

Building Bridges:
Domestic Violence, Culture, Religion, and the Law

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Publications from this Research

Chapter 4 is a revised version of the article that was published in 2022: Mary Manickam, ‘The Sacred, the Secular, and Intimate Partner Violence: An Unlikely Partnership?’ (2022) 259 *St Mark’s Review* 55.

This article, of which I am the sole author, contains original research I conducted during the period of my higher degree by research candidature.

Chapter 4 contains minor changes to the original published version for the purposes of this thesis.

Abstract

A church that teaches must first be a church that listens. Yet studies indicate religion is the ‘missing link’ in domestic violence discourse; religion tends to treat such violence as a private affair. Far from domestic violence victims raising their religious beliefs in seeking assistance, such beliefs are generally misinterpreted and exploited by the perpetrators to justify the abuse. Research has repeatedly demonstrated that women are encouraged, if not forced, by those beliefs to uphold the sanctity of a happy marriage and family life notwithstanding the abuse.

Trapped between a church that is shrouded in ‘holy hush’ in the face of domestic violence among its congregations and secular service providers that are unwilling to work with the victims for lack of understanding and resources, further conflicted between their faith and abuse, these women suffer in silence. This is a flaw in the system that continues either to turn a blind eye to this abuse, or to be completely oblivious to the woes of these victims. While the needs of these victims are ever present, religion and secular service providers view each other with distrust and suspicion.

This thesis seeks to establish best practice in providing services to Christian domestic violence victims. The thesis proposes that specialised social workers with pastoral care qualifications should be located in secular domestic violence services; this would set best practice in meeting both the religious and practical needs of victims. The thesis develops this model based upon interviews held with three cohorts: victim-survivors, domestic violence service providers and clergy. One of the salient findings emerging from these interviews is the under-identification of a victim’s faith—current service providers seem to ignore it entirely as a component of risk assessment.

Building on the National Plan to End Violence Against Women and Children 2022–2032 the thesis outlines policy and law reforms enabling collaboration and defining best practice that would lead to a coordinated community response to Christian victims of domestic abuse. The thesis proposes a best-practice model for a chaplain-centred service in the form of a specialised social worker offering integrated faith-based and secular responses to domestic violence. Such as a policy, the thesis concludes, holds great potential to be replicated by other faith-based communities.

Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint award of this degree. I acknowledge that copyright of published works contained within this thesis resides with the copyright holder(s) of those works. I give permission for the digital version of my thesis to be made available on the web, via the University's digital research repository, the Library Search and also through web search engines, unless permission has been granted by the University to restrict access for a period of time. I acknowledge the support I have received for my research through the provision of an Australian Government Research Training Program Scholarship.

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Chapter 1

Introduction

Let us all make greater efforts to promote mothers and to protect women. How much violence is directed against women! Enough! To hurt a woman is to insult God, who from a woman took on our humanity—not through an angel, not directly, but through a woman.¹ (Pope Francis' New Year message, 1 January 2022)

1.1 Introduction

On the World Day of Peace in 2017, promoting the theme of non-violence in politics, Pope Francis shared that conflicts within families must be resolved in peaceful ways, rejecting the use of force and domestic violence:

If violence has its source in the human heart, then it is fundamental that nonviolence be practised before all else within families ... The family is the indispensable crucible in which spouses, parents and children, brothers and sisters, learn to communicate and to show generous concern for one another, and in which frictions and even conflicts have to be resolved not by force but by dialogue, respect, concern for the good of the other ... I plead with urgency for an end to domestic violence and to the abuse of women and children.²

Matthew 15:19 lends support to the Pope's assertion that evil thoughts including abuse arise from the heart, progress to evil words and eventuate in evil actions.³ Conversely, a gracious heart produces gracious thoughts which in turn produce gracious actions. The choice is ours. Given it is a matter of choice, it has been posited that violence is a learned behaviour.⁴ By extension, one can argue, so is domestic violence.

¹ Jane Clinton, 'Pope Calls for End to Violence against Women in New Year Message', *The Guardian* (online, 1 January 2022) <<https://www.theguardian.com/world/2022/jan/01/pope-calls-for-end-to-violence-against-women-in-new-year-message>>.

² 'Pope Francis's Message for World Day of Peace 2017', *Justice and Peace Office* (Web Page, 15 December 2016) <<https://justiceandpeace.org.au/pope-franciss-message-for-world-day-of-peace-2017/>>.

³ Matthew 15:19: 'For out of the heart come evil thoughts—murder, adultery, sexual immorality, theft, false testimony, slander'. 'Matthew 15:19: New International Version', *Bible Gateway* (Web Page, 2011) <<https://www.biblegateway.com/passage/?search=Matthew%2015%3A19&version=NIV>>.

⁴ Nancy Nason-Clark et al, *Religion and Intimate Partner Violence: Understanding the Challenges and Proposing Solutions* (Oxford University Press, 2017) 1.

Domestic violence arises from an imbalance of power where one party in an intimate relationship assumes and wields control over the other.⁵ It involves any acts or threats of acts that are physical, sexual, psychological, emotional, economical or even social against another.⁶ This includes coercive control, which could be a single act or a pattern of abusive behaviour designed to manifest power and dominance over the victim over time.⁷ Domestic violence is inflicted on the victim regardless of origin, age, colour, creed or socioeconomic status and it is the very representation of inequitable standing between men and women.⁸

Also known as domestic abuse or intimate partner violence, domestic violence is a plague. A global study between 2000 and 2018, encompassing 161 countries and constituting 90 per cent of the world's girls and women, indicates that one out of four women suffer domestic abuse in their lives.⁹ It reports that almost half of them located in the Oceania region including Australia, Fiji and New Zealand experience domestic violence, with 44 per cent in central sub-Saharan Africa and the least in central Europe and central Asia.¹⁰ Very often hidden and hushed, domestic violence strips away any vestige of dignity left in a woman, whilst she cowers in fear and shame, silently. It violates the right of women to feel safe from the clutches of abusive men in their own homes, supposedly a sacrosanct and safe haven.

Domestic violence was first recognised as a human rights issue on the global stage in 1995 during the Fourth World Conference on Women held in Beijing.¹¹ One suspects that such

⁵ 'What Is Domestic Abuse?', *United Nations* (Web Page) <<https://www.un.org/en/coronavirus/what-is-domestic-abuse>>.

⁶ Ibid.

⁷ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (Policy Document, 2022) 37.

⁸ 'What Is Domestic Abuse?' (n 5).

⁹ Adela Suliman, 'More than 1 in 4 Women Have Experienced Domestic Violence in Their Lifetimes, Global Study Finds', *Washington Post* (online, 17 February 2022) <<https://www.washingtonpost.com/health/2022/02/17/women-violence-domestic-abuse-who-lancet-study/>>.

¹⁰ Ibid. Sub-Saharan Africa includes Kenya, Sudan, Uganda, South Africa, Nigeria and Ethiopia; Central Europe includes Austria, Germany, Poland, the Czech Republic, Switzerland and Hungary. However, it is noted that there has been no unanimity on the exact countries that make up Central Europe: 'Central European Countries', *WorldAtlas* (Web Page, 18 April 2021) <<https://www.worldatlas.com/articles/which-countries-make-up-central-europe.html>>. Central Asian countries comprise Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan and Turkmenistan: 'Central Asia', *Encyclopedia Britannica* (Web Page, 2023) <<https://www.britannica.com/place/Central-Asia>>.

¹¹ Roslina Che Soh, Nora Abdul Hak and Norliah Ibrahim, 'Adequacy of Legislation in Protecting the Rights of Muslim Women Against Spousal Violence in Malaysia' (2012) 6(11) *Australian Journal of Basic and Applied Sciences* 319, 319.

acknowledgment was pertinent given that domestic abuse alone is reported to cost approximately \$4.4 trillion per year, equivalent to 5.2 per cent of the world's gross domestic product.¹² In Australia, research indicates that three-quarters of the costs of family violence, of which domestic violence is a subset, arise from its consequent mental health issues, including anxiety, depression, suicides or attempts, employment-related problems, homelessness and more.¹³ Though intimate partner violence is a gendered issue, this thesis postulates that its contagion effect touches everyone.

Considering that worldwide statistics indicate that women make up the majority of the victims,¹⁴ and in Australia they are three times more likely than men to experience partner violence,¹⁵ this thesis will focus on women as victims or victim-survivors, whilst acknowledging men share similar experiences albeit in lesser numbers.¹⁶ This thesis focusses on women who identify with a particular faith and are in a heterosexual relationship, married or otherwise, and applies the phrases 'domestic violence', 'domestic abuse' and 'intimate partner violence' interchangeably. Similarly, 'victims' or 'victim-survivors' will be used mutually to recognise that, notwithstanding their situation, women demonstrate fortitude and steadfastness in the face of adversity regardless of whether they have experienced or are still experiencing violence from their partners.¹⁷

This chapter provides a broad framework of the study before outlining the structure of the thesis. It commences with a brief background on the salient features that provide the framework, structure and content of the body of the research. It touches on the impact of culture, religion, and the law on domestic violence and the policy that is considered to minimise if not eradicate this scourge. Then it presents an overview of the chapters which introduce the

¹² Bjørn Lomborg, 'The Economics of Violence', *Project Syndicate* (Web Page, 17 September 2014) <<https://www.project-syndicate.org/commentary/bj-rn-lomborg-shows-that--in-terms-of-global-welfare-costs--wars-are-the-least-of-our-problem>>.

¹³ Manjula Datta O'Connor, *Daughters of Durga: Dowries, Gender Violence and Family in Australia* (Melbourne University Publishing, 2022) 154.

¹⁴ Lynnmarie Sardinha et al, 'Global, Regional, and National Prevalence Estimates of Physical or Sexual, or Both, Intimate Partner Violence against Women in 2018' (2022) 399(10327) *The Lancet* 803.

¹⁵ 'Understanding the Issue', *White Ribbon Australia* (Web Page, 2023) <<https://www.whiteribbon.org.au/Primary-Preventatives/Understanding-The-Cause>>.

¹⁶ Hayley Gleeson, 'Men with Nowhere to Run', *ABC News* (online, 1 September 2020) <<https://www.abc.net.au/news/2020-09-01/male-victims-of-domestic-violence-shame-stigma-support/12495738?nw=0>>

¹⁷ Department of Social Services (n 7) 134.

qualitative study. The conclusion proposes best practice to assist abused women who identify with the Christian faith.

1.2 Framework

This thesis argues that the interrelationship of domestic violence services, law, and religion offers a means of providing comprehensive and integrated services to women of faith, in particular Christian women, who are victims of intimate partner abuse. Yet what currently exists, far from an interrelationship, are walls dividing the three establishments, isolating them from one another, and failing to provide optimal support for those who need it most. The thesis further demonstrates that, for want of collaboration among these entities and lacking acute insight into the role and impact of faith, the ultimate casualties are women of faith who are experiencing domestic violence.

Proposing a means of allowing the interrelationship of domestic services, law, and religion to flourish paves the way for best practice in offering services to victims of abuse who identify with a particular faith. This thesis examines the possibility of the sacred (the church) and the secular (domestic violence services) bridging the gap and joining hands for a common cause for a cohort whom they are primarily responsible for. In line with this, it proposes that the incorporation of a specialised social worker with pastoral care qualifications in secular domestic violence services is best practice in meeting both the religious and practical needs of the victims under one roof.

This part turns now to four striking issues with which one must be familiar in order to understand how they impact a Christian woman experiencing domestic violence: patriarchy, culture, religion, and law.

1.2.1 Patriarchal Culture

This thesis demonstrates how patriarchy has dominated multiple cultures for centuries, leading to domestic violence in some cases. With men as the driving force in the relationship, some women, including highly educated women, readily accept their subordinate positions, internalising the entrenched belief that they are inferior to men. In addition to their hierarchical

location, these women bear the entire burden of upholding the sanctity of their marriage and family. Therefore, they maintain a charade of a happy family notwithstanding the abuse.

Patriarchal traditions amongst certain communities, namely patrilineality and patrilocality, appear to be significant contributors towards domestic violence. The cultural practice that inheritance is passed down through the male lineage and on marriage the young bride is expected to move into the husband's family appears to hasten the way for not only potential domestic abuse but also family violence from extended family members. Further to this, harmful cultural practices such as dowry and forced marriages subject women to increased violence from their spouses. Trapped within the maze of deep-seated cultural practices and traditions, victims suffer intimate partner violence silently. This silence is surreptitiously pervasive in religion as well.

1.2.2 Silence on Religion

The impact of religion on domestic violence is considered at length in this thesis. It shows how religion tends to be structured patriarchally, empowering men whilst seeking submission from women and perpetuating unequal relationships, leading to abuse. Throughout this thesis, religion is shown to be a 'missing link' in the discourse of domestic violence from every angle. The thesis will explore the loudest silence reverberating through certain churches as the clergy exhibit reluctance to address the issue among their congregations arising from their dearth of knowledge and experience. Focusing on the sanctity of marriage or family life over abuse, the clergy's hesitation tends to cause victims to withdraw deeper into their shells, inadvertently affecting their determination to seek help.

The absence of religion is notable in the delivery of service provision, be it by secular or faith-based domestic violence service providers, indicating ignorance of the importance of the role of faith for a religious victim in battling between her beliefs and the abuse she experiences. This failure demonstrates a startling lack of discernment, particularly by religious-based providers who, though claiming their service delivery is a manifestation of their religious teachings, were found to be not dissimilar from their secular counterparts in ensuring all of a victim's needs are met, save spiritual ones.

This thesis reveals the heightened presence of patriarchy both in culture and religion, which at times are so acutely intertwined that it is hard to distinguish them. But the fact remains: women are the ultimate victims. Accounting for the impact of culture and religion, this thesis then turns to law, anticipating provisions of assistance to women of faith experiencing domestic violence, only to face challenges embedded within the law itself.

1.2.3 Law

This thesis also examines the paradoxical role of law in empowering the perpetrators instead of the victims, and its complexities in addressing domestic violence. It begins by exploring ancient religious laws that present contradictions such as the Hindu laws in the Smritis, which uphold women on one hand, but simultaneously construct and demand an image of a model pious and virtuous wife shouldering the happiness of the entire family including her husband's karma. The concept of karma flows into Buddhism, with women being regarded as karmically inferior resulting from wrongdoings in their previous lives. It even excuses a perpetrator for his abusive behaviour. The thesis also considers religious laws contained in the Bible, the Koran and the Torah, which place a monumental obligation upon women to maintain peace and harmony in the family, commanding submission, incorporating abuse and subscribing to the idea that women are subservient to men.

The thesis assesses and compares contemporary domestic violence legislation in selected nations. Countries governed by fundamentalist extreme beliefs such as Iran and Pakistan appear to severely erode the rights of women, magnifying the imbalance of power between the genders. Their respective legislation endorses the disparity, providing almost no protection for women who are victims of domestic abuse. As the thesis progresses to focus on similar selected legislation across Australia, it discovers that advanced nations like India have incorporated reforms in their laws to safeguard victims that are not even found here. The thesis further reveals that, whilst Australia is continuously reviewing domestic violence legislation to enhance protection for women, some legislation unintentionally produces more harm than good. The *Migration Act 1958* (Cth), studied comprehensively in Chapter 3, is a case in point.

In view of the discrepancies uncovered in the legislation, the thesis turns to an assessment of the protection for women contained in existing policies.

1.3 Policy

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) notes in its preamble that any prejudicial treatment of women is tantamount to a barrier to their participation in the development of themselves, their family and society at large.¹⁸ The convention stresses that, to attain full equality, a change is needed in the traditional roles between the genders in society, by removing all customs and practices that stereotype or divide.¹⁹ As part of its mission, CEDAW appears to have succeeded in global acknowledgment of women's rights as human rights and in developing measures for women's progress including implementing laws on domestic violence.²⁰

Nevertheless, not all states have subscribed to CEDAW and some have registered reservations, restricting its application in those nations.²¹ Resistance is encountered on grounds that the philosophy behind the convention is inconsistent with the religion, culture or customs of a state,²² particularly among certain conservative states where equal treatment of women is at odds with religious ideologies, such as North African and Middle Eastern countries including Algeria, Bahrain, Saudi Arabia and Egypt.²³

Consequently, the convention has been criticised for failing to adequately address violence against women, which is 'clearly fundamental to the spirit of the Convention'.²⁴ Further, the convention is viewed as a toothless tiger by many for it lacks enforceability²⁵ and is regarded by both government and non-government organisations as a charter merely addressing

¹⁸ *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, UN Doc A/RES/34/180, 1249 UNTS 13 (entered into force 3 September 1981). See Frances Raday, 'Gender and Democratic Citizenship: The Impact of CEDAW' (2012) 10(2) *International Journal of Constitutional Law* 512, 513.

¹⁹ *Ibid.*

²⁰ *Ibid* 516.

²¹ Amnesty International, *Reservations to the Convention on the Elimination of All Forms of Discrimination against Women—Weakening the Protection of Women from Violence in the Middle East and North Africa Region* (Report, 2004) 3–4 <<https://www.amnesty.org/en/wp-content/uploads/2021/09/ior510092004en.pdf>>.

²² 'Reservations to CEDAW', *UN Women* (Web Page, 2009) <<https://www.un.org/womenwatch/daw/cedaw/reservations.htm>>.

²³ Amnesty International (n 21) 6–7.

²⁴ Charlotte Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights' (1990) 12(4) *Human Rights Quarterly* 486, 495.

²⁵ 'Woman of the World—The Optional Protocol to CEDAW', *Australian Human Rights Commission* (Web Page) <<https://humanrights.gov.au/our-work/woman-world-optional-protocol-cedaw>>.

women's rights as 'secondary rights' as opposed to human rights.²⁶ This perception places women back on an unequal footing by relegating their rights as tertiary.²⁷ However, in 1993, to supplement and buttress the implementation of this convention, the United Nations issued a Declaration of Elimination of Violence against Women, acknowledging that inequity between the genders is a stumbling block to women's advancement in all aspects of society, including political, social, economic and legal.²⁸

In 1983, Australia ratified the convention, implementing its provisions with the enactment of the *Sex Discrimination Act 1984* (Cth).²⁹ Among its other achievements are a national paid parental leave scheme and ensuring a significant portion of Australia's investments relating to foreign aid policy involve addressing violence against women and advancing women.³⁰ In furtherance of its commitment to the empowerment of women internationally, Australia engages with the United Nations Commission on the Status of Women. This commission represents world governments with the sole focus on advocating gender equality and resilience among women.³¹ Accordingly, Australia participates in the 2030 Agenda for Sustainable Development supporting the implementation of the 17 Sustainable Development Goals (SDGs).³² These SDGs set out goals surrounding inequality, poverty, health and education among others, which all have particular impacts for women.³³ Under SDG 5, Australia is obligated to monitor and document violence against women and girls.³⁴

In addition to its legislative implementation of CEDAW, Australia continues to actively fund and implement various policies, particularly the National Plan to Reduce Violence Against Women and their Children 2010–2022 (National Plan 2010–2022), in an attempt to stop

²⁶ Bunch (n 24) 496.

²⁷ Ibid.

²⁸ *Declaration on the Elimination of Violence against Women*, GA Res 48/104, UN Doc A/RES/48/104 (20 December 1993) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>>.

²⁹ Tania Penovic, 'How Committed Is Australia to Advancing the Rights Set out in CEDAW?', *Monash Lens* (Web Page, 8 March 2022) <<https://lens.monash.edu/@politics-society/2022/03/08/1384517?slug=how-committed-is-australia-to-advancing-the-rights-set-out-in-cedaw>>.

³⁰ Ibid.

³¹ Department of Social Services (n 7) 103.

³² Ibid.

³³ O'Connor (n 13) 220.

³⁴ Department of Social Services (n 7) 103.

violence before it starts. Given that the National Plan 2010–2022 drew to a close in mid 2022,³⁵ it is worthy of note that the freshly minted Albanese Labor government committed to the National Plan to End Violence Against Women and Children 2022–2032.³⁶ On reaching an agreement on the ‘pathway’ the final draft was unanimously endorsed by all levels of government. The focus of the new National Plan is to offer policy guidelines for service provision to lower the statistic of one woman being murdered every ten days by her previous or present partner.³⁷ Accordingly, the new National Plan is wholly targeted on a ‘person-centred’ service system,³⁸ aiming to end violence in one generation.³⁹

To achieve this aim, the Domestic, Family and Sexual Violence Commission was set up to ensure the smooth and successful execution of the National Plan.⁴⁰ Further, the budget for 2022–2023 demonstrated the government’s undertaking to uphold women’s safety by investing \$1.7 billion, with \$1.3 billion allocated for the fulfillment of the new National Plan.⁴¹ However, the sum of \$1.3 billion was criticised as insufficient against a backdrop of estimated costs of \$21.7 billion annually emanating from abuse against women.⁴² In addition, the government introduced ten days paid leave for victims of family and domestic violence, but the sustainability of the paid leave provision available to an estimated 11 million workers, if and when domestic abuse is experienced, was questioned by businesses whilst it was legislated in Parliament.⁴³ On the contrary, the government has been commended for its commitment to

³⁵ ‘National Plan to End Violence against Women and Children 2022–2032’, *Australian Council of Trade Unions* (Web Page) <<https://www.actu.org.au/our-work/policies-publications-submissions/2022/national-plan-to-end-violence-against-women-and-children-2022-2032>>.

³⁶ ‘Opening of the First Session of the Forty-Seventh Commonwealth Parliament, Parliament House Canberra’, *Governor-General of the Commonwealth of Australia* (Web Page, 26 July 2022) <<https://www.gg.gov.au/about-governor-general/media/opening-first-session-forty-seventh-commonwealth-parliament-parliament-house-canberra>>.

³⁷ ‘Ministers Agree on “Pathway” Finalising National Plan to End Violence against Women and Children’, *SBS News* (online, 22 July 2022) <<https://www.sbs.com.au/news/article/ministers-agree-on-pathway-finalising-national-plan-to-end-violence-against-women-and-children/43a4wqyq7>>.

³⁸ Department of Social Services (n 7) 70.

³⁹ *Ibid* 14.

⁴⁰ ‘Ministers Agree on “Pathway” Finalising National Plan to End Violence against Women and Children’ (n 37).

⁴¹ ‘Budget Repair’, *Budget October 2022–23* (Web Page, 2022) <<https://budget.gov.au/2022-23-october/content/budget-repair.htm>>.

⁴² Safe and Equal, ‘*Safe and Equal Response to the Federal Budget*’, (4 April 2022) 2 <<https://safeandequal.org.au/wp-content/uploads/Safe-and-Equal-Response-to-Federal-Budget-2022.pdf>>

⁴³ Catie McLeod, ‘Scheme Businesses Don’t Want to Pay for’, *news.com.au* (online, 22 August 2022) <<https://www.news.com.au/finance/work/at-work/businesses-argue-against-covering-the-cost-of-10-days-paid-domestic-violence-leave/news-story/6062653084128246f0970f60c37cc3f9>>.

implement the new National Plan when it announced a further allocation of \$326.7 million in the 2023-2024 Federal Budget.⁴⁴

Aiming to restore Australia ‘as a global leader in gender equality’,⁴⁵ Albanese’s government implies that not only are men and women to be treated equally but that Australia is a safe country for everyone. However, this thesis contends that, to achieve equality, domestic violence needs to be singled out and its eradication prioritised on the home ground first before aspiring to be a global exemplar. It further contends that the government, with the relevant stakeholders embedded in the new National Plan, needs to be educated that, as part of egalitarianism, the unique needs of domestic violence victims professing a particular faith must be supported and viewed with a totally different lens. They have a right for the conflict and confusion experienced between their faith and domestic abuse to be discerned, heard and understood by services. Just as swiftly, the government needs to draft policies acknowledging the serious impact of faith on victims of domestic violence, and for the three major institutions of law, religion, and service providers to unite and embrace best practice in confronting intimate partner abuse. Whether the new National Plan addresses these complexities is considered in Chapter 6 of this thesis.

1.4 Overview

Briefly, the thesis commences with an overview of how culture and religion in general affect women in relation to intimate partner violence, then it turns to consider the impact on migrant women before narrowing down to and focussing on women of Christian faith including migrants demonstrated in the qualitative research.

This thesis contains six substantive chapters. The first, chapter 2, broadly examines the influence of culture and religion in shaping domestic violence. It serves two main purposes. First, it explores the impact of culture in moulding understandings of and responses to domestic violence. It examines the strong and firm existence of patriarchy, which causes women to internalise the belief that they are secondary to men, readily assuming their onerous role in

⁴⁴ ‘Safe and Equal Response to the Federal Budget’, *Safe and Equal* (Web Page, 12 May 2023) <<https://safeandequal.org.au/2023/05/12/federal-budget-2023>>.

⁴⁵ ‘Opening of the First Session of the Forty-Seventh Commonwealth Parliament, Parliament House Canberra’ (n 36).

accounting for their family's happiness. It looks into age-old entrenched customs and practices, including dowry and patrilineality, and considers harmful theology and its impact, particularly on victims of the Christian faith.

Second, it discusses the ramifications and the intersectionality of five major world religions with domestic violence. It examines how features and measures employed to subjugate women through religious laws are common denominators of these belief systems. Gendered roles are manifested in a woman, as a wife and mother, quietly submitting to her husband who functions as a provider with a divine mandate to demand her total obedience.⁴⁶ This dangerous division leads to complete financial and economic dependence on the husband, rendering a wife defenceless, trapping her in an abusive relationship.⁴⁷

Chapter 2 also reviews how the conflict and confusion faced by domestic violence victims in submitting to the dictates of their faiths exacerbates their experience. This demonstrates the enormous burden borne by women in portraying an image of a perfect marriage and happy family whilst suffering abuse in a 'holy hush'. This point reinforces the fact that culture and religion are so intertwined that it is difficult to discern which of these salient features singularly subjects women to abuse.

The chapter concludes with key propositions leading to the question concerning how best to protect women from harmful cultural practices, harmful religious laws and harmful theology, and whether the existing laws are adequate to do so. This is a matter to which Chapter 6 will return.

Chapter 3 explores how domestic violence transcends cultures and religions, with a particular focus on the distinct experiences of migrant women in Australia. Given that Australia is home to migrants from almost 200 countries, this cohort of women with their unique issues needs close attention.⁴⁸ This chapter examines the continuous influence of culture and religion underscored by patriarchy as migrant women import these practices on their arrival on the shores of this nation. The need to uphold the façade of a wholesome family resonates

⁴⁶ Susan Deller Ross, *Women's Human Rights: The International and Comparative Law Casebook* (University of Pennsylvania Press, 2009) 118.

⁴⁷ *Ibid* 119.

⁴⁸ O'Connor (n 13) 209.

throughout the chapter, as it affects their understanding and decision-making process in seeking assistance.

The failure to reflect this influence in Australian immigration law and policy is examined in detail. The thesis will demonstrate the subtle insidious presence of patriarchy within these laws which imposes high demands and drives abused migrant women to greater reliance on the alleged perpetrators. A piece of legislation meant to protect the victim turns out to be anything but. On the contrary, immigration laws appear to empower the alleged abusers, leaving the victims at their mercy. As a result, this thesis argues that the legislative responses endanger migrant women by imposing barriers to their escape from an abusive relationship or to seeking help.

Similarly, the role of patriarchal structure and worldviews in the culture and religion of migrant women experiencing abuse has not been accounted for by service providers. Applying a one-size-fits-all approach, the services seem not to be doing enough to counter the consequences of this oversight. This thesis advances that, in order to address the abuse experienced by migrant women and work towards achieving an equal and fair society for all, all parties need to collaborate to deliver holistic and integrated services.

Whether that collaborative effort is likely, particularly between secular and faith-based domestic violence service providers, is considered in Chapter 4. The chapter highlights the inadequacy of the clergy in addressing domestic violence among their parishioners. This has never been more evident than the revelation by the landmark National Anglican Family Violence Research, reporting the number of victims of domestic abuse within church settings far exceeds those without.⁴⁹ This is not surprising, given that it has been conceded that the patriarchal structure in certain churches such as the Catholic Church, continues to subjugate women as unequal partners by failing to appoint them to the roles of priest, bishop and/or pope.⁵⁰ This was raised again in the recent and largest study of women in the Catholic Church's

⁴⁹ Julia Baird, 'Domestic Abuse More Prevalent amongst Anglicans, "Tragic" New Research Finds', *ABC News* (online, 10 June 2021) <<https://www.abc.net.au/news/2021-06-11/domestic-violence-scripture-justify-abuse-anglican-church-report/100204552>>.

⁵⁰ Thorwald Lorenzen, 'Who Is Jesus Christ for Us Today?' (2022) 259 *St Mark's Review* 3, 13.

2000 year history, where the majority are seeking radical reforms.⁵¹ It is argued that this is a blot on the reputation of the church, clearly demonstrating male dominance,⁵² failing to bear witness as an inclusive beacon of hope, particularly for women experiencing domestic violence, potentially driving them externally for assistance. This is all the more significant given the fact that generally victims of domestic violence are known to resist seeking external assistance.⁵³

It is, therefore, encouraging to note that on the Day for Life, which the Catholic Church of England, Wales, Ireland and Scotland⁵⁴ celebrates yearly in appreciation of life from birth, Bishop John Sherigan acknowledged the horror of domestic violence and emphasised the dire need to educate people within the Catholic Church as a step in confronting the issue in the broader community.⁵⁵ This alarm was raised in light of the fact that one in every four women and every six men experience domestic abuse in their lives, whilst two women are murdered each week in England by their current or former partners.⁵⁶

The thesis also brings to the fore the inadequacy of service providers in addressing victims of abuse who profess religious beliefs that shape their comprehension of intimate partner violence. Certain quarters including secular services hold the clergy responsible for the problem, because they prioritise family and marriage over safety.⁵⁷ With such a skewed perception, faith-based victims of domestic violence are left out in the cold, falling through the cracks in the system.

This thesis debates the effectiveness of secular and faith-based domestic violence services in offering assistance to religious women who are victims of domestic abuse, especially Christian women. Applying the theoretical framework of Nancy Nason-Clark's collaborative approach,

⁵¹ Jordan Baker, "'Sick of It': Catholic Women Vent Frustration over Sex, Power and Abuse', *The Sydney Morning Herald* (online, 5 March 2023) <<https://www.smh.com.au/national/sick-of-it-catholic-women-vent-frustration-over-sex-power-and-abuse-20230303-p5cp6r.html>>.

⁵² Lorenzen (n 50) 13.

⁵³ Megan L Evans, Margo Lindauer and Maureen E Farrell, 'A Pandemic within a Pandemic—Intimate Partner Violence during Covid-19' (2020) 383(24) *New England Journal of Medicine* 2302, 2303.

⁵⁴ 'About', *Day for Life* (Web Page, 10 May 2016) <<https://www.dayforlife.org/home/about/>>.

⁵⁵ Linda Bordoni, 'Pope Francis Condemns "Shameful Ill-Treatment" of Women', *Vatican News* (online, 7 June 2019) <<https://www.vaticannews.va/en/pope/news/2019-06/pope-message-bishops-england-wales-day-for-life-domestic-abuse.html>>.

⁵⁶ *Ibid.*

⁵⁷ Nason-Clark et al (n 4).

it contemplates the viability of partnerships between these services in the Australian context. After describing the quiet presence of ‘Mary’s House’ in the Lower North Shore of Sydney, it ponders this embodiment of partnership comprising the various support services, bridging the gap between the sacred and the secular. Notwithstanding, this thesis continues to accentuate the conspicuous omission of religion, particularly among faith-based service providers, and, as its silence permeates, how faith becomes increasingly elusive and beyond one’s grasp, the more one seeks it.

Chapter 5 forms the heart of the thesis. It centres on the following broad questions:

What is the best practice when providing services to a domestic violence victim who identifies with her Christian faith?

And in line with that it considers:

Is the incorporation of a specialised social worker holding additional accreditation in pastoral care in a domestic violence service best practice in meeting both the religious and other needs of the victim, all under one roof?

To explore these questions, responses were sought from the three cohorts of victim-survivors, domestic violence service providers and the clergy. In seeking these responses, a qualitative approach was adopted as it provided a premise for the participants to divulge their lived experiences that imparted credibility to the research.⁵⁸ Applying strategies such as open-ended questions through interviews, their thoughts mingled with emotions, exasperations and disappointments were captured together. This research employed grounded theory to conduct an analysis of the data.

Grounded theory was found to be most suited for this thesis. It is a flexible method allowing researchers from various disciplines to choose and apply certain facets of this theory unlike those engaged by grounded theorists themselves.⁵⁹ Classic theorists may argue that this method

⁵⁸ Neely Mahapatra and Abha Rai, ‘Every Cloud Has a Silver Lining But ... “Pathways to Seeking Formal-Help and South-Asian Immigrant Women Survivors of Intimate Partner Violence”’ (2019) 40(11) *Health Care for Women International* 1170, 1176.

⁵⁹ Antony Bryant and Kathy Charmaz, *The SAGE Handbook of Grounded Theory* (Sage, 2007) 408–409.

is meant to construct a theory but it has now evolved into a general method of analysis and does not require for a theory to be generated.⁶⁰ The hallmark of grounded theory is that it involves constant data collection whilst simultaneously analysing and comparing as new and abstract concepts emerge.⁶¹ As the rich data unfolds in the stories of the participants, it leads the researcher to rework the interviews and analyse the resulting concepts.⁶²

In applying grounded theory to this research, the focus changed, prioritising the participants during data collection, whilst the emerging concepts became more important during the analysis.⁶³ The analysis supports and reiterates the issues of the inadequacy of the clergy, service providers, the law and the whole system, which fail a cross-section of vulnerable women needing their assistance the most. The anxiety, fear, frustration and disillusionment experienced by the victim-survivors attempting to seek assistance from these institutions including the sacred and secular services echo through their stories. Equally, the reluctance of certain church traditions to create awareness of domestic violence, as they are more concerned with re-traumatising certain past victims, is puzzling. This ‘defence’ and the excuse that they are ill-equipped and ‘not all-rounders’ who know everything seem to justify preaching on ‘safe topics’, leaving to everyone else the onus of educating the church community of the evils of domestic abuse.

On the contrary, evidence shows that some other church traditions are proactive, initiating connections with secular services and working successfully in approaching the issue. However, the suspicion that the secular services would undermine the religious beliefs of a victim loomed large and overshadowed the clergy’s position on the idea of collaboration between the sacred and the secular.

