability to community pressures and expectations, higher levels of financial dependence and migration dependence on perpetrators, lack of knowledge of rights and available services; and fear of deportation and removal of children or perpetrator.<sup>9</sup> Women on temporary visas including those seeking asylum are ineligible for many government services, making poverty and homelessness very real risks when considering leaving a violent relationship.

The current literature notes the various intersecting factors which may hinder migrant and refugee women's responses to family violence.<sup>10</sup> It may be due to cultural beliefs—for example, that it is the duty of the woman to keep the family intact as it is regarded as a central unit.<sup>11</sup> There might be pressure to remain in the marriage with the woman seen as the cause of her partner's abuse.<sup>12</sup> Also, immigration and settlement factors such as social isolation, language barrier, racism, fear of police, lack of knowledge about the legal system, and the availability of support services can be other barriers to seeking help.<sup>13</sup>

In addition to the migration and settlement-related issues that affect experiences of family violence and disadvantage Muslim women when accessing and navigating support and legal systems, they are also confronted with two unique challenges: 1) of their politicised identity in the current political and social discourses of Australia, feeding misinformation, Islamophobia, discrimination and racism. 2) Facing deeply personal challenges as Muslim women grapple with their religious identity and the importance religion places on the role of the family and women within it. This religious identity, which

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<sup>8</sup> AIFS - Australian Institute of Family Studies 2018. Intimate partner violence in Australian refugee communities: Scoping review of issues and service responses. <https://aifs.gov.au/cfca/publications/cfca-paper/intimate-partner-violence-australian-refugee-communities/introduction>.

<sup>9</sup> AWAVA, Submission into the Public Consultation on Visa Simplification, 4.

<sup>10</sup> Gray, L; Easteal, P and Bartels, L 2014. Immigrant women and family violence: Will the new exceptions help or hinder victims? *Alternative Law Journal* 39(2): 167–171.

<sup>11</sup> Sabri, B., Barcelona, De, Mendoza, V., Campbell, J. C. 2014. Immigrant women and intimate sexual violence. In McOrmond-Plummer, L., Easteal, P., Kennedy Bergen, R. (Eds.), *Intimate partner sexual violence: A multidisciplinary approach to survivor support and system change* (pp. 246-258). London, England: Jessica Kingsley. Sabri, Barcelona De Mendoza, & Campbell, 2014.

<sup>12</sup> Ahmad, F., Driver, N., McNally, M. J., Stewart, D. E. 2009. Why doesn't she seek help for partner abuse? An exploratory study with South Asian immigrant women. *Social Science & Medicine*, 69, 613-622. Ahmad, Driver, McNally, & Stewart, 2009.

<sup>13</sup> Ghafoornia, N., & Easteal, P. 2019. Help-Seeking Experiences of Immigrant Domestic Violence Survivors in Australia: A Snapshot of Muslim Survivors. *Journal of Interpersonal Violence*. <https://doi.org/10.1177/0886260519863722>.

often surpasses an individual's cultural identity, particularly in matters related to gender and family<sup>14</sup> is a considerable barrier with many women considering violent husbands, to be good fathers, and receiving the blame for 'choosing' to break up her marriage, often risking isolation from family and community.

### **The role of Islam in family violence**

The relationship between Islam and family violence must be considered both as a potentially contributory factor in men's justification of violence towards women, and as a powerful and effective framework towards its eradication. The status of women has been one of the most controversial issues in the interpretative battles that have taken place over the meaning of Islam and its sacred text, the holy Qur'an. Among Muslims, the interpretations and application of Islamic doctrine in relation to women varies considerably, and given the diversity of Muslims globally, there is a lack consensus as to the status of women, and this has direct impact on their treatment, in Islam.

Like most religions, the definition of Islam and the status of women have varied considerably historically and continue to be subject to political, social and economic change. Because of this, it is important to establish the specific geographic, cultural and sectarian contexts of women's situations rather than referring generally to them as "Islamic". What may be considered Islamic in one Muslim context may be totally unheard of in another.

Muslim women campaigners across the globe consider family violence among the Muslim community as a complicated human rights issue; this creates a legal framework in which governments have been forced to respond to women's concerns by international institutions because of convention obligations.

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<sup>14</sup> AMWCHR resources, available here: <https://ausmuslimwomenscentre.org.au/category/resources/publications>.

## Response to relevant Terms of Reference

We would like to refer to the terms of reference laid out for the inquiry and offer our responses.<sup>15</sup>

Even though family violence has been identified by numerous reviews as a key issue in family law, this inquiry's terms of reference do not identify questions of safety for victim/survivors who are engaging with the family law system. We strongly advise that there needs to be a more nuanced gender analysis applied in relation to safety. We reiterate that women's safety (specifically) needs to be a central priority alongside children's safety.

We also note the absence of terms of reference recognising that experiences of family violence and experiences within the family law system will differ for diverse groups of women.

We also refer you to the 2018 United Nations Committee on the Elimination of Discrimination Against Women's Concluding Observations on Australia, and in particular the recommendation to ensure "gender-sensitive approaches to the family violence" in the family law system.<sup>16</sup>

For the family law system to function more effectively, it needs better funding. It is concerning that the proposed merger of the Family Law Court and the Federal Circuit Court is aimed at releasing money from already overstretched family law system. While we understand that the courts merger was out of scope of this inquiry, it is vital to ensure that the sufficient funding is allocated to improve the family law system rather than generating savings.

