



**Australian Muslim Women's  
Centre for Human Rights**  
*Equality without Exception*

# Submission into the National Principles to Address Coercive Control

Australian Muslim Women's Centre for Human Rights

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## About The AMWCHR

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 to advance the rights and status of Muslim women in Australia.

We bring over 30 years of experience in providing one-to-one support to Muslim women, young women and children, developing and delivering community education and capacity-building programs to raise awareness and shift prevailing attitudes. We also work as advocates - researching, publishing, informing policy decisions and reform initiatives as well as offering training and consultation to increase sector capacity to recognise and respond to the needs of Muslim women, young women and children.

As one of the leading voices for Muslim women's rights in Australia, we challenge the most immediate and pertinent issues Muslim women face every day. We promote Muslim women's right to self-determination, recognising the inherent agency that already exists, bringing issues of inequality and disadvantage to light.

AMWCHR works with individuals, the community, partner organisations and government to advocate for equality within the Australian context. This submission is designed to contribute greater awareness of the unique challenges and barriers facing Muslim women, children, and families with relation to coercive control, including the prevention and response measures most appropriate for our communities.

## Acknowledgement 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 context of growing Islamophobia. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities. Before we can successfully tackle issues within our communities, we must address the ongoing impacts of colonisation, systemic racism, and discrimination in all its forms in this country.

AMWCHR acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the Traditional Custodians of the lands our organisation is located on 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.



## Introduction

In recent years, coercive control has become an increasingly dominant topic of intense public, political, and legal debate. The prevalence of coercive control as a common and serious feature and form of family violence (**FV**) has moved the issue into the public consciousness, raising questions on how Australian society can form a robust and effective response to prevent further harm to victim-survivors.

The Australian Muslim Women's Centre for Human Rights (**AMWCHR**) welcomes the opportunity to provide our expertise into the draft National Principles to Address Coercive Control. Consultation with community-led organisations such as the AMWCHR is critical to ensure that any response to such a serious issue is holistic, culturally appropriate, and responding to community need. This is especially true when working with organisations representing communities which have traditionally been marginalised from and had limited access to contributing to government policy and practice. In this case, inclusion of these voices is critical as these are the communities who are most likely to face the unintentional consequences of any response, particularly where the criminal justice system is involved.

Involvement in these discussions and consultations often requires organisations such as ours to engage on terms that are not our own. These terms are put forth in the way in which we are asked to structure our consultation – not in order of what we deem most important, but according to the order of the Principles – and in the short timeframe given to develop a response and position. The Roundtable consultation for the draft National Principles, for instance, took place ten days after the participating organisations were invited. As we are an organisation representative of a diverse community of over 185 nationalities, 173 linguistic groups (ABSa, 2021; ABSb, 2021), and countless religious interpretations and practices, performing consultations with community as well as with victim-survivors directly was untenable within this timeframe. When conducting consultations with family violence victim-survivors, a large amount of time and care must go into the consultation process to ensure that victim-survivors are comfortable, participating on their own terms, and that the experience is personally and culturally safe for them. There are additional complexities involved in engaging with victim-survivors from Muslim communities which require meaningful engagement before consultation can be achieved. These include language and cultural considerations, but they also include logistical considerations such as travel and caring responsibilities. Muslim women and children's experiences of coercive control are unique, complex, and intersect with experiences of individual and structural discrimination which bars them from equitable access to supports. It is these voices that are most needed to inform policy such as this, and yet it is also these voices which are frequently left out of the discussion. In this case, they have been unable to contribute due to the structure of the process and the limited timeframe given.

This submission should therefore be viewed as our preliminary position on coercive control, based upon our organisation's 30+ years of experience working from and within Muslim communities and with Muslim family violence victim-survivors. In the near future, consultations with Muslim men, women, and children will inform a more comprehensive position on what coercive control looks like in our communities, and the most appropriate method for addressing this issue. This position will be grounded in direct engagement with Muslim communities and in particular, victim-survivors who have experienced coercive control.

While Muslim women share many of the systemic issues related to their experiences of coercive control with other migrant women, First Nations communities, and marginalised identities, these systemic issues present in different ways in relation to various structures of power and control. For Muslim women, this includes a layer of Islamophobia and politicisation of Islam and Muslims that exists within Australian society and institutions, as well as on a global scale. It is hoped that this submission reflects the intersectional lens with which we do our work at the AMWCHR – both in relation to our own communities’ unique and complex positions and experiences, but also how those experiences mirror as well as diverge from that of other minorities.