One of the most important findings to emerge from the study in service provision is the absolute failure by the providers to enquire if a victim observes any particular religion or faith. It simply

⁶⁰ Kathy Charmaz, ‘Grounded Theory: Methodology and Theory Construction’ in James D Wright (ed), *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)* (Elsevier, 2015) 402, 402–403 <<https://www.sciencedirect.com/science/article/pii/B9780080970868440298>> (‘Grounded Theory’).

⁶¹ Ibid 402.

⁶² Kathy Charmaz and Linda Liska Belgrave, ‘Qualitative Interviewing and Grounded Theory Analysis’ in Jaber F Gubrium et al (eds), *The Sage Handbook of Interview Research: The Complexity of the Craft* (Sage, 2nd ed, 2012) 347, 348.

⁶³ Ibid 362.

is not a component of their risk assessment, and hence they may be unable to offer help where they themselves are ignorant of the issue. This issue remains obscured. In the process of exploring both sacred and secular services, this research surprisingly stumbled upon a particular faith-based service provider that embeds a chaplain onsite offering a holistic service delivery regardless of whether the victim is a Christian. It seems to be the quintessence of what this research set out to do. Implementing their comprehensive service provision unobtrusively, they believe they offer matchless assistance and do not require further improvements. This unearthing prompted a curious thought; whether a chaplain-based service might be the answer for a faith-based worker located in secular services, bridging the steeple and the shelter under one roof in an effort to battle domestic violence in the community, as a potential best practice.

Chapter 6 serves six purposes in establishing best practice. First, it begins by selecting outstanding aspects that emerged in this research process. They are features that drove this thesis, namely the impact of religion and culture rooted in patriarchy establishing the internalised belief of inferiority, the inadequacy of both sacred and secular service providers, and continual substantiation that religion is the missing link. But the chaplain-centred service demonstrates what it means to incorporate that link. For the clients of this service, it is a ‘hope house’, and they could not ask for more. This fortified and corroborated the research question that a specialised social worker embodying both spiritual and practical skills in attending to the needs of a Christian woman who is experiencing conflict between her faith and domestic abuse is best practice.

Second, the chapter discusses whether the national laws in selected countries provide adequate protection to women experiencing domestic abuse. It analyses the hallmark Indian decision of *Ahuja v Ahuja* and its impact on expanding protection for victims. Third, it makes comparison with the level of protection available under personal or religious laws pertaining to family law matters. Fourth, it examines the Australian legal response and highlights the silence of faith in it in formulating protection for abused women or regulatory programs for the perpetrators identifying with their faith.

Fifth, it reviews Australian policy responses with a history of the previous National Plan and a special focus on the current new National Plan, which hinges on a person-centred policy framework. It supports the position that religion is non-existent in conversations surrounding legislative and policy frameworks in Australia, completely overlooking the needs of faith-

based victims of domestic abuse. Finally, with this background, it offers proposals, building and expanding on the new National Plan, leading to the construction of the specialised social worker model as best practice.

Chapter 7, the conclusion, briefly recapitulates each chapter, directing the course for the justification and the genesis of the specialised social worker model and filling the vacuum left by religion as a missing link in addressing Christian women enduring domestic violence silently.

1.5 Thesis Limitations

This research strives to develop a service provision model that best serves women of faith who are victims of intimate partner violence, particularly Christians. Accordingly, this thesis assesses the adequacy of service providers in Australia in assisting victims of domestic abuse who profess the Christian faith. It attempts to compare and contrast mainstream secular and faith-based providers in their service delivery. Faith is unheard of and unseen in these services. If it exists, it might arguably be tacitly merged into some nondescript services, failing to reach out to the very cohort that needs help. This then set the research in motion to seek a potential best practice for Christian women experiencing domestic abuse by conducting a qualitative study involving the three cohorts and eliciting their views.

With the exception of the chaplain-based service operating quietly, this research revealed no service providers that explicitly extend a hand to religious women experiencing domestic abuse. Since religion has been given the silent treatment all these years compounded by the lack of research in this area, there is an incumbent and compelling need to re-insert faith into the forefront of domestic violence dialogues. Otherwise, the system on the whole could be viewed as colluding with the perpetrators, with the victims being further victimised, having no one to turn to for support.

Notwithstanding, this thesis is not without its limitations. Firstly, the qualitative study only involves domestic violence survivors of the Christian faith and the related cohorts including clergy. Investigating the experiences of women in the other four world religions that are touched upon in Chapter 2 and conducting a qualitative study of each would be beyond the scope of this research. Still, it is admitted that involving victim-survivors from various religions would offer valuable understandings with a more diversified representation. Further, it would

enrich and add to the scholarship in the intense discourse of domestic violence. However, it is believed that the outcome of this thesis could potentially be applicable in principle across the board. Nevertheless, it would not equal a detailed study of those faiths, thus opening doors for further research in the future.

The second limitation is in relation to gender. This thesis focuses only on female victims of intimate partner violence in a heterosexual relationship, whether they are married or not. It excludes men, and women, who identify with lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) groups. Again, they could not be accommodated here beyond the prescribed cohort due to the restrictions of this research. A future extended study could investigate the impact of violence, law, and religion on LGBTQI victim-survivors.

Another rather unexpected and interesting limitation encountered in this research relates to the application of grounded theory. In the true sense, grounded theory requires minimal literature review, providing a strong focus on the participants, the data collection and the analysis that follows. The reason is initial extensive research might potentially influence the direction of the study. However, that was not the case for this thesis.

The application for ethics approval to the Human Research Ethics Committee commenced around 15 December 2020 and full approval was not granted until 9 June 2021. It took another six months to secure participants from the three cohorts of domestic violence survivors, clergy and domestic violence service providers. In the interim and pending the approval and collection of data, with a total of 18 months in hand from the commencement of candidature, the research went past a literature review with a few draft chapters being written along the way, leading finally to the qualitative study. Though located towards the end of the thesis, the qualitative study forms the backbone of this research, offering a model in response to the broader question of best practice. Therefore, this thesis does not pretend to be an archetypal application of grounded theory. In addition, with the emergence of COVID-19 in the midst of it, the study experienced a few unanticipated hurdles, which are described in Chapter 5.

1.6 Conclusion

The themes that emerge from analysing the responses of the 23 participants corroborate the analysis of the first four chapters. These chapters provide historical religious and secular

evidence of perceptions of abuse of years gone that are still alive and well today. Unlike modern technology, which is constantly changing the world at dizzying speed, it seems a corresponding change cannot be expected in addressing domestic violence, especially among Christian women. In fact, this thesis demonstrates that, as fast as things change, some things remain the same. That is because, unlike inanimate machinery, domestic violence at its core deals with human relationships based on emotions, belief systems, values and practices, shaping the thoughts and worldviews of men and women.

These worldviews as indicated in Chapter 2, so deeply entrenched in culture and religion, have been influencing the human race through the ages. It is these worldviews that determine if a man rules over his wife or chooses to treat her as his equal partner. It requires attitudinal changes to rigid social and cultural norms to direct him to a path free of violence towards another, particularly his wife or partner. These worldviews are also affected by the theological understandings of the clergy and the secular understandings of service providers on domestic violence and how best to serve victims who profess religious beliefs. Adding to this is the mindset of the drafters of legislation and policy. The Australian *Migration Act* ostensibly empowers the perpetrators instead of the victims, so one needs to question the worldviews of the legislators who created the law.

Therefore, it stands to reason that an attitudinal change is required among the three pivotal institutions—clergy, domestic violence service providers, and the law—to offer a holistic and comprehensive service to victims of intimate partner violence with religious affiliations. In this regard, the role of law through policy is crucial in effecting these attitudinal changes including mutual suspicion between the sacred and the secular by initiating and building bridges through collaboration. Thereafter, the incorporation of a specialised social worker with pastoral care qualifications in secular domestic violence services for a holistic service delivery must be considered. This would ultimately achieve best practice that works for all and most importantly the victims. This thesis posits that, until and unless the worldviews of these foundations are aligned to meet the needs of faith-based victims of domestic abuse, the latter will continue to be sacrificed at the altar of domestic violence discourse as silence on religion pervades.

Chapter 2

Domestic Violence: Impact of Culture, Law, and Religion

To them, I have no identity ... I don't have a role in this society. It's crazy, because I'm my mother's daughter, I'm my husband's wife, I'm my child's mother, I'm nothing else.¹

2.1 Introduction

Domestic violence is a scourge that is pervasive globally, including in Australia where police attend an incident every two minutes.² Death involving domestic violence is the most widespread homicide in the country, with 46 deaths between 2017 and 2018 alone—a woman murdered every 11 days.³ Domestic violence is no respecter of colour, creed, gender, wealth or status and is prevalent in both the poorest and the richest nations.⁴ The overarching dynamics of the violence are elements of power and control between the parties⁵ which generally manifest in physical, sexual, economical and psychological abuse.⁶ Mounting evidence shows that the element of control arises from gender power imbalance in a patriarchal culture. This culture is embedded in the family hierarchy and underpinned by economic and political structures and a belief system including religion that validates patriarchal relations as normal, noble, just and sanctified.⁷

¹ Helene K Lee, “‘I’m My Mother’s Daughter, I’m My Husband’s Wife, I’m My Child’s Mother, I’m Nothing Else’”: Resisting Traditional Korean Roles as Korean American Working Women in Seoul, South Korea’ (2013) 36 *Women’s Studies International Forum* 37, 37 (‘I’m My Mother’s Daughter’).

² Julia Baird, ‘Domestic Violence in the Church: When Women Are Believed, Change Will Happen’, *ABC News* (online, 23 May 2018) <<https://www.abc.net.au/news/2018-05-23/when-women-are-believed-the-church-will-change/9782184>>.

³ Department of Social Services, *Draft National Plan to End Violence against Women and Children 2022–2032* (Draft Policy Document, 2022) 16 <<https://engage.dss.gov.au/draft-national-plan-to-end-violence-against-women-and-children-2022-2032/draft-national-plan-to-end-violence-against-women-and-children-2022-2032-document/>>.

⁴ ‘What Is Domestic Abuse?’, *United Nations* (Web Page) <<https://www.un.org/en/coronavirus/what-is-domestic-abuse/>>.

⁵ Gregory Luke Larkin and Stephen C Morris, ‘International Perspectives on Intimate Partner Violence’ in Connie Mitchell and Deirdre Anglin (eds), *Intimate Partner Violence: A Health-Based Perspective* (Oxford University Press, 2009) 61.

⁶ Leonie Westenberg, ‘When She Calls for Help—Domestic Violence in Christian Families’ (2017) 6(3) *Social Sciences* 1, 1.

⁷ Nicole Knickmeyer, Heidi Levitt and Sharon G Horne, ‘Putting on Sunday Best: The Silencing of Battered Women Within Christian Faith Communities’ (2010) 20(1) *Feminism & Psychology* 94, 94.

Victoria Health identified ‘faith-based institutions’ as an environmental factor adversely affecting women in relation to domestic abuse.⁸ Research indicates that patriarchal religious teachings condone domestic violence whilst victims increasingly turn to faith leaders seeking guidance.⁹ The pressure of a ‘holy hush’ to portray a perfect image of a good wife and mother whilst suffering domestic violence in silence, suppresses the religious victims, which further compounds the gravity of the situation.¹⁰ This silence has been referred to as the ‘missing link’ in the discourse surrounding domestic violence by Julia Baird and Hayley Gleeson of the Australian Broadcasting Corporation.¹¹ This renders it critical to explore the intersection of a victim’s religious beliefs and practices and her experiences with domestic abuse.

Similarly, culture demands the dire need for women to pretend they have a happy family life whilst experiencing abuse. Further to religion, culture imposes incredible expectations on women to uphold the sanctity of marriage and family at all costs. These expectations, combined with harmful cultural practices rooted in patriarchy, denigrate and humiliate women, facilitating domestic violence. Culture too commands the women to bear this violence in silence.¹² Some scholars may argue that this is not the case in relation to the influence of culture and religion in the domestic violence discourse. But this thesis takes the position that the views within are accurate, supported by the sources cited.

It is argued that culture and religion are inseparable as each inadvertently influences and intersects with the other.¹³ Further, the complicated nexus between culture, faith and patriarchy exacerbates the suppression of women.¹⁴ This thesis contends that, if culture and religion are

⁸ Westenberg (n 6).

⁹ Nicole Knickmeyer et al, ‘Responding to Mixed Messages and Double Binds: Religious Oriented Coping Strategies of Christian Battered Women’ (2004) 5(2) *Journal of Religion & Abuse* 29, 30.

¹⁰ Nancy Nason-Clark, ‘Christianity and the Experience of Domestic Violence: What Does Faith Have to Do with It?’ (2009) 36(4) *Social Work and Christianity* 379, 379.

¹¹ Julia Baird and Hayley Gleeson, ‘Submit to Your Husbands: Women Told to Endure Domestic Violence in the Name of God’, *ABC News* (online, 22 October 2018) <<https://www.abc.net.au/news/2017-07-18/domestic-violence-church-submit-to-husbands/8652028>>.

¹² Sinenhlanhla Chisale, ‘Domestic Abuse in Marriage and Self-Silencing: Pastoral Care in a Context of Self-Silencing’ (2018) 74(2) *HTS Theological Studies* 1, 3.

¹³ Nafiseh Ghafournia, ‘Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice’ (2017) 36(1–2) *Journal of Religion & Spirituality in Social Work: Social Thought* 146, 157.

¹⁴ Rojan Afrouz, Beth R Crisp and Ann Taket, ‘Seeking Help in Domestic Violence Among Muslim Women in Muslim-Majority and Non-Muslim-Majority Countries: A Literature Review’ (2020) 21(3) *Trauma, Violence, & Abuse* 551, 551.

not reined in by prioritising gender equality, men could leverage these constituents to the detriment of women.

This chapter examines the strong cultural and religious influence in the appreciation and recognition of domestic violence and how perceptions barely differ from country to country. In the name of one's faith and culture, this chapter demonstrates how women bear the perceived need to maintain the image of a blissful family; this, in turn, leads to abuse. The use of religion and culture to justify an androcentric tradition where domestic violence is a norm is both abhorrent and inconsistent with the women's right to be treated equally in today's world. This chapter argues that verses in scriptures and holy books that uphold the status of women on an identical footing with men are ignored at the peril of an egalitarian society.

This chapter has two broad purposes. First, it explores the role of culture in affecting one's understanding and tolerance of domestic abuse. It examines the element of patriarchy that dominates the landscape of culture, shaping the worldviews of communities and locating women securely below men in the social hierarchy. It further discusses selected cultural practices such as patrilineality and dowry, which are embedded in patriarchy, that harm not only the women but their families too.

Second, the chapter focuses on the role of religion and, similar to culture, it considers how it affects one's perception of intimate partner violence. It starts by, first, exploring domestic violence among the various faith communities in Australia. Next, it examines the impact of polytheistic and monotheistic world religions on abuse. It analyses the origins of intimate partner violence rooted in religious laws and exploited by men to successfully subjugate women, who internalise the belief that they are indeed secondary and deserving of ill-treatment. That women are inferior to men is the commonality that runs through both culture and religion, reinforcing the amorphous question of the origin of domestic violence.

The chapter concludes by drawing five key propositions. They are, first, culture and religion grounded in patriarchy pave the way to domestic violence. Second, both elements are so subsumed in each other that it is difficult to distinguish which one exceeds the other in impacting domestic violence. Thirdly, women's actualised belief that they are inferior to men results in a loss of identity. Fourthly, maintaining an image of perfect family life

notwithstanding the abuse is uppermost for the victims. Finally, ostensibly the faiths discussed espouse love and respect but are found to have a contrary effect in practice, oftentimes legitimising gender imbalance, leading to abuse. This thesis postulates that these notable features account for women experiencing domestic violence through the years and continue to do so. Hence, policy and law reforms are needed expeditiously to resolve the pain that women bear silently.

The next section weighs the function of culture in shaping a person's perception of intimate partner violence.

2.2 Cultural Practices that Shape Domestic Violence

This section seeks to tease out some of the wider issues surrounding culture and traditional practices that contribute to domestic abuse. It demonstrates how culture rooted in patriarchy affects one's viewpoint of domestic violence. Patriarchy is so deeply entrenched in some customary practices that women appear to quietly tolerate harm as their lot in life.

2.2.1 Impact of Patriarchy on Culture

Inequality between genders is only a characteristic of patriarchy and on its own is unable to define a patriarchal system.¹⁵ However, an ideology that supports patriarchy is capable of dismissing any structural advancement acquired by women, making them vulnerable to domestic violence.¹⁶ Therefore, be it culture or religion, this thesis contends that patriarchal tendencies that discount women and lead to abuse have no place in society.

At the outset, it must be noted that patriarchal systems can exist without violence.¹⁷ Though radical feminists have argued otherwise, claiming that men resort to violence against women to validate patriarchy, there is little evidence to support this.¹⁸ Where the hegemony between genders has long been established, there is little need for violence unless the equilibrium is

¹⁵ Gwen Hunnicutt, 'Varieties of Patriarchy and Violence Against Women: Resurrecting "Patriarchy" as a Theoretical Tool' (2009) 15(5) *Violence against Women* 553, 563.

¹⁶ Ibid.

¹⁷ Ibid 561.

¹⁸ Ibid.

destabilised.¹⁹ What research demonstrates is that patriarchy grounded in an imbalance of power is a dominant force behind violence against women²⁰ but that the violence in itself does not cause patriarchy.²¹ Consequently, women experiencing domestic abuse in a patriarchal society are found to be more accepting and less likely to seek help.²² Embracing their past experiences of subordination which present violence as normal, they continue in the present knowing no different and seeking no help.²³

Together with religion, culture significantly contributes to elevating and manifesting patriarchy.²⁴ Culture is broadly described as patterns of social behaviour, ideas, customs, language, worldviews and appreciation of how the world should function.²⁵ Certain cultural conventions require women to persevere and maintain a stoic facade through the abuse, strongly endorsing religious teachings and anchoring women deeper into their subordinate role.²⁶

The next section considers the cultural location of women through the centuries. It touches on gender hierarchy in domestic settings and the effect of traditional practices conducted at the expense of women. It further fortifies the fact that religion and culture are so intertwined that it is hard to discern where the influence of one begins and the other ends. But in it all, the overwhelming presence of patriarchy is conspicuous particularly as a significant impetus for domestic violence.

2.2.2 Inferior Location of Women through Cultural History

The complexity of culture and religion is demonstrated in various faiths that share a common feature in the subservient role of women. For example, in the Hindu community, women are treated as inferior to men given that they have been historically considered weak emotionally,

¹⁹ Ibid.

²⁰ Afrouz, Crisp and Taket (n 14) 551.

²¹ Hunnicutt (n 15) 561.

²² Afrouz, Crisp and Taket (n 14) 551.

²³ Edna Erez and Shannon Harper, 'Intersectionality, Immigration, and Domestic Violence' in Ramiro Martinez Jr, Meghan E Hollis and Jacob I Stowell (eds), *The Handbook on Race, Ethnicity, Crime, and Justice* (Springer, 2018) 457, 462.

²⁴ Ghafournia (n 13).

²⁵ Alice G Yick, 'A Metasynthesis of Qualitative Findings on the Role of Spirituality and Religiosity Among Culturally Diverse Domestic Violence Survivors' (2008) 18(9) *Qualitative Health Research* 1289, 1290.

²⁶ Ibid 1300.

physically and intellectually.²⁷ Supported by adverse interpretations of religious laws, demands are made on Indian women to be virtuous, obedient and pure,²⁸ a common expectation among the Indian diaspora. Studies demonstrate that highly educated Indian women in the United States hesitate to leave abusive relationships, arising from an internalised cultural and religious belief that they are second to men, continuing to bear the burden of presenting as a perfect happy family whilst deeply submerged in domestic violence.²⁹ Hamstrung by stereotyped gender roles, divorce is generally not an option as it is forbidden, with lasting consequences reverberating, ranging from loss of family honour to impeding marriage prospects of siblings.³⁰

Similarly, in Islam, cultural practices grounded in patriarchal ideologies are prevalent, legitimised by religion and at times determined by faith-based rules and values.³¹ In Iran, for example, the role of men as the head of the family, while women are identified solely as wives, is entrenched in their Islamic Civil Code.³² A woman's progress beyond her wifely duties will require her husband's approval, and he has power to affect her employment should he believe it compromises prioritising him or the children.³³ Studies reveal cultural expectations of a wife and mother override her individuality even in Australia among Iranian immigrant women.³⁴ This thesis contends that these restrictions compel women to remain in abusive relationships,³⁵ further heightened by Islamic religious leaders such as imams encouraging them to stay instead of directing them towards external help.³⁶

²⁷ Hari Priya Pathak, 'Hinduism and Women Religious Beliefs and Practices' [2019] *SSRN Electronic Journal* 232 <<https://www.ssrn.com/abstract=3434115>>.

²⁸ Shamita Das Dasgupta and Sujata Warriar, 'In the Footsteps of "Arundhati": Asian Indian Women's Experience of Domestic Violence in the United States' (1996) 2(3) *Violence against Women* 238.

²⁹ *Ibid* 255.

³⁰ Sonia Kapur and Anna Zajicek, 'Constructions of Battered Asian Indian Marriage Migrants: The Narratives of Domestic Violence Advocates' (2018) 24(16) *Violence Against Women* 1928, 1940.

³¹ Ghafournia (n 13) 159.

³² Maryam Jamarani, 'Encountering Differences: Iranian Immigrant Women in Australia' in Glenda Tibe Bonifacio (ed), *Feminism and Migration* (Springer Netherlands, 2012) 149, 152.

³³ *Ibid* 153.

³⁴ *Ibid*.

³⁵ Afrouz, Crisp and Taket (n 14) 562.

³⁶ Nafiseh Ghafournia and Patricia Eastal, 'Help-Seeking Experiences of Immigrant Domestic Violence Survivors in Australia: A Snapshot of Muslim Survivors' (2021) 36(19–20) *Journal of Interpersonal Violence* 9008.

The dominance of patriarchal language in the Bible has inspired harmful theology enabling domestic violence in the Christian community, too.³⁷ The emphasis on submission and the portrayal of the perfect wife in Proverbs 31 in the Bible places pressure on women to view their marriage as sacrosanct.³⁸ Notwithstanding that Christianity is centred on love,³⁹ literature demonstrates that among Korean Christians cultural values supplant their fundamental faith, particularly in the clergy's response to intimate partner violence.⁴⁰ Accordingly, women feel constrained by cultural assumptions and are under constant obligation to prioritise family unity, suffering hardship.⁴¹ In the United States, studies show Korean clergy emphasise reunification over the safety of women who have suffered abuse and who turn to churches for help, and only point to secular services if their attempts fail.⁴² The all-encompassing importance of culture over faith explains why Korean Christian immigrant women themselves fail to recognise domestic violence, accepting the widespread abuse as nothing unusual⁴³ and putting it down at best as 'couple fighting', given that an equivalent term for 'domestic violence' does not even exist in the Korean language.⁴⁴

In light of this background, the next section explores how patrilineality and patrilocality reinforce the position of a woman within the family structure. It examines how these practices give rise to potential abuse by in-laws including depriving a woman of her rightful wealth.

2.2.2.1. Patrilineality

Patrilineality, where lineage is traced through the husband's side of the family, is considered to be one of three indirect benchmarks of patriarchy.⁴⁵ Patrilineal family systems are commonly found in East and South Asian countries where sons are generally preferred to daughters.⁴⁶

³⁷ Westenberg (n 6) 2.

³⁸ Ibid 4.

³⁹ '1 Corinthians 13:4-8: New International Version', *Bible Gateway* (Web Page, 2011)

<<https://www.biblegateway.com/passage/?search=1%20Corinthians%2013%3A4-8&version=NIV>>.

⁴⁰ Gyung-sook Jane Lee, 'Culturally Embedded Values Relating to Domestic Violence: A Study of Korean Migrant Women in Sydney, Australia' (2019) 9(1) *OMNES: The Journal of Multicultural Society* 185, 189.

⁴¹ Ibid.

⁴² Ibid 188–9.

⁴³ Ibid 191.

⁴⁴ Ibid 192–3.

⁴⁵ Charles Hirschman, 'Gender, the Status of Women, and Family Structure in Malaysia' (2016) 53(1) *Malaysian Journal of Economic Studies* 1511.

⁴⁶ Rachel Murphy, Ran Tao and Xi Lu, 'Son Preference in Rural China: Patrilineal Families and Socioeconomic Change' (2011) 37(4) *Population and Development Review* 665, 665.

This system often goes in tandem with patrilocal marriages in which, after the wedding ceremony, the wife is required to live with the husband's family.⁴⁷ In patrilineal cultures, wealth and assets are passed down only through the male lineage of father, son and grandson, leaving nothing for the woman.⁴⁸ To recompense the loss, dowry is gifted to the bride by her family, though its value may not match the groom's gains.⁴⁹ One can argue that this arrangement seals a man's inheritance but maintains the woman at a disadvantage, rendering her financially dependent on the husband.

South Asian women in the United States—largely from India, Pakistan, Bangladesh, Sri Lanka, Nepal, Maldives and Bhutan—are considered at high risk of domestic abuse, arising from their deeply entrenched patriarchal cultures.⁵⁰ Unique to this community is the additional abuse from in-laws stemming from the practice of patrilocality.⁵¹ Marriage is not only between two individuals but rather between two families; with the woman cohabiting with her husband and his extended family who are a potential source of abuse.⁵² Patrilocality has its origins in the ancient Hindu Laws of Manusmriti.⁵³ It is commonplace that a Hindu patrilineal joint family is a typical Indian family comprising three generations living under one roof: parents, their married sons and their families.⁵⁴

A growing literature indicates that both male and female in-laws generate physical violence, with the latter's actions endorsed through their supervisory role of ensuring the new bride toes the line in preserving the family reputation or else faces punishment.⁵⁵ Of the 300 women

⁴⁷ Hirschman (n 45).

⁴⁸ Cate Swannell, 'Dowry Abuse: Red Flags for GPs with South Asian Patients', *InSight+* (Web Page, 17 January 2022) <<https://insightplus.mja.com.au/2022/1/dowry-abuse-red-flags-for-gps-with-south-asian-patients/>>.

⁴⁹ *Ibid.* Dowry is a gift of money and valuable items provided by the bride's family on her wedding.

⁵⁰ Neely Mahapatra and Abha Rai, 'Every Cloud Has a Silver Lining But ... "Pathways to Seeking Formal-Help and South-Asian Immigrant Women Survivors of Intimate Partner Violence"' (2019) 40(11) *Health Care for Women International* 1170, 1171.

⁵¹ *Ibid.*

⁵² *Ibid* 1185.

⁵³ Manjula Datta O'Connor, *Daughters of Durga: Dowries, Gender Violence and Family in Australia* (Melbourne University Publishing, 2022) 74.

⁵⁴ Supriya Singh and Jasvinder Sidhu, 'Coercive Control of Money, Dowry and Remittances among Indian Migrant Women in Australia' (2020) 12(1) *South Asian Diaspora* 35, 36.

⁵⁵ Sundari Anitha, 'Legislating Gender Inequalities: The Nature and Patterns of Domestic Violence Experienced by South Asian Women with Insecure Immigration Status in the United Kingdom' (2011) 17(10) *Violence Against Women* 1260, 1273.

interviewed in a study, 20 per cent reported violence involving multiple perpetrators whereas 80 per cent consisted of the in-laws.⁵⁶ Nevertheless, this study also noted that there are times when the perpetrators include the bride's family members—with one woman threatened to be disowned and killed by her family if she returned to India, when they gained knowledge of her naked pictures.⁵⁷

It is advanced that money is gendered in that its control varies depending on the religious and cultural practices of certain communities.⁵⁸ Unlike western societies such as Anglo-Celtics in Australia where wealth is gendered jointly in that couples have joint ownership of bank accounts and properties, in India, the relational social structure of the community, whether it is patrilineal or matrilineal determines control.⁵⁹ Generally, among the Hindu patrilineal family, marriage translates into a woman's wealth being transferred to the husband and his family; for as the head of the household he is obligated to ensure all of their well-being.⁶⁰ However, coercive control manifests when the husband remits the wife's or all of his earnings, against her will, to his family.⁶¹ This demonstration of filial duty to his parents leaves the wife struggling to survive and to manage the family.⁶²

Notwithstanding that South Asians are deeply immersed in patriarchy, ironically it is the mother-in-law who reigns supreme in the household where more often than not the young woman is reduced to domestic servitude.⁶³ She is further abused by actions including excommunicating her from her family and removing her immigration papers.⁶⁴ How does this come about that two women are at the extreme ends of the power spectrum?⁶⁵ This resonates with some cultures where older women are located in privileged positions within the patriarchal

⁵⁶ Marie Segrave and InTouch Multicultural Centre Against Family Violence, *Temporary Migration and Family Violence: An Analysis of Victimization, Vulnerability and Support* (School of Social Sciences, Monash University, 2017) 39 <<http://artsonline.monash.edu.au/gender-and-family-violence/temporary-migration-and-fv>>.

⁵⁷ Ibid 40.

⁵⁸ Singh and Sidhu (n 54) 36.

⁵⁹ Ibid.

⁶⁰ Ibid 42.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Mahapatra and Rai (n 50) 1186.

⁶⁴ Ibid.

⁶⁵ Andrea Jordan and Shreya Bhandari, 'Lived Experiences of South Asian Women Facing Domestic Violence in the United States' (2016) 25(3) *Journal of Ethnic & Cultural Diversity in Social Work* 227, 244.

system but, paradoxically, find themselves in a contradictory situation of being the oppressors, having been oppressed themselves.⁶⁶ The mother-in-law perpetuates patriarchy; power bestowed upon her, through her son.⁶⁷ Having been a victim of patriarchy herself, one cannot help but wonder why would she impose the same on her gender.

This thesis argues that the patrilocal and patrilineal nature of an Indian marriage increases the vulnerability of women to violence. Unsurprisingly, Indian women have been found to be least likely to report abuse in comparison to Hispanic and African-American women in the United States.⁶⁸ Further to patrilineality and patrilocality, the following section considers the various customs carried out to the detriment of women, particularly forced marriages and dowry. It demonstrates that the application of these traditions has no boundaries, and they continue to be practised by the communities wherever they emigrate.

2.2.3 Harmful Cultural Practices

Contrary to article 2 of the Universal Declaration of Human Rights 1948,⁶⁹ the infringement of women's human rights is gendered.⁷⁰ The myriad forms of ongoing violation include domestic violence, dowry deaths, female genital mutilation, incest and rape occurring at every level across the nations irrespective of class, race or culture.⁷¹ The violations are committed because the victims are female.⁷² It is argued that diverse intersectionality involving gender, race, religion and ethnicity, which is manifested in social and political structures worldwide, enables patriarchy to thrive;⁷³ strengthening the continued subordination of women.⁷⁴ It is further

⁶⁶ Hunnicutt (n 15) 564.

⁶⁷ O'Connor, *Daughters of Durga* (n 53) 73.

⁶⁸ Mahapatra and Rai (n 50) 1171.

⁶⁹ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948) <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>>. Article 2: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

⁷⁰ Charlotte Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights' (1990) 12(4) *Human Rights Quarterly* 486, 486.

⁷¹ *Ibid* 489.

⁷² *Ibid* 490.

⁷³ Nancy Nason-Clark, 'Presidential Address: Going Public: The Art and Science of Researching Domestic Violence and Religion' (2018) 57(1) *Journal for the Scientific Study of Religion* 7, 9.

⁷⁴ Bunch (n 70) 490.

argued that such a system is a necessary evil for the maintenance of power and control by men both in private and public domains.⁷⁵

Harmful cultural practices are largely carried out against women with serious repercussions, although those embracing the customs may not view them as damaging.⁷⁶ Whilst at one time these practices were focused in the Global South, due to migration, they have now escalated to a universal problem.⁷⁷ Cultural practices devaluing women such as forced marriages, honour killing and female genital mutilation continue in countries of destination.⁷⁸ In 2018, the World Health Organization added virginity testing to this category.⁷⁹ It is contended that, whilst accusatory fingers are pointed at countries of the Global South, western countries, namely the United Kingdom, the United States and France have their versions of harmful practices, such as an obsession with thinness, desired by women to the point of starvation.⁸⁰

The following sections explore the impact of forced marriages and the ancient practice of dowry and how they favour men over women.

2.2.3.1 *Forced Marriages*

In Australia, forced marriage is considered to be the most pervasive form of modern slavery and is viewed as part of human trafficking.⁸¹ Hence, it has been outlawed since 2013.⁸² It is reported that the majority of victims are women who are tricked, forced or coerced into marrying someone.⁸³ Among the grounds for the ongoing practice is to maintain tradition in a foreign country, trusting it would possibly prevent girls from promiscuity and ensure women preserve their family honour.⁸⁴ It is posited that sometimes an arranged marriage can turn into

⁷⁵ Ibid.

⁷⁶ Sawitri Saharso and Carlijn Dekker, 'Harmful Cultural Practices in the Consultation Room: Dutch General Practitioners' Views and Experiences' (2022) 43(9) *Health Care for Women International* 1042, 1042.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid 3.

⁸¹ Marika Guggisberg and Madalena Grobbelaar, 'An Examination of Circumstances Related to Forced Marriage among Culturally and Linguistically Diverse Women in Australia' in Mathias L Knudsen (ed), *Victims of Violence: Support, Challenges and Outcomes* (Nova Science Publishers, 2020) 205, 208.

⁸² Ibid.

⁸³ Ibid 208, 211.

⁸⁴ Ibid 215, 218

a forced marriage if there is coercion or pressure from the elders who for their own motives organise the union.⁸⁵ In addition, the consequential harmful cultural practices that persist, in forced marriages or otherwise, include male control over the reproductive rights of women with forced impregnation, abortion and abuse if daughters are born.⁸⁶ Boys are prioritised as girls are considered less worthy.⁸⁷

That men are valued and cherished more, capable of commanding a high price in a marriage, is explored through the traditional practice of dowry in the section below.