We also note the very short timeframe allocated to make submissions. This timeframe is too restrictive, considering the need to gather and share information in a way that is accessible, inclusive and safe. Finding the time and space to write a submission while dealing with these pressures is very difficult. For services working with victims/survivors like AMWCHR, our capacity is extremely stretched in light of the ever-escalating demand for assistance in the context of widespread violence.

## Need for improved information sharing

Child protection and family law systems often do not work together properly. In focusing on the safety of children, child protection systems sometimes neglect to consider the situation of a protective parent who is being subjected to violence. The family law system, in contrast, often does not have enough resources devoted to the safety of children and young people. Victims/survivors are sometimes reluctant to have contact with child protection services, because these services often place the responsibility on the victim/survivor for protecting children from the perpetrator, while not taking into account the bigger picture and impact of family violence. In some cases, gaps between the two systems are resulting in children being returned to a perpetrator.<sup>17</sup>

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<sup>15</sup> Parliament of Australia Joint Select Committee on Australia's Family Law System Terms of Reference 2019. Terms of Reference.

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Family\\_Law\\_System/FamilyLaw/Terms\\_of\\_Reference](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Family_Law_System/FamilyLaw/Terms_of_Reference)

<sup>16</sup> Committee on the Elimination of Discrimination against Women (2018) Concluding observations on the eighth periodic report of Australia, para 28(e).

<sup>17</sup> Standing Committee on Social Policy and Legal Affairs (2017) A better family law system to support and protect those affected by family violence. Report; Women's Legal Services Australia (2017) Submission to the parliamentary inquiry into a better family law system to support and protect those affected by family violence.

There should be an effective mechanism for information sharing developed between the child protection and family law systems. Decisions regarding children should be made in the best interests of the child with the safety of the child as paramount. Child protection services need better training on family violence and cultural competency to prevent them from reinforcing the unjust barriers, marginalisation and control exercised against mothers who are victims/survivors of domestic and family violence, particularly for Muslim mothers who experience additional cultural and language barriers.

Training and awareness needs to also be developed around perpetrators utilising legal systems, and the gaps within them, to continue to perpetrate forms of power, control and abuse over their victims. Perpetrators do this by pulling their victims into lengthy legal proceedings that disadvantage their victim's greatly through various barriers such as:

- unable to engage adequate legal representation due to cost or awareness
- unaware of their rights or responsibilities in legal systems
- unable to access or produce documentation due to language barriers, literacy and lack of documentation after fleeing violence,
- perpetrators allege mental health issues in victim/survivors without appropriate family violence context – impacting access/care of children
- perpetrators highlighting poverty and homelessness to limit victims access/care of children

While we support improvements in information sharing between systems, we urge the Commission not to see the information sharing as an easy solution.<sup>18</sup> Appropriate risk assessments must be made with particular awareness of victim/survivors need for confidentiality and safety measures to be in place and upheld throughout proceedings. All information sharing must undergo stringent risk management justification. The onus to ensure child safety and wellbeing must not only be on the victim/survivor but also on the person choosing to use violence in the family context.

We share the concerns expressed by Women's Legal Services Australia in relation to the ability to analyse and interpret information shared, the privacy of sensitive and personal records as well as access to the records when parties do not have legal representation.

### **Ingrained disbelief in experiences of family violence reinforces cultural norms**

Despite the widespread nature of family violence, there are some persistent and damaging patterns of disbelief in victims/survivors' accounts of the violence they have been subjected to. For example, the Guardian Essential poll has shown that 37% of men surveyed do not believe sexual assault would be considered a type of family violence, with almost 50% of men aged 18 to 34 not recognising the behaviour as abusive.<sup>19</sup> For Muslim women, a perception continues to exist which is rooted in religious and cultural norms, that a woman is 'required' to provide sexual acts to her husband as part

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<sup>18</sup> Women's Legal Service Australia (2018) Submission to the Australian Law Reform Commission's Issues Paper on Review of the Family Law System.

<sup>19</sup> [https://www.theguardian.com/australia-news/2019/oct/10/essential-poll-young-men-least-likely-to-identify-abusive-domesticbehaviour?fbclid=IwAR1Rth7S4SoY1AWyOXFI04sOY4u\\_V9R4TvZe9EcbWSOORYLfbR3RXSdPOhY](https://www.theguardian.com/australia-news/2019/oct/10/essential-poll-young-men-least-likely-to-identify-abusive-domesticbehaviour?fbclid=IwAR1Rth7S4SoY1AWyOXFI04sOY4u_V9R4TvZe9EcbWSOORYLfbR3RXSdPOhY).

of her duty as a wife. This view is often supported by communities and other family members, further reinforcing the belief that sexual assault is not an act of family violence. The impact of these perceptions is that many clients are not aware of the concept of marital rape.

The most recent National Communities Attitudes Survey run by ANROWS found that despite the majority of people in Australia rejecting attitudes supportive of violence against women, 2 in 5 believe that women make up false reports of sexual assault in order to punish men; 1 in 3 believe that if a woman does not leave her abusive partner then she is responsible for the violence continuing and nearly 1 in 5 do not believe financial control is a serious problem.<sup>20</sup> Extensive research into gender-based violence over several decades has debunked these myths and shown how they are rooted in misogynistic attitudes.