In light of the pre-determined structure of this submission, we would like to preface this paper with what we view as the most important points and recommendations. It is these key issues that should be kept in mind as you read this document:

1. Principle 5, ‘Lived Experience’ speaks of the importance of ensuring that the lived experience of victim-survivors, including children and young people, informs policies and solutions to address coercive control. This consultation process in itself is not conducive to incorporating feedback from those with lived experience due to the short timeframe under which engagement with Muslim victim-survivors was not possible. This is something that should have been foreseen by the Attorney General’s Department. This oversight diminishes the strength of the Principles and this process in its entirety, and undermines the seriousness of taking a criminalising and punitive rather than a rehabilitative and preventative approach to such a pertinent issue impacting our communities.
2. The draft Principles require an new Principle in between number 6 (‘Coordinated Response’) and 7 (‘Criminalisation of Coercive Control’). This additional Principle should relate to alternatives to criminalisation and punitive measures and focus instead on a more holistic method for prevention and responding to coercive control. This includes survivor-led recovery initiatives, culturally responsive family therapy models, and culturally-relevant behavioural change programs that create long-term community safety.
3. The individual National Principles are not well integrated with one another. Each principle appears siloed as a feature of or response to coercive control. This is particularly apparent with regards to the impacts of discrimination and inequality on experiences, impacts, and responses to coercive control. The Principles would be more effective with each issue connected to the others. For instance, ‘Impacts’ could include more information on how a lack of coordination in addressing coercive control exacerbates the consequences for victim-survivors, particularly those from marginalised communities. Likewise, ‘Community Understanding’ could include information on why there exists deep disagreement across the FV sector, law enforcement, and community on whether criminalisation is an effective or appropriate response to coercive control. Without a high level of integration, Principles which reflect experiences of discrimination, inequality, and lived experience appear as an afterthought which stands alone from the core Principles.
4. The Principles do not mention one of if not the primary issue and barrier to safety for the AMWCHR’s clients – a lack of culturally safe and affordable housing. To not highlight this issue

within Principle 6 ('Coordinated Response') is an oversight. Ensuring that victim-survivors are able to leave an abusive situation is far more important than giving them the opportunity to pursue criminal charges. The Principles should be strong in advocating for comprehensive investment in crisis, short-term, and long-term housing Australia-wide to ensure that victim-survivors have the option of leaving the violent situation in the first place, or are not forced to return due to a lack of safe and secure accommodation.

## National Principle 1: Common Features

Creating a definition of coercive control that is reflective of the experiences of victim-survivors from all cultural, religious, ethnic, and socioeconomic backgrounds, and which covers experiences related to race, gender, sexuality, disability, and other marginalised identities, is a difficult task. Muslim women's experiences of coercive control intersect with victim-survivors' experiences more broadly, and have similarities to other minority communities including migrant and refugee women. At the same time, there are some types of coercive control which present uniquely or are only experienced by Muslim women – including migrant and refugee Muslim women – and their families, or which have specific repercussions for Muslim women. These include types of coercive control related to their culture, faith, community, and position in the broader Australian society. To frame this submission and how the Principles can better reflect and address coercive control and its impacts on Muslim communities, it is important to be aware of the many different ways coercive control can manifest within various cultural, religious, and ethnic groups. The non-exhaustive lists of types of coercive control below are demonstrative of the insidious nature of this type of abuse and the pitfalls of any response that attempts to take a generalist or broad reaching approach.

### *Examples of coercive control tactics Muslim women and children may experience*

- Surveillance, social control, and isolation
- Denying right to work or study
- Systems abuse – e.g., actual or threats of misidentification to police, mental health services, family court, child protective services (CPS).
- Using misidentification to instil fear in the victim-survivor around losing access to children.
- Making decisions around how the victim-survivor dresses. This can include general clothing but also clothing tied to religious or cultural practice – e.g., compelling the victim-survivor to wear a hijab or to take off their hijab
- Threats towards extended family members in Australia or abroad
- Making decisions around education – including religious education – of children which go against the wishes of the victim-survivor
- Prohibiting women from engaging with their culture
- Marriage-related abuse (e.g., forced marriage, pressure to or threats of entering into a polygynous marriage, pressure to marry off a child)
- Coercion by kinship networks – e.g., from in-laws and extended family
- Threats to disclose or share private information or content with community and family. This may include information related to sexuality, gender identity, parenting, partnering, substance use or addiction, mental health issues, religious or cultural practice or interpretation, or sexually explicit photos or videos filmed with or without consent

- Spiritual abuse and weaponising religion to justify:
  - Denial of religious divorce
  - Physical abuse
  - Devaluing women through denigrating her role of wife, mother, daughter
  - Sexual coercion – sex as a religious or marital obligation
  - Reproductive control
  - Financial abuse
  - Prevention or force in practice of religion, including children’s religious practice
  - Denying access to health care, medication, and therapy.