2.2.3.2 Dowry

Dowry involves the movement of property, money, jewellery and costly gifts from the bride's family to the groom's, which can occur anytime leading to and after the marriage.⁸⁸ Traditionally known as *stridhan* in India, it is a woman's rightful inheritance gifted to her by her family at her wedding but, in reality, the gifts are ultimately controlled by the husband and his family.⁸⁹ Over the years the offering of gifts turned into a coercive demand by the husband's family, escalating the practice into abuse.⁹⁰ The stress and fear of having to save a significant sum of dowry for a baby girl have instigated sex-selective abortion with advertisements suggesting it is more cost effective to abort at Rs 500 rather than accumulating Rs 500,000 for dowry in the future.⁹¹ It has been reported that unreasonable and excessive dowry harassment by the husband and his family is a major contributor to poor mental health and suicidal ideation among South Asian women.⁹² Due to its repressive nature this practice culminated in the declaration of dowry as a criminal offence under the Indian *Dowry Prohibition Act 1961*.⁹³

⁸⁵ Ibid 211–12.

⁸⁶ Anitha (n 55) 1275.

⁸⁷ Singh and Sidhu (n 54) 37.

⁸⁸ Senate Legal and Constitutional Affairs References Committee, *Practice of Dowry and the Incidence of Dowry Abuse in Australia* (Report, February 2019) 3.

⁸⁹ Ibid 4.

⁹⁰ Sundari Anitha, Harshita Yalamarty and Anupama Roy, 'Changing Nature and Emerging Patterns of Domestic Violence in Global Contexts: Dowry Abuse and the Transnational Abandonment of Wives in India' (2018) 69 *Women's Studies International Forum* 67, 71.

⁹¹ Momoe Makino, 'Marriage, Dowry, and Women's Status in Rural Punjab, Pakistan' (2019) 32(3) *Journal of Population Economics* 769, 770.

⁹² Manjula O'Connor, 'Dowry-Related Domestic Violence and Complex Posttraumatic Stress Disorder: A Case Report' (2017) 25(4) *Australasian Psychiatry* 351, 352.

⁹³ Anitha, Yalamarty and Roy (n 90) 67.

With global movement, the cultural practice has encroached beyond the shores of India to the United Kingdom and Australia where dowry-related abuse has become pervasive.⁹⁴ Wanting their daughters to marry well, there is an increased demand from Indian parents looking for non-resident Indian (NRI) grooms living in western countries in the belief that they are better educated and wealthier.⁹⁵ Apart from the occupation and social status of the potential groom, the international position of his country of residence is an essential consideration and is utilised to trade for a considerable sum of dowry—with a groom residing in the United States fetching a higher dowry than one in Australia.⁹⁶ Desiring their daughters to have a prosperous life, most Indian parents are prepared to pay a substantial dowry to the groom or his family in exchange for marriage.⁹⁷ The dowry not only consists of gifts of gold and cash given on the day of the wedding to the groom's extended family, but also includes payments for the engagement and all related celebrations (which could run well in excess of \$50,000).⁹⁸

Australian-Indian grooms are known to seek huge dowries, with the brides' parents falling prey to their own unconscious biases that these men are the perfect match for their daughters.⁹⁹ A case study reported that, notwithstanding a dowry worth AUS\$70,000 being bequeathed to the husband in addition to the wife's own jewellery being withheld by his mother on the pretext of safekeeping, there were ongoing demands for more dowry after her arrival in Australia.¹⁰⁰ The abuse against her escalated including denying her access to money, provision of limited food and throwing her out of the home during cold nights; and it was not until her life was threatened by the perpetrator and his family that she made her escape.¹⁰¹ In these situations, when a woman's income or dowry is handed over to the husband while her funds are considerably depleted, the resulting inequity leading to coercive control tips the scale completely in favour of men.¹⁰² The culture and lifestyle of the western country appear to have little impact on this unshakeable harmful practice.

⁹⁴ Ibid 68.

⁹⁵ O'Connor, *Daughters of Durga* (n 53) 47.

⁹⁶ Anitha, Yalamarty and Roy (n 90) 70.

⁹⁷ Anitha (n 55) 1271.

⁹⁸ O'Connor, *Daughters of Durga* (n 53) 50.

⁹⁹ Ibid 52.

¹⁰⁰ O'Connor, 'Dowry-Related Domestic Violence and Complex Posttraumatic Stress Disorder' (n 92) 352.

¹⁰¹ Ibid.

¹⁰² Singh and Sidhu (n 54) 36.

Another nuanced aspect of dowry-related abuse that has emerged recently is the transnational abandonment of women for failing to fulfil additional demands.¹⁰³ Approximately 50,000 wives have been left behind in India, with their spouses never returning to them.¹⁰⁴ Similarly, Indian wives are also being abandoned in foreign countries where, between the years 2012 and 2020, a clinic saw more than 600 women forsaken in Australia.¹⁰⁵ In one study, more than half of the 23 participants were deserted in India by their spouses who, upon returning to their country of residence immediately withdrew their sponsorship, leaving the women without any legal recourse to rejoin their husbands.¹⁰⁶ The various methods of deception employed by the perpetrators included returning to India on a purported holiday only to leave them behind with their families.¹⁰⁷ The other ploy involves the parents-in-law in India discarding the woman within months of marriage after her husband has revoked her visa in the foreign country on discovering her inability to afford the dowry.¹⁰⁸

The same study also showed that, upon exhausting the dowry on themselves through education and businesses and after attaining residency, these men end their marriages.¹⁰⁹ The loss of a marriage through desertion impacts a woman heavily as marriage is a palpable social identifier that affects her, her family and the community she lives in; at times reducing her to destitution.¹¹⁰ It is noted that dowry giving does not always lead to violence as some women welcome it as their rightful share in a culture where otherwise they are bereft of any inheritance.¹¹¹ However, it is argued that the harmful cultural practice of dowry continues to belittle women, entrenching them deeper into a subservient role where coercive demands are made resulting in abuse.¹¹² On the other hand, as illustrated, the men are viewed as precious, lordling over their wives and demanding dowry amounting to extortion that the woman's family can ill afford. The consequences are disastrous.

¹⁰³ Anitha, Yalamarty and Roy (n 90) 67.

¹⁰⁴ O'Connor, *Daughters of Durga* (n 53) 78.

¹⁰⁵ Ibid.

¹⁰⁶ Anitha, Yalamarty and Roy (n 90) 72.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid 68.

¹¹² Ibid.

A recurrent observation examined here is the collectivist nature of the various cultures of South Asia, leading to an incontrovertible expectation that women should forego their rights and identity for the greater good of the family.¹¹³ Women of various colours and creeds have been struggling for centuries to rise above the suppression and oppression dictated by religion and culture and crafted by men. Yet, in some cultures particularly in South Asia, males are cherished more, considered ‘prized possessions’¹¹⁴ and customarily assume roles of key decision-makers and disciplinarians regardless of their financial capacity, simply by virtue of their gender.¹¹⁵ Therefore, this thesis posits, based on the cultures examined here, it is evident that patriarchy is a fundamental cultural factor behind domestic violence. Furthermore, the onerous burden of upholding family honour inevitably rests on the shoulders of women.

The next section examines the intersection between religion and domestic violence. It starts by, first, discussing domestic violence among faith communities in Australia and whether the interaction is significant to justify calling it a discourse. Thereafter, it explores the contribution made by religious laws to the abuse. It is noted, however, that there is a dearth of studies on the interplay between domestic violence and religion, especially within church settings worldwide and more so in Australia.¹¹⁶ Therefore, these studies are crucial in identifying the relationship for a better understanding of the complexities of the issue and to consider the role of law and policy in developing a constructive approach to addressing domestic abuse.

2.3 Domestic Violence in Australian Faith Communities

This section briefly discusses domestic violence experienced by various faith communities in Australia. Regardless of their religious beliefs and similar to culture, it reveals that a dominant characteristic is persistent demanding of women subordination and tolerance of domestic abuse.

In 2017, Baird and Gleeson conducted a twelve-month study of the intersection of faith with domestic violence.¹¹⁷ They argued that by excluding religion from discussions surrounding

¹¹³ Mahapatra and Rai (n 50) 1172–3.

¹¹⁴ O’Connor, *Daughters of Durga* (n 53) 207.

¹¹⁵ Mahapatra and Rai (n 50) 1172–3.

¹¹⁶ Naomi Priest, ‘A Health and Social Science View of Domestic Violence and Churches’ (2018) 243 *St Mark’s Review* 25, 25.

¹¹⁷ Hayley Gleeson and Julia Baird, ‘Exposing the Darkness Within: Domestic Violence and Islam’, *ABC News*

domestic violence, scant attention has been accorded to it as a significant cultural influence on the perpetrator's behaviour and the victim's response.¹¹⁸ They researched and interviewed victims of domestic violence among mainstream religions specifically Christianity, Islam, Hinduism, Sikhism and Judaism.

Baird and Gleeson reported that Christian women including those married to clergy revealed extensive suffering at the hands of the perpetrators, from victims being beaten and raped, to seeking permission to drink lemonade.¹¹⁹ One woman underwent 16 pregnancies, several miscarriages, the stillbirth of a baby, enduring years of rape by her husband, yet remained in the abusive relationship fulfilling her Christian marriage vows of 'for better or worse'.¹²⁰ Their findings revealed that forgiveness and submission to the spouse underscored the victim's decision to stay albeit recognising the perpetrators' proclivity to twist biblical verses in support of their actions.¹²¹ For instance, the Bible exhortation to forgive seventy seven times,¹²² or to turn the other cheek when slighted,¹²³ seemingly spurs the perpetrators on.

Similarly, Muslim perpetrators use the Koran to elicit women's submission and obedience.¹²⁴ In 2015, Salwa Haydar, aged 45, was murdered by her husband whilst she was preparing dinner in her kitchen after a long day's work.¹²⁵ Although they were Lebanese Muslims, the perpetrator was not particularly religious. Nevertheless, the incident sparked ongoing divisive discussions on the infamous verse 4:34 of the Koran which, some Islamic scholars argue,

(online, 24 April 2017) <<https://www.abc.net.au/news/2017-04-24/confronting-domestic-violence-in-islam/8458116>>.

¹¹⁸ Baird and Gleeson, 'Submit to Your Husbands' (n 11).

¹¹⁹ Julia Baird and Hayley Gleeson, 'Raped, Tracked, Humiliated: Clergy Wives Speak Out about Domestic Violence', *ABC News* (online, 24 November 2017) <<https://www.abc.net.au/news/2017-11-23/clergy-wives-speak-out-domestic-violence/9168096>>.

¹²⁰ Hayley Gleeson and Julia Baird, "'Their Cross to Bear": The Catholic Women Told to Forgive Domestic Violence', *ABC News* (online, 22 October 2017) <<https://www.abc.net.au/news/2017-11-04/cross-to-bear-catholic-church-domestic-abuse/8680158?nw=0>>.

¹²¹ *Ibid.*

¹²² 'Matthew 18:21-22: New International Version', *Bible Gateway* (Web Page, 2011) <<https://www.biblegateway.com/passage/?search=matthew%2018:21-22&version=NIV>>.

¹²³ 'Matthew 5:39: New International Version', *Bible Gateway* (Web Page, 2011) <<https://www.biblegateway.com/passage/?search=Matthew%205:39&version=NIV>>.

¹²⁴ Gleeson and Baird, 'Exposing the Darkness Within' (n 116).

¹²⁵ Amani Haydar, 'I Lost My Mum to Domestic Violence but I Won't Let Fear or Racists Keep Me Silent', *ABC News* (online, 7 September 2018) <<https://www.abc.net.au/news/2018-09-07/muslim-women-are-speaking-about-domestic-violence/10207234>>.

permits husbands to beat ‘disobedient wives’.¹²⁶ Other scholars disagree, contending such interpretations contradict the very essence of Islam, which includes non-violence and gender equality.¹²⁷

Among the Indian community, as noted earlier, dowry abuse, which is prevalent in arranged marriages, appears to dominate the domestic violence scene in recent times. The bride’s family’s failure to meet the husband’s soaring demand for dowry upon arrival in Australia has seen violence escalate to murders and suicides.¹²⁸ Convincing theories allude to ancient Hindu laws on the origins of dowry supporting the practice.¹²⁹ On another note, in December 2008, Rajini Narayan burned her husband, Satish Narayan, to death by setting his penis on fire after tolerating years of abuse.¹³⁰ Being traditional Hindus, during the trial at the Supreme Court of South Australia, Narayan testified that the violence arose from her failure to live up to the abuser’s perceptions of a perfect Hindu wife.¹³¹

It is contended that one of the factors contributing to the violence is the ancient Hindu Laws of Manu, which prescribe the treatment of women, and refers to women as seductresses. The law dictates that women’s only duty is to ‘worship, serve, obey and please their husbands’.¹³² As with Islam, such violence towards women is inconsistent with worship and reverence of the powerful Hindu goddesses Lakshmi, Saraswati, Parvati and the fierce Durga.¹³³

¹²⁶ Ibid.

¹²⁷ Gleeson and Baird, ‘Exposing the Darkness Within’ (n 117).

¹²⁸ Debra Jopson, ‘The Secret Scourge of Family Violence and Murder in Australian Hindu and Sikh Communities’, *ABC News* (online, 18 December 2017) <<https://www.abc.net.au/news/2017-12-18/scourge-family-violence-in-hindu-and-sikh-communities/9257724>>.

¹²⁹ Uthra Ramachandran, Submission No 28 to Senate Standing Committee on Legal and Constitutional Affairs, *Inquiry into The Practice of Dowry and Incidence of Dowry Abuse in Australia* (2018).

¹³⁰ Sean Fewster, ‘Freeing Husband Killer Rajini Narayan Was Justified, Say Women’s Groups’, *The Advertiser* (online, 14 April 2011) <<https://www.adelaidenow.com.au/news/south-australia/penis-burning-wife-rajini-narayan-walks-free/story-e6frea83-1226038376860?sv=e7fac06880487f4d00b41df4f0805b0f>>. The Supreme Court convicted Narayan of manslaughter but suspended her six-year prison term, rendering her the third woman since 2004 to avoid an immediate jail term for killing an abusive spouse.

¹³¹ ‘Wife Convicted over Burning Husband’, *ABC News* (online, 14 October 2010) <<https://www.abc.net.au/news/2010-10-13/wife-convicted-over-burning-husband/2297064>>..

¹³² Jopson (n128). See also Ramachandran (n 129), who describes the origins of dowry gifting in the Laws of Manu. See further ‘Laws of Manu’, *Cengage* (Web Page)

<https://college.cengage.com/history/primary_sources/world/laws_of_manu.htm>.

¹³³ Jopson (n 128).

In Judaism, the orthodox practice of ‘get’ appears to be increasingly exploited by Jewish men to hold their abused wives hostage.¹³⁴ On successfully securing a civil divorce, the wives seek the husbands’ permission to endorse the same under Jewish laws.¹³⁵ The perpetrator is required to willingly offer a get (a Jewish divorce writ),¹³⁶ which the wife accepts at her own free will as he drops it into her cupped hands, before a tribunal of all male rabbis.¹³⁷ Should he refuse, she is portrayed as an ‘agunah’ or a woman still ‘chained’ to her marriage and forbidden from remarrying under Jewish laws.¹³⁸ If she proceeds to form a new relationship with another man, she is regarded as an adulteress.¹³⁹ Notwithstanding that withholding get is considered a ‘serious transgression’, perpetrators continue to manipulate the process by trading get for child custody and property.¹⁴⁰

Whatever belief systems it may be, these abuses raise several questions. Is there a correlation between religion and domestic violence? Does religion shape a man’s expectations of an ideal wife and, should she fall short of it, is punishment or violence justified? Have the world religions been espousing patriarchal culture and propagating gender inequality and imbalance of power leading to domestic violence? Does a man’s misinterpretation of his faith account for his conduct? These experiences rooted in ‘submission’, ‘obedience’ and ‘service’ to men, morphing into power hierarchies of patriarchy, male dominance and superiority, are globally recognised as the main factors that inform gender inequality, contributing to the prevalence of domestic violence.¹⁴¹

Overarching these religious beliefs and inherent in the silence about abuse, is the element of taboo on the issue of domestic violence. It is a private family matter.¹⁴² It is unspeakable. To

¹³⁴ Kent Greenawalt, ‘Religious Law and Civil Law: Using Secular Law to Assure Observance of Practices with Religious Significance’ (1997) 71(4) *Southern California Law Review* 781, 781.

¹³⁵ Hayley Gleeson, ‘Chained Women: The Jewish Wives Being Held Hostage in Abusive Marriages’, *ABC News* (online, 27 February 2018) <<https://www.abc.net.au/news/2018-02-27/chained-women-jewish-wives-hostage-in-abusive-marriages/9464038>>.

¹³⁶ ‘Get Basics’, *Get Your Get* (Web Page, 2013) <<http://www.getyourget.com/get-basics>>. A get is a Jewish court order ending the marriage between the parties, professionally transcribed by hand and executed by two witnesses.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ Priest (n 116) 36.

¹⁴² Mandy Truong et al, ‘Faith-Based Communities’ Responses to Family and Domestic Violence’ (Working Paper No 1/2020, ANU Centre for Social Research and Methods, Australian National University, February

disclose abuse to the broader community is considered shameful and contrary to teachings of faith traditions on patience, tolerance and endurance.¹⁴³ Consequently, there is a tendency to defend or deny the presence of such violence in one's faith community on the basis that it should not occur if one is a true believer.¹⁴⁴

But to what degree is religion even practised in Australia to warrant a discussion on its impact on domestic violence? The 2021 Australian Census found that Christianity accounted for about 43.9 per cent of the population, with Islam 3.2 per cent, Hinduism 2.7 per cent, and Buddhism 2.4 per cent.¹⁴⁵ These figures reflect the evolving multicultural and multireligious landscape of this nation. Statistics indicate that the number of Australians professing any particular faith has been on the decline over the years¹⁴⁶ with an estimated 10 million declaring no religion in the recent poll.¹⁴⁷ This amounts to approximately 38.9 per cent of the total population, a significant number.¹⁴⁸ Nonetheless, anecdotal evidence and media reports particularly by Baird and Gleeson seem to suggest that faith is a negative cultural influence on the abused and the abuser of intimate partner violence in Australia. As a result, and given that the victims are shrouded in silence, the impact of religion on domestic violence needs urgent attention.

Having considered the intersection between culture and domestic violence, and its presence among faith communities in Australia, the next section focuses on the impact of five major world religions, namely Hinduism, Islam, Judaism, Buddhism and Christianity, on intimate partner violence as evidenced in a few selected countries. It examines how religion moulds one's understanding and tolerance of abuse. The section also demonstrates the ongoing interaction between religion and culture in shaping the violence, and how in some instances religious laws influence the cultural settings that entrench the subordinate position of women.

2020) 16 <https://csm.cass.anu.edu.au/sites/default/files/docs/2020/2/Faith-based_communities_responses_to_family_and_domestic_violence.pdf>.

¹⁴³ Ibid 17 [7]– [10].

¹⁴⁴ Ibid.

¹⁴⁵ 'Religious Affiliation in Australia', *Australian Bureau of Statistics* (Web Page, 4 July 2022) <<https://www.abs.gov.au/articles/religious-affiliation-australia>>.

¹⁴⁶ Australian Bureau of Statistics, '2021 Census Shows Changes in Australia's Religious Diversity' (Media Release, 28 June 2022) <<https://www.abs.gov.au/media-centre/media-releases/2021-census-shows-changes-australias-religious-diversity>>.

¹⁴⁷ 'Religious Affiliation in Australia' (n 145).

¹⁴⁸ Ibid.

2.3.1 Religious laws and domestic violence

This section defines the interplay between law and religion and the impact of religious laws on women. It demonstrates how the patriarchal element embedded within these laws continues to influence women's position, affecting perceptions of domestic violence.

2.3.1.1 What is religious law?

In considering religious law, one needs to look at what constitutes religion, and law, individually. HLA Hart in his book *The Concept of Law*, poses the persistent jurisprudential question 'What is law?' Though he does not define it, he proposes that law 'is the union of primary and secondary rules'.¹⁴⁹ Primary rules are those that impose a duty whilst secondary rules are rules that confer power to enable the former to be implemented constructively and effectively through introductions, variations, eliminations and more.¹⁵⁰ Put together, these two sets of rules characterise the formal framework of a legal system.¹⁵¹ Hart distinguishes between 'rule-observing behaviour' and 'habitual behaviour', underlining a striking attribute of law 'that its existence means that certain kinds of human conduct are no longer optional, but in some sense obligatory',¹⁵² implying any breach has consequences.

In defining religion, literature abounds alluding to it as the root cause of gender inequality giving rise to a patriarchal system subjecting women to subservience and abuse. Though the religious texts; the Bible, the Torah and the Koran do not explicitly support domestic abuse, they have been interpreted through the centuries to define women's role in a way that is nothing short of oppressive.¹⁵³ Religion as a double-edged sword can either comfort, console and empower a victim on her road to recovery or be misquoted, misinterpreted and used as a weapon by the abuser to silence the victim and justify his actions. Such misinterpretation is

¹⁴⁹ Owen Cox, 'The Meaning of Law in The Concept of Law' (1999) 24 *Australian Journal of Legal Philosophy* 145, 146.

¹⁵⁰ Ibid 147.

¹⁵¹ Robert S Summers, 'H. L. A. Hart's The Concept of Law: Estimations, Reflections, and a Personal Memorial Essay' (1995) 45(4) *Journal of Legal Education* 587, 590.

¹⁵² Ibid.

¹⁵³ Larkin and Morris (n 5).

quite often shared by relatives and faith communities, leading to greater victimisation of an abused woman by her own belief system.¹⁵⁴

As ambiguous a pursuit of the definition of law is, the same could also be said for the description of religion. Even though the term ‘religion’ is freely applied at national and international levels, and the freedom to practise one’s religion is enshrined in United Nations conventions,¹⁵⁵ its definition remains unclear and elusive,¹⁵⁶ and attempts to define it are ‘as old as the academic study of religion itself’.¹⁵⁷ However, Jeremy Gunn proposes three primary features or ‘facets’ that constitute religion.¹⁵⁸ They are ‘belief’, namely convictions that people hold in relation to their faith, god or truth. Next is ‘identity’, where religion offers a connection, a sense of belonging as being part of a family, race, nationality or ethnicity. Lastly, religion is a ‘way of life’ comprising rituals, customs, traditions and actions that set one religious community apart from another.¹⁵⁹

On another perspective and in differentiating theology, Paul Babie, describes religion as an institution or ‘an organisational structure by which one gains identity and a way of life, founded upon a metaphysical (that is, theological) assumption or set of assumptions about god(s)’.¹⁶⁰ And he cited the Christian church, as a broad example of an institution.¹⁶¹ In other words, religion encapsulates a belief system based on the fundamental supreme or divine presence defining moral values, principles and tenets, directing a person’s way of life.¹⁶² If so, this description may not sit well with Buddhism or Jainism that hinges upon a philosophy of

¹⁵⁴ Dheeshana Jayasundara et al, ‘Leveraging Faith to Help End Domestic Violence: Perspectives from Five Traditions’ (2017) 44(4) *Social Work and Christianity* 40.

¹⁵⁵ ‘International Standards’, *OHCHR* (Web Page, 27 May 2023) <<https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/international-standards>>. Freedom of religion or belief is guaranteed by *Universal Declaration of Human Rights* (n 68) art 18; *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 18; *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, GA Res 36/55, UN Doc A/RES/36/55 (25 November 1981).

¹⁵⁶ T Jeremy Gunn, ‘The Complexity of Religion and the Definition of “Religion” in International Law’ (2003) 16 *Harvard Human Rights Journal* 190.

¹⁵⁷ *Ibid* 191.

¹⁵⁸ *Ibid* 200–5.

¹⁵⁹ Paul Babie, ‘Breaking the Silence: Law, Theology and Religion in Australia’ (2007) 31(1) *Melbourne University Law Review* 296, 301–32.

¹⁶⁰ *Ibid* 302.

¹⁶¹ *Ibid*.

¹⁶² Afrouz, Crisp and Taket (n 14).

salvation in the absence of a clear divine being.¹⁶³ Be that as it may, MV Nadkarni argues that either way, both versions of belief are built within well-constructed institutions and scriptures.¹⁶⁴

Therefore, synthesising law and religion, religious laws could be explained as a legal system rooted in a theological assumption which forms a central part of a particular religious tradition.¹⁶⁵ Norman Doe, categorises religious laws as primary and secondary with the primary religious laws originating from divine revelation including the holy books and historical interpretations¹⁶⁶ whilst secondary religious laws consist of their own regulatory instruments comprising constitutions and objectives with ‘soft law’ offering guidelines, codes of practice and policy.¹⁶⁷ On the whole, he argues that religious laws are meant to guide the spiritual and daily lives of the adherents within their belief system.¹⁶⁸ For the purposes of this thesis, adopting the interpretation of Babie, religious laws are defined as a set of laws created by humans centred on a belief in god(s), which governs the fundamentals of a specific faith.

The next section explores religion as it relates to domestic violence, both from polytheistic and monotheistic perspectives. It examines whether religious laws propound or reject gender equality. It proceeds to consider the impact of faith in shaping understandings of the status of women and if and how that has perpetuated intimate partner violence.

2.3.1.2 Polytheism

Polytheism, simply put, is a belief in many gods.¹⁶⁹ It varies from acknowledging the oneness of god to diverse versions of god as the supreme being and creator, to identifying a principal

¹⁶³ MV Nadkarni, ‘Does Hinduism Lack Social Concern?’ (2007) 42(20) *Economic and Political Weekly* 1844, 1844.

¹⁶⁴ Ibid.

¹⁶⁵ Babie (n 159) 302.

¹⁶⁶ Norman Doe, *Comparative Religious Law: Judaism, Christianity, Islam* (Cambridge University Press, 2018) 52.

¹⁶⁷ Ibid 53.

¹⁶⁸ Ibid.

¹⁶⁹ Jan Assmann, ‘Monotheism and Polytheism’ in Sarah Iles Johnston (ed), *Religions of the Ancient World: A Guide* (Harvard University Press, 2004) 17, 17.

god among all gods.¹⁷⁰ The many gods take different shapes, roles and names.¹⁷¹ The major religions that are polytheistic in nature under discussion here are Hinduism and Buddhism.

2.3.1.2.1 Hinduism

Hinduism is considered one of the oldest religions in the world, having the third largest number of followers after Christianity and Islam, with India, Nepal and Mauritius leading the way.¹⁷² Hinduism is a complex religion characterised by belief in multiple gods in various forms and symbols, consisting of numerous scriptures, spiritual texts and divinely inspired compositions.¹⁷³ *Dharma* or way of life forms the core of Hinduism, with early scriptures comprising Vedas, Upanishads, Smritis and Puranas, detailing social, legal, moral and spiritual laws,¹⁷⁴ guiding as one journeys towards attaining *moksha*. *Moksha* is personal salvation or a state of liberation from worldly materialism through successive cycles of life and rebirth.¹⁷⁵

It follows that *moksha* is dependent upon a person's actions here on earth, which are governed by *karma*. *Karma* is an essential creed of Hinduism espousing the principle of one's actions having consequences.¹⁷⁶ It posits that one's life is predestined, yet it is common for Hindus to conduct various religious practices, including prayers, abstinence and astrology, in an attempt to counter and change their fate particularly when facing hardship.¹⁷⁷ Conversely, it is argued that laws of karma do not define destiny but are basically rules governing one's conduct, cautioning that there are repercussions of one's actions.¹⁷⁸ When *karma* is considered immutable, it follows that domestic violence is part of one's life, preordained from birth and, therefore, should be embraced unquestioningly.¹⁷⁹ However, it is noted that such detrimental apathy could potentially lead victims to a tragic end.¹⁸⁰

¹⁷⁰ Ibid 18.

¹⁷¹ Ibid 24.

¹⁷² 'Hindu Countries 2020', *World Population Review* (Web Page, 2020)

<<https://worldpopulationreview.com/country-rankings/hindu-countries>>. It is estimated there are 1.2 billion Hindus worldwide, 95% of whom are in India. India has 1.053 billion Hindus whilst Nepal has 23.5 million.

¹⁷³ Jayasundara et al (n 154) 42.

¹⁷⁴ Pathak (n 27).

¹⁷⁵ Manoj Kumar Sinha, 'Hinduism and International Humanitarian Law' (2005) 87(858) *International Review of the Red Cross* 285.

¹⁷⁶ Jayasundara et al (n 154) 43.

¹⁷⁷ Ibid.

¹⁷⁸ Nadkarni (n 163).

¹⁷⁹ Jayasundara et al (n 154) 43.

¹⁸⁰ Nadkarni (n 163) 1844-5.

Among the Smritis, Manusmriti or the Laws of Manu is a divinely inspired composition on guidance and rules of conduct, particularly for women, which places an onerous responsibility on the wife to share her husband's *karma* and destiny for all time.¹⁸¹ Notwithstanding his misdeeds and licentious behaviour, these religious laws command the woman to overlook his fallibility, and instead self-sacrifice and totally dedicate herself to him:

For a woman there is no other sacrifice. She who serves her husband with intense devotion and faith is honoured even if the husband is not endowed with virtuous qualities, even if he is lustful, and even if he has no good conduct.¹⁸²

The following verses further magnify a wife's obligation:

Her father protects (her) in childhood, her husband protects (her) in youth, and her son protect (her) in old age; a woman is never fit for independence.

She who, controlling her thoughts, speech, and acts, violates not her duty towards her lord, dwells with him (after death) in heaven, and in this world is called by the virtuous a faithful (wife, *sadhvi*).

But for disloyalty to her husband a wife is censured among men, and (in her next life) she is born in the womb of a jackal and tormented by diseases, the punishment of her sin.¹⁸³

This thesis propounds that these religious laws reduce women to clingy, hopeless and helpless creatures, completely incapable of living independent lives, needing constant protection from men. Whilst the earlier mentioned laws instruct the wife to ignore the husband's unfaithfulness, on the contrary calling it a sin, these laws utter a curse of torture and misery on her afterlife, should she commit the same. It is evident that their demands and expectations construct a model of a good, pious, virtuous Hindu wife with an outstanding ability to renounce her entire life for the sake of her husband and family—almost making it impossible to seek help when experiencing violence. Expecting her to be a 'Sita'—the perfect chaste wife of the mythological King Rama of the Indian Sanskrit epic Ramayana,¹⁸⁴ who walked through fire unscathed but

¹⁸¹ Jayasundara et al (n 154) 43.

¹⁸² Ibid 44.

¹⁸³ Pathak (n 27) 230.

¹⁸⁴ O'Connor, *Daughters of Durga* (n 53) 76.

eventually died proving her purity¹⁸⁵—raises the bar so high that a Hindu woman draws considerable ignominy and criticism when she succumbs to pressure.¹⁸⁶ These laws requiring the wife’s ultimate self-sacrifice with severe restrictions on her autonomy, clearly perpetuating patriarchal hierarchy and gender imbalances, appear to have seeped surreptitiously into the Indian psyche.

In a study of 12 college-educated Indian women in the United States comprising predominantly professionals, they were asked what made them vulnerable to domestic abuse.¹⁸⁷ They unanimously responded that they subconsciously believed they were subordinate to their spouses.¹⁸⁸ For some, this belief was visceral and inculcated since childhood. Each of these women was physically abused for failing to submit to their spouses.¹⁸⁹ They believed that unconditional sacrifice and acceding fully to their husbands’ wishes were pivotal to being a devoted wife and mother, and protecting their marriages was crucial, come what may.¹⁹⁰

Notwithstanding that Indians in the United States are famously known as the ‘model minority’ for their successful lives, simmering underneath that facade is the age-old religious tradition and deep-seated actualised belief among even high-earning professional wives that they are second and identify themselves only in relation to their husbands.¹⁹¹ Moreover, it does not help that the highly learned sage Arundhati, despite her erudite accomplishments, is known more for her absolute dedication to her husband Vishwamithra, setting a Hindu tradition in her wake for young brides to emulate her path of servitude.¹⁹²

The Laws of Manu are inconsistent. While on one hand they demean women, on the other hand, particularly to attain *moksha*, they demand of a husband that:

Women must be honoured and adorned by their fathers, brothers, husbands, and brothers-in-law, who desire (their own) welfare.

¹⁸⁵ ‘Sita’, *Encyclopedia Britannica* (Web Page, 2023) <<https://www.britannica.com/topic/Sita>>.

¹⁸⁶ Jayasundara et al (n 154) 44.

¹⁸⁷ Dasgupta and Warriar (n 28) 242–3.

¹⁸⁸ Ibid 246.

¹⁸⁹ Ibid 251.

¹⁹⁰ Ibid 248.

¹⁹¹ Ibid 255.

¹⁹² Ibid 245.

Where women are honoured, there the gods are pleased; but where they are not honoured, no sacred rite yields rewards.

Where the female relations live in grief, the family soon wholly perishes; but that family where they are not unhappy ever prospers.

The houses on which female relations, not being duly honoured pronounce a curse, perish completely, as if destroyed by magic.

Hence men who seek (their own) welfare, should always honour women on holidays and festivals with (gifts of) ornaments, clothes and (dainty) food.

In that family, where the husband is pleased with his wife and the wife with her husband, happiness will surely be lasting.¹⁹³

To all intents and purposes, these religious laws appear to exalt a woman, stipulating respectful treatment from her husband and male family members. They empower her feminine role, mandating that she must be honoured and cared for lest a curse and destruction befall her family. As inviolable as they sound, these laws are invisible. Somehow the equitable relationship between a husband and wife appears to have been lost in translation of these ancient laws through the years. Instead, the androcentric patriarchal system engendered by the unfavourable interpretations of the Laws of Manu and the subjugation of women have withstood the test of time, penetrating the tradition and persisting until this day among the Hindu diaspora. This is demonstrated in the expectation that Indian women will be virtuous, obedient, loyal and pure that continues to plague the Hindu culture, paving the way for abusive relationships.¹⁹⁴

The Hindu tradition is renowned for glorifying goddesses, holding them in high esteem on equal standing with the male gods.¹⁹⁵ Chandi, Durga and Kali are much revered goddesses who embody feminine independence and strength, with studies showing well-educated Indian women wishing to emulate the goddess Durga.¹⁹⁶ In fact, every year both men and women celebrate and worship the goddess Durga with much pomp and splendour where young girls

¹⁹³ Habibeh Rahim, 'Virtue, Gender and the Family: Reflections on Religious Texts in Islam and Hinduism' (2000) 9(3) *Journal of Social Distress and the Homeless* 187, citing Sarvepalli Radhakrishnan and Charles A Moore, *A Sourcebook in Indian Philosophy* (Princeton University Press, 1967).