Yet these damaging narratives continue to influence the way systems such as family law operate and contribute to unjust court outcomes for victim/survivors of family violence. Despite the high prevalence of family violence in family courts, the 2006 study<sup>21</sup> of attitudes towards family violence “found that a lack of sympathy toward family violence victims remained prevalent amongst lawyers and decision makers.” The ongoing prioritisation of parental involvement instead of child safety within the family law system exposes children and their mothers to further abuse.<sup>22</sup> Greater understanding and awareness of the cultural and spiritual contexts in which Muslim women exist is essential for practitioners within the family law system to ensure women’s experience of violence is recognised and considered in family law decisions. A victim/survivors ability to name the abuse to lawyers and decision makers depends on an environment of trust and cultural responsiveness to override the power of a perpetrator in the victim/survivor, their family, community, and religious/spiritual reality.

Religious and cultural practices and traditions are a tool used and manipulated by perpetrators to silence Muslim women, to assert power and dominate, to exercise their authority over women, and to ultimately normalise experiences of violence including;

- Using religious leaders to dissuade women from seeking recourse because ‘it is against the religion to go outside the community’
- Using religious leaders to pressure women in courts to withdraw their complaints
- Perpetrator giving incorrect religious information to the victim/survivor to promote the perpetrator’s own interests and agenda;
- Refusing or preventing women from securing religious divorce.

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<sup>20</sup> For full report visit <https://ncas.anrows.org.au/findings/4-attitudes-to-violence-against-women/>.

<sup>21</sup> Hunter, R. (2006). Narratives of domestic violence. *Sydney Law Review*, 28, 733. Retrieved from [http://sosvics.eintegra.es/Documentacion/00-Genericos/00-05-Documentos\\_basicos/00-05-062-EN.pdf](http://sosvics.eintegra.es/Documentacion/00-Genericos/00-05-Documentos_basicos/00-05-062-EN.pdf).

<sup>22</sup> Keogh, E., Smyth, B., & Masardo, A. (2018). Law reform for shared-time parenting after separation: Reflections from Australia. *Singapore Academy of Law Journal*. Retrieved from <https://www.eprints.glos.ac.uk/id/eprint/5372>.; Smyth, B.M., Hunter, C., Macvean, M., Walter, M., & Higgins, D. (2018). Education in family life in Australia. In M. Robila and A.C.Taylor (Eds), *Global perspectives on family life education* (pp. 93–113). New York: Springer.

A study by Laing<sup>23</sup> reported that 63% of the women surveyed in the study experienced secondary victimisation within the Australian family law system. Laing described them as not being heard about the abuse they experienced, feeling dismissed. Such findings are similar with another study<sup>24</sup> where mothers who experienced family violence reported their experiences not being taken seriously. Not believing victims/survivors of violence further silences them, causes additional trauma and harm, as well as impeding their journey to recovery.

### **Experiences of victims/survivors of violence in the family law system**

Women who have had violence perpetrated against them become particularly susceptible to further harm within the family law system for a number of reasons: lack of consideration of family violence and its impact on the ability of a woman to equally participate financially and acquire property<sup>25</sup>, the impacts of trauma, the complexity of the legal system and the lack of fully funded specialist women's services and community legal centres able to provide women with the necessary information and legal representation; and a risk of an ongoing abuse and control exercises by the perpetrator through systems' misuse. The family law system is one of the major institutions that must be navigated by people often without adequate legal representation whilst trying to build safer lives for themselves and their children.

The family law system as it operates at present does not place the safety of victims/survivors and their children at its heart. A presumption of shared parental responsibility is still being applied in practice by judges that privileges the right of a violent father to have contact with his children as opposed to prioritising the safety of the children and their mother.

### **Recommendations**

- Identify safety risks, through consultations with Muslim migrant/refugee women and services, that should be considered in any court decision, by implementing consistent screening and risk assessment process to protect children and parents at risk of violence in CALD/Muslim communities
- The judiciary and all other relevant professions need to receive specialised training to build their awareness of family violence in particular in the context of minority groups including Muslim women, this must include cultural and how to work effectively with Muslim women on family violence.

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<sup>23</sup> Laing, L. (2017). Secondary victimization: Domestic violence survivors navigating the family law system. *Violence Against Women*, 23(11), 1314–1335. doi:10.1177/1077801216659942.

<sup>24</sup> Roberts, D., Chamberlain, P., & Delfabbro, P. (2015). Women's experiences of the processes associated with the Family Court of Australia in the context of domestic violence: A thematic analysis. *Journal of Psychiatry, Psychology and Law*, 22, 599–615. doi:10.1080/13218719.2014.960132.

<sup>25</sup> Ibid.

## Misuse of systems and processes as family violence

Misuse of courts systems and processes or systems abuse by perpetrators constitutes family violence as perpetrators continue to exercise control over victims/survivors pressuring them to enter into court orders that do not address family violence and dragging the length of the process that significantly and unnecessarily increases its costs for victims/survivors.

For Muslim women, denial of religious divorce is another form of violence designed to assert control and power over women. Religious institutions often reinforce this inequality, requiring permission or agreement from the husband even when his behaviour has included use of violence in order to grant a request for Islamic divorce.