*Additional examples of coercive control experienced by Muslim women and children who are also migrants or refugees*

- Not permitting women to attend English classes
- Threats to send children, parents, family members, or the victim-survivor themselves back to country of origin
- Using a person’s visa status to coerce them into staying in the violent situation through lies and deception, or through taking advantage of the very real scarcity of legal support available for migrant and refugee women
- Threats to withhold or withdraw visa sponsorship of the victim-survivor’s family members to coerce them into staying in or returning to the abusive relationship
- Systems abuse, particularly where the person using violence is taking advantage of a victim-survivor’s limited knowledge of Australian systems and laws

Experiences of coercive control, and identification of what is considered to be coercive control is not only cultural, but individual too. A person’s experience of coercive control may include behaviours which are ostensibly innocuous to onlookers – such as a comment or a certain look – but to the victim-survivor, indicate severe risk or an imminent threat. Conversely, behaviours which may be perceived by outsiders as controlling – such as a husband deciding which school to send their children to – may in fact be a part of normal parental negotiation and compromise. This is especially true where one parent may make more decisions in a certain realm of life, while the other parent may have more authority in another. This is why it is not only important to understand cultural and individual contexts and personal assessments of the situation, but also to view coercive control as a pattern of control to ensure that certain individuals and communities are not misinterpreted as condoning or engaging in abusive behaviours.

With regards to a common understanding of the drivers of coercive control, there are specific cultural and social contexts for people using coercive control from Muslim communities which are not reflected in the Principles. There is little acknowledgement of the impacts of direct and intergenerational trauma resulting from displacement, conflict, and the related impacts that seeking asylum in Australia can have on a family’s socioeconomic position. It is important to acknowledge this context as it contributes to victim-survivors’ experiences of coercive control as well as Muslim communities’ need for tailored, specialist prevention and behavioural change programs that speak to these experiences and cultural contexts.

**Recommendation 1:** That the Principles be altered to include a more comprehensive description of features of coercive control, including those commonly experienced by Muslim, migrant, and refugee women and children.

## National Principle 2: Impacts

Like with the common features of coercive control, there are specific impacts of coercive control which present uniquely or which have exacerbated consequences for Muslim women and within Muslim communities. Due to the many systemic forms of discrimination impacting Muslim women, experiencing coercive control can create embedded disadvantage where Muslim women, children, and families face repercussions across various areas of their lives. These repercussions intersect with experiences of discrimination – including racism, Islamophobia, and sexism – marginalisation, financial insecurity, housing insecurity, mental and physical health, and equitable participation in Australian society. It is important when describing the impacts of coercive control within the Principles that these diverse experiences are reflected, and that any attempts to address and mitigate these impacts include sufficient provisions to support Muslim communities to lead the way in family violence response within their communities. It is also important to note that some of these impacts are likewise experienced by other marginalised communities – in particular migrant and refugee victim-survivors broadly. Addressing the structural discrimination which causes or exacerbates the impacts of victim-survivors for minority communities must be survivor-led, culturally appropriate, and tailored to suit each individual community's needs. For Muslim women, this includes the prioritisation of culturally appropriate housing, financial and material aid, and access to specialised support. The following sections detail some of the social, financial, and personal impacts of coercive control that Muslim victim-survivors experience.

### *Social impacts*

Muslim women, like victim-survivors from other communities, experience many social consequences related to coercive control which can impact connection to their culture and community and their contribution and participation in Australian society more broadly. These social impacts can trap victim-survivors in abusive situations due to isolation, a lack of support systems, or collusion from community and family members. For Muslim women specifically, the social consequences of coercive control may include shame and stigma related to reporting, especially in situations where they may be ostracised from their family and/or community. Some women may be forced to make a choice between their community and their safety.

In cases where victim-survivors are able to leave the abusive situation, they may experience negative social consequences related to divorce and separation. Like within the broader Australian society, divorce-related stigma still exists in Muslim communities. This stigma can combine with divorce-related abuse and religious practices, leaving religious divorce unattainable for some victim-survivors. Although divorce is permitted in Islam - particularly in cases of abuse - there can be complexities around the process. These include the financial burden associated with Islamic divorce and variations in divorce processes according to theological sect and jurisprudential school. At the same time, the process for disclosure of information regarding the breakdown of the marriage to male religious leaders can be challenging at best and traumatising at worst. Victim-survivors may be

required to travel abroad to attempt to obtain a divorce from within their home country, or pay exorbitant fees for the religious divorce to be issued. Divorce in itself can also be used as a mechanism for coercive control where people using violence and religious leaders can collude to deny the victim-survivor a religious divorce. This can have severe consequences for the victim-survivor, particularly if a religious divorce is something which is vital for their own religious and spiritual wellbeing.

Another significant social impact of coercive control is isolation. People who use violence will often deliberately isolate victim-survivors from friends, family, and community to punish and control victim-survivors as well as to foster dependence through the removal of vital support systems. For Muslim women, isolation from friends, family, and community networks may be particularly traumatising if there has been a history of separation due to displacement related to seeking asylum. Isolation from community can also mean isolation from cultural and linguistic connection. Many Muslim women retain strong ties to their culture, traditions and diasporic community, and separation from community members and cultural activities can severely damage a central part of Muslim women's personal identities. In these cases, isolation can have particularly damaging consequences for victim-survivors' mental health. Isolation as a tactic of coercive control also compounds victim-survivors' experiences of abuse through physical and emotional separation from networks of support which can facilitate safety and wellbeing.