¹⁹⁴ Dasgupta and Warriar (n 28) 242.

¹⁹⁵ Rahim (n 193) 198.

¹⁹⁶ Jayasundara et al (n 154) 45.

are attended with deference as symbols of goddesses in every Hindu home.¹⁹⁷ Oddly, men revere the goddess Durga seeking power and blessings but have little regard for their own wives.¹⁹⁸

Drawing parallels with Hinduism, the next section considers Buddhism. Though opinions differ on whether Buddhism is a religion, *karma*, a strong component of Hinduism, constitutes a primary role in this belief system.

2.3.1.2.2 Buddhism

Buddhism is a faith established by Siddhartha Gautama (Buddha) more than 2500 years ago in India.¹⁹⁹ Many thoughts and philosophies of Buddhism intersect with teachings of other religions. However, some do not regard Buddhism as a religion, with others considering it as a philosophy or way of life whilst some practise it to achieve inner peace.²⁰⁰

The central ethos of Buddhism concerns human suffering and the means of ending it.²⁰¹ Buddha believed that being born leads to suffering caused by human desire for impermanence and, to eliminate it, one must undergo reincarnation, a cycle of birth and death, until one reaches a state of enlightenment or Nirvana.²⁰² The journey of suffering through life towards attaining Nirvana forms Buddha's most important principles encapsulated in his Four Noble Truths.²⁰³ These are the truth of suffering, the truth on the cause of suffering, the truth on the end of suffering and finally the path that leads to an end to suffering.²⁰⁴ The teachings of Buddha are known as 'Dharma', which consists of important virtues of wisdom, goodness, generosity, patience and compassion. In addition, Buddhists are encouraged to live by five precepts including refraining from substance abuse and sexual misconduct, and practising non-violence towards all living things.²⁰⁵

¹⁹⁷ Pathak (n 27) 232.

¹⁹⁸ O'Connor, *Daughters of Durga* (n 53) 108.

¹⁹⁹ 'Buddhism', *History* (Web Page, 22 July 2020) <<https://www.history.com/topics/religion/buddhism>>.

²⁰⁰ 'Buddhist Countries 2020', *World Population Review* (Web Page, 2020) <<https://worldpopulationreview.com/country-rankings/buddhist-countries>>.

²⁰¹ Jayasundara et al (n 154) 49.

²⁰² Ibid.

²⁰³ 'Buddhism' (n 199).

²⁰⁴ Donald S Lopez, 'Four Noble Truths', *Encyclopedia Britannica* (Web Page, 2023) <<https://www.britannica.com/topic/Four-Noble-Truths>>.

²⁰⁵ 'Buddhist Countries 2020' (n 200).

With an estimated 535 million Buddhists worldwide,²⁰⁶ Buddhism is considered one of the world's main religions and is largely practised in the regions of East and Southeast Asia.²⁰⁷ Cambodia has the largest proportion of Buddhists in its population and Thailand, Myanmar, Bhutan and Sri Lanka have a high proportion of followers too.²⁰⁸ Research shows that many countries that practise Buddhism are steeped in patriarchy and that culture plays a marked role in its interpretation.²⁰⁹ It is postulated that systemic gender discrimination and the marginalisation of femininity distinguish Buddhist societies, notwithstanding its ostensible perpetuation of gender equality.²¹⁰

The findings of a 2009 survey conducted in Cambodia indicate that 30 per cent to 40 per cent of the local authorities still believed that a husband is justified in the use of excessive violence against a wife if she protests, asks, disobeys or fails to show respect to him.²¹¹ The reported violence included binding and beating, threatening with a knife or machete, strangling, stabbing, shooting and throwing acid at her.²¹² The patriarchal culture is so deeply ingrained that the studies showed more women than men felt a woman's insubordination excused her husband in abusing her.²¹³ This perception arises from the unhesitating acceptance of men's dominance by the Cambodian society and violence against women being regarded as a societal norm, which prevents interference.²¹⁴

As in Hinduism, *karma* is a foremost concept in Buddhism, based on cause and effect. One's actions lead to a chain reaction, though only deliberate acts trigger a karmic response.²¹⁵ It is believed that historically female subjugation has been intrinsic in Buddhism on the basis that women are regarded as karmically inferior to men resulting from their wrongdoings in their

²⁰⁶ Ibid.

²⁰⁷ 'Buddhism' (n 199).

²⁰⁸ 'Buddhist Countries 2020' (n 200).

²⁰⁹ Jayasundara et al (n 154) 50.

²¹⁰ Alexandra Kent, 'Global Change and Moral Uncertainty: Why Do Cambodian Women Seek Refuge in Buddhism?' (2011) 23(3) *Global Change, Peace & Security* 405, 413.

²¹¹ Ibid 411.

²¹² Ibid 413.

²¹³ Ibid 411.

²¹⁴ Maurice Eisenbruch, 'Violence Against Women in Cambodia: Towards a Culturally Responsive Theory of Change' (2018) 42(2) *Culture, Medicine and Psychiatry* 350, 355.

²¹⁵ Jayasundara et al (n 154) 50.

past lives.²¹⁶ It is argued that this very principle endorses, promotes and advances gender imbalance, causing women to continue tolerating the pervasive abuse.²¹⁷

Domestic violence as part of a woman's life is also attributed to Cambodian poems, especially Chbab Srei. This poem comprises a code of conduct for women including reverence for their husbands and outlines her responsibility for the preservation of a harmonious home.²¹⁸ This obligation derives from a Cambodian Buddhist expression 'fire in the house', placing upon the woman the sole task of repressing any possible 'fires', read conflicts, within the household. Chbab Srei is routinely raised as a reminder that abuse within is a private affair not to be aired beyond one's home.²¹⁹ The significance of privacy was illustrated in the 2009 survey, where 81 per cent of women preferred to remain silent, implying submission to abuse prevails to preserve the sanctity of a peaceful home.²²⁰

Certain traditional Cambodian Buddhist beliefs that are strongly implanted in the culture only sink an abused woman deeper into despair. It is a famous Cambodian Buddhist view that a person who meets a violent tragic death will experience difficulties in making a transition to a positive rebirth, leading to and manifesting itself in his abusive behaviour.²²¹ In Buddhist culture, a mole on a child is regarded as a predictor of the child's life and a significant omen of future violence.²²² These beliefs appear to excuse, dismiss and contribute to men's violence against women, much of which goes unreported.²²³ This is rather troubling, given that these views contradict Buddha's fundamental teachings on non-violence.

The above examples indicate that some views within Hinduism and Buddhism regard women as secondary to men. That in itself seems to provide ammunition for men to abuse their wives. It is apparent that the religious laws and philosophies within these belief systems are structured

²¹⁶ Kent (n 210) 414.

²¹⁷ Katherine Brickell, 'Clouding the Judgment of Domestic Violence Law: Victim Blaming by Institutional Stakeholders in Cambodia' (2017) 32(9) *Journal of Interpersonal Violence* 1358, 1364.

²¹⁸ Ibid 1364–5.

²¹⁹ Ibid 1365.

²²⁰ Kent (n 210) 411.

²²¹ Eisenbruch (n 214) 357.

²²² Ibid 358.

²²³ Ibid 353–4.

and construed to shape an understanding that justifies violence against women to the extent that the victims themselves believe it is warranted.

The next section explores monotheistic religions. It examines whether monotheistic traditions are any different in their treatment of women and whether they adopt a more egalitarian approach or the same position as polytheism.

2.3.1.3 Monotheism

Unlike polytheism, monotheism is a belief in only one god.²²⁴ It is a belief in the distinct uniqueness of the one god to the exclusion of all others.²²⁵ This concept is fundamental to Judaism, Islam and Christianity.²²⁶

2.3.1.3.1 Judaism

Judaism, the religion of the Jews, dates back almost 4000 years and central to this faith is the belief in the relationship with one God (G-d).²²⁷ Torah, the first five books of the Tanakh, and the Talmud, comprising teachings and commentaries of countless rabbis of Jewish laws including the significance of the 613 commandments or mitzvahs, form the foundation of the Jewish relationship with God.²²⁸ Judaism postulates that it is inherent in humans to do good given that humans are made in the likeness of God; a core concept captured in a nutshell by the famous rabbi Hillel when he condensed Judaism as, ‘What is hateful to you, do not do to your neighbour. That is the Torah’ (Talmud Shabbat 31A).²²⁹

There are approximately 14 million Jews scattered throughout the world today, predominantly residing in Israel and the United States.²³⁰ Though Israel consists of about 6.8 million Jews,²³¹ they differ in their practices and compliance with their faith from Jews across the world.

²²⁴ Assmann (n 169) 17.

²²⁵ Ibid.

²²⁶ Babie (n 159) 297.

²²⁷ ‘Judaism’, *History* (Web Page, 16 September 2020) <<https://www.history.com/topics/religion/judaism>>.

²²⁸ Jayasundara et al (n 154) 46.

²²⁹ Ibid.

²³⁰ ‘Judaism’ (n 227).

²³¹ Ahmed Asmer, ‘Israel’s Population Hits 9.2M Including 1.93M Arabs’, *Anadolu Agency* (online, 27 April 2020) <<https://www.aa.com.tr/en/middle-east/israels-population-hits-92m-including-193m-arabs/1820022>>.

Among the four main groups of Israeli Jews are the ultra-orthodox Haredi, the religious Dati, the traditional Masorti and the secular Hiloni, with the last group forming the majority in Israel.²³² On the other hand, in the United States, Jews are divided into four main streams namely the Orthodox, Reform, Conservative and Reconstructionist.²³³ The Orthodox stream further ranges from the most conservative Hasidic sects to more moderate Ultra-Orthodox, and the most liberal, Modern Orthodox.²³⁴

Regardless of the various Jewish denominations, uniting these streams together is the concept of *shalom bayit*, meaning a peaceful household. It sets out the precepts for a harmonious and loving family²³⁵ and is the principal religious obligation for a husband and wife to work towards.²³⁶ However, it is argued that the obligation is misinterpreted in that the burden is entirely thrust upon the wife to ensure peace and love prevail in the family.²³⁷ Very often a woman charged with this immense duty goes absolutely over and beyond herself to uphold family unity and sanctity.²³⁸ For the sake of peace, a woman might blame herself for a household characterised by domestic violence, assuming she has failed as a wife and mother.²³⁹

In Ultra-Orthodox homes, the onus to maintain a conflict-free atmosphere is more pronounced through a clear demarcation between gender roles, with the woman assuming the position of a wife, mother and homemaker whilst the husband's focus lies in mastering the Torah and providing for the family.²⁴⁰ It can be submitted that this delineation perpetuates the ancient patriarchal culture.²⁴¹ This is an inescapable conclusion given that, confined to her home, she

²³² Kelsey Jo Starr and David Masci, 'In Israel, Jews Are United by Homeland but Divided into Very Different Groups', *Pew Research Center* (Web Page, 8 March 2016) <<https://www.pewresearch.org/fact-tank/2016/03/08/in-israel-jews-are-united-by-homeland-but-divided-into-very-different-groups/>>.

²³³ 'Types of Jews', *My Jewish Learning* (Web Page) <<https://www.myjewishlearning.com/article/types-of-jews/>>.

²³⁴ Shoshana Ringel and Rena Bina, 'Understanding Causes of and Responses to Intimate Partner Violence in a Jewish Orthodox Community: Survivors' and Leaders' Perspectives' (2007) 17(2) *Research on Social Work Practice* 277.

²³⁵ Alison C Cares and Gretchen R Cusick, 'Risks and Opportunities of Faith and Culture: The Case of Abused Jewish Women' (2012) 27 *Journal of Family Violence* 427, 428.

²³⁶ *Ibid.*

²³⁷ Cares and Cusick (n 235).

²³⁸ Jayasundara et al (n 154) 46.

²³⁹ *Ibid.*

²⁴⁰ Ringel and Bina (n 234) 278.

²⁴¹ Tova Band-Winterstein and Anat Freund, "'Walking Between the Raindrops": Intimate Partner Violence in the Ultra-Orthodox Society in Israel from Social Workers' Perspective' (2018) 33(19) *Journal of Interpersonal Violence* 3001, 3003.

is completely dependent on her husband for her family's subsistence. Further, with him as an authority on their faith, she is solely reliant on his interpretations, reducing her to an illiterate in her own religious beliefs. This thesis contends that, by stripping off her self-identity and minimising a woman's place, the division of roles shifts the power heavily in favour of man.

To maintain the harmonious facade, particularly in a community that denies the existence of domestic abuse especially in a religious Jewish home,²⁴² and where the interests of the community overcome her own, a victim bears abuse quietly.²⁴³ This is further endorsed by the teaching of *chillul hashem*, or desecration of God, and *lashon hara*, evil gossip, based on Leviticus 19:16, which decrees that speaking evil of others including the abuser amounts to violating the community and God: 'You shall not walk around as a talebearer against your people; do not stand on the blood of your neighbour'.²⁴⁴ In a study conducted to identify the causes of intimate partner violence in the Orthodox community, the 'evil tongue' or *lashon hara* was reported to be a serious matter and its prohibition extended to discussing marital issues and sex, emphasising the uppermost need for the preservation of a family, muzzling the victims of abuse even more.²⁴⁵

Specialising in the Torah as the head on spiritual matters, husbands manipulate religious laws to legitimise their abuse. Men expect their wives to be 'a kosher woman who does what her husband wants' (Yalkut Shimoni, Shoftim, Chapter 4, Remez 42).²⁴⁶ An abusive man can easily exploit this verse by mistreating his wife through explicit demands. Given her ignorance, a wife often finds herself ill-equipped to respond to his religious arguments and concedes.²⁴⁷ For example, the complex law of family purity restrains a married couple for approximately two weeks during the wife's menstruation from indulging in intimacy and it requires the woman to undergo a purification process through immersion in a special pool of water.²⁴⁸

²⁴² Cares and Cusick (n 235) 428.

²⁴³ Naomi Graetz, 'The Battered Woman in Jewish Tradition: See No Evil, Hear No Evil, Speak No Evil' (2005) 6(3/4) *Journal of Religion and Abuse* 31, 36.

²⁴⁴ Jayasundara et al (n 154) 46.

²⁴⁵ Ringel and Bina (n 234) 282.

²⁴⁶ Band-Winterstein and Freund (n 241) 3018.

²⁴⁷ Cares and Cusick (n 235) 431.

²⁴⁸ Ringel and Bina (n 234) 280.

Research findings show that men spiritually abuse their wives by pressuring them to violate these religious obligations.²⁴⁹

Notwithstanding the unscrupulous abuse of the Halacha or Jewish laws, some codes command men to treat women respectfully:

A man should always be careful about his wife's honour, for there isn't a blessing on a man's house, except for the sake of his wife. So said our sages to the people of that time: Treat your wives honourably, in order to be wealthy. (Shucchan Aurch, Code of Jewish Law 145)²⁵⁰

The spirit of this code is similar to the Laws of Manu, which decree that women should be honoured and respected or risk destruction to the household. However, consistent with Hinduism and other faiths, religious laws instructing equitable treatment of women go unnoticed as they continue to suffer violence. This is equally reflected in Islam.

2.3.1.3.2 Islam

Belief in a supreme power in the one and only true God, Allah, and embracing the leading founder, Prophet Muhammad, form the pillars of Islam.²⁵¹ Whilst the Koran is a Muslim's holy book, the Prophet's fundamental teachings and traditions are contained in the *hadith*.²⁵² In addition, the Sharia or divine laws form the legal framework for the management of family matters relating to marriage, divorce, custody and inheritance.²⁵³ These laws also outline the standard of behaviour and norms expected of a Muslim.²⁵⁴

Somewhat similar to Ultra-Orthodox Judaism, Islam advocates that men and women are primarily distinct but divinely ordained to complement each other as they have been endowed with specific roles and obligations to fulfil for the unity and sanctity of the family and community at large.²⁵⁵ It is postulated that Islam propagates equal treatment of women as

²⁴⁹ Cares and Cusick (n 235) 431.

²⁵⁰ Band-Winterstein and Freund (n 241) 3018.

²⁵¹ Jayasundara et al (n 154) 55.

²⁵² Ibid.

²⁵³ Lisa Hajjar, 'Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis' (2004) 29(1) *Law & Social Inquiry* 1, 4.

²⁵⁴ Ibid.

²⁵⁵ Ibid 7.

demonstrated by Prophet Mohammad.²⁵⁶ He is renowned for never having abused his wives and seeking their counsel in all important decision-making.²⁵⁷ However, in contrast, research shows that, in countries where Islam is the primary source of law, Sharia law tends to create a gender imbalance, producing a patriarchal culture leading to domestic violence.²⁵⁸

It is estimated that 90 per cent of women in one predominantly Muslim country, Afghanistan, have experienced domestic abuse including forced marriages whilst in another Muslim-majority country, Pakistan, approximately 16 per cent to 80 per cent, suffer the same fate.²⁵⁹ Moreover, a recent study implemented in 39 Muslim-dominated countries revealed that over 80 per cent of women had internalised obedience to their husbands, accounting for their abuse, potentially explaining why in Saudi Arabia only 16 per cent of the perpetrators felt physical abuse was violence.²⁶⁰ These statistics, nevertheless, appear to contradict the teachings of Prophet Mohammad on gender equality.

An example of apparent gender discrimination is evidenced in Sura 4 verse 34, which discusses the abandonment of women:²⁶¹

Men have authority [*qawwamal*] over women because Allah has made one superior to the other, and because they [men] spend their wealth to maintain them [women]. Good women are obedient [*ta'a*]. They guard their unseen parts because Allah has guarded them. As for those [women] from whom you fear disobedience [*nushaz*], admonish them and send them to beds apart and beat them. Then if they obey you, take no further action against them. Allah is high, supreme.²⁶²

A literal reading of these verses implies that Allah bestows an innate and inalienable supremacy of man over woman, appointing him as her guardian, and in return total obedience is required, failing which he has the right to reprimand her. Very often these controversial verses have been

²⁵⁶ Rahim (n 193) 19.

²⁵⁷ Ibid.

²⁵⁸ Afrouz, Crisp and Taket (n 14) 562.

²⁵⁹ Ibid 552.

²⁶⁰ Ibid.

²⁶¹ Sayyid Mujtaba Musavi Lari, 'A Look at the Meaning of "Daraba" in the Quran', *Al-Islam.org* (Web Page, 4 November 2021) <<https://www.al-islam.org/hidden-truths-in-gods-word-musavi-lari/look-meaning-daraba-quran>>.

²⁶² Hajjar (n 253) 10, citing Nessim Joseph Dawood (trans), *The Koran* (Penguin Books, 1974) 370.

quoted to justify violence against women.²⁶³ Sura 2 verse 223 further endorses it by stipulating: ‘Your wives are ploughing fields for you; go to your field when and as you like’.²⁶⁴

This verse directly empowers the husband with an absolute right to use his wife for sexual gratification with or without her consent, and any refusal could potentially be tantamount to disobedience warranting beating,²⁶⁵ reinforcing a woman’s subordinate place. This thesis posits that such holy scriptures most certainly command complete obsequiousness and indebtedness to the husband. In the face of a man armed with divine security as a superior being, a wife asserting her rights in a vain attempt to achieve equity will, without a doubt, encounter immense challenges, which may manifest in domestic violence.

Should a woman seek to escape an abusive marriage through divorce, she will most likely be curbed by texts supporting the perpetrator, found in *hadiths*:

Allah did not make anything lawful more abominable to Him than divorce. (Sunan of Abu-Dawood Hadith 2172)

Of all the lawful acts, the most detestable to Allah is divorce. (Sunan of Abu-Dawood Hadith 2173).²⁶⁶

It is acknowledged that generally Sharia laws are construed as legitimising domestic abuse to a degree, given that any attempts to restrain male dominance are seen as an infringement of these laws.²⁶⁷ This leads to debate about whether these verses, particularly Sura 4 verse 34, are meant to be interpreted as sanctioning violence against women. It is widely accepted that the interpretation or misinterpretation of this particular verse has historically been a bone of contention between reformist and traditionalist Muslims and it appears that the Prophet himself expressed reservations.²⁶⁸ One argument is that the word ‘*daraba*’ means both to turn away and to hit and that the assault need not be physical, meaning it could include anguished silence.²⁶⁹ It further explains that these verses are applicable in a specific situation such as

²⁶³ Jayasundara et al (n 154) 57.

²⁶⁴ Hajjar (n 253) 11.

²⁶⁵ Ibid.

²⁶⁶ Jayasundara et al (n 154) 57.

²⁶⁷ Hajjar (n 253) 9.

²⁶⁸ Shannon Dunn and Rosemary B Kellison, ‘At the Intersection of Scripture and Law: Qur’an 4:34 and Violence against Women’ (2010) 26(2) *Journal of Feminist Studies in Religion* 11, 13.

²⁶⁹ Rahim (n 193) 191.

where a husband discovers his wife having indulged in ‘lewd acts’ while he was away, granting him his ‘*daraba*’, which is the right to turn away.²⁷⁰ If she reforms, he is expected to show kindness to her.²⁷¹

Another interpretation is that these verses were introduced to limit abuse at a time when women were routinely beaten, but this version has since failed to uphold Islam’s egalitarian treatment of women.²⁷² In fact, the Prophet qualified the parts of the anatomy a man was permitted to hit, seemingly supporting abuse: ‘When one of you inflicts a beating, he should avoid striking the face’ (Abu Dawud, 1994: Hadith no.2145).²⁷³ Regardless, this thesis argues that both interpretations wholeheartedly endorse violence against a wife.

The egalitarian spirit towards women in Islam is illuminated in the *hadith*: ‘the most perfect Muslim in the matter of faith is one who has excellent behaviour; and the best among you are those who behave best towards their wives’ (Al-Tirmidhi Hadith 278).²⁷⁴ This liberal view is further supported in the *hadith* by Sahih al-Bukhari who sets forth that the best men are those who best care for their spouses.²⁷⁵ The Koran and *hadith* are replete with verses that denounce abuse and instead prescribe ideals of a happy marriage.²⁷⁶ Nevertheless, both the historical and contemporary application of those verses fail to overcome the full effects of domestic violence. Far from a bulwark, the failure fully to implement those verses results in the deprivation of women’s rights, which only serves to intensify domestic violence among Muslim communities.

As with monotheistic Judaism, Islamic laws appear to perpetuate patriarchy, burdening women with onerous obligations and demands to meet the needs of men, and justifying abuse. Scriptural verses capable of supporting patriarchy are also found in Christianity, although they are not so prominent.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Jayasundara et al (n 154) 57.

²⁷³ Roslina Che Soh, Nora Abdul Hak and Norlia Ibrahim, ‘Adequacy of Legislation in Protecting the Rights of Muslim Women Against Spousal Violence in Malaysia’ (2012) 6(11) *Australian Journal of Basic and Applied Sciences* 319, 321.

²⁷⁴ Jayasundara et al (n 154) 58.

²⁷⁵ Ibid.

²⁷⁶ Hajjar (n 253) 11.

2.3.1.3.3 Christianity

Christianity is a monotheistic religion with a belief in one and only one God.²⁷⁷ The quintessence of Christianity surrounds the belief in the life, death and resurrection of Jesus and that Jesus came to earth to forgive and die for the sins of humankind.²⁷⁸ The Holy Bible is the point of reference for Christians, comprising the Old and New Testaments. The Old Testament was written long before the birth of Jesus and contains the history of the Jewish people including instructions from prophets, whilst the New Testament was written after the death of Jesus and largely centres on his teachings.²⁷⁹

Historically Christianity was divided into two main branches, namely, the Western Roman Catholic Church and the Eastern Orthodox Church.²⁸⁰ Though the division referred to as the ‘Great Schism’ occurred in 1054, these two denominations constitute the majority of Christian believers to date, with the Catholic Church being the single largest followed by the Eastern Orthodox Church.²⁸¹ Between these churches, countless Protestant Christianity denominations have emerged since, including Baptist, Methodist, Lutheran, Anglican, Evangelical and Presbyterian.²⁸² In 2015, it was estimated that there were 2.3 billion Christians worldwide,²⁸³ with approximate 230 million residing in the United States alone whilst the rest are dispersed in Europe, Russia, South America, the Philippines and more.²⁸⁴ Notwithstanding the various divisions, denominations and geographical locations, Christians across the globe are united by the key teachings of Jesus on the core belief and practice of a just and loving relationship as expressed in Mark 12:28–31:²⁸⁵

One of the teachers of the law came and heard them debating. Noticing that Jesus had given them a good answer, he asked him, ‘Of all the commandments, which is the most important?’ ‘The most important one,’ answered Jesus, ‘is this: “Hear, O Israel: The Lord our God, the Lord is one. Love the Lord your God with all your heart and with all

²⁷⁷ Babie (n 159) 297.

²⁷⁸ ‘Christianity’, *History* (Web Page, 3 August 2021) <<https://www.history.com/topics/religion/history-of-christianity>>.

²⁷⁹ Jayasundara et al (n 154) 53.

²⁸⁰ ‘Jul 16, 1054 CE: Great Schism’, *National Geographic* (Web Page, 20 May 2022) <<https://education.nationalgeographic.org/resource/great-schism>>.

²⁸¹ *Ibid.*

²⁸² ‘Christianity’ (n 278).

²⁸³ *Ibid.*

²⁸⁴ ‘Most Christian Countries 2020’, *World Population Review* (Web Page, 2020) <<https://worldpopulationreview.com/country-rankings/most-christian-countries>>.

²⁸⁵ Jayasundara et al (n 154) 53.

your soul and with all your mind and with all your strength.” The second is this: “Love your neighbour as yourself.” There is no commandment greater than these.’²⁸⁶

These verses encapsulate the very soul of Christian belief in the transformative power of love, to treat another with compassion, mercy, justice and peace.²⁸⁷

Contrary to these scriptures though, Leonie Westenberg demonstrates that domestic violence among western Christian families is just as prevalent as in the general population.²⁸⁸ What distinguishes the two cohorts, however, is that the Christian abused women are vulnerable in comparison because of the use of the religious language of forgiveness, love and honour, the sanctity of marriage, and praying for spousal behaviour change, promoting tolerance and endurance of abuse.²⁸⁹ Westenberg highlights how patriarchal language in the Christian tradition implying submission enables domestic violence, with women continuing to remain in or return to abusive relationships, using biblical scriptures to explain away the abuse as ‘their lot in life’.²⁹⁰

The following verses from the Bible appear to support wives’ subservience to their husbands:

Colossians 3:18: ‘Wives, submit yourselves to your husbands, as is fitting in the Lord.’²⁹¹

1 Timothy 2:11–12: ‘A woman should learn in quietness and full submission. I do not permit a woman to teach or to assume authority over a man; she must be quiet.’²⁹²

Ephesians 5:22–4: ‘Wives, submit yourselves to your own husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his

²⁸⁶ ‘Mark 12:28-31: New International Version’, *Bible Gateway* (Web Page, 2011)
<<https://www.biblegateway.com/passage/?search=Mark%2012%3A28-31&version=NIV>>.

²⁸⁷ Jayasundara et al (n 154) 53.

²⁸⁸ Westenberg (n 6) 2, citing a study by the United Kingdom Anglican Bishops’ Council of 2006. Archbishops’ Council, *Responding to Domestic Abuse: Guidelines for Those with Pastoral Responsibilities* (Church House Publishing, 2006).

²⁸⁹ Westenberg (n 6) 3. Appendix 3 of the Guidelines entitled ‘Theology’ sets out how these phrases could be applied positively in a marriage.

²⁹⁰ Steve McMullin et al, ‘When Violence Hits the Religious Home: Raising Awareness about Domestic Violence in Seminaries and amongst Religious Leaders’ (2015) 69(2) *Journal of Pastoral Care & Counseling* 113, 113.

²⁹¹ ‘Colossians 3:18: New International Version’, *Bible Gateway* (Web Page, 2011)
<<https://www.biblegateway.com/passage/?search=Colossians%203%3A18&version=NIV>>.

²⁹² ‘1 Timothy 2:11-12: New International Version’, *Bible Gateway* (Web Page, 2011)
<<https://www.biblegateway.com/passage/?search=1%20Timothy%202%3A11-12&version=NIV>>.

body, of which he is the Saviour. Now as the church submits to Christ, so also wives should submit to their husbands in everything.²⁹³

A strict reading of these verses seems to empower husbands with full control over their wives, who in response are required to submit in all things completely and quietly, clearly defining a hierarchical and patriarchal culture. Belief grounded in wifely obedience appears to be instrumental in Christian women generally staying married longer than their non-religious counterparts.²⁹⁴ Some may not agree but scriptures couched in terms of ‘forgiveness’ and ‘submission’, which gravitate towards patriarchy with an inclination to perpetuate intimate partner violence, have been categorised as ‘harmful theology’ by the Anglican Church UK Archbishops’ Council document.²⁹⁵

Westenberg argues that virtues such as forgiveness do not correspond with embracing abuse; rather, the focus should be on ensuring justice for the victims.²⁹⁶ To this end, a discourse on ‘theological correction’ involving religious language that reflects the tenets of the Christian faith of respect, dignity, compassion and love for each other is imperative.²⁹⁷ This in turn leads to a language of freedom, as treating one another in the image of God leaves no room for and liberates one from abuse.²⁹⁸

In a study conducted in the Barossa Valley, a rural setting in South Australia, on the impact of local culture on the community in relation to domestic violence, Christian beliefs emerged as the mainstay of their lives.²⁹⁹ Their belief system was pivotal in sustaining a highly functioning, successful, respectful and close community.³⁰⁰ However, Sarah Wendt discovered that, whilst abused women look to their faith to remain in the marriage that they consider sacred, the men,

²⁹³ ‘Ephesians 5:22-24: New International Version’, *Bible Gateway* (Web Page, 2011)

<<https://www.biblegateway.com/passage/?search=Ephesians%205%3A22-24&version=NIV>>.

²⁹⁴ Shondrah Tarrezz Nash and Latonya Hesterberg, ‘Biblical Framings of and Responses to Spousal Violence in the Narratives of Abused Christian Women’ (2009) 15(3) *Violence Against Women* 340, 340.

²⁹⁵ Westenberg (n 6) 6.

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Sarah Wendt, ‘Christianity and Domestic Violence: Feminist Poststructuralist Perspectives’ (2008) 23(2) *Affilia* 144, 147.

³⁰⁰ Ibid 145. The community largely consisted of Lutherans.

on the other hand, apply the very same faith to justify their abusive behaviour towards their wives.³⁰¹

Consequently, some contend that religion acts as a coping and healing mechanism emphasising prioritising family unity,³⁰² while others counter that religion and spirituality have undesirable effects on victims and can ‘overtly and covertly’ promote abuse.³⁰³ In their research, Shondrah Tarrezz Nash and Latonya Hesterberg examined how three Christian women, ‘Sonny’, ‘Kylie’ and ‘Gina’, used their faith to cope in a strategic and creative way to maintain their own safety and family life to end the violence.³⁰⁴ They paralleled their sufferings and hopes by identifying with archetypal biblical figures such as the ever-patient Job, a ‘sanctified woman’ and ‘spiritual warrior’ Daniel, who prayed and fasted for twenty-one days for godly intervention.³⁰⁵

Pending behaviour change of their husbands, these women endured considerable suffering, inadvertently exposing themselves and their children to risk of harm.³⁰⁶ It is argued that their ‘twisted understanding of forgiveness’³⁰⁷ in repeatedly exonerating the abusers ultimately failed to lead to the desired outcome as the men were not held accountable for their violence and hence did not change. On the contrary, the cycle of violence continued whilst the women emulated the biblical figures and waited on divine intervention.³⁰⁸ In fact, Sonny did not leave until a night of brutal beatings and threats of mutilation.³⁰⁹ By conceding to the perpetrators’ ongoing violent conduct, the victims unwittingly supported the men’s behaviour.

Notwithstanding the above study, this thesis contends that nowhere in the Bible is there a book, chapter or verse that justifies violence towards one’s wife. The Bible is a gospel of love, the very cornerstone upon which a marriage is founded, as clearly expressed in 1 Corinthians 13:4–8:

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonour others, it is not self-seeking, it is not easily angered, it keeps no record

³⁰¹ Ibid 149.

³⁰² Ghafournia (n 13) 146.

³⁰³ Yick (n 25) 1289.

³⁰⁴ Nash and Hesterberg (n 294) 344.

³⁰⁵ Ibid 355.

³⁰⁶ Ibid 357.

³⁰⁷ Susan Rakoczy, ‘Religion and Violence: The Suffering of Women’(2004) 18(61) *Agenda* 29, 33.

³⁰⁸ Nash and Hesterberg (n 294) 347, 351, 352.

³⁰⁹ Ibid 347.

of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, and always perseveres. Love never fails.³¹⁰

The Catholic Church views marriage as a sacrament, meaning it is a physical and visible expression of God's grace and love.³¹¹ In line with this and based on Matthew 19:6, which provides 'what God has united, man must not divide', the church holds a Christian marriage 'indissoluble', reflecting God's everlasting promise with his people.³¹² This view has added to the many struggles experienced by Catholic women in leaving abusive marriages, fearing breaking their vow to be married for better or worse. However, it is argued that canon law,³¹³ which governs the church's rulings on marriages and divorces, does not prevent a woman from walking out of a violent relationship.³¹⁴ Referring to Canon 1151 and 1153, it is postulated that domestic violence is one of the approved grounds for ending a marriage:

Can. 1151: 'Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them.'³¹⁵

Can. 1153(1): If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult, that spouse gives the other a legitimate cause for leaving, either by decree of the local ordinary or even on his or her own authority if there is danger in delay.³¹⁶

The above two canons appear to authorise an abused woman to leave. Having said that, the provision below compels the parties to reconcile unless they are sanctioned otherwise:

Can. 1153(2): In all cases, when the cause for the separation ceases, conjugal living must be restored unless ecclesiastical authority has established otherwise.³¹⁷

³¹⁰ '1 Corinthians 13:4-8: New International Version', *Bible Gateway* (Web Page, 2011)

<<https://www.biblegateway.com/passage/?search=Genesis%203&version=NIV>>.

³¹¹ Australian Episcopal Conference, *Divorce and the Catholic Church: Frequently Asked Questions*. (Australian Catholic Bishops Conference, 2007) 6.