### Recommendations

- We reiterate the need for a better training of family law professionals and better procedures to prevent systems abuse and hold perpetrators to account.
- To include the 'use of systems or processes to cause harm, distress or financial loss' in the definition of family violence.<sup>26</sup>
- Address systems of abuse outside of courts by addressing use of religious abuse, institutional abuse and social abuse of victim/survivors that are excluded from family and community circles.

## Strengthen family violence response in the family law system

The safety of children and adult victims-survivors of family violence requires increased specialisation in the family law system. Action can be taken now to increase family violence specialisation by:

- Introducing effective ongoing court-based family violence risk assessment practices
- Introducing early determination of family violence, and
- Increasing family violence competency of all professionals in the family law system.<sup>27</sup>

The risk assessment should be consistent across Australia, be multi-method, multi-informant, and based on key safety principles that guide family violence responsiveness while placing particular emphasis on the victim's own assessment of risk, be culturally sensitive and supported by appropriate training and/or culturally appropriate services.

Without early risk identification, safety risks for women and their children are not managed from the onset as well as unjust outcomes are more likely to occur. It is common that women are subjected to coercive controlling violence feel pressure to agree to parenting arrangements and consent orders that are not in the best interest of their children and do not take the experiences of family violence into account.<sup>28</sup>

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<sup>26</sup> ALRC Final Report proposal 8-3.

<sup>27</sup> Ibid (Open letter).

<sup>28</sup> WLSA (2019) Safety First in family law. Five steps to creating a family law system that keeps women and children safe. WLSA (2017) Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs. Submission to the parliamentary inquiry into a better family law system to support and protect those affected by family violence.

## Recommendations

There is an urgent need to:

- Strengthen family violence response through a specialist family violence pathway or specialist family violence family law courts.
- Introduce effective ongoing family violence risk assessment practices.
- Promote and resource the early determination of family violence, through a family violence informed case management process and the early testing of evidence of family violence.<sup>29</sup>

### The costs of family law and access to legal assistance

Access to free legal advice and representation is limited. The costs of the family law system are prohibitive for those who do not qualify for free legal help. No concessions are available unless an applicant is a recipient of a number of payments from Centrelink. To be able to pay a concession fee in the application for divorce, both parties must be eligible for concession. There are no compassionate grounds for concession in the fee such as family violence.<sup>30</sup> This is particularly problematic in the context of family violence as many victims/survivors may, on one hand, experience financial abuse and, on the other hand, have no finances of their own and/or be ineligible for Centrelink payments because of their partner's earnings or assets.

While research into the economic status of Muslim women in Australia is scarce, we do know that Muslim women, and the communities they belong to, are overrepresented in several poverty indicators such as income, the work force participation rate and English proficiency. For instance:

- *In 2006, 15.1 per cent of Muslim women were unemployed, which is three times the national average. And two thirds (63.3%) were not in the labour force.*<sup>31</sup>
- *In 2011, 18.33% of Muslim women reported that they couldn't speak English well or at all. For Muslim women born overseas, the rates were much higher.*
- *31.19% of Lebanese-born Muslim women couldn't speak English well or at all*
- *38% of Turkish-born Muslim women couldn't speak English well or at all*
- *36.7% of Afghani-born Muslim women couldn't speak English well or at all.*

According to Homelessness Australia, 'feedback from the homelessness sector has shown that women from CALD backgrounds are an emerging group. In the Lebanon, Afghanistan and Turkey are the top three countries of origin for Muslim migration to Australia. homelessness population, particularly in relation to domestic and family violence.' Housing service, Macauley House reports that in 2013-14 47% of clients came from culturally and linguistically diverse backgrounds.

For migrant Muslim women in particular, instances where a victim/survivor has to navigate the family law and migration systems simultaneously, the costs are increased. Women on partner visas and a small number of others, in situations when their relationships break down due to family violence, are

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<sup>29</sup> WLSA (2019) Safety First in family law. Five steps to creating a family law system that keeps women and children safe.

<sup>30</sup> See: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/forms-and-fees/fees-and-costs/fees>.

<sup>31</sup> ABS 2006; Lovat et al 2011, 23.

eligible to stay permanently in Australia by accessing family violence provisions through the Department of Home Affairs.

## Recommendations

- review the costs of court proceedings, exploring capping fees reflective of property and assets
- address delays and adjournments in proceedings as way to address costs of legal representation
- expand the eligibility criteria for fee concessions
- increase funding to the Family Court and Federal Circuit Court
- increase funding to community legal services, especially those who specialise in family violence services for already marginalised communities like AMWCHR in order to increase representation of people who are financially disadvantaged
- create a specialised legal aid grant pathway for victims/survivors of domestic violence.
- address legal practices that influence parties approach to settlement, preventing abusive or unjust outcomes
- allow for the role of Family Dispute Resolution (FDRs) to increased and become more specialised – addressing aspects of cases that can be resolved without litigation, rather than the current all or nothing approach
- address the assessment formula of child support to better reflect the current costs of raising children
- child support information to be included in cases being heard in family courts.