The AMWCHR's settlement caseworkers have seen firsthand the impacts of settlement-related struggles combined with experiences of coercive control. For victim-survivors who have recently arrived in Australia, the risk of isolation as a result of settlement is already high. People who use violence may take advantage of a victim-survivor's limited knowledge of Australian systems and lack of established community or social capital to maintain power and control. The impacts of this level of abuse can be severe. Victim-survivors' settlement journeys and the difficulties that often go along with establishing community and gaining knowledge of a new country's culture and systems may be prolonged, compounding any pre-existing trauma that may exist.

The social impacts of coercive control for Muslim women intersect with Muslim women's experiences of exclusion and discrimination more broadly. Muslim women who are isolated by coercive control are unable to access community support, but are also disadvantaged by service gaps for specialist FV services. This can place Muslim women at high risk of severe forms of abuse and coercive control.

### *Financial impacts*

The financial impacts related to coercive control can be direct as well as indirect. Victim-survivors who have experienced financial abuse, or who have been restricted from seeking employment, face significant barriers to safety related to the financial insecurity associated with leaving the abusive situation. For Muslim women, particularly those who are refugees, on insecure visas, and/or speak languages other than English, the financial impacts of coercive control can be compounded by a multitude of socioeconomic factors. These factors relate to experiences of migration, displacement, discrimination, unemployment and under employment, and systemic barriers to economic security including visa restrictions and accessibility to affordable housing or transportation.



Our caseworkers at the AMWCHR consistently site a lack of affordable and safe housing as a key impediment to safety for victim-survivors from Muslim communities. This urgent need is reflected on a national level, and Australia's recently released *National Plan to End Violence against Women and Children 2022-2032* cites housing as essential to ending violence against women and children (DSS, 2022). Women and children who had experienced FV made up 42% of Specialist Homelessness Services clients in 2020-21 (AIHW, 2022), while 7000 women each year return to violent homes because they have no place to live (Equity Economics, 2021). Muslim communities – and in particular refugee communities – are already at greater risk of poverty and homelessness (Hassan, 2018; RDA, 2021), and for the women that the AMWCHR supports, there are additional impediments to accessing safe and secure housing following the departure from an unsafe home.

Our caseworkers routinely support clients who are experiencing homelessness and housing insecurity both with accessing accommodation or with responding to evictions. The lack of affordable housing in Australia leaves victim-survivors unable to retain safe housing or access it in the first instance. Many of our clients are on Centrelink, Status Resolution Supports Services (SRSS) payments, or are ineligible for any government support due to visa restrictions. In addition to this, chronic health and disability, and child caring responsibilities can mean that in cases where opportunities were not marred by discrimination and structural barriers, employment remains untenable. Lack of rental or employment history in an Australian context also makes migrant and refugee victim-survivors vulnerable to being denied properties amidst an increasingly competitive rental market. The financial burdens our clients experience both as a result of coercive control as well as structural barriers to financial security, including punitive visa restrictions and insufficient social support payments, can mean that many victim-survivors must choose between an unsafe home for themselves and their children, or homelessness and poverty.

Financial impacts of coercive control can also relate to cultural and religious traditions surrounding *mahr* (marriage gift given from the husband/husband's family to the bride). In Islam, women have a right to obtain *mahr* upon marriage, and to maintain control over any assets given in the form of *mahr*. In some cases, where a bride seeks a divorce before the *mahr* has been paid, the husband may withhold consent to an Islamic divorce until the wife forgoes the gift she is owed. In other cases where the *mahr* has already been paid – and in some cases spent – the victim-survivor's family may be pressured or forced to repay the sum in exchange for the divorce. This is a manipulation of Muslim women's religious rights for the purpose of maintaining control over the victim-survivor and to cause deliberate financial hardship for both the victim-survivor and their family.

### *Mental and physical health impacts*

For many victim-survivors accessing our casework services, their experiences of coercive control exist alongside mental and physical health conditions which are caused, exacerbated by, or compounded by the abuse.

A significant amount of the research on diverse communities' experiences of health are not disaggregated by religion, culture, or ethnicity. Instead, Muslim health data is gathered under the Culturally and Linguistically Diverse (CALD) umbrella. Increased research on health outcomes and experiences of Muslim Australians at a national level is needed. However, what we do know is that CALD women broadly are more likely to have chronic illnesses including mental health conditions,

while refugee women have rates of PTSD of up to 50% (Masters et al., 2018; Khatru & Assefa, 2022; Shawyer et al., 2017; MHIMA, 2014). Anxiety, depression, and stress-related physiological symptoms are high among refugee women from conflict-affected countries, and mental health issues are the most prevalent in the initial years of settlement (Khatru & Assefa, 2022).