³¹² *Ibid*.

³¹³ Peter J Huizing et al, 'Canon Law', *Encyclopedia Britannica* (Web Page, 2023)

<<https://www.britannica.com/topic/canon-law>>. Canon law consists of laws adopted mainly by the Roman Catholic, Eastern Orthodox and Anglican churches. These laws are established by the legitimate ecclesiastical authority for the governance of the entire church and parts of it including the conduct of individuals.

³¹⁴ Gleeson and Baird, 'Their Cross to Bear' (n 120).

³¹⁵ 'Code of Canon Law', *Vatican* (Web Page, 1983) <http://www.vatican.va/archive/ENG1104/_P45.HTM>.

³¹⁶ *Ibid*.

³¹⁷ *Ibid*.

What amounts to a ‘legitimate cause’ is not clear. The freedom of an abused woman appears to be at the mercy of the discretionary powers of the church governed by ecclesiastical authority. For this purpose, a tribunal is set up to ascertain if the parties’ marriage was valid to begin with, that is to ‘verify the truth of the conjugal bond’. If not, it is decreed null, due to ‘defect of consent’.³¹⁸ Though some refer to this simply as a ‘Catholic divorce’, it diverges from a civil divorce in that the latter acknowledges a marriage existed.³¹⁹ The declaration of nullity does not have any legal ramifications, as it is purely religious in nature and, unlike Judaism, the children are not considered illegitimate even if a party was to remarry without undertaking an annulment process.³²⁰

In some countries such as Chile and Argentina, annulment was an expensive, complex and protracted process beyond the reach of the poor,³²¹ potentially rendering it impossible for victims of domestic violence to escape. However, in 2015, the reformist Pope Francis introduced innovative changes to expedite and simplify the process through the dissemination and delegation of particular appeal powers to the local church.³²² It is hoped that, with these reforms and reduced costs advocated by the Pope, Christian women trapped in abusive marriages may leave.³²³

It appears that the Christian faith is little different from the other two monotheistic religions, Judaism and Islam. Their holy verses and religious commands subscribe to treating women poorly. In fact, 1 Timothy 2:11–12, quoted above, confirms the position that a woman is never to lead a man and ‘must be quiet’, leaving her voiceless. All a woman is required to do is simple, just submit to her husband, without a word. To think that Christian women are doing so especially in this twenty-first century, unquestioningly, in the face of abuse is concerning. It makes no difference whether one believes in one god or many gods, religious laws appear to sanction domestic violence.

³¹⁸ Australian Episcopal Conference (n 311) 11–12.

³¹⁹ Richard J Jenks, *Divorce, Annulments, and the Catholic Church: Healing or Hurtful?* (Routledge, 2018) 2.

³²⁰ *Ibid.*

³²¹ Stephanie Kirchgaessner, ‘Pope Reforms Catholic Church’s Marriage Annulment Process’, *The Guardian* (online, 8 September 2015) <<https://www.theguardian.com/world/2015/sep/08/pope-radically-reforms-catholic-churchs-marriage-annulment-process>>.

³²² *Ibid.*

³²³ *Ibid.*

This section has uncovered the strong cultural dominance that faith poses on a person's life from birth, framing their perspectives, ironically leading to abuse against the very person they are to love and cherish. Regardless of whether it is Islam, Hinduism, Buddhism, Judaism or Christianity, these religious laws perpetuate authority over women, setting high expectations of a perfect wife that are unsustainable. The ultimate burden and sacrifice for the preservation of family unity rest with the woman. It is transcribed in religious books, woven into the culture and in some conservative countries even prescribed in legislation. In most if not all of these religions, the teachers and preachers of faith are men. They profess to be the authority in interpreting and implementing their perspectives, which are often slanted in their favour, whilst scriptures supporting women are clearly disregarded, overriding their right to a safe, equitable and harmonious relationship in an otherwise egalitarian society. Women are often treated as inferior, with cultural and religious structural frameworks reinforcing their roles irrespective of their success in society. This thesis contends that a structure that places the colossal burden of upholding the sanctity of marriage and family life on the slight shoulders of women only will inevitably collapse, leading to domestic violence. It also demonstrates that, since the ancient laws were written, little has changed with regard to women's status in the world.

2.4 Conclusion

This chapter advances five propositions. It examines the impact of culture and religion in shaping understandings of domestic violence. It analysed the intersection between culture and domestic violence, followed by the interaction between the major world religions and intimate partner violence. The first proposition is that culture and religion have created an androcentric asymmetrical gendered tradition, setting the stage for excusing domestic violence. The second is that both culture and religion are so intertwined in their influence in contouring women's response to domestic violence and their distinction is so blurred that neither one can be claimed as the dominant factor in affecting one's viewpoint.

The third proposition is that research shows that it is deeply ingrained in the psyche of victims of abuse, regardless of their faith, that they are secondary to men, ranging from highly educated and successful Indian women in the United States to victims in Cambodia. This arises from women having been historically located on the lower rung, be it by culture or faith, with men assuming leadership in a relationship. This dispossesses a woman of her identity by reducing her to 'I'm my mother's daughter, I'm my husband's wife, I'm my child's mother, I'm nothing

else.³²⁴ As contended earlier, patriarchy does not inevitably cause domestic violence. However, when leadership turns into control, commanding subservience and imposing the singular obligation of family happiness on the woman, equity loses its meaning.

Fourth, prioritising a facade in the preservation of a happy family life by remaining silent about abuse at the expense of one's safety was of paramount importance to all these women, inculcated by and rooted in their religious beliefs. Divorce is not an option; it is a stigma. They choose to tolerate any form of abuse rather than break up or call the police for help.³²⁵ Studies show domestic violence thrives best among silent victims who choose not to speak out, and documented cases are merely a drop in the ocean.³²⁶

Fifth, inherent in each faith are principles that support a loving and respectful relationship founded on compassion, honour, tolerance, kindness, and treating the other as one would like to be treated. At the outset, all appear to ostensibly inspire an egalitarian spirit between the genders. The reality, however, is another story. This prompts one to question: What went wrong that domestic violence has manifested into a global pervasive pandemic today? Where women of faith are concerned, this chapter evinces a clear manipulation and misinterpretation, deliberate or otherwise, of the religious laws by men to justify abusive behaviour, subsumed as a norm in certain cultures such that some victims feel deserving of the ill-treatment. Little wonder, given that it has been men's exclusive right to master the holy scriptures in the Torah, Koran or Bible.

This thesis posits that, to achieve equality, women need to be protected and their position advanced to fall into step with men's, to negate hierarchy and attain gender fairness. To this end, the various impediments between the genders, deep-seated in culture and religion, need to be removed and removed fast. Harmful cultural practices and harmful theology need to be addressed. In response, a review of policy and legislation to balance the scale of justice is critical. This raises the next question: 'Are there sufficient legal frameworks to protect women

³²⁴ Lee, 'I'm My Mother's Daughter' (n 1).

³²⁵ O'Connor, *Daughters of Durga* (n 53) 78.

³²⁶ Neil Andersson et al, 'Barriers to Disclosing and Reporting Violence Among Women in Pakistan: Findings from a National Household Survey and Focus Group Discussions' (2010) 25(11) *Journal of Interpersonal Violence* 1965.

where culture and religious laws appear to have failed?’ This question is dealt with in Chapter 6.

The next chapter examines domestic violence experienced by migrant women, particularly in Australia. It demonstrates how culture and religion shape their worldviews, which accompany them wherever they plant themselves. It also discusses how these two salient features influence their understanding and response to domestic abuse. It further explores the impact of the *Migration Act* in offering protection and the availability and efficiency of domestic violence service providers in meeting their unique needs.

Chapter 3

Migrant Women and Domestic Violence: The Impact of Culture, Law, and Religion

The only time it is right to look down at someone is when we are offering our hand to help them get up.¹

3.1 Introduction

Rapid changes in Australian demographics have resulted in migrants constituting an estimated 28.5 per cent of the population.² Immigration has contributed significantly to population growth in Australia, with censuses indicating 65 per cent of the 3.5 million increase between 2006 and 2016 resulted from the influx of migrants.³ However, history indicates that it was only after World War II that Australia began to consider an equitable global immigration policy, with the most significant and variegated surge of immigration occurring after 1947 which accounted for approximately two fifths of the total population growth at the time.⁴ Whilst traditionally permanent residents were predominantly from the United Kingdom, today, bolstered by the Indian and Chinese migrants in recent years, the composition of the populace mirrors a kaleidoscope of cultures and nationals⁵ with ever-increasing religious diversity and plurality.⁶

In 2015, 244 million people were reported to be living outside their countries of origin, with economic or political reasons appearing to be the driving force⁷ and women largely accompanying either their fathers or husbands who made the decision to move.⁸ The majority

¹ Pope Francis and Austen Ivereigh, *Let Us Dream: The Path to a Better Future* (Simon and Schuster, 2022) 113.

² Linda Murray et al, 'Between "Here" and "There": Family Violence against Immigrant and Refugee Women in Urban and Rural Southern Australia' (2019) 26(1) *Gender, Place & Culture* 91, 91.

³ Philip Hughes, 'Immigration and Its Continuing Impact on Religion in Australia' 27(4) *Pointers: Bulletin of the Christian Research Association* 1, 1.

⁴ Barbara A Misztal, 'Migrant Women in Australia' (1991) 12(2) *Journal of Intercultural Studies* 15, 18.

⁵ Murray et al (n 2) 92.

⁶ Hughes (n 3) 2.

⁷ Nidhi Wali and Andre MN Renzaho, "'Our Riches Are Our Family": The Changing Family Dynamics & Social Capital for New Migrant Families in Australia' (2018) 13(12) *PLOS One* e0209421, 1.

⁸ Lata Satyen et al, 'Intimate Partner Violence and Help-Seeking Behavior among Migrant Women in Australia' (2018) 33(7) *Journal of Family Violence* 447, 448.

of migrant women in Australia arrive under a family stream visa as dependants of male principal applicants,⁹ potentially engendering financial reliance on their spouses and situating them at an acute disadvantage from the start.¹⁰ This explains why economic factors are a key determinant in many women continuing to remain in domestic violence relationships.¹¹ There are also an increasing number of women migrating to Australia for marriage, facilitated by globalisation particularly through the ubiquitous internet.¹² Domestic violence among this cohort appears to exceed the already existing high numbers, with studies suggesting men seek submissive women with conservative backgrounds as the reason for choosing foreign wives.¹³ This preference reinforces the longstanding systemic gendered inequality and an innate desire for male dominion over women, leading to abuse.¹⁴ Fear of deportation further intensifies the women's vulnerability, which is used as a potent tool against migrant women given their reliance on their partners as visa sponsors.¹⁵ Therefore, a review of the literature on the impact of domestic violence among immigrant women is pivotal in constructing important theoretical questions and informing policy recommendations, particularly in view of the multilayered barriers that are unique to their situation.¹⁶

A growing body of scholarship demonstrates that immigration heightens the risk of domestic abuse due to the additional stressors following relocation intersecting with social factors such as gender, race, ethnicity and class.¹⁷ Though much has been written on domestic violence internationally, it has been found that not all migrant women understand the nuances of abuse nor respond the same way or to the same degree depending on their cultural background.¹⁸

⁹ Misztal (n 4) 16.

¹⁰ Satyen et al (n 8) 448.

¹¹ Sonia Kapur and Anna Zajicek, 'Constructions of Battered Asian Indian Marriage Migrants: The Narratives of Domestic Violence Advocates' (2018) 24(16) *Violence Against Women* 1928, 1935.

¹² Ana Borges Jelinic, 'I Loved Him and He Scared Me: Migrant Women, Partner Visas and Domestic Violence' (2019) 32 *Emotion, Space and Society* 100582, 1.

¹³ *Ibid* 2.

¹⁴ *Ibid*.

¹⁵ Halliki Voolma, "'I Must Be Silent Because of Residency': Barriers to Escaping Domestic Violence in the Context of Insecure Immigration Status in England and Sweden' (2018) 24(15) *Violence Against Women* 1830, 1832.

¹⁶ Cecilia Menjivar and Olivia Salcido, 'Immigrant Women and Domestic Violence: Common Experiences in Different Countries' (2002) 16(6) *Gender and Society* 898, 899.

¹⁷ Edna Erez and Shannon Harper, 'Intersectionality, Immigration, and Domestic Violence' in Ramiro Martinez Jr, Meghan E Hollis and Jacob I Stowell, *The Handbook of Race, Ethnicity, Crime, and Justice* (John Wiley & Sons, 2018) 457.

¹⁸ Voolma (n 15) 1831.

Studies suggest that a person's own sociocultural history including assigned cultural gender roles, religious beliefs and practices, and level of conservatism in interpreting social norms, shape their experiences and response to violence.¹⁹ In some Asian countries, domestic violence is regarded as a private affair, compounded by official policy prioritising family over the woman's safety, directed by religion and culture.²⁰

This is evident in Australia where it is reported that most migrant women understand domestic violence only as severe physical abuse and that they are more likely than non-migrants to be victims.²¹ They are also known to tolerate abuse longer than their local counterparts.²² Hence, this provides the impetus to explore the impact of domestic violence on migrant women. Those professing the Christian faith form the subset of Christian women experiencing intimate partner violence in Australia. Migration, especially to a more egalitarian society such as Australia, may herald a new dawn in gender roles for women; impacting their identities either by underpinning conservative roles and values even more or prompting them to question and bring about progressive changes.²³

This chapter highlights the roles of culture and religion in determining in which direction migrant women proceed in responding to and seeking assistance in domestic violence situations. It argues that the all-encompassing patriarchal structures and worldviews embedded in some cultures and religions of migrants to Australia overshadow their perceptions and reduce their likelihood of seeking help. Over and above this, legislation ostensibly drawn up to protect migrant women experiencing domestic violence appears to reflect elements of patriarchy in itself, betraying them and thrusting them deeper into the chasm.

¹⁹ Lynda M Ashbourne and Mohammed Baobaid, 'A Collectivist Perspective for Addressing Family Violence in Minority Newcomer Communities in North America: Culturally Integrative Family Safety Responses' (2019) 11(2) *Journal of Family Theory & Review* 319.

²⁰ Kumaralingam Amirthalingam, 'Women's Rights, International Norms, and Domestic Violence: Asian Perspectives' (2005) 27(2) *Human Rights Quarterly* 683, 685–6.

²¹ Marika Guggisberg and Madalena Grobbelaar, 'An Examination of Circumstances Related to Forced Marriage among Culturally and Linguistically Diverse Women in Australia' in Mathias L Knudsen (ed), *Victims of Violence: Support, Challenges and Outcomes* (Nova Science Publishers, 2020) 205, 206.

²² Murray et al (n 2) 92.

²³ Maryam Jamarani, 'Encountering Differences: Iranian Immigrant Women in Australia' in Glenda Tibe Bonifacio (ed), *Feminism and Migration* (Springer Netherlands, 2012) 149, 150.

This chapter also posits that Australian immigration law and policy do not sufficiently account for the effects of these patriarchal structures and worldviews such that women migrants are not adequately assisted or supported to leave when experiencing domestic abuse. A similar failure is seen in support services that do not do enough to address these effects, either. Therefore, for migrant women in abusive situations to thrive in an egalitarian nation, it is pivotal for all parties to build bridges and collaborate to provide comprehensive, integrated service delivery while simultaneously acknowledging the strong influence of the women's deeply entrenched customs and beliefs.

The chapter has four objectives. First, it briefly reviews how culture and religion travel with migrants to their country of destination. It explores how these elements continue to shape their perceptions rooted in patriarchy. Second, it considers the adequacy of legal protection proffered by the immigration laws against domestic violence with a particular focus on the implicit patriarchy that is duly exploited by the perpetrators, exacerbating the abuse. Further, it studies the amended *Migration Act* and contemplates its impact on empowering abused migrant women.

Third, the chapter examines the competency of service providers in meeting these women's complex and multiple needs. It underscores the nature of migrant women's visas in affecting access to domestic violence services. It proves how their internalised behaviour to uphold the sanctity of marriage and family life continues to obstruct their decision-making capacity to approach services. Finally, it analyses policy considerations proposed by Marie Segrave of Monash University as a pathway to addressing the failings within the system. To this end, it considers whether general multicultural and resettlement services might be better placed to offer effective services, given that they are the first point of access for migrants, compared to a specialised domestic violence service. It concludes with the need for collaborative wrap-around services that can discern the multi-level needs of migrant women encountering domestic abuse.

3.2 Influence of Culture and Religion on Migrant Women

Various scholars contend that migration can be a traumatic experience, particularly given that migrants step out from the known to the unknown, leaving behind family, friends, community

and traditions.²⁴ This is exacerbated when they head to a country with a different language and social norms from their own. Notwithstanding, it is postulated that culture and religion accompany migrant communities as they resettle in foreign lands and the dynamics remain the same.²⁵ This seems a natural progression considering that migrants arrive with preconceived thoughts and perceptions governing social, cultural and religious practices embraced since childhood in their homeland.²⁶ Studies indicate that, in some instances, girls face a greater expectation that they will continue cultural practices in their countries of destination than boys. This can be replicated in the following generations and lead to ‘internalise[d] difficulties within the family’.²⁷ This ‘relational orientation’ provides a familial framework through which the girls model their identities by adopting cultural values forged by their families and communities.²⁸

As with culture, religion--with shared values, beliefs and experiences--unites and influences social relationships contributing to identity construction for migrants and helping them to form bonds within the host community.²⁹ In assisting people to define and make sense of their lives,³⁰ religion assumes greater importance for migrants when they relocate than when they remain in their natal homes.³¹ The 2021 census provides that 28.4 per cent of new migrants who arrived in Australia between 2017 to 2021 were Christians whilst 40.7 per cent were from other religion.³² With an approximate 70 per cent of the new arrivals embracing a faith, it is evident that religion holds a crucial role in the lives of migrants. The importance of faith for migrants is underscored, with religious services attended by 30 per cent of new migrants compared to 15 per cent of their Australian-born peers.³³ This trend is reflected among older migrants from ethnic minority groups who exhibit a high level of religious rituals and practices,

²⁴ Mythili Rajiva, “‘Better Lives’”: The Transgenerational Positioning of Social Mobility in the South Asian Canadian Diaspora’ (2013) 36 *Women’s Studies International Forum* 16, 21.

²⁵ Georgia Panagiotopoulos, Ruth Walker and Mary Luszcz, ‘A Comparison of Widowhood and Well-Being among Older Greek and British-Australian Migrant Women’ (2013) 27(4) *Journal of Aging Studies* 519, 524.

²⁶ *Ibid* 520.

²⁷ Rajiva (n 24) 19. This article discussed girls from South Asian families in Canada.

²⁸ *Ibid*.

²⁹ Nafiseh Ghafournia, ‘Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice’ (2017) 36(1–2) *Journal of Religion & Spirituality in Social Work: Social Thought* 146, 148.

³⁰ *Ibid* 147.

³¹ Hughes (n 3) 2.

³² ‘Religious Affiliation in Australia | Australian Bureau of Statistics’ (4 July 2022) <<https://www.abs.gov.au/articles/religious-affiliation-australia>>. ‘Religious Affiliation in Australia | Australian Bureau of Statistics’ (4 July 2022) <<https://www.abs.gov.au/articles/religious-affiliation-australia>>.

³³ *Ibid* 3.

and observe elaborate customary mourning periods compared to Anglo-Australian counterparts.³⁴

As outlined in Chapter 2, culture and religion are inordinately intermingled and one is unable to unequivocally distinguish where a particular tradition stems from.³⁵ Regardless, whether rooted in culture or religion, patriarchy remains a striking feature across the board. Grounded in it, women's internalised belief that they are inferior to their spouses compound harmful cultural practices such as dowry and forced marriages. Successful migrant women continue to uphold the need to exhibit a happy family facade, risking abuse.

Given that, as noted in the previous chapter, neither culture nor religious laws offer protection against domestic violence, the following section explores safety measures for migrant women in their new country. It considers the impact of the primary piece of legislation that prevails in their lives and examines how the subtle presence of patriarchy within the law affects women. Further, it exposes how the ongoing foremost desire to uphold their reputation and family sanctity poses a significant obstacle in the attempt to flee from violence.

3.3 Patriarchal Culture in Immigration Law

This section demonstrates the demands made by immigration laws on migrant women experiencing domestic violence seeking to secure permanent residency in Australia. It examines the steps undertaken by the government to introduce stringent criteria to prevent women entering the country on marriages of convenience. In doing so, it unpacks the consequences encountered by migrant women who are victims of abuse in accessing the apparent protection found in the legislation, with the unexpected result that the perpetrators in effect are the 'protected' ones.

A common and constant fear that overwhelms most immigrant women is the threat of withdrawal of sponsorship by their partners, which would result in deportation to their home

³⁴ Panagiotopoulos, Walker and Luszcz (n 25) 521.

³⁵ Ibid 520.

country.³⁶ The resulting intimidation escalates the abuse and its stressors.³⁷ The fear of deportation arises from the fact that, similar to the United Kingdom and Sweden,³⁸ migrant women moving to Australia to join their husbands or partners are subject to temporary visas or status.³⁹ The nature of the visa is central given that it imposes limitations on the women's rights and access to services.⁴⁰ Recent research suggests that perpetrators who sponsor their partners leverage the temporary nature of the partner visa to instil fear and control with the peril of deportation potentially holding the woman ransom in an abusive relationship.⁴¹ Studies demonstrate that a significant number of perpetrators coerce their partners into obedience on the threat of reporting to the department on their immigration status.⁴²

The fear of deportation is real. Returning to their country of origin is not an option for migrant women for multiple reasons including the risk of being killed arising from the shame of divorce or failing to uphold a perfect family, being shunned by their own family and in-laws, and the inability to support themselves and their children.⁴³ Threats of being sent home without their children or leaving them behind trapped in the complex web of an alien system at the intersection of family law, child protection and migration, further augment their distress.⁴⁴ Serious concerns have been raised about the safety of migrant women who were deported on grounds of insufficient evidence, never to be heard of again from their native countries where honour killing is pervasive.⁴⁵ Given this background, these women prefer to suffer in silence for the sake of securing residency, and tolerating the abuse, rather than speak up and risk going home.⁴⁶ They also remain and suffer mistreatment for the sake of better opportunities;

³⁶ JaneMaree Maher and Marie Segrave, 'Family Violence Risk, Migration Status and "Vulnerability": Hearing the Voices of Immigrant Women' [2018] (3) *Journal of Gender-Based Violence* 503, 509.

³⁷ Manjula O'Connor and Erminia Colucci, 'Exploring Domestic Violence and Social Distress in Australian-Indian Migrants through Community Theater' (2016) 53(1) *Transcultural Psychiatry* 24, 37
<<https://doi.org/10.1177/1363461515599327>>.

³⁸ Woolma (n 15) 1836.

³⁹ Maher and Segrave (n 35) 506.

⁴⁰ Ibid 508.

⁴¹ Ibid 509.

⁴² Erez and Harper (n 17) 465.

⁴³ Woolma (n 15) 1834.

⁴⁴ Maher and Segrave (n 35) 511.

⁴⁵ Sundari Anitha, 'Legislating Gender Inequalities: The Nature and Patterns of Domestic Violence Experienced by South Asian Women with Insecure Immigration Status in the United Kingdom' (2011) 17(10) *Violence Against Women* 1260, 1270.

⁴⁶ Woolma (n 15) 1843.

especially for their children.⁴⁷ Even if the system in Australia protected these migrant women, a study documented that some preferred not to divulge the abuse due to serious concerns for the safety of their families overseas following threats by the abusers here.⁴⁸

The following section considers two requirements necessary for the legal protection needed by migrant women who are subject to domestic violence: first, establishing a genuine continuing relationship, and, second, proving family violence.

3.3.1 Proving a Genuine Continuing Relationship

The basis for the temporary visa accorded to migrant women is to establish that the parties are in a genuine relationship and not one of convenience for the singular purpose of obtaining residency.⁴⁹ History reveals that some perpetrators serially sponsored new partners, perpetuating domestic violence, which led to the government initiating restrictions through migration policy, limiting the frequency of sponsorship and the time lapse between applications.⁵⁰ In 1994, as an added measure to protect women and their children by facilitating their access to support services in Australia, the Family Violence Exception was introduced.⁵¹ To benefit from this exception to achieve permanent residency, one has to prove to the Department of Immigration and Border Protection (DIBP) that the relationship has broken down.⁵² Migration Regulation 820.211[2] states that this involves a two-stage process: one, evidence that the relationship was genuine and two, that family violence occurred before the relationship ceased.⁵³

⁴⁷ Erez and Harper (n 17) 465.

⁴⁸ Cathy Vaughan et al, 'Promoting Community-Led Responses to Violence against Immigrant and Refugee Women in Metropolitan and Regional Australia: The ASPIRE Project: Key Findings and Future Directions' (Compass Issue 8, ANROWS, 2016) 3 <<https://www.anrows.org.au/publication/promoting-community-led-responses-to-violence-against-immigrant-and-refugee-women-in-metropolitan-and-regional-australia-the-aspire-project-research-summary/>>.

⁴⁹ Menjívar and Salcido (n 16) 909.

⁵⁰ Marie Segrave and InTouch Multicultural Centre Against Family Violence, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (School of Social Sciences, Monash University, 2017) 8 <<http://artsonline.monash.edu.au/gender-and-family-violence/temporary-migration-and-fv>>.

⁵¹ Ibid.

⁵² Borges Jelinic (n 12) 2.

⁵³ Segrave and InTouch (n 49) 52.

In the first stage the DIBP issues a two-year temporary visa, at the end of which, in the second stage, the relationship is reassessed to determine if it is genuine and continuing before a permanent residency visa is issued.⁵⁴ However, for all temporary partner visas, an assessment of whether a relationship is genuine and continuing is conducted both at the time of lodgement of the application as well as during the decision to issue the probationary visa; while for permanent residency, the same decision is made at the time of determination of granting the visa.⁵⁵ Regardless, the need to establish a genuine relationship is crucial and the department does not consider the years the couple was together prior to the application.⁵⁶

To establish a genuine relationship, a migrant woman is expected to provide proof that both parties are ‘committed to a shared life together to the exclusion of all others’ and that the relationship ‘must be genuine and continuing’.⁵⁷ In this regard, the four criteria set out in the regulations guide her, namely, ‘financial aspects’, ‘nature of the household’, ‘social aspects’ and ‘evidence of the partners’ commitment to each other’.⁵⁸ For this purpose, she is to provide evidence of life together at the initial stage of the visa application and a year after and this includes joint bank accounts, pictures, shared tasks and endorsements from friends among others.⁵⁹

Oftentimes the difficulty encountered by migrant women escaping abuse is the lack of opportunities to gather evidence to substantiate the authenticity of their relationship.⁶⁰ The struggle is especially pronounced for parties who have been in long-distance relationships or arranged marriages.⁶¹ In these situations the intimate relationship is usually constructed on the couples’ exchanges and narratives of love and trust over time and distance.⁶² Either way, given the paucity of documentary proof, emotional support appears to be the only factor that migrant

⁵⁴ Australian Law Reform Commission, ‘Family Violence and Commonwealth Laws: Immigration’ (Issues Paper 37, March 2011) 3–5 <<https://www.alrc.gov.au/publication/family-violence-and-commonwealth-laws-immigration-law-ip-37/>>.

⁵⁵ Ibid.

⁵⁶ Borges Jelinic (n 12) 2.

⁵⁷ ‘Subclass 309 Partner (Provisional) Visa’, *Department of Home Affairs Immigration and Citizenship* (Web Page, 24 April 2023) <<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/partner-offshore/provisional-309>>.

⁵⁸ Segrave and InTouch (n 49) 52.

⁵⁹ Borges Jelinic (n 12) 2.

⁶⁰ Ibid.

⁶¹ Ibid 3.

⁶² Ibid.

women can rely on to demonstrate the genuineness of their relationship, a factor that the DIBP considers holistically.⁶³ In any case, research has shown the lack of clarity on the four grounds, as they are subject to various interpretations by the DIBP, which has led to visas being declined.⁶⁴

One of the bases for visa rejection is a migrant woman's failure to produce documentary evidence in joint names or pictures together, notwithstanding that they had cohabited with their partners for over two years, sacrificing, loving and trusting them.⁶⁵ In Australia, among the Anglo-Celtic community, a joint bank account denotes togetherness or partnership in a relationship.⁶⁶ Applying this contrived western concept of what constitutes a marriage of true love and assuming a patronising attitude, the DIBP appears to disregard other forms of marriage, viewing them as less authentic.⁶⁷ One case study showed that, despite the parties attempting in vitro fertilisation, and the migrant woman accepting a child resulting from an affair by her abuser, the department concluded that the abuser's adultery reflected a lack of commitment to the relationship and proceeded to refuse her visa.⁶⁸ Such cases validate certain migrant agents' advice not to reveal abuse or extramarital affairs as it impinges on proving the genuineness of the relationship.⁶⁹

It is propounded that immigration law not only purports to ignore differences in cultural and religious commitment towards marriage, overwhelmingly focusing on the production of paperwork, but displays a strong presence of patriarchal culture, exacerbating the plight of migrant women trapped in violence.⁷⁰ As she is the sole applicant for the temporary visa, the migrant woman primarily bears the burden of proof. Yet, the creation of evidence to establish a genuine relationship is within the hands of the abuser. This thesis contends that an imbalance of power is inherent and implicit within the migration legislation, silently propagating

⁶³ Ibid 2.

⁶⁴ Segrave and InTouch (n 49) 52.

⁶⁵ Borges Jelinic (n 12) 4.

⁶⁶ Supriya Singh and Jasvinder Sidhu, 'Coercive Control of Money, Dowry and Remittances among Indian Migrant Women in Australia' (2020) 12(1) *South Asian Diaspora* 35, 36.

⁶⁷ Borges Jelinic (n 12) 4.

⁶⁸ Ibid 6.

⁶⁹ Ibid.

⁷⁰ Ibid 5.

patriarchy by offering agency to the perpetrator to control the process whilst simultaneously further victimising the already victimised women.

Whether the above difficulties encountered in securing proof of a genuine continuing relationship are similarly faced by migrant women in satisfying the second criterion is discussed below.

3.3.2 Proving Family Violence

It is postulated that, though in some ways there is a safeguard in the immigration laws of Australia to help migrant women escape an abusive relationship, it is nevertheless fraught with problems.⁷¹ Following proof of a genuine relationship, a temporary visa applicant facing domestic violence can resort to the family violence provisions under the Australian *Migration Regulations 1994* facilitated by the *Migration Act 1958* to secure residency, without satisfying the two-year criteria.⁷² This exception enables temporary visa holders to apply for permanent residency under schedule 2 of the *Migration Regulations 1994* (Cth), which includes partner-related visas of subclasses 309, 100, 820 and 801, and prospective marriage (fiancé) subclass 300 in limited circumstances.⁷³ Nonetheless, this is not a smooth journey but involves a long process of proving family violence as defined under regulation 1.21 and expanded by the *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* (Cth),⁷⁴ namely any ‘conduct, whether actual or threatened, towards the alleged victim or a member of the victim’s family ...’

Family violence can be corroborated through judicial evidence including court papers such as intervention orders, convictions or injunctions, which the DIBP must accept.⁷⁵ Though the DIBP appears firm in its requirement for court documents, some leeway is allowed for specific statutory documents instead, either a joint undertaking or a statutory declaration supported by reports from at least two sources including medical and police.⁷⁶ In the event the DIBP is

⁷¹ Ibid 2.

⁷² Ibid.

⁷³ Women’s Legal Service NSW, *A Practitioner’s Guide to Domestic Violence Law in NSW* (2018) 81 <<https://www.wlsnsw.org.au/resources/dv-law-nsw/>>.

⁷⁴ Segrave and InTouch (n 49) 12–13.

⁷⁵ Women’s Legal Service NSW (n 72) 81.

⁷⁶ Ibid 82.

dissatisfied with the non-judicial evidence, the Minister must seek an opinion on the question whether the alleged victim suffered family violence as per the regulation from an independent expert whose findings are final and binding.⁷⁷ Should the outcome result in the visa being refused, an appeal then lies with the Administrative Appeals Tribunal.⁷⁸

The website of the DIBP makes it clear that it has zero tolerance for any form of domestic or family violence and in support has opened lines of communication, encouraging victims to contact the department to discuss their visa applications while remaining in the country.⁷⁹ It also emphasises in bold that a perpetrator ‘cannot’ cancel or refuse a victim’s partner visa, thus clarifying that the power lies only with the Minister or a designated officer.⁸⁰ But this thesis argues that the enormous task of proving domestic violence placed on a new migrant woman escaping abuse and lost in the web of legality does little to assuage her fears of deportation either by her partner or the authority.

Studies indicate that, though all migrants on partner visas find the two-year waiting period particularly challenging, it is even worse for women experiencing domestic violence at the hands of their sponsors.⁸¹ New to the country, struggling with acculturation, combined with the lack of knowledge about accessing information and services, and difficulties in navigating the complicated legal system, most migrant women experiencing abuse are reluctant to trust and seek outside help.⁸² Often they believe that their partners can facilitate their deportation and they have no right to remain in the host country.⁸³ The uncertainty of their immigrant status, which is reliant on their sponsoring partners, increases the control wielded by the abusers.⁸⁴

Sharing the same concerns about migrants manipulating the immigration system through false marriages, Canada, Sweden, the United States and the United Kingdom introduced similar

⁷⁷ Ibid.

⁷⁸ Ibid 82–3.

⁷⁹ ‘How We Can Help You’, *Department of Home Affairs Immigration and Citizenship* (Web Page) <<https://immi.homeaffairs.gov.au/visas/domestic-family-violence-and-your-visa/how-we-can-help-you>>.

⁸⁰ Ibid.

⁸¹ Voolma (n 15) 1831.

⁸² Neely Mahapatra and Abha Rai, ‘Every Cloud Has a Silver Lining But ... “Pathways to Seeking Formal-Help and South-Asian Immigrant Women Survivors of Intimate Partner Violence”’ (2019) 40(11) *Health Care for Women International* 1170, 1181.

⁸³ Erez and Harper (n 17) 465.