## The role of specialist women's service in the family law system

As AMWCHR continues to advocate for substantial increases in funding and greater safeguards for the role of the specialist women's services, which are at the forefront of the efforts to respond to and eliminate violence against women.<sup>32</sup> The work of specialist women's services like AMWCHR is underpinned by a gendered and cultural understanding of violence. We are focused on women and children's safety, providing gender and cultural safety, working from a client-centred, trauma-based, empowering framework,<sup>33</sup> supporting women to navigate complex systems, recognising children as clients in their own right, and working towards greater gender equality recognising the complexity of intersectionality and how religion can be used to further subjugate women and that ultimately women are best qualified to decide their pathway to recovery from violence and trauma.<sup>34</sup> Across the full

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<sup>32</sup> AWAVA Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children 2016 <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violencewomen-children>.

<sup>33</sup> Allen, N., Larsen, S., Trotter, J. and Sullivan, C. M. (2012) 'Exploring the Core Service Delivery Processes of an evidence-based community advocacy program for women with abusive partners', *Journal of Community Psychology* 14(1), 1-18.

<sup>34</sup> Zweig, J.M. and Burt, M.R. (2007) 'Predicting women's perceptions of domestic violence and sexual assault agency helpfulness: What matters to program clients?' *Violence against Women*, 13, 1149-1178; Council of Europe, *Combating violence against women: minimum standards for support services* (2008) [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf) See also existing Australian standards documents (notes 40 to 43).

range of services responding to violence against women, there is increasing demand, in part because of increased community awareness and condemnation of this violence.

While immediate increases to services is required, international and Australian evidence is clear that simply mainstreaming all clients will not do: ill-equipped services that lack well-trained and culturally competent staff discourage help seeking, prevent disclosure of abuse and may inadvertently increase the risks for victims/survivors or lead them to return to abusive situations.<sup>35</sup> Lack of funding to specialist women's and community legal services creates additional barriers for women subjected to violence. Women often have limited capacity to obtain access to justice because of financial, language, mobility and access barriers.<sup>36</sup>

It is difficult for women to obtain pro bono assistance, as it is not a particularly attractive area for lawyers working in family law.<sup>37</sup> Given the lack of access to free specialist and/or legal services, when self-representing in family courts, women are at risk of unsuccessful settlements as well as further re-traumatisation and abuse.

Women's legal services, specialist culturally intelligent and multicultural legal services have the skills and knowledge to work effectively with victims/survivors but need to be resourced to scale up their work in response to demand. This scaling-up needs to occur in the context of broader funding and capacity increases across the legal assistance sector and specialist domestic and family violence services sector, together with other related services (such as sexual assault services) that support victims/survivors in the family law system.

## Recommendations

We recommend that the Australian Government incorporates specialist women's services into family law systems, and adequately funds these services, by:

- prioritising the engagement with specialist women's services in responses to family violence
- funding specialist women's services that provide embedded services in state and territory courts to continue to support clients with family violence issues when they move to the family law system to seek parenting or other orders
- embedding workers from specialist women's services in the family courts and Family Relationship Centres, and

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<sup>35</sup> Zweig, J.M. and Burt, M.R. (2007) 'Predicting women's perceptions of domestic violence and sexual assault agency helpfulness: What matters to program clients?' *Violence against Women*, 13, 1149-1178; Stone, J. and Clifton, B. (2005) 'Sexual Assault Resource Centre: Client mental health survey', *ACSSA Newsletter*, No.9 November 2005, p 15; Women's Resource Centre (2007) *Why Women Only? The value and benefits of by women, for women, services*, London, UK <http://thewomensresourcecentre.org.uk/wp-content/uploads/whywomenonly.pdf>; Chung, D., Colley, D. and Zannettino, L. (2004) *Effective Integrated Approaches in the Delivery of Services and Responses for Women Experiencing Domestic Violence*, Research and Education Unit on Gendered Violence, University of South Australia, Adelaide and Partnerships Against Domestic Violence, Canberra; Zannettino, L. (2006) *Better Outcomes for the Protection of Children Affected by Domestic Violence: Developing Interagency Collaboration between Child Protection and Domestic Violence Services: A Research Report*, Research and Education Unit on Gendered Violence in partnership with the Department for Families and Communities, South Australia; Irwin, J., Waugh, F. and Bonner, M. (2006) 'The inclusion of children and young people in research on domestic violence', *Communities, Children and Families in Australia*, 1(1), pp.17-23.

<sup>36</sup> Women's Legal Services Victoria Submission Domestic Violence in Australia pg 5, Productivity Commission, Access to Justice Arrangements – Inquiry report No. 72, 3 December 2014.

<sup>37</sup> ONational Pro Bono Resource Centre, Pro bono legal services in family law and family violence, Understanding the limitations and opportunities (Final Report) October 2013

- rolling out and better resourcing of Family Advocacy and Support Services within the family law system and Women Domestic Violence Court Advocacy Service within local and district courts.