This pre-existing health inequity leaves Muslim women – and refugee women broadly – prone to prolonged physical and mental health conditions. Where victim-survivors are also prevented from accessing healthcare either as a result of the abuse they are experiencing, or because visa restrictions deny access to Medicare and leave healthcare prohibitively expensive, these conditions can become exacerbated.

For those who are able to access healthcare, a lack of culturally-appropriate services can mean that health needs go unaddressed. Language barriers, literacy in understanding mental health and identifying health issues, service gaps, discrimination and stigma can impact Muslim victim-survivors' treatment and recovery for conditions related to, exacerbated by, or compounded by the abuse. There is a significant need for FV and healthcare services that recognise the compounding effects of coercive control on Muslim women's physical and mental health, and which can provide inclusive and integrative care for those with complex health needs.

### *Visa-related impacts*

For migrant and refugee Muslim women, experiencing coercive control may impact their migration status and security. Although there are legal protections in cases where FV affects visa obligations, in practice, many victim-survivors are unable to access legal supports to assist them with visa-related issues. In other cases, visa restrictions can limit a victim-survivors' autonomy and ability to choose their response to the coercive control. For example, victim-survivors who are on spousal visas have the right to transfer to other visa classes which are not linked to the person using violence, provided the victim-survivor can demonstrate they have experienced abuse. In practice, however, the courts often require a high threshold of evidence for the experience of FV– in most cases, an Intervention Order (**IVO**). This can raise issues for migrant victim-survivors, as they may not wish to take out an IVO on their partner, particularly if they fear doing so will risk their partner's own visa status. Victim-survivors may have many personal, practical, or even cultural and religious reasons for not wishing to take out an IVO on their abusive partner which are not accommodated within Australian systems. Reasons may include a fear of backlash from family and community, financial reliance on the person using violence, or the desire to maintain contact between the father and children.

In other cases, victim-survivors may simply be unaware that there are avenues to independent visas due to a lack of effective and linguistically relevant messaging from government, or due to the abuse itself where the person using violence has deliberately misinformed the victim-survivor about the existence of protections for people experiencing abuse.

It is important that victim-survivors have the ability to make autonomous choices, rather than have these choices made for them by systems which are unable to recognise the complexity of their experiences and position. It is also important that migrant and refugee Muslim women have access both to the information to make an informed decision with respect to the abuse they are

experiencing and their visa, as well as to legal services that can assist them in executing those decisions.

**Recommendation 2:** That Principle 2 is expanded to include further details on how experiences of systemic and individual discrimination and inequality can compound the impacts of coercive control. In particular, the Principles should emphasise the financial impacts of coercive control as both a barrier to safety as well as a pathway to entrenched disadvantage, poverty, and homelessness.

### National Principle 3: Community Understanding

The AMWCHR agrees with the draft Principles that coercive control and the behaviours that fall under coercive control are less widely understood as forms of family violence across the sector and community. The courts, police, government, and community have a very narrow understanding of coercive control which is not fully inclusive of Muslim women and children's experiences. This limited understanding impacts all levels of FV response and can lead to harmful outcomes for Muslim victim-survivors.

Although no research has been done to give data on Australian Muslim communities' understanding of coercive control specifically, it is a form of abuse which remains common across FV cases that present to our service. In some situations – as the draft Principles note – victim-survivors may not understand that what they are experiencing is a form of FV. This can be due to a lack of exposure to education, lack of exposure to what constitutes FV, normalisation of abusive behaviour through experiences of FV in country of origin, certain cultural practices and interpretations of religion, gaps in support services, or a deliberate tactic by the abuser to obfuscate the seriousness of their behaviours. The AMWCHR agrees that a more comprehensive understanding of the nature, impacts and prevalence of coercive control across Australian society is beneficial. However, education for Muslim communities must be led by Muslim communities. Specialised services such as the AMWCHR should be leading in the delivery of preventative education to Muslim communities, especially young people, focussing on human rights and gender equality through a culturally meaningful and intersectional lens.

The AMWCHR also notes that the draft Principles have recognised that incorrect assumptions about victim-survivors have led to inconsistent responses. It would be pertinent here to highlight that this inconsistent response links to Principle 4, 'The Effects of Discrimination and Inequality', as the assumptions about victim-survivors mentioned is a key cause of misidentification of the primary aggressor. This is due to an incorrect belief within law enforcement and court systems that victim-survivors are passive victims who will not use physical force or verbal aggression in self-defence. However, it is also caused by other assumptions, stereotypes, and prejudices related to race, gender, religion, and other aspects of a person's identity. These assumptions disproportionately impact victim-survivors from diverse backgrounds including Muslim and migrant women, First Nations women, women of colour, and members of the LGBTQIA+ community (DSS, 2022). 'Community understanding' of coercive control relies upon community understanding of cultural and religious tradition, experiences of marginalisation and discrimination, and the ways in which Australian systems can become accomplices to the abuse.