⁸⁴ Mahapatra and Rai (n 81) 1181.

provisions about proof of domestic violence and genuine relationship.⁸⁵ In Sweden, the *Aliens Act 2005* forgoes the two-year probationary period if a migrant woman can verify that the major cause of her relationship dissolution is violence, which requires her to establish ‘serious enough and repeated violence’ together with ‘substantial relationship duration’.⁸⁶ This evidentiary impediment is reported to be far harsher than in the United Kingdom.⁸⁷ Notwithstanding the perceived protection, legal research in these countries has demonstrated that fears of migrant women manipulating the system are unfounded.⁸⁸ It was argued that it is highly unlikely a woman would plan a devious scheme of enduring domestic violence just to land residency in another country.⁸⁹ Moreover, it is contended that service providers with their extensive expertise would easily identify such fraudsters.⁹⁰

As with establishing a genuine continuing relationship, proving domestic or family violence is the singular arduous responsibility of a new migrant woman. The DIBP prefers judicial papers such as intervention orders or other court documents as evidence of violence. When the victim is completely dependent upon the perpetrator to remain in the country, the probability that she would initiate a criminal charge of assault against him is negligible. Given that many victims have limited English and that some men prefer conservative foreign wives, the chances of this cohort accessing and negotiating the complex legal and service provisions are truly low, particularly with the threat of deportation looming over them. This thesis posits that the perceived safeguard exemption offered by the immigration laws to abused migrant women certainly appears to be more of an encumbrance than a solution, disempowering the victims further. It is evident that though there are intrinsic powers within the immigration laws to help an abused migrant woman escape violence, the hurdles they encounter in proving the two requirements pose significant hindrance.

The next section considers the impact of the inherent powers within the legislation and how they are susceptible to exploitation by perpetrators.

⁸⁵ Borges Jelinic (n 12) 2.

⁸⁶ Voolma (n 15) 1836.

⁸⁷ *Ibid.*

⁸⁸ Borges Jelinic (n 12) 2.

⁸⁹ Voolma (n 15) 1840.

⁹⁰ *Ibid.*

3.3.3 Abusers Empowered

The requirement for a temporary visa appears to exacerbate the difficult position of migrant women in a domestic violence situation, especially those from a culturally and linguistically diverse (CALD) background.⁹¹ A 2021 study in Australia showed that one in three migrant and refugee women suffered domestic or family violence, and the rate was higher for temporary visa holders.⁹² Research demonstrates that feelings of abandonment, embarrassment and low self-esteem are accentuated when migrant women leaving abusive relationships are easily replaced with new wives from their home countries without any sanctions against the perpetrators.⁹³ In Sweden, the probationary period appears to have facilitated the concept of ‘wife import’, where studies exposed a Swedish man who brought his eighth partner into the country, potentially having deported the earlier ones.⁹⁴

A government-initiated inquiry into domestic violence impacting foreign women and their children by Swedish men confirmed the effect of the probationary period in reinforcing gender inequality, acknowledging that the legislation authorises men to terminate their intimate relationships whilst the majority of the women suffer the consequences.⁹⁵ Similarly, research illustrates that the immigration law in the United Kingdom enables men to desert their wives or send them to their country, either through force or deception, fully intending to deport them, and this is most common among those from the Indian subcontinent. These women are ‘easily discardable’.⁹⁶ Conversely, case studies indicated that their own families returned some of these women back to the United Kingdom for, with failed marriages, they were a source of humiliation and a financial burden.⁹⁷

Ultimately, both the United Kingdom and Sweden recognised that temporary visa status is a stumbling block to migrant women reporting abuse for fear of deportation, with one study comparing the probation period to slavery.⁹⁸ Given such fears impeding access to services, it

⁹¹ Maher and Segrave (n 35) 505.

⁹² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (Policy Document, 2022) 44.

⁹³ O’Connor and Colucci (n 36) 37–38.

⁹⁴ Woolma (n 15) 1841.

⁹⁵ *Ibid* 1841–2.

⁹⁶ Manjula Datta O’Connor, *Daughters of Durga: Dowries, Gender Violence and Family in Australia* (Melbourne University Publishing, 2022) 77.

⁹⁷ Anitha (n 44) 1274–1275.

⁹⁸ Woolma (n 15) 1841.

is argued that the government is complicit in domestic violence as immigration laws prioritise border protection over facilitating migrant women to escape violence.⁹⁹ Notwithstanding that the family violence provisions ostensibly guard the interests of abused migrant women, the immigration process endorses gendered inequity, empowering men whilst demanding women, as sole applicants, establish evidence of a genuine and ongoing relationship amid abuse.¹⁰⁰

This hierarchical feature built into the system equips the perpetrator with the agency to control the process given that the department considers his views on the relationship in the decision-making procedure.¹⁰¹ With notable male dominance intrinsically present and in view of the fact that a significant number of perpetrator sponsors are men, it cannot be understated that patriarchy is implicitly immersed within immigration laws.¹⁰² It is proposed that the transitory status of a temporary visa preserves domestic violence and fortifies the deeply seated patriarchal structures pre-existing within certain cultures.¹⁰³ The situation was worse during the COVID-19 pandemic as migrant women on temporary visas were among the hardest hit given they were not eligible for JobKeeper payments, which were available for Australian citizens and permanent residents, worsening their financial woes and sometimes leading to homelessness.¹⁰⁴

Immigration laws appear to offer little protection to abused women, burdening them instead with tasks that are near impossible. With this in mind, the *Migration Act* was amended to magnify the protection for abused migrant women. However, these changes appear to create unintended problems for migrant women, as discussed in the section below.

3.3.4 Migration Amendment (Family Violence and Other Measures) Act 2018 Conundrum

This section examines the various criticisms highlighting prominent and concerning gaps, particularly in the sponsor assessment framework, seriously denying migrant women the chance of remaining in Australia. It further explores the quandary the government finds itself

⁹⁹ Ibid 1840.

¹⁰⁰ Borges Jelinic (n 12) 6.

¹⁰¹ Ibid 2.

¹⁰² Voolma (n 15) 1842.

¹⁰³ Anitha (n 44) 1279.

¹⁰⁴ Sonia Morabito, 'The Impact of the COVID-19 Pandemic on InTouch Clients' (Issues Paper, InTouch—Multicultural Centre Against Family Violence, 27 April 2020) 2 <<https://intouch.org.au/issues-paper-the-impact-of-the-covid-19-pandemic-on-intouch-clients/>>.

trapped in with the amendment, seemingly safeguarding the interests of abused migrant women whilst simultaneously exposing them to a more unacceptable and distressing situation than before.

The *Migration Amendment (Family Violence and Other Measures) Act 2018* was introduced with the overarching purpose of furthering protection for migrants experiencing abuse in domestic settings. To achieve this goal, the federal government established a sponsorship framework to implement section 140AA(2) of the amended *Migration Act 1958* to ‘strengthen the integrity’ of the sponsored family visa program and to ‘improve the management of family violence in the delivery of the program’.¹⁰⁵ Section 140AA(3) mandates that, firstly, the sponsor undergoes a character assessment and only upon approval can they lodge a visa application.¹⁰⁶ Section 140AA(3)(d) permits the outcome of the assessment to be revealed to the partner of the visa applicant. It is also made available to the sponsor.¹⁰⁷ The purpose is clear: to assist the potential migrant woman to exercise an informed decision as to whether to proceed by providing an early opportunity to opt out upon receipt of ‘adverse information’ regarding the sponsor.

Peter Dutton, the then Minister for Immigration and Border Protection, in moving the motion for the second reading of the Bill said that the protective measures incorporated in the sponsorship framework reflect the essential elements of the Second Action Plan of the National Plan with a key priority on addressing violence among women from culturally and linguistically diverse backgrounds.¹⁰⁸ To this end, an initiative was actioned to enhance support for the overseas partners by ‘requiring additional information disclosure by the Australian husband or fiancé’.¹⁰⁹ Accordingly, the Act incorporating these amendments should provide greater security to shield migrant women from abusive partners. However, the negative responses from certain quarters prove otherwise, as elaborated in the section below.

¹⁰⁵ *Migration Act 1958* (Cth) s 140AA.

¹⁰⁶ *Ibid.*

¹⁰⁷ Ela Stewart and Sonia Morabito, ‘Concerns Relating to the Migration Amendment (Family Violence and Other Measures) Act 2018’ (Issues Paper, InTouch, August 2019) 2, 4 <https://intouch.org.au/wp-content/uploads/2019/08/inTouch_MigrationAmendmentConcerns_August2019.pdf>; Morabito (n 103).

¹⁰⁸ Commonwealth, *Parliamentary Debates*, House of Representatives, 1 September 2016, 289 (Peter Dutton, Minister for Immigration and Border Protection).

¹⁰⁹ Segrave and InTouch (n 49) 12.

3.3.4.1 Criticisms

In addition to empowering the perpetrator, the Act appears to further reduce a migrant woman's right to emigrate to Australia upon discovering the former's history of abuse.

Though the Act provides the Minister with discretionary powers to either approve or refuse sponsorship, concerns were already raised during the passing of the Bill that refusal is restricted to those with criminal convictions including those for sexual abuse or violence against children.¹¹⁰ This implies that the Act disregards those with a longstanding history of violence, potentially with various partners but undocumented, possibly due to the women's refusal to do so under pressure.¹¹¹ This thesis posits that addressing only the tip of the iceberg among reported perpetrators renders the amendment ineffective. Given that the literature continues to reveal that migrant women are less inclined to report against their partners, this concern is well founded.

The Act drew particular censure from the inTouch Multicultural Centre Against Family Violence of Victoria (inTouch) but, interestingly, from a contrasting perspective. Acknowledging the good intentions of the government in preventing family violence, the organisation appears to question whether migrant women should have prior knowledge of the sponsor's violent past, documented or otherwise.¹¹² Contending that it places women in an even more unfavourable position, it argues that the new laws deprive women of the option to be sponsored if the first hurdle of sponsor assessment fails due to a history of violence.¹¹³ This has far-reaching consequences for an offshore application where the marriage occurs overseas and the woman is left behind to face an uncertain future, humiliation and ostracisation, unable to emigrate because her sponsor failed the test.¹¹⁴

For onshore applications where the women are in Australia, a similar situation could arise. For instance, if the Australian boyfriend of a woman on a student visa that is soon to expire agrees to sponsor her but the department rejects his application due to a past violent incident,

¹¹⁰ Commonwealth, *Parliamentary Debates*, Senate, 27 November 2018, 8743 (Stirling Griff).

¹¹¹ *Ibid.*

¹¹² Stewart and Morabito (n 106) 2.

¹¹³ Morabito (n 103).

¹¹⁴ *Ibid* 3.

potentially she has no option but to leave or face deportation.¹¹⁵ On the other hand, under the current system, upon her boyfriend's application for sponsorship, the student would be placed on a bridging visa, enabling her to access Medicare and have the right to work and study pending the outcome.¹¹⁶ However, with the new amendments a bridging visa will not be available and the student will have to seek other visa streams to remain in Australia or leave while the boyfriend's application is being processed.¹¹⁷ Ironically, when the sponsor's violence is detected, it is the woman who suffers the loss, further underscoring the patriarchy implicit in migration law. Because of this, it is asserted that seeking approval to be a sponsor first by conducting a screening process prior to a visa application deters a woman from disclosing the partner's violent history, particularly if children are involved.¹¹⁸

The two-pronged process with the additional step of sponsor assessment is argued to prolong and increase women's powerlessness and vulnerabilities, heightened by removing the rights they would have under bridging visas—exacerbating their dependency on the perpetrators.¹¹⁹ If women are prevented from being sponsored because the men fail the first step, inTouch argues that women are automatically divested from accessing the family violence provision and having the opportunity to live in Australia free from abuse.¹²⁰ On this point Senator Stirling Griff's contention during the tabling of the Bill that the assessment of the sponsor was not meant to replace but rather extend the safeguard offered by the family violence provision is hardly persuasive and seriously inconsistent.¹²¹

As such inTouch proposes that, instead of depriving the woman of the opportunity to apply for a visa when the sponsorship assessment fails, each application should be dealt with on a case-by-case basis.¹²² Either way, the new laws seem to have considerable ramifications for migrant women, be they onshore or offshore applicants, hemmed in an ever-changing system, through no fault of their own. Whilst to all intents and purposes, the new provisions appear to address the issue of perpetrators manipulating the migration system to the disadvantage of women,

¹¹⁵ Stewart and Morabito (n 106) 3.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid 2.

¹¹⁹ Ibid 4.

¹²⁰ Ibid 2.

¹²¹ Commonwealth, *Parliamentary Debates*, Senate, 27 November 2018, 8743 (Stirling Griff).

¹²² Stewart and Morabito (n 106) 4.

delving deeper, the amendments prove otherwise. This thesis contends that these changes increase the vulnerability of especially women from the South Asian diaspora, where the abusers are more inclined to repeatedly marry and abandon women in their home countries upon appropriating handsome dowries knowing there are no laws to prevent serial offenders.

3.3.4.2 Protracted Implementation

Given the concerns raised about the new laws, the Department of Home Affairs in its 2020–21 Federal Budget, held a public consultation on the development and application of the sponsorship framework to the partner visa program.¹²³ It appears that, at that time, the sponsorship framework only applied to the Sponsored Parent (Temporary) visa and not the partner visa.¹²⁴ Hence, the request for public consultation. The department reiterated that the focus was on violence prevention, emphasising the ability of the prospective partner to withdraw once the abuse is disclosed, saving them the time and cost of proceeding with the visa application.¹²⁵

In line with Senator Stirling Griff, the department propounds that the new sponsorship framework will complement the current migration laws in facilitating partner visa applicants to access the family violence provision and apply for residency.¹²⁶ How this is possible given that a migrant woman will be prevented from lodging her visa application by the initial barrier of sponsor assessment revealing the abuse is the conundrum. On one hand, the amended Act purports to safeguard migrant women from abusive partners. On the other hand, they are thrown into a deeper predicament than before when they are obstructed from accessing an escape route through the family violence provision.

As the migration law stands, a woman who can prove a genuine relationship and domestic abuse can access the family violence provision to apply for and secure residency. However, this opportunity is lost under the amended Act if the sponsor's violence emerges, preventing

¹²³ Department of Home Affairs, 'Public Consultation on the English Language Requirement and the New Sponsorship Framework for the Partner Visa Program' (2021) 1.

¹²⁴ Ibid 5.

¹²⁵ Ibid.

¹²⁶ Ibid.

her from accessing that provision. This thesis asserts that in many aspects the amended Act lacks clarity and appears to render the family violence provision redundant.

The Act also imposes statutory obligations on the approved sponsor, attracting civil penalties if they are not met.¹²⁷ This amended the earlier version where the sponsor only needed to undertake to provide accommodation and financial support for the two years the partner is on a temporary visa, without any sanctions for non-compliance.¹²⁸ Be that as it may, this thesis posits that the sanctions do not extend far enough, stopping at fines. With all these confusing and concerning issues, it is no surprise that the new changes to the sponsorship framework for partner visas are yet to come into force, though they were initially intended to commence in November 2021.¹²⁹ And websites of various law firms handling migration matters attest to this.¹³⁰

The amended Act appears to offer less security to a migrant woman, abused or otherwise, than the original one. It potentially deserts a woman and her children in the home country if the system divulges that her husband has criminal convictions in Australia. If his violence goes unreported, the Act inadvertently exposes her to abuse, anyhow. An amendment that was meant to scrutinise the sponsor to save the sponsored appears to have the reverse effect, disempowering the migrant women whilst empowering the perpetrator.

It is apparent that the migration laws offer scarce confidence to an abused migrant woman seeking to escape through the legislation. Taking into account these shortcomings, the next section explores whether there is hope for domestic violence service providers to succeed in assisting her.

¹²⁷ Ibid.

¹²⁸ Commonwealth, *Parliamentary Debates*, Senate, 27 November 2018, 8743 (Stirling Griff).

¹²⁹ ‘Changes to the Sponsorship Framework Relating to Partner Visa Applications’, *Bravo Migration* (Web Page, 1 October 2021) <<https://www.bravomigration.com.au/changes-to-the-sponsorship-framework-relating-to-partner-visa-applications/>>. See also ‘Reforms to Partner Visa Program’, *Department of Home Affairs* (Web Page, 2021) <<https://www.homeaffairs.gov.au/help-and-support/how-to-engage-us/consultations/reforms-to-partner-visa-program>>.

¹³⁰ ‘Partner Visa Sponsorship – Migration Amendment (Family Violence & Other Measures) Bill’, *Bambrick Legal* (Web Page, June 2023) <<https://bambricklegal.com.au/partner-visa-sponsorship-migration-amendment-family-violence-bill/>>. See also ‘Partner Visas’, *Gold Migration Lawyers* (Web Page, 31 March 2022) <<https://www.goldmigration.com.au/partner-visa-changes/>>.

3.4 Adequacy of Service Providers

This section addresses the provision of essential needs to facilitate migrant women escape violence as their basic human right. It explores the level of sensitivity practised by service providers in encouraging women to access their services. It proceeds to consider cultural issues of shame and ostracism, which may prevent migrant women from leaving their abusive environment. Further, through the MuSeS research project, it weighs the merits of generalised settlement services and specific domestic violence service providers in assisting migrant women victims through holistic and effective service delivery.

Consistent with a wide body of research and notwithstanding its pervasiveness, reporting of domestic abuse among immigrant communities remains low.¹³¹ Long-term suffering intensified by an internalised acceptance of patriarchal practices and feelings of shame and fear of ostracisation commonly impede migrant women from escaping abusive relationships, which then limits their access to services.¹³² The fact that it is generally not a crime in their native countries to abuse a woman, enhances and further amplifies their lack of trust towards authorities and the criminal justice system in the resettled country.¹³³ Some women actually believe their fate landed them in the current state of affairs, implying quiet forbearance.¹³⁴ It is argued that the tolerance of violence, referred to as an ‘imported behaviour’, is the cause of reduced responses by certain governments in providing assistance.¹³⁵

This quiet forbearance was reflected among the Melbourne Indian migrant community in Australia where it took 11 suicides and homicide cases to draw attention to domestic violence in their midst.¹³⁶ Lack of awareness of services among the Indian community and a dearth of understanding of nuanced domestic violence by service providers within this ethnic group in Victoria were discovered as contributing factors by the Australia India Society of Victoria’s Taskforce against Domestic Violence in Indian and Ethnic Communities.¹³⁷ Corresponding to

¹³¹ Erez and Harper (n 17) 466.

¹³² Ibid 464.

¹³³ Ibid 466.

¹³⁴ Guggisberg and Grobbelaar (n 21) 219.

¹³⁵ Erez and Harper (n 17) 466.

¹³⁶ O’Connor and Colucci (n 36) 37.

¹³⁷ Ibid 40.

this is the evidence of professional South Asian women in the United States exhibiting limited perception of domestic violence or failing to avail themselves of the existing services.¹³⁸ Rather, they sought help through their circle of close family and friends as opposed to formal sources including mainstream organisations.¹³⁹

The need to maintain the charade of a perfect family life continues to haunt these women as they quietly and exclusively shoulder this responsibility regardless of the abuse, overcome by a fear of embarrassment and disrepute to their families.¹⁴⁰ However, those women who accessed external support from community organisations such as South Asian women's organisations or law enforcement expressed gratitude for the help they received.¹⁴¹ This only underpins the exigency for states to create awareness of the scourge and to make services widely available and easily accessible by migrant women. This is particularly critical with studies indicating that domestic violence is a major trigger for suicide among immigrant and ethnic minority women across Europe and South Asian nations.¹⁴²

The next section highlights the right of a migrant woman experiencing domestic violence to access essential needs, particularly services, regardless of the nature of the visa she holds.

3.4.1 Basic Human Rights

This section argues that the state is responsible for meeting the basic needs of a migrant woman fleeing abuse. It discusses the deleterious impact a temporary visa has on her and asserts that the politics and policies of the day should not constrain her needs as they are her basic human rights to which everyone is entitled.

Article 25 of the *Universal Declaration of Human Rights* provides that everyone has a right to a standard of living that includes adequate housing, food, clothing, social services and the right

¹³⁸ Kapur and Zajicek (n 11) 1936–7.

¹³⁹ Mahapatra and Rai (n 81) 1174.

¹⁴⁰ Kapur and Zajicek (n 11) 1938.

¹⁴¹ Mahapatra and Rai (n 81) 1183.

¹⁴² Erminia Colucci and Amanda Heredia Montesinos, 'Violence against Women and Suicide in the Context of Migration: A Review of the Literature and a Call for Action' (2013) 4 *Suicidology Online* 81, 84.

to security.¹⁴³ A very similar provision reiterating this basic right is also found in article 11 of the *International Covenant on Economic, Social and Cultural Rights*.¹⁴⁴ Ensuring this provision is met, particularly for the disempowered and abused migrant women, is the responsibility and obligation of the state. One of the most important needs for a migrant woman experiencing abuse is the ability to leave the relationship confidently knowing that her basic rights to sustenance and accommodation would be met. However, in countries such as the United Kingdom and Australia, it is common to find that the probationary nature of a woman's visa and the apparent collusion of the migration law with its ever-evolving harsh conditions restrict access, especially to financial and housing needs.¹⁴⁵ This is a grave concern given that in Australia domestic and family violence is a prime cause of homelessness among women and children, where in 2020–21, they constituted an estimated 42 per cent of clients of specialist homelessness services.¹⁴⁶ With some women living on the street or remaining in abusive relationships, it demonstrates the dire ongoing need for housing.¹⁴⁷

In Australia, women with temporary residency are eligible for neither welfare benefits nor long-term housing.¹⁴⁸ For instance, in July 2021, South Australia commenced its first \$1.7 million Safe and Secure Housing Program for women and children escaping domestic violence situations.¹⁴⁹ By December of the same year, it had already supported 82 women's and 113 children's transition from temporary crisis accommodation to long-term housing.¹⁵⁰ However, without income support, refugees are reluctant to take migrant women on temporary visas,

¹⁴³ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948). See also 'International Standards', *Office of the High Commissioner for Human Rights* (Web Page, 2023) <<https://www.ohchr.org/EN/Issues/Food/Pages/Standards.aspx>>.

¹⁴⁴ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976). See 'International Covenant on Economic, Social and Cultural Rights', *OHCHR* <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>>.

¹⁴⁵ Maher and Segrave (n 35) 509.

¹⁴⁶ Department of Social Services (n 91) 57.

¹⁴⁷ Penny Burfitt and Romy Stephens, 'Domestic Violence Shelters Stretched to their Limits, But New Model Offers Glimmer of Hope', *ABC News* (online, 26 February 2023) <<https://www.abc.net.au/news/2023-02-27/dv-shelters-stretched-to-the-limit/102014846>>. It was reported that, in 2016 alone, 46,700 women left their homes escaping violence on a temporary separation.

¹⁴⁸ Segrave and InTouch (n 49) 10.

¹⁴⁹ Premier of South Australia, 'Safe Homes for Women and Children Fleeing DV' (Media Release, 13 January 2022) <<https://www.premier.sa.gov.au/news/media-releases/news/safe-homes-for-women-and-children-fleeing-dv>>.

¹⁵⁰ *Ibid.*

particularly when their future beyond the shelter is uncertain.¹⁵¹ As a result it is reported that over 80 per cent of women and children have remained in crisis accommodation far longer than they should.¹⁵² This is never more striking than during the current COVID-19 pandemic, which is shown to have aggravated housing insecurity with the loss of jobs affecting access to stable or long-term accommodation.¹⁵³ Shelters exacerbated the situation by significantly reducing intakes due to the compliance with physical distancing, driving migrant women to dangerous and desperate measures such as moving back in with the perpetrators.¹⁵⁴

In the United Kingdom, prior to 2002, migrant women suffering violence were regularly deported if they left their relationship within the two-year probationary period, often met with further abuse from their own families who ironically blamed them for the marriage breakdown.¹⁵⁵ After successful campaigning highlighting their predicament, a reprieve in the form of the Domestic Violence Rule 2002 was introduced.¹⁵⁶ Under this rule, if a migrant woman can furnish documentary evidence including medical and police reports and support letters proving domestic abuse, she can apply for Indefinite Leave to Remain (ILR) in the United Kingdom.¹⁵⁷

However, this is of little help because it takes anywhere from 7 to 12 months for the Home Office to determine the ILR application.¹⁵⁸ Until such time the No Recourse to Public Funds (NRPF) clause applies, precluding a migrant woman from accessing fundamental needs such as welfare benefits and adequate public housing including shelters.¹⁵⁹ Generally women in these situations find themselves at the mercy of services that are independently funded to house them.¹⁶⁰ It is noted that approximately 600 women placed on NRPF in a year experience

¹⁵¹ Segrave and InTouch (n 49) 10.

¹⁵² Ibid.

¹⁵³ Morabito (n 103) 2.

¹⁵⁴ Kelly Hughes, 'Women Escaping Violence Face a Terrible Choice, Report Finds', *ABC News* (online, 14 July 2021) <<https://www.abc.net.au/news/2021-07-14/housing-shortage-forcing-women-to-return-to-violent-partners/100288678>>.

¹⁵⁵ Anitha (n 44) 1263.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid 1264.

¹⁶⁰ Woolma (n 15) 1831.

domestic violence in the United Kingdom and it is believed this belies the true figure, which is reported to be exceedingly higher.¹⁶¹

Sweden, on the other hand, appears to be far more generous in its treatment of migrant women affected by domestic violence. Under the Swedish *Social Services Act 2001*, support services are available to survivors regardless of their immigration status as it is residence within a municipality that determines the provision.¹⁶² Nevertheless, undocumented migrants cannot access these services.¹⁶³ This then raises the question of their survival particularly if accompanied by children and fleeing abuse in a foreign land.

In Australia, a probationary visa covers a broad range of categories including women who are students, tourists, asylum seekers and on temporary partner-related visas with varied family violence protections which in turn impact and restrict service provision.¹⁶⁴ What actions are the services taking to ensure support is available to migrant women experiencing abuse regardless of their status? Studies indicate that, in the period between 2015 and 2016, 529 women temporary visa holders sought to use the family violence provision in the *Migration Regulations* to gain permanent residency, yet only 403 succeeded.¹⁶⁵ The gap, it is posited, highlights the need for greater awareness of the migrant women's state including their knowledge of their right to access services and how service providers could reach out to help them exercise their rights.¹⁶⁶

As part of the Fourth Action Plan 2019–2022 of the National Plan to Reduce Violence against Women and their Children 2010–2022 (the National Plan 2010–2022), \$60.4 million was allocated for 'new or expanded emergency accommodation facilities' for victim-survivors and their children and a further \$18 million for the Keeping Women Safe in their Homes program, but there was no clear indication if this included all women escaping violence notwithstanding

¹⁶¹ Ibid 1835.

¹⁶² Ibid 1836.

¹⁶³ Ibid.

¹⁶⁴ Maher and Segrave (n 35) 508–9.

¹⁶⁵ Segrave and InTouch (n 49) 2.

¹⁶⁶ Ibid.

their immigration status.¹⁶⁷ Similar uncertainty is reflected under the new National Plan to End Violence Against Women and Children 2022–2032, where the government has allocated an estimated \$1.6 billion for the accommodation of 4000 people in social housing, a portion of which will be made available to women and children escaping domestic violence.¹⁶⁸

Having said that, in 2021, the Morrison government initiated the Escape Violence Payment¹⁶⁹ and Temporary Visa Holders Experiencing Violence Pilot¹⁷⁰ trials for two years to support victim-survivors to access secure housing, and financial and other services. These pilot projects have been extended to 31 January 2025 with an allocation of \$38.2 million in the Federal Budget 2023–2024.¹⁷¹ Though this is a welcome move, it drew criticisms from certain sectors. The Escape Violence Payment offers a one-off payment of up to \$5000 for victim-survivors who are Australian citizens or permanent residents but only \$3000 for Temporary Visa Holders Experiencing Violence.¹⁷² It is contended that all victim-survivors should be able to access the same emergency payment regardless of their status.¹⁷³

It is absolutely crucial that migrant women facing abuse, on temporary visas or otherwise, have access to basic needs such as food and shelter. This thesis argues that the government of the day abandoning them during their most trying times by discriminating or failing to fulfill their bare requirements is simply unacceptable and a betrayal of their basic human rights. On this note, the next section considers the adequacy of service providers in meeting those needs.

¹⁶⁷ ‘Overview of Key Commonwealth Initiatives’, *Department of Social Services* (Web Page, 9 August 2019) <<https://www.dss.gov.au/women-publications-articles-reducing-violence/overview-of-key-commonwealth-initiatives>>.

¹⁶⁸ ‘Budget Repair’, *Budget October 2022–23* (Web Page, 2022) <<https://budget.gov.au/2022-23-october/content/budget-repair.htm>>.

¹⁶⁹ Anne Ruston, ‘New Payment to Help Women Escape Violent Relationships’ (Media Release, 17 October 2021) <<https://formerministers.dss.gov.au/19468/new-payment-to-help-women-escape-violent-relationships/>>.

¹⁷⁰ Anne Ruston, ‘Supporting Women on Temporary Visas Experiencing Family, Domestic and Sexual Violence’ (Media Release, 10 January 2022) <<https://formerministers.dss.gov.au/19491/supporting-women-on-temporary-visas-experiencing-family-domestic-and-sexual-violence/>>.

¹⁷¹ Katy Gallagher, Amanda Rishworth and Justine Elliot, ‘Increased Support to End Violence against Women and Children’ (Media Release, 9 May 2023) <<https://ministers.dss.gov.au/media-releases/11156>>.

¹⁷² ‘Budget 2023-2024: A Step in the Right Direction for Women’s Safety’, *Monash Lens* (Web Page, 10 May 2023) <<https://lens.monash.edu/@politics-society/2023/05/10/1385745?slug=budget-2023-2024-towards-an-equal-safety-net-for-temporary-visa-holders-experiencing-violence>> (‘Budget 2023-2024’).

¹⁷³ *Ibid.*

3.4.2 Sensitivity of Service Provisions

This section explores how well-equipped service providers are to meet the unique needs of migrant women with varied cultural and religious practices, which often are determinants in accessing help. This is unsurprising given the corpus of evidence that migrant women import their culture and faith as they resettle in their new homelands.

Studies show the lack of early intervention by services intensifies migrant women's uncertainty and vulnerability, and misinformation from the perpetrators exacerbate the denial of their legal rights.¹⁷⁴ Women's conception of services and whether they can fulfil their needs is a salient feature in their seeking help that requires serious consideration by providers.¹⁷⁵ Services need to be culturally and religiously sensitive in addressing the specific issues faced by migrant women including their legal status.¹⁷⁶ The 2021 census is clear proof that particularly religion is of much importance to migrants. Given that 28.4 per cent of the new migrants were Christians not to mention those of other faiths, one needs to explore if faith is a consideration in service delivery.

The deficiency of religious sensitivity is reflected in the unavailability of halal food for Muslim women whilst others are turned away for lack of residency or English proficiency.¹⁷⁷ The only study conducted among Muslim immigrant women on domestic violence in Australia found that their incapacity to practise their religious and cultural beliefs in the shelters proved to be a major hurdle in accessing services, indicating service providers' limited knowledge and understanding of their specific needs.¹⁷⁸ Further, there is a considerable body of research demonstrating that public sentiments that religious women particularly Muslim women are highly and innately susceptible to abuse by their partners, influence service providers.¹⁷⁹

¹⁷⁴ Maher and Segrave (n 35) 512.

¹⁷⁵ Rojan Afrouz, Beth R Crisp and Ann Taket, 'Seeking Help in Domestic Violence Among Muslim Women in Muslim-Majority and Non-Muslim-Majority Countries: A Literature Review' (2020) 21(3) *Trauma, Violence, & Abuse* 551, 560.

¹⁷⁶ Erez and Harper (n 17) 469.

¹⁷⁷ *Ibid* 468–9.

¹⁷⁸ Ghafournia (n 29) 147.

¹⁷⁹ Kristin L Anderson, 'Religion and Intimate Partner Violence: Understanding the Challenges and Proposing Solutions' by Nancy Nason-Clark, Barbara Fisher-Townsend, Catherine Holtmann, and Stephen McMullin [Book Review]' (2019) 58(1) *Journal for the Scientific Study of Religion* 310, 177.

Recognising the complex spiritual and cultural needs of migrant women is essential as there is continued evidence showing little understanding of Asian and South Asian cultures by services largely perceived to be White who tend to advise simplistic but unrealistic solutions such as simply ‘leave the family’.¹⁸⁰ It is pivotal that providers avoid stereotyping migrant women and instead progress towards comprehensive service delivery by acknowledging their multilayered needs regardless of their visa type. This includes the provision of independent and professional interpreter services to ensure clear communication between the migrant woman and service providers, given that some interpreters have been found to have breached confidentiality by providing information to families and communities.¹⁸¹ Sensitivity extends to realising that migrant women generally prefer female interpreters.¹⁸²

It is believed that a holistic provision of services accounting for the various needs of a migrant woman will be a positive life-changing experience, though such services appear to be limited.¹⁸³ Offering easy access to services is essential, especially for migrant women restrained by language, religion, culture and understanding of complicated systems in a new country. Sahara House in Queensland, established in 2018, is an exemplary refuge providing wrap-around culturally responsive services to Indian women with multiple issues including visas and inability to access the income support that is available to Australians and permanent residents.¹⁸⁴

This thesis proffers that targeted culturally sensitive services will draw in migrant women experiencing abuse and, armed with information, they will certainly feel more empowered and confident about their future. However, whether abused migrant women are open to accessing such services is considered in the section below.

¹⁸⁰ Colucci and Montesinos (n 141) 86.

¹⁸¹ Cathy Vaughan et al, *Multicultural and Settlement Services Supporting Women Experiencing Violence* (ANROWS, Report, May 2020) 58 (*MuSeS Project Report*).

¹⁸² *Ibid*.

¹⁸³ *Ibid* 4.

¹⁸⁴ ‘ANROWS National Research Conference on Violence Against Women’, *ANROWS* (Web Page, 2021) <<https://www.anrows.org.au/>>. See also Ricky Lashand, ‘Christmas Comes Early for Women’s Shelter’, *MyPolice South Brisbane* (Web Page, 7 August 2019) <<https://mypolice.qld.gov.au/southbristbane/2019/08/07/christmas-comes-early-for-womens-shelter/>>.