## Impact of family violence and cost of leaving partners who use violence

Overall the impact of family violence is severe and long-lasting. This includes, but not limited to the following:

1. Worsened health outcomes:
  - Family violence is the leading contributor to death, disability illness and injury among women aged 18 to 44.<sup>38</sup>
  - Mental health conditions due to family violence with anxiety disorders making up the greatest proportion (35%), followed by depressive disorders (32%).<sup>39</sup>
  - Other serious concerns linked to physical/sexual abuse are pre-term and low birth weight, alcohol use disorders, early pregnancy loss, injuries from assaults, homicide, self-harm, and suicide.
  - Significant financial costs of addressing mental and physical health becomes a burden that often cannot be managed.
2. A need to navigate multiple legal systems results in loss of time, stress and energy and includes financial costs.
3. Homelessness:
  - Domestic and family violence is the single largest reason for people to seek homelessness services.<sup>40</sup>
  - More females than males presented to agencies homeless in 2017–18; the number of females presenting homeless in 2017–18 (57,000) has overtaken the number of males (52,100), up from 41,900 for females and 41,100 for males in 2013–14.<sup>41</sup>
  - Homelessness may also increase risk of gender-based violence in particular sexual violence. In addition, when intertwined with poverty and lack of social security support, many women are forced to engage in survival sex to obtain any accommodation or general 'protection'.
  - A general lack of affordable housing and social and public housing may push women to stay with a violent partner. In addition, in most states of Australia only Australian citizens

<sup>38</sup> <http://media.aomx.com/anrows.org.au/s3fs-public/28%2010%2016%20BOD%20Compass.pdf>.

<sup>39</sup> Julie Ayre, Miriam Lum On, Kim Webster, Michelle Gourley and Lynelle Moon (2016) Examination of the burden of disease of intimate partner violence against women in 2011: Final report, Sydney: ANROWS <https://dh2wpaq0gtxwe.cloudfront.net/s3fs-public/BoD%20Horizons.pdf>.

<sup>40</sup> Australian Institute of Health and Welfare 2015, Specialist Homelessness Services 2014-15: Clients, Services and Outcomes, Australian Government, Canberra <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/clients-services-outcomes/>.

<sup>41</sup> Australian Institute of Health and Welfare (2018) Specialist Homelessness Services Annual Report 2017-2018 <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2017-18/contents/clientsservices-and-outcomes>.

and permanent residents are able to access social and public housing, further excluding women who are on temporary visas and are experiencing family violence.<sup>42</sup>

### **Recommendation**

- Resource the family law system to reduce the costs to victims/survivors of violence
- Reform the family law system so that it includes family violence information that has been safely gathered and appropriately assessed, to limit children and adult victims/survivors of family violence needing to be interrogated and potentially re-traumatised, impacting on mental and physical health.
- Build in greater and safer opportunities for children and adult victims/survivors of family violence to express their needs and views.
- Ensure all parties, especially children and adult victims/survivors of family violence have clear understandings of their rights and responsibilities to reduce stress and confusion during legal proceedings.
- All processed to be grounded in prioritising the safety of children and adult victims/survivors of family violence.

We believe that in the process of formulating care arrangements for children after the separation it is essential that representatives from Muslim and CALD organisations and communities must be consulted with and lead the design of care arrangements responsive to their needs, as their family structures may differ.

### **Recommendation**

- Consult with Muslim and CALD organisations and communities about issues arising for grandparent carers in the family law system.
- Adequately assessing and addressing all safety concerns of grandparent as well as family and community carers.

## **Core competencies of professionals and judicial officers in the family law system**

The Family Law Court has found that people from CALD backgrounds face a range of additional barriers when accessing legal, counselling and family dispute resolution services.<sup>43</sup>

All participants in court processes, judges, lawyers and court staff should have a thorough understanding of the nature and dynamics of domestic and family violence, such as an understanding of the tactics a perpetrator may utilise within the court system to perpetuate a pattern of dominance and control. Increased knowledge regarding gender bias and the nature of family violence amongst

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<sup>42</sup> Australian Institute of Health and Welfare (2018) Specialist Homelessness Services Annual Report 2017-2018 <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2017-18/contents/clientsservices-and-outcomes>.

<sup>43</sup> Family Law Council 2012, Improving the family law system for Aboriginal and Torres Strait Islander clients, Family Law Council. Accessed: <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Improving%20the%20Family%20Law%20System%20for%20Aboriginal%20and%20Torres%20Strait%20Islander%20Clients.pdf>. Family Law Council 2012, Improving the family law system for clients from culturally and linguistically diverse backgrounds, Family Law Council. Accessed: <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Pages/FamilyLawCouncilpublishedreports.aspx>.

staff in the judicial system can assist in holding perpetrators to account, and, ensure that victims are treated in a consistent manner.<sup>44</sup>

Further, the training of staff within the judicial system should account for the specific needs of Muslim women that have been subjected to family violence. There is a need for cultural competency training for staff who interact with Muslim women who experience family violence who may have different experiences to non-Muslim women which require comprehensive cultural competency training for court staff that interact with them, for example instances of dowry-related violence, forced marriage and female genital mutilation.<sup>45</sup>

## **Recommendation**

We recommend comprehensive training of staff within the judicial system to include the following topics:

- the nature and dynamics of family violence;
- working with vulnerable clients;
- cultural competency and safety to work with Muslim women;
- culturally specific trauma- informed practice;
- the intersection of family law, child protection and family violence;
- the intersection of family law, family violence and migration status;
- technology facilitated abuse;
- the financial impacts of family violence on the nature and impacts of economic abuse;
- understanding and working with influencing systems including child support and child protection; and
- working with interpreters.