**Recommendation 3:** That National Principle 3 includes a recognition of the impacts of individual and structural discrimination on community, legal system, law enforcement bodies, and courts' understanding of coercive control and its impacts, as well as the response.

**Recommendation 4:** That National Principle 3 endorses increased investment towards building and improving understanding of coercive control via community-led prevention and awareness raising initiatives, informed by lived experience of victim-survivors. These awareness-raising initiatives should target all genders and ages to establish a comprehensive understanding.

## National Principle 4: Effects of Discrimination and Inequality

Muslim women not only experience different types and impacts of coercive control due to discrimination and inequality, but also experience barriers to support. This discrimination and inequality is present across all areas of the FV continuum, from prevention, to early intervention, response, and recovery.

Most notably, Muslim women and children have limited access to culturally safe and competent family violence services, and also face discrimination and inequality within our legal system, from police, healthcare professionals, and government services such as child protection. Discrimination within our systems can be utilised by the person using violence to perform systems abuse on Muslim women and children. In cases where victim-survivors have limited knowledge of Australian systems – such as among women who are recent arrivals to Australia – there is a high risk of misidentification of the victim-survivor as the primary aggressor. The person using violence may take advantage of this lack of experience with Australian systems to intimidate, threaten, and manipulate victim-survivors.

These systems can also in themselves be a mechanism of coercive control whereby government agencies instil fear and exert control over victim-survivors related to the abuse they're experiencing. A common example of this seen by our caseworkers is where child protective services remove or threaten to remove children from the care of the victim-survivor when they perceive her to be accepting of the abuse. These are systems which are operating from a one-dimensional lens of unrealistic expectations, unfair pressure, and a lack of understanding or acknowledgement of the victim-survivors' experiences, perspectives, and parenting capabilities. These are systems which lack the intersectional approach required to support victim-survivors to manage their own situations and make their own autonomous decisions. They are also systems which fail to acknowledge that for many victim-survivors including children, the reality of leaving a violent situation to face poverty, housing insecurity or homelessness, and disconnection from family and community, may be higher risk or more traumatic than staying in the home. Victim-survivors require culturally-appropriate support to facilitate their safety, rather than punishment from systems which compound the negative consequences of abuse. This is a systemic issue which requires resources to be redirected into tangible solutions for victim-survivors – housing, financial and material support, and specialist services – to better ensure they are not placed in a position where staying in a dangerous house is preferable to leaving.

Although the draft National Principles have included this important section on the effects of discrimination and inequality, this Principle would be stronger if better reflected through its integration into and connection with other Principles. It would also be stronger with greater recognition of the ways in which the systems themselves, as a result of entrenched discrimination and inequality, can retraumatise victim-survivors and compound the impacts of coercive control.

**Recommendation 5:** That Principle 4 includes emphasis on how responses to coercive control must include resources to address the inherent inequality and disadvantage within Australian systems. Most urgently, how financial and housing insecurity can trap victim-survivors in dangerous situations.

**Recommendation 6:** That Principle 4 is better integrated into and reflected within all other Principles.

## National Principle 5: Lived Experience

Creating an effective response to coercive control requires working alongside victim-survivors, including young people. As the Principles note, ‘Victim-survivors who are impacted by coercive control have specific expertise that comes from lived experience. They have first-hand knowledge of the strengths and weaknesses of systems and initiatives that are intended to support them’. This is an attitude that is reflected in the work we do at the AMWCHR, particularly when it comes to supporting clients who have experienced family violence. We place high importance on ensuring that our programs and services are based on community-need, and informed by consultation with Muslim women, young people, and families.

During this submission process, however, we were unable to perform our own consultations with victim-survivors. The short timeframe given for this submission left us with no ability to organise and carry out interviews or focus groups with Muslim women who have experienced coercive control. For any victim-survivor, but specifically for victim-survivors from Muslim communities, consultation processes must be personally, psychologically as well as culturally safe. They must not place victim-survivors under pressure to speak about traumatic experiences nor contribute to re-traumatisation, they must not create any renewed risk, while also considering various work, community, and family commitments including caring responsibilities. It is particularly important to better understand Muslim women’s experiences of coercive control and how it intersects with experiences of individual and structural discrimination which bars them from equitable access to supports. It is these voices that are most needed to inform policy such as this, and yet it is also these voices which are frequently left out of the discussion.

Although the AMWCHR has a high level of existing organisational expertise, experience, and understanding of Muslim communities’ experiences of coercive control with over 30 years’ experience as a specialised service, to truly incorporate lived experience into the National Principles requires direct consultation with Muslim victim-survivors. The Attorney-General’s Department’s oversight in allowing for the time required to carry out these consultations suggests that more internal Department experience working alongside victim-survivors and specialist service providers

prior to the release of the consultation papers would benefit the consultation process and consequently the policies themselves.