3.4.3 Shelters and Shame

In the event migrant women follow the advice of domestic violence service providers to move into a shelter, they risk ostracism by their families.¹⁸⁵ Often shelters are perceived as the last resort given that for the vast majority of migrant women walking away from a marriage is culturally or religiously frowned upon.¹⁸⁶ ‘She left’ translates into not being a ‘good wife’, as she has done the unthinkable, challenging the deeply entrenched gender inequality.¹⁸⁷ Overcome with guilt and shame over the prospect of leaving for a shelter, the fear of rejection is understandable given that extended family may be the only family the woman knows in a foreign land.¹⁸⁸

Denial of domestic violence is not only confined to the family but extends to the community that refuses to recognise the presence of service providers and their work to ending domestic abuse; going so far as to display their antagonism as evidenced by the Southall Black Sisters campaign among Asian families in Britain.¹⁸⁹ An extensive literature showcases that reputation is overwhelmingly important in certain cultures where family issues are never discussed outside one’s home.¹⁹⁰ Ignoring domestic abuse within and without by certain communities leaves very little room for migrant women to escape abuse and seek external help. The silence of the community only silences the victims further.

The next section offers and considers an alternative path for migrant women to disclose their abuse and to seek help.

3.4.4 Specialised Domestic Violence Versus Settlement and Multicultural Services

This section debates the type of service provider that would best serve a migrant woman experiencing domestic violence. It compares specific domestic violence services and general settlement and multicultural services in Australia through which migrants access a variety of assistance, where abuse could be revealed without the family coming to know.

¹⁸⁵ Menjívar and Salcido (n 16) 905.

¹⁸⁶ Erez and Harper (n 17) 468.

¹⁸⁷ Menjívar and Salcido (n 16) 905.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Colucci and Montesinos (n 141) 86.

Whilst on one hand, substantial evidence indicates migrant women require specialised domestic violence services to meet their specific needs, the Multicultural and Settlement Services Supporting Women Experiencing Violence (MuSeS) research project seems to suggest the contrary.¹⁹¹ A project initiated by ANROWS,¹⁹² it set out to examine the optimal way to support migrant and refugee women facing family violence who frequently access settlement and multicultural services.¹⁹³ Appreciating that domestic violence services ensure safety but given that accessing them attracts reprisal and ire of the community, affecting the welfare of the victims and children, it is argued that both migrant and refugee women would be better placed accessing general mainstream services such as settlement and multicultural services.¹⁹⁴

The research project reported that violence-specific services do not necessarily meet all these women's needs, particularly the needs of those who continue to live with the abusers.¹⁹⁵ Due to additional barriers to seeking domestic violence services including lack of knowledge of their existence, language, visa status and social isolation, it contended that this cohort of women might prefer to reveal the abuse to settlement and multicultural services.¹⁹⁶ This position stems from the fact that, soon after their arrival in Australia, new migrants access their services and continue to do so in light of the extensive range of ongoing assistance offered including various support groups, education and employment, and in the process abuse might potentially be disclosed.¹⁹⁷

Nonetheless, this argument appears to underestimate the extensive work implemented by domestic violence services. It is difficult to see how non-violence-specific services such as settlement and multicultural services could meet the complex needs of a migrant woman and what they would do differently that had not been tried before by domestic violence service

¹⁹¹ Vaughan et al, *MuSeS Project Report* (n 180) 12.

¹⁹² *Ibid.* ANROWS is Australia's National Research Organisation for Women's Safety and it aims to reduce violence against women and their children in accordance with the National Plan.

¹⁹³ Vaughan et al, *MuSeS Project Report* (n 180) 5.

¹⁹⁴ Cathy Vaughan et al, 'The MuSeS Project: A Mixed Methods Study to Increase Understanding of the Role of Settlement and Multicultural Services in Supporting Migrant and Refugee Women Experiencing Violence in Australia' (2019) 19 *BMC International Health and Human Rights* 2.

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid* 6.

¹⁹⁷ Vaughan et al, *MuSeS Project Report* (n 180) 30.

providers. The argument tended to extrapolate and generalise that, because of the obstacles experienced by this group in accessing specialised services, these services may not make themselves available to the women. This thesis argues that this contention overlooks the tireless efforts implemented by domestic violence service providers for migrant women facing abuse notwithstanding the flaws in their provisions. Though the MuSeS project supposed that migrant and refugee women may be more inclined to divulge abuse to multicultural and settlement services, in their defence, at the commencement, they did recognise the project's limitations, acknowledging that their assumptions were based on only fledgling evidence.¹⁹⁸

The MuSeS project found that multicultural and settlement services do indeed frequently encounter migrant women suffering abuse and therefore require relevant training including bilingual staff, which is hindered by lack of funding.¹⁹⁹ In line with this, the project's key recommendations include recognising multicultural and settlement services as an intrinsic component in addressing family violence as a whole, providing relevant training building up a bilingual workforce in place of interpreters, and consequently seeking additional funding to achieve these objectives.²⁰⁰

The recommendation that multicultural and settlement services be made an integral element of domestic violence discourse is strongly supported given that it is one of the first meet-and-greet services for both migrants and refugees, where abuse could potentially be revealed.²⁰¹ However, it would certainly not augur well for this general service provider to displace the hard work that domestic violence-specific services have been extensively offering, encountering multiple challenges and barriers themselves. Rightly, the project proposes a strong collaboration between multicultural and settlement services and specific domestic violence services, recognising they would work best concertedly given that the former has expertise in handling immigration issues that the latter does not, whilst the latter has specialised skills in domestic violence that the other lacks.²⁰² Partnership of this nature is especially relevant in the current pandemic climate given the escalating complexity of demands made to

¹⁹⁸ Vaughan et al, 'The MuSeS Project: A Mixed Methods Study' (n 193) 6.

¹⁹⁹ Vaughan et al, *MuSeS Project Report* (n 180) 8, 54.

²⁰⁰ Cathy Vaughan et al, *Multicultural and Settlement Services Supporting Women Experiencing Violence: The MuSeS Project—Key Findings and Future Directions* (ANROWS, Research to Policy and Practice, 11/2020) 9.

²⁰¹ *Ibid* 1.

²⁰² Vaughan et al, *MuSeS Project Report* (n 180) 7-8.

the multiple domestic violence services by migrant and refugee women.²⁰³ Various strands of literature repeatedly demonstrate that collaborative effort through building bridges with multidisciplinary partnerships is most effective in addressing domestic violence.

Thus far, this chapter has considered the efficacy of migration laws and service providers in offering refuge and a way forward to a migrant woman experiencing intimate partner violence. Unfortunately, it revealed inadequacy manifested through patriarchal culture silently embedded in the law and lack of insight and insensitivity by services in meeting the unique cultural and religious needs of these wounded women. With this background, the next section examines policy considerations in addressing these lacunae.

3.5 Policy

This section examines the recommendations by Marie Segrave to confront the fissures arising from the amendment of the *Migration Act*. It looks at the need for a repositioning of attitudes involving a change in both cultural and social norms whilst reinforcing collaboration as the optimal instrument to assist migrant women experiencing domestic violence.

From the growing volume of research, it is evident that the temporary nature of visas and the ease of manipulation of immigration policies facilitate sponsors weaponising and leveraging the insecurity experienced by migrant women, which can lead to abuse. It is abundantly evident that the law places a premium on migration status over domestic violence, affecting victims' access to services, especially financial and housing, depriving them of their basic human rights.²⁰⁴ As a step towards empowering migrant women, Segrave recommended the provision of information pre-departure and upon arrival on migrant women's rights, migration status and the Australian definition of family violence with contact details of specialised service providers involved in migration through various media platforms.²⁰⁵

The recommendation included a legislated family violence information-sharing scheme extending to various family violence specialists and the DIBP so that migrant women can

²⁰³ Olivera Simic, 'Locked in and Locked out: A Migrant Woman's Reflection on Life in Australia during the COVID-19 Pandemic' (2021) 22(9) *Journal of International Women's Studies* 400, 410–11.

²⁰⁴ Segrave and InTouch (n 49) 3.

²⁰⁵ Ibid 4.

access data on multiple perpetrators and their victim-survivors, use of threats and deportation, and the application of the family violence provisions.²⁰⁶ This thesis asserts that raising awareness on their rights through the provision of information enables migrant women to seek help. In addition, data sharing among the services, particularly the DIBP, helps to flag potential abuse of the migration system as an unscrupulous tool and offers a measure intended to prioritise women's safety over their migration status.

It is obvious that, in Australia and elsewhere, the migrant status of a woman is not a component of a victim's risk assessment, be it in the domestic or family violence sphere, clearly exhibiting a scant understanding of violence, its impact and the appropriate responses.²⁰⁷ Therefore, Segrave recommended a comprehensive specialised risk assessment and management at the first screening of victim-survivors with set questions focused on migration status, forms of abuse, multiple perpetrators in cultural extended families, threats of deportation, misuse of intervention orders against the victims and potential trafficking or slavery crimes, with a reporting pathway to the Australian Federal Police.²⁰⁸ The researchers maintain that incorporating migrant status in the risk assessment is crucial considering that it is an important predictor of abuse and its potential exploitation by abusers. They contend that, in addressing domestic abuse against women, the law should not be a respecter of migration status and, in fact, justice should be blind to whom it serves.²⁰⁹

Further recommendations including collaboration and addressing the gap in the amended Act are discussed in the following sections.

3.5.1 Collaboration

Given the inefficacy of existing services, Segrave proposed a collaborative specialist service model incorporating migration agents, family law experts and case managers working in partnership to provide holistic and simultaneously specific targeted support to victim-survivors, while also recognising their faith and cultural complexities.²¹⁰ More importantly and

²⁰⁶ Ibid.

²⁰⁷ Maher and Segrave (n 35) 510.

²⁰⁸ Segrave and InTouch (n 49) 5.

²⁰⁹ Ibid 3.

²¹⁰ Ibid 5.

as a matter of urgency, Segrave highly recommended that the government funds the expansion of accommodation and access to immediate welfare benefits for women who are on temporary visas and/or those with uncertain futures and no place to escape from violence.²¹¹ Whilst Segrave acknowledges this pressing need, regardless of migrant status this thesis contends that the government should ensure the availability of safe shelter and financial support to a woman and her children escaping violence as these are her rights.²¹² It came as no surprise that this issue was highlighted as part of a national problem in the two-day virtual National Summit on Women's Safety held in September 2021.²¹³

3.5.2 Alternatives to Genuine Relationship Criteria

Segrave recommended amendments to the *Migration Act* and *Migration Regulations* including an appeal process in cases of possible family violence where the perpetrator exercising his control refuses to sign a passport application for a child.²¹⁴ It further suggested that sponsors perpetrating family violence be criminally sanctioned instead of merely treating it as a civil offence as it currently stands.²¹⁵ The proposed amendments also recognise that family violence can interrupt education, employment and applications to the DIBP, affecting visa obligations and leading to visa cancellations.²¹⁶

The recommendations also called for a review of the family violence provision in the *Migration Act* in light of the issues faced by applicants and sought clarity on the evidentiary requirements to establish a genuine relationship, particularly seeking a dispensation in circumstances such as forced marriages.²¹⁷ This thesis argues that imposing on migrant women the onerous task of establishing the genuineness of the relationship followed by proving domestic violence runs contrary to Australia's position of zero tolerance towards violence.²¹⁸ As part of mitigating the

²¹¹ Ibid 6.

²¹² Woolma (n 15) 1833–4.

²¹³ Amy Hall, 'What Did Australia's Women's Safety Summit Achieve and What Needs to Happen Now?', *SBS News* (online, 7 September 2021) <<https://www.sbs.com.au/news/what-did-australia-s-women-s-safety-summit-achieve-and-what-needs-to-happen-now/0d6deaab-9870-46a7-a9a2-312b2e8b2e66>>.

²¹⁴ Segrave and InTouch (n 49) 6.

²¹⁵ Ibid 7.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Woolma (n 15) 1836.

burden of proving genuine and ongoing relationships, Australia could do well to consider approaches adopted by other countries.

In the United States, for example, a migrant woman is required to prove that she commenced the relationship in ‘good faith’, meaning she was committed to remaining in the relationship discounting the intention of the abuser.²¹⁹ Along with Canada, these nations engage staff trained in domestic violence as part of their decision-making team admitting ‘any credible evidence’ acknowledging women’s emotions, stories and the impact of violence in visa applications.²²⁰ In line with this and markedly progressing, Canada abolished its temporary two-year period to attain residency.²²¹ In a similar vein, instead of refusing a visa in the event of insufficient proof, Sweden takes into account women’s emotional and material ties to the country including their concerns about returning to their homeland.²²² These positive changes lean heavily on women’s thoughts and emotions rather than mechanically focusing on documentary evidence of genuine and ongoing relationships, rightfully granting agency to women as partner visa applicants.²²³

Unlike the United States and Canada, it is unclear whether the staff and the independent experts assessing the non-judicial evidence on domestic violence at DIBP are sufficiently trained. This thesis avers that giving consideration to the women’s emotions and narratives is pivotal, particularly their fears of returning home only to be ostracised or killed for failing to uphold the sanctity of their marriage and instead bringing shame and disrepute to their families. Australia needs to learn, emulate and extract the positives from the legislation of other nations that embolden migrant women and not burden them. In moving forward, the proposed recommendations also urged federal legislation to reflect the changes to the Victorian *Domestic Violence Protection Act 2008* in relation to forced marriages and dowry-related abuses.²²⁴ It also sought to further review and recognise the potential for manipulation of partner migration through slavery, human trafficking, domestic servitude and forced labour among others.²²⁵

²¹⁹ Borges Jelinic (n 12) 7.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

²²⁴ Segrave and InTouch (n 49) 7, 10.

²²⁵ Ibid 7.

3.6 Conclusion

This chapter set out to consider the dominance of culture, religion, and the law in the lives of migrant women experiencing domestic violence in their countries of destination. It further explored the adequacy of service provision and legislation in meeting their needs. The striking pattern that emerged is, not only is patriarchal culture flourishing among migrant communities but it is securely, although surreptitiously, entrenched in the migration legislation that was to all intents and purposes amended to protect them.

The amended *Migration Act* appears to do more harm than good. It sinks a migrant woman deeper into a morass through no fault of her own. The sponsor is proven violent but she, the victim, faces the consequences, unable to apply for a visa and worse still unable to access the otherwise available family violence provision, to live in Australia. Even so, it is argued that though the family violence provision in the *Migration Act* acts as a buffer, it is only designed for those who are on temporary partner visas with scarce research to show the number that actually access it.²²⁶ It fails to consider migrant women experiencing domestic abuse who are on a student visa, working visa, skilled migrant visa, a partner of a party on a skilled visa or a tourist visa. The Federal Budget 2023-2024 announced a \$10 million allocation over four years to fund the expansion of the family violence provisions within the Migration Regulations 1994 to cover a broad range of visa holders towards permanency.²²⁷ However, it is unclear just how wide the scope is.²²⁸

Given that one in every four women suffers from family violence in Australia, it is estimated that potentially 9,112 of the 36,450 successful female temporary visa applicants experience abuse.²²⁹ To them the family violence provision is a gateway to escape and remain in Australia. Notwithstanding, the *Migration Act* seems to completely ignore migrant women victims belonging to various visa streams other than temporary partner visas. It fails to provide any legal recourse leading to residency for these women unless they apply for a different type of

²²⁶ Ibid 2.

²²⁷ Gallagher, Rishworth and Elliot (n 170).

²²⁸ 'Budget 2023-2024' (n 171).

²²⁹ Ibid.

visa altogether.²³⁰ Is this not discrimination that one has to be on a partner visa to seek the security offered by the family violence provision? This thesis contends that allowing one migrant woman to attain residency through the family violence provision whilst another with a different visa cannot, though both experience the same level of abuse, is the epitome of injustice. Abuse is abuse regardless of visa type. Australia should address violence against women equitably. The Act is blind to the empowerment of perpetrators and simultaneously blind to the disempowerment of the victims. It appears that policy and legislative structures have a high potential of invoking if not enhancing vulnerability in migrant women experiencing abuse.²³¹

Service providers and policies need to deliver services for migrant women equitably, while being cognisant of their distinct issues. Collaboration recognising and involving sensitivity, culture, and religion in targeted service provision is paramount for migrant women who, in experiencing abuse, feel alienated and alone in a foreign country. The pressure is heavier upon them as they bear a dual status; as a woman, then as a migrant—a minority.²³² In progressing into the new National Plan, the National Summit on Women’s Safety was urged not to view migrant, refugee and other culturally diverse women as an ‘afterthought’ but to seriously consider their peculiar challenges and locate them in the larger framework of an Australian woman.²³³ However, the disconcerting dearth of data on migrant and refugee women experiencing family and sexual violence and their capacity to access services, manifest that they are treated as an ‘afterthought’.²³⁴ In embodying an Australian woman, along with her peers, a migrant woman’s voice as a domestic violence survivor needs to be heard just as loud.

It is said being indifferent to the plight of others is tantamount to discrimination because as fellow humans we have an obligation to empathise with them, call the government to action

²³⁰ Cathy Vaughan et al, *Promoting Community-Led Responses to Violence against Immigrant and Refugee Women in Metropolitan and Regional Australia. The ASPIRE Project: Research Report* (No 7/2016, December 2016) 29.

²³¹ Maher and Segrave (n 35) 504.

²³² Misztal (n 4) 15.

²³³ Tom Stayner, ‘Migrant and Refugee Women Can’t Be an “Afterthought” in Domestic Violence Action Plan’, *SBS News* (online, 6 September 2021) <<https://www.sbs.com.au/news/migrant-and-refugee-women-can-t-be-an-afterthought-in-domestic-violence-action-plan/710caad0-4f46-47a8-845f-e1e1dbc1f13f>>.

²³⁴ Amy Hall, ‘What Women Really Want from Australia’s National Summit on Women’s Safety’, *SBS News* (online, 5 September 2021) <<https://www.sbs.com.au/news/what-women-really-want-from-australia-s-national-summit-on-women-s-safety/10651ab5-8154-4383-9dd7-546947b3b964>>.

and give a voice to the voiceless.²³⁵ To offer a migrant woman shelter and food regardless of her visa is simply merciful and her right. Does one need legislation and policy to feed and shelter a migrant woman victim and her children? It is time that Australia recognises that, whatever her visa status, a migrant woman's right to access her basic needs is a human right.

Whilst this chapter highlights, in general, the failure of domestic violence services to recognise the cultural and religious aspects of migrant women's lives, the next chapter focuses on the competency of services in reaching out to, in particular, Christian victims of domestic violence.

²³⁵ Simic (n 195) 415–16.

Chapter 4

Collaboration between the Sacred and the Secular: Unlikely Partnership?

The problem is not feeding the poor, or clothing the naked, or visiting the sick, but rather recognising that the poor, the naked, the sick, prisoners, and the homeless have the dignity to sit at our table, to feel ‘at home’ among us, to feel part of a family. This is the sign that the Kingdom of Heaven is in our midst.²³⁶

4.1 Introduction

The argument of the thesis to this point can be summarised in a question: Where would a Christian woman, whether a migrant or otherwise, experiencing domestic violence turn for help? This, in turn, prompts further questions. Should she turn to any one of the multitudes of domestic violence services scattered across the country or should she turn to a member of the clergy? In one study, 80 per cent of female victims seeking clergy assistance were advised to return home, observe their wifely duties, forgive their husbands or seek counselling.²³⁷ This might explain why 9 out of 10 victims, as reported by the 2021 National Anglican Violence Research, failed to seek help from the church.²³⁸ The thought-provoking question is, if not the church, where or whom did they turn to?

Research indicates that secular domestic violence practitioners exhibit general reluctance to work with victims identifying with faith as they lack the relevant resources and information to address their needs.²³⁹ Certain secular service providers rooted in feminist praxis go on to say that the clergy are part of the problem and not the solution due to their patriarchal beliefs;²⁴⁰ notwithstanding that not all clergy hold such beliefs, though many religious organisations are systemically patriarchal. These perspectives only augment the paucity of understanding by

²³⁶ Pope Francis and Austen Ivereigh, *Let Us Dream: The Path to a Better Future* (Simon and Schuster, 2022) 113.

²³⁷ Tameka Gillum and Shondrah Nash, ‘Faith-Based Programs and Interventions’ in Claire M Renzetti, Jeffrey L Edleson and Raquel Kennedy Bergen (eds), *Sourcebook on Violence against Women* (Sage 2011) 309, 311.

²³⁸ Julia Baird, ‘Domestic Abuse More Prevalent amongst Anglicans, “Tragic” New Research Finds’, *ABC News* (online, 10 June 2021) <<https://www.abc.net.au/news/2021-06-11/domestic-violence-scripture-justify-abuse-anglican-church-report/100204552>>.

²³⁹ Barbara Fisher-Townsend, Cathy Holtmann and Steve McMullin, ‘The RAVE Website: A Demonstration Project for the Innovative Delivery of Domestic Violence Training and Resources’ (2009) 36(4) *Social Work and Christianity* 470, 476.

²⁴⁰ Nancy Nason-Clark et al, *Religion and Intimate Partner Violence: Understanding the Challenges and Proposing Solutions* (Oxford University Press, 2017) 14.

secular services of the spiritual struggle with abuse encountered by religious women.²⁴¹ With the church encouraging women to remain and uphold the sanctity of marriage and secular services unwilling to engage, where would Christian women experiencing intimate partner violence turn for help? Whilst the clergy and the secular services eye each other with suspicion, these victims are clearly falling through the cracks in the system.

‘Mary’s House’ might hold the answer. ‘Mary’s House’ is the very epitome of collaboration of churches, volunteers, corporate supporters and paid staff uniting for a common cause: to offer a refuge at the Lower North Shore in Sydney to women and children fleeing domestic abuse.²⁴² An initiative supported by the Jesuit Parish of Our Lady of the Way, it has successfully built a bridge through the intersection between the broader and church communities, recognising the potential of a collective approach to solve a social problem, expressing it as a transformative experience.²⁴³ It was established at a time when approximately 300 women a month were escaping domestic violence in Western Sydney alone, often with nowhere to turn to.²⁴⁴

Collaboration is a much-considered solution in addressing Christian women tolerating domestic abuse. Collaboration is defined as a convergence of independent multidisciplinary entities forming a clear systematic structure aiming to achieve shared goals and objectives whilst maintaining accountability to each other.²⁴⁵ This theoretical framework requires sacred and secular agencies to overlook their differences, acknowledge the distress of Christian victims of abuse, and work in partnership to accomplish the joint purpose of guiding and supporting them.

Though collaboration ostensibly appears to be the solution, in practice its application in Australia leaves much to be desired. A common theme that emerged in the examination of this framework is that collaboration is encouraged and holds much potential, but it does not reflect

²⁴¹ Kristin L Anderson, ‘*Religion and Intimate Partner Violence: Understanding the Challenges and Proposing Solutions*’ by Nancy Nason-Clark, Barbara Fisher-Townsend, Catherine Holtmann, and Stephen McMullin [Book Review]’ (2019) 58(1) *Journal for the Scientific Study of Religion* 310.

²⁴² Liz Mackinlay, ‘Mary’s House: An Integrated Community and Church Crisis Accommodation Service’ (2018) 243 *St Mark’s Review* 87, 88.

²⁴³ *Ibid.*

²⁴⁴ *Ibid.* 90.

²⁴⁵ Clare Murphy and Janet Fanslow, ‘Building Collaborations to Eliminate Family Violence: Facilitators, Barriers and Good Practice’ (Briefing Paper, New Zealand Family Violence Clearinghouse, 23 May 2012) 6.

the incorporation of faith-based organisations, or the church, with secular services. Moreover, collaboration often fails to involve faith-based programs irrespective of the type of service provider. From the observations of most support services, religious programs are either omitted or ignored, leaving one to speculate whether they are just quietly hidden within the ‘specific services’ or not invited at all, much the same way religion remains a ‘missing link’²⁴⁶ in domestic violence discourse. With these failings, a Christian woman is completely left out of the assistance offered to a victim. What is even more disconcerting is the glaring exclusion of faith-based programs by religious service providers themselves.

In reviewing services that might respond to a Christian woman experiencing domestic violence, this chapter discusses four themes. First, it explores the failings of the clergy in addressing domestic violence in light of the National Anglican Violence Research report. It analyses potential reasons behind the higher incidence of domestic abuse within than beyond church settings. It highlights the key role of the clergy, who are often the first responders to answer the distress call of an abused Christian woman. Second, it examines the theoretical model of collaboration between the sacred and the secular expounded by Nancy Nason-Clark with a view towards its application in Australia. It elucidates that such partnership is fundamental in offering a holistic service delivery to meet the unique needs of the victims.

Third, it considers the adequacy of both secular and faith-based service providers by inquiring into selected support services with reference to Nason-Clark’s model. It reveals how both types of services fall short of Nason-Clark’s theoretical framework, especially the faith-based organisations that fail to demonstrate a distinction from their secular counterparts in serving Christian women. At most, they appear to be a poor representation of her collaborative model. Finally, it looks at the churches that, though of various persuasions, are united in stamping out domestic violence amongst their believers. It hesitates to conclude whether Mary’s House is the perfect embodiment of comprehensive service provision but is unyielding in its position that a collaborative framework between the sacred and the secular has potential as best practice. In enhancing the collaboration, the chapter concludes and contributes to the broader question to be examined, the feasibility of incorporating an accredited faith-based worker amongst a

²⁴⁶ Julia Baird and Hayley Gleeson, ‘Submit to Your Husbands: Women Told to Endure Domestic Violence in the Name of God’, *ABC News* (online, 22 October 2018) <<https://www.abc.net.au/news/2017-07-18/domestic-violence-church-submit-to-husbands/8652028>>.

secular service provider aiming towards a holistic, integrated, coordinated and effective response under one roof. To this end, policy and law reforms may be necessary.

4.2 Failings of the Clergy

This section considers the outcome of the Anglican research on the Christian community, exposing a high level of domestic violence incidents within the church. It discloses the lack of knowledge and experience by the clergy, which may be a significant contributing factor in diminishing the seriousness of the issue in the churches. It also highlights the key function of the clergy in directing Christian women to escape domestic abuse.

Statistics indicate that in Australia 87 per cent of people who experience intimate partner violence are women. Further, 17 per cent of females experience abuse at the hands of their partners, as opposed to 6.1 per cent men.²⁴⁷ In October 2020, a survey conducted by White Ribbon revealed 42 per cent of men aged between 18 to 34 did not view ‘hitting, punching or restraining’ their partners as domestic violence.²⁴⁸

Such a serious lack of awareness is highly disturbing, exacerbating abuse against women. The escalation of numbers of women seeking help from refuges, to the point that every second woman is being turned away, demonstrates the implication that ignorance advances domestic abuse.²⁴⁹ However, the proportion of these women identifying with a particular faith including Christianity is unknown. Studies have repeatedly highlighted the acute scarcity of research on domestic violence among Christian communities in Australia.²⁵⁰ This is not surprising given that faith is not a key determinant of Australian identity and the vast majority prefer religion to

²⁴⁷ Nada Ibrahim, ‘Domestic and Family Violence and Associated Correlates Among Muslims in Australia’ in Anisah Bagasra and Mitchell Mackinem (eds), *Working with Muslim Clients in the Helping Professions* (IGI Global, 2020) 155, 155.

²⁴⁸ ‘Primary Prevention and Domestic Violence: It Will Take All of Us’, *Domestic Violence NSW* (Web Page, 10 December 2020) <<https://www.dvnsw.org.au/primary-prevention-and-domestic-violence-it-will-take-all-of-us/>>.

²⁴⁹ ‘What Australian Governments Are Doing about Domestic and Family Violence’, *SAFER* (Web Page) <https://www.saferresource.org.au/what_governments_are_doing>.

²⁵⁰ ‘Prevalence of Domestic Violence and Abuse in the Australian Church’, *SAFER* (Web Page) <https://www.saferresource.org.au/prevalence_in_the_church>.

be spoken about in hushed tones.²⁵¹ This thesis contends that the significant dearth of data and open discussions on faith could lead to Christian women suffering violence secretly.

In contrast, faith broke the silence with a wake-up call in the landmark findings from the recent National Anglican Family Violence Research (henceforth ‘Anglican research’),²⁵² which indicated all is not well between the shepherds and their flocks within church settings. The research, the first of its kind in Australia, reported that 22 per cent of the 2000 men and women surveyed confirmed experiencing intimate partner violence, as opposed to 15 per cent of the general population, indicating a higher probability of frequent church attendees suffering violence than those who did not attend.²⁵³ Furthermore, studies divulged that, for every five men who attend church regularly, at least one is violent towards his wife.²⁵⁴ This is rather astounding and certainly contrary to the public perception that a Christian man is least likely to abuse his wife.²⁵⁵

That domestic violence prevails more within than without the church is extremely concerning and confronting as it is opposed to everything that a church symbolises. The findings of the Anglican research patently failed to answer the ‘tragic’ question: ‘Why is abuse pervasive in a setting where the very core teaching is love?’ This thesis argues that the findings are not only a failing of all that Christianity stands for but, more importantly, reflect a betrayal and abandonment by the church of the women trapped within a violent relationship. For the teachings to have seemingly failed, with 22 per cent far surpassing the reported rate of intimate partner violence in the secular world, it is posited that the church or the clergy must accept some kind of responsibility for the victims. The church needs self-reflection to identify where it has gone wrong in allowing those perpetrating domestic violence to thrive in its midst. The fact that the findings revealed 9 out of 10 clergy and lay people believed domestic violence was endemic in Australia, whilst only 6 out of 10 thought the same was true within the

²⁵¹ Annabel Crabb, ‘What Australians Really Think about Religion’, *ABC News* (online, 5 November 2019) <<https://www.abc.net.au/news/2019-11-06/annabel-crabb-australia-talks-religion-insights/11674076>>. This report was based on the views of 54,970 respondents to the Australia Talks National Survey in July 2019.

²⁵² Ruth Powell and Miriam Pepper, *National Anglican Family Violence Research Report* (Report, NCLS Research, April 2021) 70 <anglican.org.au/wp-content/uploads/2021/08/1.-NAFVP-Research-Report.pdf>.

²⁵³ Baird, ‘Domestic Abuse More Prevalent amongst Anglicans’ (n 3).

²⁵⁴ ‘Prevalence of Domestic Violence and Abuse in the Australian Church’ (n 15).

²⁵⁵ ‘Australian Churches Risk Becoming a “Haven” for Abusers, US Seminary Professor Says’, *ABC News* (online, 20 July 2017) <<https://www.abc.net.au/news/2017-07-21/australia-church-risks-becoming-haven-for-abusers/8651318>>.

church,²⁵⁶ further validates how far removed the clergy are from their surroundings. This then leads to the next question: ‘What has the church done to help Christian women facing domestic violence?’

Originally this research was commissioned following investigative journalism in 2017, which uncovered that the prevalence of abuse in Australian churches arose from the clergy minimising, ignoring and inadvertently enabling it.²⁵⁷ This means the outcome of the recent Anglican research in a sense is not a new discovery. If anything, these findings endorsed past findings that the majority of the clergy feel ill-equipped to respond and that perpetrators misuse teachings on submission, unconditional forgiveness and lifelong commitment to marriage to legitimise abuse.²⁵⁸ It is evident that, between then and now, the church appears not to have done much to qualify itself to offer assistance. The reticence of the clergy through their thundering silence amongst increasing public acknowledgment of domestic violence has only enveloped the church in a ‘holy hush’.²⁵⁹ The findings are a clear indication that the ‘holy hush’ comes at the expense of Christian women suffering intimate partner violence. The fact that 9 out of 10 victims refused to approach the church for help is a self-explanatory attestation of the church’s grave inadequacy and failing in meeting their needs. And in this way, one dares to say that the church is colluding with the perpetrators within.

Ironically, but understandably, the clergy are generally the first port of call for both victims and perpetrators.²⁶⁰ The Anglican research also recognised that even church members can potentially be the ‘first responders’.²⁶¹ The literature illustrates the commanding influence religious leaders have in contouring what is acceptable behaviour in a family and the response to it, with a tendency to spiritualise social issues including domestic violence.²⁶² Studies suggest that, in general, women experiencing violence in religious families turn to their

²⁵⁶ Baird, ‘Domestic Abuse More Prevalent amongst Anglicans’ (n 3).

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Catherine Clark Kroeger and Nancy Nason-Clark, *No Place for Abuse: Biblical & Practical Resources to Counteract Domestic Violence* (IVP Books, 2009) 15.

²⁶⁰ Nancy Nason-Clark, ‘Religion and Abuse’ in *International Encyclopedia of the Social & Behavioral Sciences* (Elsevier, 2nd Edition, 2015) 253, 253.

²⁶¹ Anglican Church of Australia, *Ten Commitments for Prevention and Response to Domestic and Family Violence in the Anglican Church of Australia* (Report, 2021) 17 <<https://anglican.org.au/wp-content/uploads/2021/06/Ten-Commitments-April-2021.pdf>>.

²⁶² Nafiseh Ghafournia, ‘Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice’ (2017) 36(1–2) *Journal of Religion & Spirituality in Social Work: Social Thought* 146, 154.

religious leaders or other women of similar faith for help.²⁶³ Further, in keeping with literature, research also shows that immigrant women mostly depend on their religious communities and clergy for assistance, reinforcing the paramountcy of the role of clergy.²⁶⁴

For a religious person, be it the abused or the abuser, the clergy have a powerful presence in their lives through their sermons. The clergy's condemnation of domestic violence from the pulpit has a more profound impact than if service providers such as social workers or even parole officers were to express the same.²⁶⁵ The clergy's words have the power to transform a woman's experience from abuse to hope, providing help and inspiring her to move forward in faith.²⁶⁶ This undeniably demonstrates the crucial role of the clergy in that they could either be part of the problem²⁶⁷ or part of the solution by preventing or minimising the abuse.²⁶⁸

The clergy are gatekeepers of various resources and referral options.²⁶⁹ Unfortunately, by discounting the impact of abuse, religious leaders often fail to encourage women to access the justice system.²⁷⁰ In such instances the victims are less likely to seek help elsewhere, underlining the clergy's fundamental influence on an abused woman's decision-making process.²⁷¹ A victim who addressed the Victorian Royal Commission into Family Violence featured this issue prominently by testifying that, when she attended five different church ministers seeking help from abuse, she was advised to remain with her violent husband whilst one counsellor suggested that she be gentle with him as 'he's trying to be a man'.²⁷² The inquiry also heard another victim who, upon reporting to the pastor that she was raped, hit and verbally abused by her violent husband whilst on drugs, was advised to pray, assuring that she would at

²⁶³ Nason-Clark, 'Religion and Abuse' (n 25) 254.