## **Materials in plain English as a first step**

The complexity of the family law system makes it difficult to navigate for anyone who is not legally represented, and even more so for migrant Muslim women where language and literacy presents an additional barrier. One of the ways to improve the accessibility of information in courts is to produce resources (including visual flowcharts), outlining step-by-step guidelines about what to expect in court. These resources should cover court processes from the initial filing through to receiving a decision and should be published in plain English. This is particularly important when litigants have to deal with multiple systems concurrently like family law and child protection, or family law and migration law. Forms used in courts need to be written in plain text to ensure that people who do not have English as their first language and people with low literacy skills are able to fill them out by themselves especially when they are self-represented.

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<sup>44</sup> Wakefield S & Taylor A (2015) Judicial education for domestic and family violence. ANROWS Landscapes 02/2015. At: [anrows.org.au/publications/landscapes/judicial-education-for-domestic-and-family-violence-state-knowledge-paper](http://anrows.org.au/publications/landscapes/judicial-education-for-domestic-and-family-violence-state-knowledge-paper).

<sup>45</sup> AMWCHR, Child and Forced Marriage: A Guide for professional working in the Muslim community, 2019.

## Recommendation

- Provide court documents including forms in plain (easy to read) English.
- Culturally aware and responsive court support to aid greater understanding of court procedures and the filling out of forms
- Simplify application processes
- Create resources in a variety of mediums not limited to written text to explain court processes.

## Availability of information about court processes in different languages

The Senate report on support and protection of people affected by family violence confirms “inadequate provision of information in languages other than English in legal and non-legal services, police stations, online application lodgement systems, and at courts”.<sup>46</sup> The Family Court or Federal Circuit Courts do not offer any fact sheets or publications in other languages than English. The 2016 Census found that about 21% of Australians reported speaking a language other than English at home. Among other most common languages (varying by states and territories) are Arabic, Farsi, Somali, Hindi, Punjabi, Sinhalese, Thai, Urdu, Nepali, Bengali, Tamil, and others. Given the complexity of the family law system especially for self-represented litigants, it is necessary to ensure that court resources are translated into different languages. It is also important that court resources in different languages are available both online and in printed version. Resources both in English and other languages need to take into account the various degrees of literacy of court users and be written in a simple and understandable way for people to navigate the family law system.<sup>47</sup>

## Recommendation

- Provide family law information in a range of languages reflecting the languages spoken in Australia, in both online and print formats.
- Adequate and funded access to interpreters in all court proceedings.

## Improving the accessibility of the family law system for Muslim women

The family law system must aim to strengthen its response to the needs of Muslim women by improving its capacity as well as program design.

We work to highlight the diversity within Muslim communities, to address existing stereotypes about culture and/or religion, to avoid attributing particular experiences as normative to whole communities and using the language of ‘all community members’ or ‘all women’ without acknowledging diversity and complexity within the Muslim community.

Within this diversity of practice, Muslim women can face complex forms of violence which are directly related to cultural practices and complex family structures, such as early and forced marriage and

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<sup>46</sup> Standing Committee on Social Policy and Legal Affairs (2017) A better family law system to support and protect those affected by family violence. Submissions by Access Community Services, InTouch, The Humanitarian Group.

<sup>47</sup> See the National Domestic and Family Violence Bench Book for more: <http://dfvbenchbook.aija.org.au/fair-hearing-and-safety/interpreters-and-translators/>.

denial of Islamic divorce. Norms of gendered roles can include financial and decision-making by the man/husband in strong patriarchal community hierarchies that impact the woman's sense of agency and ability to advocate for herself and her children.

Building the cultural competence of family law professionals would help ease the number of barriers that women from Muslim backgrounds currently face when navigating the legal system. Specific training to deliver knowledge of cultural norms and how these affect family dynamics and awareness of specific cultural practices are essential to develop a supportive system for victims/survivors. The need for the availability of relevant information in languages other than English cannot be underestimated. These are essential components of the review of the family law system that will ultimately deliver an integrated, culturally appropriate legal system for all.

### **Recommendations:**

We recommend the following improvements that are necessary to ensure the accessibility of courts:

- Courts and tribunals should engage Cultural Liaison Officers, establish Cultural Diversity Committees, introduce multicultural plans, and actively recruit employees from migrant and refugee backgrounds.
- Women from culturally and linguistically diverse backgrounds should be consulted meaningfully when developing products and procedures designed for and about them.
- Courts and tribunals should schedule regular activities to engage women from migrant and refugee background, such as stakeholder meetings, court open days and tours, and community education forums.
- Court staff should receive compulsory cultural competency training.
- Courts work to make legal documents and support resources more approachable using clear and simple language, and translation of key materials into major languages.
- Alternatives to questioning in courtrooms be offered, in order to provide contextual safety and enable women to feel more comfortable in disclosing information.

We ask that courts be supported to implement these recommendations and note the importance of evaluation processes to test the effectiveness of such changes.

### **Additional Notes on the context of Muslim Women**

#### **Racial vilification**

This section of our submission seeks to detail the ways in which racial violence prevents women from seeking assistance for family violence, and the way in which racial violence is an equally binding narrative of Muslim women's lives in Australia. Racial violence is also used by perpetrators and communities to dissuade women from seeking assistance in a country that is perceived and experienced as a 'hostile and racist system'.

The AMWCHR has undertaken research on women's experience of racial violence and religious vilification.<sup>48</sup> The following list, cites abuse and violence that has come to feature in the life of Muslim women in Victoria:

- daily forms of racism and incivility, such as being ridiculed and insulted;
- verbal abuse including intimidating and threatening behaviour;
- acts of discrimination; and
- physical violence, including having hijab removed and spitting in women's faces.