**Recommendation 7:** That the Attorney General’s Department engage in further consultations on the draft Principles before their finalisation and release to better incorporate lived experience, including the lived experiences of Muslim victim-survivors and other minority groups with adequate resources to support this more inclusive and time sensitive process.

## National Principle 6: Coordinated Approach to Prevention, Early Intervention, Response & Recovery

Muslim victim-survivors’ experiences of coercive control exist within layers of cultural, religious, and social expectations around roles within family, community, and broader society. With the addition of trauma associated with displacement, marginalisation, economic disadvantage and exclusion, Muslim women – along with many other migrant and refugee women – are additionally vulnerable to feeling they must accept this power and control in their lives because alternatives are inadequate or non-existent.

The reality that staying in the violent situation can in some cases be preferable to leaving continues due to ineffective, inconsistent, and under-resourced national and state responses for FV including the issue of coercive control. A coordinated approach across the FV continuum is indeed needed. In the immediate term, this approach should prioritise the provision of housing and sustainable financial aid to victim-survivors to support them in their ability to make autonomous decisions unrestricted by financial barriers to safety.

In addition to housing and support for victim-survivors, communities require tailored prevention measures that are effective for the groups that they are catering to. Coercive control prevention within Muslim communities, for example, must be led by Muslim communities with a focus on human rights and gender equality through a culturally meaningful and intersectional lens. A coordinated response also requires that Australian systems commit to integrating intersectional policies and practices into their services. It is the AMWCHR’s position that within the broader FV service sector, police, and the criminal justice system, there is little understanding of the complexity that goes along with Muslim victim-survivors’ chosen responses to their experiences of FV. Without comprehensive understanding of coercive control and its specific manifestations and impacts for Muslim women, as well as the incorporation of these experiences and manifestations into risk assessment and management protocols, there are no ways to ensure Muslim women’s safety prior to severe escalation. Family violence services, police, judges, healthcare workers, lawyers, child protection officers etc. all require extensive training to address a severe lack of cultural understanding and to counteract individual and systemic discrimination against not only Muslim victim-survivors, but also Muslim people who use violence.

Any effective response to coercive control must include an emphasis on rehabilitation for those who choose to use coercive and controlling tactics. Currently in Australia, rehabilitation and behavioural change programs for Muslim men are non-existent, underfunded, or inappropriate for their needs.

The current system where people who use violence are criminalised, punished, and in some cases dehumanised, is both unsustainable and ineffective. It is also not functioning in its aim of providing safety for victim-survivors and their families. A very large proportion of the people using violence and who then move through the justice system are recidivist offenders (Hulme, Morgan & Boxall, 2019). This shows that the current criminal justice system and carceral approach is failing in its endeavours to rehabilitate people who use violence against family members. While there is no excuse for using violence or abusing others, people who do so must be supported to change their behaviour to ensure that future abuse is prevented and to allow for their safe return to the community.

In recognition of the central need for a more holistic framework for addressing coercive control, it is the AMWCHR's belief that there should be an additional Principle following Principle 6, 'Coordinated Approach'. This additional Principle should relate to alternatives to criminalisation and focus on community care with methods for preventing and responding to coercive control which do not rely on punitive measures. This additional principle should emphasise:

- Expanding the availability of support services including culturally appropriate, sustainable, and secure housing, as well as material/financial aid, so that victim-survivors are not trapped in abusive situations. We believe that this will be a significantly more effective way to prevent coercive control than offering victim-survivors the opportunity to pursue criminal charges.
- Survivor-led response and recovery initiatives that support individuals to regain autonomy over their own lives.
- Behavioural change for persons using violence that are culturally-relevant and which focus on long-term positive changes while maintaining the safety of victim-survivors and community.

The additional Principle should also emphasise the importance of working from and within communities through the support and funding of community-led services including the AMWCHR, Aboriginal-led organisations, and other specialist services with deeply embedded community connections. These organisations have the knowledge and understanding of how to best prevent FV in their communities, support behavioural change, and uphold the rights and safety of victim-survivors.

**Recommendation 8:** That Principle 6 highlights the critical need for extensive investment in crisis, short-term, and long-term housing as well as financial and material support for victim-survivors.

**Recommendation 9:** That the Principles include an additional Principle related to holistic, community-led, and non-punitive or carceral responses to coercive control that focuses on alternatives to criminalisation and long-term rehabilitation.