From our research our findings included: the majority of incidents were in public spaces such as on the street, in parks, shopping centres and on public transport. They were usually perpetrated by people unknown to the victims. Almost half the participants believed that work opportunities were significantly limited because of their religion or because they wore the hijab. Women were particularly concerned for the welfare of their daughters, believing that discrimination would significantly limit their daughters' educational and work opportunities.

In 2010, the United Nations Committee on the Elimination of Racial Discrimination noted with concern reports from Australia that highlighted "ongoing issues of discrimination and inequity...experienced by members of certain minority communities including African communities, people of Asian, Middle Eastern and Muslim backgrounds, and in particular Muslim women".<sup>49</sup> As such, it is essential that the challenges facing Muslim women are, on the one hand, acknowledged within the wider understanding of minority disadvantage, and on the other, acknowledged as unique to Muslim women living in the context of discrimination, racial violence and religious vilification.

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<sup>48</sup> AMWCHR 2008. *Race, Faith and Gender: Converging discriminations against Muslim women in Victoria*. The ongoing impact of September 11, 2001. [http://ausmuslimwomenscentre.org.au/wp-content/uploads/2012/10/IWWCV\\_Race-Faith-report.pdf](http://ausmuslimwomenscentre.org.au/wp-content/uploads/2012/10/IWWCV_Race-Faith-report.pdf).

<sup>49</sup> Committee on the Elimination of Racial Discrimination Seventy-seventh session. 2010. Concluding observations of the Committee on the Elimination of Racial Discrimination for Australia.

## **Stereotyping, sensationalising and the media**

Despite Muslim women's unrelenting over-representation in the media as victims of Muslim men's violence. Government policy and research initiatives continue to treat Muslim communities as one group among the many CALD communities residing in Australia. On one hand violence against cultural and media representation of violence against Muslim women grossly over represents the level of family violence Muslim women experience, on the other hand, policy and funding is limited and there has been an assumption that Muslim and CALD women's family violence experiences and challenges can be addressed within mainstream services .

Narratives of Muslim women as "victims" and Muslim men as "violent perpetrators" are stereotypes that play powerfully into how the sector responds and perceives the Muslim clients.

## **Structural inequalities**

- Language barriers that can define every aspect and step of seeking service support and legal redress
- Lack of resources, workers and information (in print and online) in languages other than English, including resources for people with limited literacy such as information spoke and recorded
- Lack of culturally appropriate or sensitive response services
- Lack of culturally relevant and targeted prevention programs, leading to generic messaging to CALD communities which do not have resonance to any community
- Lack of access to appropriate early intervention and prevention programs
- Ongoing issues with translation and interpretation
- Socio-economic disadvantage (detailed below)
- Limited knowledge of rights and protections available in Australia
- Structural racism and intolerance both in experiences and apprehension when seeking support services and legal redress
- Insecure migration status and increasing number of migration legislation that is significantly limiting women's rights. For example, the provisions for spousal visa applicants to stay in Australia under the Family Violence provision once their relationship breakdown due to violence, limits rather than promotes women's right to escape violence.
- The rapid increase in anti-terrorism laws which are perceived as unnecessary and draconian by many Muslims. This has developed into apprehensiveness about the Australian legal system and a mistrust of both government and the legal system. This significantly impacts women's confidence in seeking protection from a system that they generally perceive to be targeting their community
- Cultural and gender mainstreaming of services has increasingly limited the number of services available to Muslim women, resulted in defunding of community organisations capable of providing programs to shift attitudes/values conducive to violence against women and culturally homogenised the Victorian welfare sector's workforce.

The above noted barriers contribute to the under representation of Muslim women in preventative services and their over representation in crisis services.

### **Additional issues for Muslim women from newly arrived communities**

Muslim women have always made up a large part of the new arrived community. While many Muslims now migrate as skilled, migrants, historically and today, the vast majority of Muslim women arrive on Family Stream Spouse visas, Humanitarian Stream 200 Refugee visas and 204 Woman at Risk visas. For these women, compounding factors include:

Traumas associated with their country of origin including war, civil unrest, natural disaster or targeted political persecution because of gender, political affiliation, ethnic or sectarian identity.

Trauma associated with process of migration, including method of arrival, periods in refugee camps and, potentially on arrival, experiences of detention, isolation and lack of support networks including loss of family and community. For women who arrive on spousal visas, they may arrive to a hostile network of family members where multiple abusers are the partner and his family. This can include asserting control and isolation, being actively abusive and violent, making the woman live in domestic servitude, as well as preventing the woman from seeking assistance.

Women that do arrive on skilled visa's have limited access to services when seeking support and her visa can be attached to certain forms of employment, preventing her from reporting, seeking support and accessing refuge as she must maintain her employment to remain in the country.

Partners of skilled migrants are not eligible for support services and are reliant on their partner to remain in the country, placing them at risk.

International Students have the residency, financial and often familial pressure of maintaining studies even in family violence circumstance and they also are ineligible to access support services, income or housing.

Rural and regional settlement in Victoria's outer regions pose increased vulnerability to isolation and barriers to seeking support with limited access to services and increased insular communities where avoiding perpetrators and their families and community judgement can be an impossibility.