## National Principle 7: Criminalisation of Coercive Control

In recent years, the criminalisation of coercive control has been a topic of intense public debate. As an organisation with a strong awareness of how the criminal justice system and Australian systems more broadly can disproportionately target and impact certain groups, the AMWCHR has been watching these discussions with apprehension. These draft Principles have again confirmed that



criminalisation appears to be a forgone conclusion in some government departments, jurisdictions, and bodies. Two Principles dedicated to criminalisation of coercive control while none are dedicated solely to alternative measures indicates that criminalisation is something that the Federal Government views as the most effective – or at least the most likely – response. The AMWCHR strongly disagrees. In Australia, we have well-documented records of how marginalised communities are mistreated by the criminal justice system. This is particularly the case for First Nations communities (VALS, 2022; Sisters Inside, 2018; Doherty, 2021; O’Brien, 2021), while Muslim communities are also overpoliced, surveilled, and targeted (Akbarzadeh, 2020; Rashid, 2011; Ibrahim, 2020; Tufail & Poynting, 2013). It is our view that criminalisation is a blunt tool that exists within a system which is already ill-equipped to support and provide justice for Muslim victim-survivors, nor facilitate behavioural change for people who use violence.

The two Principles related to criminalisation of coercive control exist in a context not only of systems entrenched with inequality, but also a context where defining what coercive control is, how it presents, and its impacts is not widely understood. It is the AMWCHR’s belief that rather than a focus on criminalisation, the National Principles should instead place more emphasis on principles which highlight non-punitive, community-led prevention and response measures with a focus on education, specialist support for recovery, and behavioural change. Again, this would be best reflected through the inclusion of an additional Principle which outlines alternatives to criminalisation.

As it stands, the inclusion of two Principles related to coercive control at the expense of Principles providing alternative responses gives license to states and territories to move forward with criminalisation in spite of the many negative repercussions. Although there needs to be protections and safeguards for victim-survivors, and the AMWCHR recognises that there are many victim-survivors who do wish to see the person using coercive control enter the criminal justice system, the system as it currently functions does not provide justice for victim-survivors nor does it rehabilitate people who use violence. The criminalisation of coercive control within such a system will be ineffective at best, and harmful at worst.

**Recommendation 10:** It is the AMWCHR’s recommendation that Principle 7 is changed to reflect the urgent need for states and territories to collaborate and consult with individuals and organisations from diverse communities when responding to coercive control, prior to and instead of any movement towards criminalisation.

## National Principle 8: Unintended Consequences of Criminalisation

The draft National Principles recognise that criminalisation of coercive control has many unintended consequences, particularly for minority communities. Misidentification of the primary aggressor, systems abuse, and overrepresentation of specific communities are highlighted as potential negative outcomes resulting from the criminalisation of coercive control. There are, however, some key ways that criminalisation impacts Muslim communities which are not reflected in the Principles, but which are important when creating a national policy to address coercive control.

It is our belief that Principle 8 is not reflective of the level of trauma associated with the targeting and overpolicing of Muslim communities, and the impact that this would have on the effectiveness



of criminalising coercive control. We anticipate that criminalisation would place a heavy burden on Muslim women, who will face additional pressure from law enforcement, child protection, and FV services to pursue criminal charges. At the same time, victim-survivors may also face family and community pressure to not pursue charges. In our experience with clients who come through our casework services, there are often fears around police and child custody involvement. Often, charges do not result in safety or justice for the victim-survivor and their children, but do have significant repercussions for family and children, visa security, and financial security (where the person using coercive control is financially responsible for the family). There is a high level of trauma associated with interactions with police and the legal system. The consequences of disclosing coercive control once criminalised – harrowing involvement with child protection, homelessness, poverty and isolation from community and family – will mean Muslim women have further cause to not come forward.

In addition to being misidentified as the primary aggressor by the person using violence, some Muslim women who seek the AMWCHR's casework services are also victims of misidentification in child abuse cases. This misidentification can occur on the basis of false reporting to child protective services, but it can also continue by the services themselves. When there are low levels of cultural literacy within child protective services and other government agencies who intervene in abuse cases, marginalised communities and individuals are most at risk of misidentification. In worst case scenarios, this can result in Muslim children being removed from their homes and placed in out of home care. The criminalisation of coercive control has the potential to increase incidents of misidentification of child abuse, with Muslim children and families at high risk of being victimised by the state at a detrimental cost to both the parent and child's wellbeing, sense of identity, connection to culture and community, and personal safety.

One of the most important aspects of the FV service that the AMWCHR offers is supporting clients to reclaim autonomy and independence within their own lives. It is clear, based on our knowledge of how the criminal justice system operates with respect to Muslim communities, that the criminalisation of coercive control has the potential to undermine that autonomy and independence by placing pressure on victim-survivors, criminalising their communities, leaving them at risk of misidentification, and exposing them to financial precarity. Rather than a focus on punitive measures that target marginalised communities and do not provide positive outcomes for victim-survivors, the AMWCHR advocates for avenues for supporting the victim-survivor and the person using violence to prevent abuse going forward. This includes trauma-informed, culturally-appropriate prevention and support initiatives.

**Recommendation 11:** To reflect this prioritisation of holistic and restorative prevention and response methods, it is the AMWCHR's recommendation that Principle 8 is changed to reflect the additional unintended consequences of criminalisation listed herein, and that the Principle emphasises that criminalisation is an undesired response to coercive control.

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