²⁶⁴ Y Joon Choi, 'Korean American Clergy Practices Regarding Intimate Partner Violence: Roadblock or Support for Battered Women?' (2015) 30(3) *Journal of Family Violence* 293, 293.

²⁶⁵ Nancy Nason-Clark et al, *Religion and Intimate Partner Violence* (n 5) 9 [2].

²⁶⁶ *Ibid* 17 [1].

²⁶⁷ Nancy Nason-Clark, 'Making the Sacred Safe: Woman Abuse and Communities of Faith' (2000) 61(4) *Sociology of Religion* 349, 356 [3].

²⁶⁸ Sarah Wendt, 'Christianity and Domestic Violence,' (2008) 23(2) *Affilia* 144,144.

²⁶⁹ Nason-Clark, 'Religion and Abuse' (n 25) 255.

²⁷⁰ Edna Erez, 'Immigration, Culture Conflict and Domestic Violence/Woman Battering' (2000) 2(1) *Crime Prevention and Community Safety* 27, 31.

²⁷¹ *Ibid*.

²⁷² Julia Baird, 'Domestic Violence in the Church: When Women are Believed, Change Will Happen,' *ABC News* (online, 23 May 2018) <<https://www.abc.net.au/news/2018-05-23/when-women-are-believed-the-church-will-change/9782184>>.

least go to heaven if he killed her.²⁷³ Such an alarming approach clearly mirrors the inadequacy of the churches, inadvertently reinforcing rather than reducing the abuse.²⁷⁴

By downplaying the pain of abused religious women, this thesis contends, the clergy endorse and entrench the secondary position of women. However, it is argued that it is not just religious ideologies and practices that locate a woman in the gender equation, but rather the manipulation of religion in interpreting scriptures buttressing the inequity between men and women.²⁷⁵

Conversely, an experienced member of the clergy discerns and identifies a victim, making appropriate referrals instead of attempting to save the marriage at all costs.²⁷⁶ They essentially play a multifaceted role in providing information, assistance and advice in various situations.²⁷⁷ Well-equipped clergy are in a trusted, unique and pivotal position to help victims.²⁷⁸ The Anglican research validated this when it reported that many victims who approached the church felt supported and experienced a positive outcome.²⁷⁹ The research further acknowledged that having women on the pastoral team offers a more constructive and effective response to the victims.²⁸⁰

This warrants a paradigm shift in service collaboration that prioritises the church within the framework of best practice. The damaging report is a clarion call to the church to establish best practice, especially in light of Christian victims of abuse failing to seek its help.²⁸¹ For this reason alone, it is incumbent upon the church now, more than ever before, to descend from its ivory tower, be accountable and address how best to assist and journey with a Christian woman experiencing intimate partner violence. Any delay might give rise to Australian churches offering safe havens for abusers, if they are not doing so already.²⁸² Therefore, collaboration

²⁷³ Ibid.

²⁷⁴ Naomi Priest, 'A Health and Social Science View of Domestic Violence and Churches' (2018) 243 *St Mark's Review* 25, 38.

²⁷⁵ Sonia Kapur and Anna Zajicek, 'Constructions of Battered Asian Indian Marriage Migrants: The Narratives of Domestic Violence Advocates' (2018) 24(16) *Violence Against Women* 1928, 1936.

²⁷⁶ Nason-Clark, 'Religion and Abuse' (n 25) 255.

²⁷⁷ Ibid.

²⁷⁸ Gillum and Nash (n 2) 316.

²⁷⁹ 'National Anglican Family Violence Research Report Released', *Anglican Focus* (Web Page, 11 June 2021) <<https://anglicanfocus.org.au/2021/06/11/national-anglican-family-violence-research-report-released/>>.

²⁸⁰ Ibid.

²⁸¹ Baird, 'Domestic Abuse More Prevalent amongst Anglicans' (n 3).

²⁸² 'Australian Churches Risk Becoming a "Haven" for Abusers, US Seminary Professor Says' (n 20).

with secular services should be a key consideration in the genesis of best practice. That topic is examined in the next section.

4.3 The Sacred and the Secular

This section views the collaborative framework established by Nancy Nason-Clark, partnering the sacred with the secular, as a way forward. It explores some highly successful efforts that clearly demonstrate the union between the church and the services is central to addressing domestic violence among Christian women.

Acknowledging that the inadequacies of the clergy contribute to victims experiencing domestic violence longer than their non-religious counterparts,²⁸³ Nancy Nason-Clark et al reiterate the need to bridge the chasm between the sacred and secular through effecting an all-encompassing collaborative service delivery.²⁸⁴ Nason-Clark's 'sacred secular' framework stemmed from her early research into collaborative work with multiple disciplinary services. These included shelters, churches, therapeutic professionals, the criminal justice system, and advocacy and faith-based intervention programs for abusers, which led to increasing interest in issues relating to domestic violence and religion.²⁸⁵ Nason-Clark's holistic framework proposes a partnership response between the clergy trained in best practice and service providers sensitive to religious needs; enabling victims to explore, reinterpret and apply the concepts surrounding headship as they rebuild their lives.²⁸⁶ This coalescence is essential, particularly with well-trained clergy because evidence suggests that religion can offer 'cover for many crimes' including domestic violence,²⁸⁷ through particular (mis)readings of biblical texts that prioritise submission, love, humility and sacrifice.²⁸⁸

The joint construction model prompted the creation of the Religion and Violence e-Learning (RAVE) project. It is an online collaborative platform for training religious leaders, Christian social workers, and the community through accessing and understanding widely researched data and an abundance of faith-based resources in the provision of coordinated and effective

²⁸³ Anderson (n 6).

²⁸⁴ Nason-Clark et al, *Religion and Intimate Partner Violence* (n 5).

²⁸⁵ Fisher-Townsend, Holtmann and McMullin (n 4).

²⁸⁶ Nason-Clark et al, *Religion and Intimate Partner Violence* (n 5) 11.

²⁸⁷ 'Australian Churches Risk Becoming a "Haven" for Abusers, US Seminary Professor Says' (n 20).

²⁸⁸ Baird and Gleeson (n 11).

service delivery.²⁸⁹ Adopting a far-reaching approach, the RAVE project ensures the availability of web-based resources and training to both the sacred and secular worlds at their convenience.²⁹⁰ This sacred-secular partnership model gained traction on the ground and has been successfully implemented in various places in North America.

FaithLink in Calgary, Canada, is a classic demonstration of a faith-based organisation that promotes active collaboration between the sacred and the secular, realising that the clergy's engagement with the larger community is a fundamental component of any coordinated response.²⁹¹ FaithLink provides a religious voice to speak to the secular Calgary Domestic Violence Collective, an umbrella of coordinating service providers and agencies responding to domestic and sexual violence.²⁹² By merging the spiritual and the secular with the criminal justice-oriented response, FaithLink continues to be an integral part of the Calgary community initiative.²⁹³

An alliance between the church and the secular services features distinctly in African-American churches in the United States. The Black Church and Domestic Violence Institute, a non-profit organisation, provides clergy training and advocacy, aiming to cultivate a partnership with secular domestic violence service providers to constructively address abuse in its midst.²⁹⁴ This is especially relevant for the African-American community in the United States in which the Black Church has been the oldest and most central institution for engagement with social issues, and continues to be to this day.²⁹⁵ It is especially significant because intimate partner violence, rape and homicide disproportionately affect African-American women.²⁹⁶ Notwithstanding the challenges, African-American churches are well known for being in the

²⁸⁹ Fisher-Townsend, Holtmann and McMullin (n 4) 472.

²⁹⁰ Ibid 476.

²⁹¹ Nancy Nason-Clark et al, 'The RAVE Project: Developing Web-Based Religious Resources for Social Action on Domestic Abuse', *University of Windsor* (Web Page)

<<https://ojs.uwindsor.ca/index.php/csw/article/download/5806/4739?inline=1>>.

²⁹² Nason-Clark et al, *Religion and Intimate Partner Violence* (n 5) 6.

²⁹³ Ibid.

²⁹⁴ 'Black Church and Domestic Violence Institute BCDVI', *Wiser.Directory* (Web Page)

<<https://wiser.directory/organization/black-church-and-domestic-violence-institute-bcdvi/>>.

²⁹⁵ Lynda Marie Jordan, 'Domestic Violence in the African American Community: The Role of the Black Church' in Susan Sered (ed), *Religious Healing in Boston: Reports from the Field* (Harvard University, 2002) 15, 17.

²⁹⁶ Bernice Kennedy and Chalice Rhodes, 'African American Women and Domestic Violence: Addressing Their Voice of Silence' (2019) 3 *BRK Global Healthcare Journal* 4 .

vanguard of facing up to the seriousness of the abuse.²⁹⁷ With a strong religious tradition and literature indicating that faith is a coping mechanism and a factor in the victims' journey towards healing, partnership with secular agencies seems a natural development.²⁹⁸

As the salient role of clergy in addressing domestic violence is acknowledged, secular services perceive the exigency of engaging collaboratively to achieve the shared objective of offering help to victims. In 1979, Rev Dr Marie M Fortune established the Faith Trust Institute to address domestic and sexual violence within the church.²⁹⁹ Earlier on, secular services such as the city of Seattle's Rape Reduction Project recognised faith leaders as a major contributing factor in the community response to, and prevention of, domestic and sexual abuse.³⁰⁰ The initial project to train local clergy has since expanded to an international organisation partnering with multi-religious communities aiming to foster collaboration with secular sexual and domestic violence and various faith-based organisations to end abuse.³⁰¹

These services evince the indispensability of partnership between the sacred and the secular to deliver optimal and integrated services to women of the Christian faith enduring domestic abuse. Its universal application in diverse environments including Black churches, evidences the versatility of the collaborative framework. The successful manifestation of Nason-Clark's sacred-secular theoretical framework through these organisations offers a lens through which to critically view existing services in Australia, particularly in meeting the needs of Christian women experiencing intimate partner violence, as explored in the next section.

4.4 Adequacy of Domestic Violence Service Provision in Australia

This section considers the secular services and faith-based organisations offering assistance to victims of intimate partner violence in Australia. It examines whether they work in isolation or collaborate, reaching out to each other, ensuring careful, coordinated and comprehensive services are delivered to the victims. It further explores if there is a distinction between the two

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ 'Our Mission and Guiding Principles', *FaithTrust Institute* (Web Page)
<<https://www.faithtrustinstitute.org/about-us/guiding-principles>>.

³⁰⁰ Ibid.

³⁰¹ Ibid.

forms of service provision particularly in addressing the conflict experienced by religious women suffering domestic abuse.

Victim-survivors are the reason why domestic violence services exist. Be it a religious woman or otherwise, whether she remains or decides to leave the abusive relationship, these services are her lifeline and directing her course. They are a place to run to, to seek refuge or even to comprehend their situation and to realise there are options available to them and that they do not have to stay. They can be a place that restores their dignity. But given that religion is spoken of in hushed tones, it is important to consider how the spiritual needs of Christian women encountering domestic abuse are dealt with by both secular and faith-based organisations.

4.4.1 Secular Services

There are multiple domestic violence services across Australia under various banners offering assistance to victims.³⁰² Some are limited in their scope whilst others provide a wide range of services.³⁰³ If the sacred-secular collaborative model is employed as a benchmark to measure the comprehensive provision of services, the secular providers appear to fall short of the mark.

Safe and Equal is the new peak body for specialist family violence support services across Victoria.³⁰⁴ Born from a recent merger between Domestic Violence Resource Centre and Domestic Violence Victoria, it offers over thirty years of expertise in advocating and implementing changes to advance service provision from primary prevention to response and recovery of the victim-survivors.³⁰⁵ It provides tailored and inclusive support for various groups including migrant and refugee communities, which incidentally is the only context in which faith is mentioned, a cohort that is generally, ‘culturally, linguistically, and faith-diverse’.³⁰⁶ Apart from this, there is no reference to distinct faith-based services or programs by a specialist family violence provider unless it is quietly embedded within the collaboration with other services. By linking faith solely to the migrant and refugee communities, this top

³⁰² ‘Family and Domestic Violence’, *Services Australia* (Web Page, 10 December 2021) <<https://www.servicesaustralia.gov.au/individuals/subjects/family-and-domestic-violence>>.

³⁰³ Ibid.

³⁰⁴ ‘Safe and Equal’, *Safe and Equal* (Web Page) <<https://safeandequal.org.au/>>.

³⁰⁵ ‘About’, *Safe and Equal* (Web Page) <<https://safeandequal.org.au/about/>>.

³⁰⁶ ‘Specialist Family Violence Services’, *Safe and Equal* (Web Page) <<https://safeandequal.org.au/working-in-family-violence/service-responses/specialist-family-violence-services/>>.

organisation appears to have excluded women of faith outside migrant groups. The omission seriously underscores the ignorance of the role of faith in a victim's life. This thesis contends that such perceived rejection is dangerous as the implication that faith-related services are unavailable further isolates and silences the already silenced Christian victim-survivors suffering in shame.

The 'Find a Service' hyperlink on the organisation's website is meant to direct a victim-survivor to a specialist service provider within their location anywhere in Victoria. Typing in 'faith-based services' as the keywords within Melbourne city and choosing 'Tailored family violence service', 'Therapeutic programs' and 'Local family violence support' to narrow the search, one finds the Australian Muslim Women's Centre for Human Rights (AMWCHR), Djirra for Aboriginal women, and inTouch Multicultural Centre Against Family Violence for migrant and refugee women (inTouch).³⁰⁷ Unfortunately, it generates nothing for Christian victim-survivors, notwithstanding that 'Christian-based services' are entered as the keyword.

Claiming to be the leading voice for 'Muslim women's rights in Australia', and to represent a progressive version of Islam, AMWCHR surprisingly states that it adopts a non-religious approach, viewing its work purely through a social justice lens, though it does assist with Islamic divorces.³⁰⁸ It is unclear why applying a social justice lens involves excluding faith altogether, perhaps implying that religion is not integral to the social justice perspective. In relation to inTouch, part of its early intervention is to refer migrant and refugee victims to the 'right support'.³⁰⁹ This probably translates to an attempt to match clients with a culturally appropriate case manager who understands the impact of culture on the client.³¹⁰ However, the extent to which religion is addressed in the cultural component, if at all, is not apparent. Arguably, it might be blended within counselling sessions or in their referral to other ethnic-specific services.³¹¹ It is ironic that, for a multicultural service provider, the website fails to

³⁰⁷ 'You Searched for Faith Based Services', *Safe and Equal* (Web Page)

<[https://safeandequal.org.au/search/faith based services/](https://safeandequal.org.au/search/faith%20based%20services/)>.

³⁰⁸ 'Australian Muslim Women's Centre for Human Rights', *AMWCHR* (Web Page) <<https://amwchr.org.au/>>.

³⁰⁹ 'Early Intervention', *InTouch—Multicultural Centre Against Family Violence* (Web Page)

<<https://intouch.org.au/our-work/early-intervention/>>.

³¹⁰ 'Information about Our Client Services', *InTouch—Multicultural Centre Against Family Violence* (Web Page) <<https://intouch.org.au/how-we-can-help/information-for-professionals/information-about-our-client-services/>>.

³¹¹ 'Case Management', *InTouch—Multicultural Centre Against Family Violence* (Web Page)

<<https://intouch.org.au/our-work/post-crisis-intervention/case-management/>>.

showcase faith prominently in the provision of its services, which is entirely inconsistent with the reference made by Safe and Equal to aligning diverse faith with this community. The dissonance is even more staggering given that a growing body of scholarship demonstrates that religion and culture are closely intertwined, particularly in such pluralistic communities,³¹² and that women within them often turn to religious leaders who unwisely advise prioritising family unity over safety.³¹³

Similarly, the Migrant Women’s Safety program of Women Safety Services, South Australia, which caters to the various needs of women from culturally and linguistically diverse backgrounds, offers no specific faith-based programs.³¹⁴ Notwithstanding this, it recognises the importance of culture and religion in shaping a woman’s understanding of and response to violence.³¹⁵ Though acknowledging that a ‘one-size-fits-all’ approach is not the solution, it offers no remedy to the problem of assisting a Christian woman experiencing intimate partner violence.³¹⁶ In such a situation where would a migrant Christian woman suffering domestic violence seek help? Appreciating the spiritual issue and yet not providing a way out to a Christian woman is another example of secular services deserting Christian women grappling with their faith and abuse.

A whiff of hope for collaboration between the sacred and the secular is found in Domestic Violence New South Wales. Also a peak body, it advocates best practice in addressing violence against women.³¹⁷ It champions changes in law, policy and practices, and as part of principal prevention coordinates and collaborates with the government and various organisations including CatholicCare and Jesuit Refugee Service.³¹⁸ Though this sounds promising, it remains ambiguous whether collaboration means partnering or functioning merely as referrals to these faith-based services—again offering no clear solution to Christian women.

³¹² Hanna Ragnarsdóttir, ‘Diversity, Religion and Tolerance: Young Adults’ Views on Cultural and Religious Diversity in a Multicultural Society in Iceland’ (2020) 47(4) *Religion & Education* 3, 5.

³¹³ Department of Social Services, *Hearing Her Voice: Report from the Kitchen Table Conversations with Culturally and Linguistically Diverse Women on Violence against Women and their Children* (Report, 2015) 56.

³¹⁴ ‘Culturally & Linguistically Diverse Clients’, *Women’s Safety Services SA* (Web Page, 2023) <<https://womenssafetyservices.com.au/index.php/information-for-workers/culturally-linguistically-diverse-clients>>.

³¹⁵ *Ibid.*

³¹⁶ *Ibid.*

³¹⁷ ‘Our Story’, *Domestic Violence NSW* (Web Page) <<https://www.dvnsw.org.au/about-dvnsw/our-story/>>.

³¹⁸ ‘Collaborations’, *Domestic Violence NSW* (Web Page) <<https://www.dvnsw.org.au/collaborations/>>.

No service provider could have announced any louder than Relationships Australia that it has no religious affiliations. With a network of services across the country and in every jurisdiction, it focuses on respectful relationships, offering support services for over 70 years to everyone regardless of race, colour or creed.³¹⁹ In strictly excluding religious associations, however, the service has firmly shut its doors on Christian victim-survivors needing assistance, before they can even approach them. Such a deterrent is inordinately demoralising for women who are traumatised, struggling to make sense of their plight and desperately seeking help. There is a high likelihood of a Christian victim-survivor suppressing her faith and continuing to experience inner conflict whilst the service meets her other needs. Simultaneously, the service noticeably lacks clarity on its approach when a Christian woman raises her faith during the process of risk assessment.³²⁰ How her faith would be dealt with, or whether she would be referred to the church for spiritual advice or linked with a faith-based service, are questions needing answers.

The exploration of these various service providers demonstrates either a complete lack of collaboration or a feeble reflection of Nason-Clark's theoretical sacred-secular model. In failing to make provision, these services appear to completely ignore the needs of Christian women, unwittingly pushing them deeper into the abyss. This thesis argues that using obscure terms such as 'specific services' or the 'right support' only muddies the water even more in relation to collaboration. Whilst leading organisations advocate and applaud comprehensive, integrated service delivery and profess best practice, the conspicuous absence of references to faith is rather telling.

It is evident that the 9 out of 10 victim-survivors of the Anglican research failed to attend the church for help. Alternatively, how could they have accessed secular services when faith is either lost in the maze of the system or simply does not exist? The question to ask is 'Why have service providers failed to account for the needs of faith-based victims of domestic violence?' Have they so little regard for the faith of a victim? The apparent absence of Christian faith in service provision is a strong demonstration of how ill-informed the providers are on the impact of faith on abuse experienced by a victim. Declaring that they advocate for victims of intimate

³¹⁹ 'About Relationships Australia', *Relationships Australia* (Web Page) <<https://www.relationships.org.au/>>.

³²⁰ Ibid.

partner violence, yet discounting Christian women's struggle, is undeniably discriminatory. As before, this thesis contends that, by turning a blind eye to the needs of Christian victim-survivors, secular service providers are complicit with the perpetrators. Their inadequacy allows the perpetrators to flourish. Just as the clergy should be held accountable for failing their flocks, this thesis posits, so should the secular service providers be held to account for completely disregarding the needs of a subset of vulnerable women caught in a unique position, battling their experience of intimate partner violence in light of their faith. Being ignored, where could they possibly turn for help? With much hope and anticipation, the focus now pivots to faith-based organisations.

4.4.2 Faith-Based Services

Parallel to secular services, faith-based domestic violence services abound in Australia. Undoubtedly entrenched in Christian teachings and values, these providers implement services and programs as an expression of their faith in reaching out to help the world. An examination of these services through the lens of a collaborative framework produces an unexpected conclusion.

Grounded in mercy and respect for human dignity, Centacare Catholic Family Services is a well-regarded Catholic organisation offering a broad range of counselling and professional social services in Australia.³²¹ In South Australia, it is a community service arm of the Catholic Archdiocese of Adelaide, delivering education, and domestic violence and homelessness services to everyone across the state.³²² It boasts that it is the state's largest domestic violence service provider, engaging in best practice with four specialist services in country areas.³²³ Though professional counselling is offered, it is unknown if religious programs or pastoral care staff trained in family violence are available to assist a Christian victim experiencing intimate partner violence.

Variations of Catholic family services are found throughout Australia, and CatholicCare Victoria³²⁴ is one of them. Regrettably, it provides no dedicated programs for domestic

³²¹ 'Centrecare', *Centrecare* (Web Page, 2023) <<https://www.centrecare.com.au/>>.

³²² 'Who We Are', *Centacare* (Web Page, 2023) <<https://www.centacare.org.au/about/who-we-are/>>.

³²³ Ibid.

³²⁴ 'CatholicCare', *CatholicCare* (Web Page) <<https://www.ccam.org.au/>>.

violence but merges its counselling services with the offer of counsellors from multiple cultural and religious backgrounds to help clients find the right support.³²⁵ This nebulous ‘right support’ is elusive, offering no explicit direction for a religious victim of intimate partner violence on the availability of Christian-based programs. Similarly, CatholicCare Sydney offers a Men’s Behaviour Change program and counselling services; however, the inclusion of religious programs is notably missing.³²⁶ As with secular services, faith could potentially be surreptitiously infused into the counselling services. But why should it be, when the very foundation of these organisations is faith-based? On the contrary, they should be proudly offering specially tailored faith-based services combining religious and social teaching, thereby encouraging and welcoming Christian women who are quietly enduring domestic violence or its impact.

Noting that the Catholic social teaching promotes respect for, and protection of, human life and dignity, Centacare Brisbane provides comprehensive information on what constitutes domestic violence and various support services including home safety upgrades and workshops for women on healthy relationships.³²⁷ In addition to these services, it is heartening to know the apparent availability of pastoral care.³²⁸ Nonetheless, it is not evident if it extends to domestic violence services. Of interest though, is that these pastoral ministries which support people with disabilities and mental illness, and Indigenous communities, among others, are not government funded.³²⁹ Consequently, Centacare Brisbane relies heavily on donations for the provision of these services.³³⁰ The significant inference drawn from this is that domestic violence services are largely government funded and hence there is simply no room for religious programs. Implicit in this contention is that the government neither aids nor prioritises faith-based programs, entirely dismissing the pressing needs of Christian victims of abuse and rendering them invisible in programs to reduce domestic violence in society.

³²⁵ Ibid.

³²⁶ ‘CatholicCare’, *CatholicCare* (Web Page, 2023) <www.catholiccare.org>.

³²⁷ ‘Home—Centacare Brisbane’, *Centacare* (Web Page, 2023) <<https://centacarebrisbane.net.au/>>.

³²⁸ Ibid.

³²⁹ ‘Our Partners’, *Centacare Brisbane* (Web Page, 2023) <<https://centacarebrisbane.net.au/about/our-partners/>>.

³³⁰ Ibid.

Anglicare Australia is a faith-based service provider with a network of agencies nationwide, each operating independently.³³¹ It advocates for affordable housing, aged care, adequate income and secure employment.³³² Among the many agencies, only Anglicare Victoria offers a 20-week group Men's Behaviour Change program, and a 17-week Caring Dads program, both designed to hold men accountable for their abusive conduct and equip them to be caring fathers and partners.³³³ Meanwhile, a Beyond the Violence eight-week program is offered to non-offending parents and children to help them understand the impact of violence and restore their lives.³³⁴ Strikingly silent in these programs are details alluding to a participant's faith in addressing violence. Somehow, faith is not seen as an indispensable component in rehabilitating and reinstating one's life. The silence continues across Baptist Care Australia³³⁵ and UnitingCare Australia.³³⁶ Though Salvation Army Australia offers intimate partner violence services informed by its Model of Care incorporating collaboration, like other faith-based providers, there is no mention nor data available regarding faith-related programs for domestic violence victims of the Christian faith.³³⁷ This thesis avers that the passing over of faith by faith-based organisations significantly compromises their credibility, particularly in the eyes of a Christian victim of domestic abuse.

Unmistakably, in this service delivery faith-based programs to assist Christian women who are conflicted between their abuse and beliefs are missing. This is plain given that most providers are government funded where faith is not prioritised in the services they offer. Even so, why could such resources not be incorporated as part of their pastoral ministries? This thesis asserts that the non-inclusion of the faith element in religious-based services is an invaluable missed opportunity to confront issues that are potentially deeply rooted in the misinterpretation of scriptures, plausibly colluding with the perpetrators in justifying abuse. And the faith-based providers are poorer for it.

³³¹ 'About Anglicare Australia', *Anglicare Australia* (Web Page, 2022) <<https://www.anglicare.asn.au/about/>>.

³³² *Ibid.*

³³³ 'Family Violence', *Anglicare Victoria* (Web Page, 2023) <<https://www.anglicarevic.org.au/our-services/family-violence/>>.

³³⁴ *Ibid.*

³³⁵ 'Domestic and Family Violence', *Baptist Care Australia* (Web Page, 2023) <<https://www.baptistcareaustralia.org.au/our-work/domestic-and-family-violence/>>.

³³⁶ 'About Us', *Uniting Care Australia* (Web Page) <<https://unitingcare.org.au/about-us/>>.

³³⁷ 'Family and Domestic Violence', *Salvation Army Australia* (Web Page) <<https://www.salvationarmy.org.au/need-help/family-and-domestic-violence/>>.

Consistently emerging from both the faith-based and secular services is the startling silence in addressing Christian victims of domestic violence. Astonishingly, this is seen more so with the Christian service providers. What do they do when faced with a Christian victim who has experienced intimate partner violence? Are there qualified pastoral carers to attend to these women? Such questions could equally be posed to all service providers. With the secular services, it further raises the question of whether religious women are referred to the clergy, or whether a standard model is applied to all women, brushing aside their spiritual needs. To some extent, their failings can be pardoned, given that they do not claim to be based on any religious traditions. It is the apparent failings of faith-based providers that is rather puzzling and highly concerning, and completely at variance with their unanimous declaration of Christian-centred work. What might be their saving grace?

Built on a Christian ethos, there is a compelling need for Christian service providers to canvass for specific faith-based services, focusing on extensive service provision under one roof to meet the spiritual needs of Christian victims. Otherwise, plainly, there is no difference between faith-based and secular providers, considering that they offer almost identical services to the community. The only distinguishing factor is that religious beliefs inform the work of faith-based services. If so, this thesis contends that secular services are no less compassionate and merciful in ensuring equality, justice and care for the marginalised. Avoiding the clergy and the secular services, victims could expectantly approach faith-based services such as CatholicCare, Anglicare or BaptistCare, assuming the availability of Christian-based programs. Doubtless, their hopes will be dashed. Anglicare Australia claims it ‘speaks up for the people we work with’.³³⁸ This rings hollow, however, for the 9 out of 10 victims noted in the Anglican research. It is highly likely that the nine victims accessed services devoid of religious programs. This thesis asserts that the failure of a faith-based organisation to meet the needs of a faith-based victim experiencing intimate partner violence is an ultimate betrayal of their religious calling. Sinking speedily in the quagmire of the failings of the clergy, the failings of secular services, and the failings of faith-based organisations, where would a Christian woman experiencing domestic violence turn for help?

³³⁸ ‘Anglicare Australia - in Every Community’, *Anglicare Australia* (Web Page, 2022)
<<https://www.anglicare.asn.au/>>.

In light of this question, the next section assesses the churches' approaches to domestic violence, given that services founded in their belief systems do not appear to offer a hand to the victims who profess their faith.

4.5 Common Ground

Regardless of faith traditions, the various churches in Australia stand on common ground against domestic violence. The National Council of Churches in Australia is an ecumenical assembly of churches and Christian communities united in religious belief³³⁹ and their stance of zero tolerance towards any form of abuse.³⁴⁰ To ensure safety, one of the key services the council implements is the Family and Domestic Violence Program.³⁴¹ Recognising the importance of cross-sectoral referrals, the website lists myriad support services and resources for empowering women. The Anglican and Catholic dioceses, the Lutheran Church, Baptist Church among others offer these services and resources.³⁴²

A perusal of individual mainstream churches' websites suggests that they do not offer specific support services for domestic abuse, as reflected in the Catholic Parishes of Bondi³⁴³ and St Mary's Cathedral, Sydney.³⁴⁴ However, there are various safety programs that broadly cover the services including the Sydney Anglican Domestic Abuse Policy and 'Hidden Hurts, Healing Hearts' from the Lutheran Church Australia.³⁴⁵ Notwithstanding this, there are an exceptional few addressing the issue, namely the *A Catholic Response to Domestic Violence Booklet* published by the Catholic Diocese of Broken Bay, New South Wales and available online.³⁴⁶ It is comprehensive, referencing canon law and clarifying the church's position on

³³⁹ 'How We Work', *National Council of Churches in Australia* (Web Page)

<<https://www.ncca.org.au/about/how>>.

³⁴⁰ 'About the Safe Church Program', *National Council of Churches in Australia* (Web Page)

<<https://www.ncca.org.au/safe-church-program/about-2>>.

³⁴¹ 'Family and Domestic Violence', *National Council of Churches in Australia* (Web Page)

<<https://www.ncca.org.au/safe-church-program/domestic-and-family-violence>>.

³⁴² Ibid.

³⁴³ 'About', *Bondi Catholic* (Web Page) <<http://www.bondicatholic.org.au/about/>>.

³⁴⁴ 'Our Parish', *St Mary's Cathedral Sydney* (Web Page) <<http://www.stmaryscathedral.org.au/about-us/our-parish/>>.

³⁴⁵ 'Welcome to the NCCA Safe Church Program', *National Council of Churches in Australia* (Web Page)

<<https://www.ncca.org.au/departments/safe-church-program>>.

³⁴⁶ Christina Gomez, *A Catholic Response to Domestic Violence Booklet* (Catholic Diocese of Broken Bay, 2020) <<https://www.bbcatholic.org.au/parish-community/parish-renewal-discipleship/social-justice/domestic-violence/domestic-violence-response>>.

permitting a spouse to leave if the other causes grave danger to the body or soul. It describes ‘A Cycle of True Reconciliation’, emphasising the need for the perpetrator to demonstrate a pattern of absolute repentance, continuously seeking alternatives to abusive behaviour, to build and restore the relationship with spiritual and professional help. The Uniting Church in Australia runs a Beyond Violence campaign focusing on respectful relationships. It provides training and education to individuals, pastoral carers and clergy.³⁴⁷ The Uniting Church’s Domestic Violence Handbook for clergy and pastoral workers is easily accessible on the website, prioritising the safety of victims whilst simultaneously providing careful guidance in responding to abusers within their settings³⁴⁸ and applying scripture-based principles in counselling traumatised women.³⁴⁹

On the whole, the websites of these churches are informative and incorporate spiritual elements. Nevertheless, merely providing referrals to secular services falls short of a true partnership between the sacred and the secular. As noted earlier, intimate partner violence matters tend to be addressed through the respective social justice arms of the churches and there is an inadequate collaboration with secular providers in the provision of tailored faith-based programs for Christian women.

In his book *Let Us Dream: The Path to a Better Future*, Pope Francis wrote that ‘[a] church that teaches must be firstly a church that listens’.³⁵⁰ The church must listen to the unmet needs of Christian women living with domestic violence, and by extension provide services for them. Faith-based services must listen, have the courage to stand up, speak up and make a difference in seeking special funding for dedicated programs for Christian victims. They need programs that specifically and spiritually speak to their conflicted feelings about faith and intimate partner violence. They should push for inclusion in partnership with secular providers, aiming to offer complete services and articulating a faith of strength instead of a faith of endurance for these women.³⁵¹ Only then is a Christian woman best served. Omissions of this nature

³⁴⁷ ‘Beyond Violence’, *Uniting Church in Australia SA* (Web Page) <<https://sa.uca.org.au/beyond-violence/>>.

³⁴⁸ Ibid.

³⁴⁹ ‘Pastorally Caring for Women Traumatized by Domestic Violence’, *Uniting Church in Australia SA* (Web Page) <<https://sa.uca.org.au/beyond-violence/for-clergy/domestic-violence-handbook-for-clergy-and-pastoral-workers/pastorally-caring-for-women-traumatized-by-domestic-violence>>.

³⁵⁰ Francis and Ivereigh (n 1) 84.

³⁵¹ Marie Fortune and Cindy Enger, *Violence Against Women and the Role of Religion* (National Resource Center on Domestic Violence, 2005) 8.

precariously mirror the overall system's serious failings in assisting a cohort that has long remained silenced and suppressed by culture and religion.

Given that, for the most part, it appears that the various churches work in isolation, the next section explores the ideal collaboration that might offer optimal service delivery to Christian women experiencing domestic violence.

4.6 Likely Partnerships

SAFER is an online project that comes relatively close to Nason-Clark's RAVE.³⁵² It brings together Christians from various Australian churches in a concerted effort to build a platform that provides a plethora of information, including a list of Australian church handbooks, training, resources and referral information for clergy, victims of domestic violence and the community.³⁵³ Constructed by the Common Grace Domestic and Family Violence team and specialists in multiple disciplines, it reflects the vision of Jesus and the Christian mission of mercy and compassion.³⁵⁴ SAFER's absolute and fundamental priority is the victim's safety and not the church's attitude on forgiveness, the marital bond and reconciliation.³⁵⁵ Detailed resources for the clergy including dos and don'ts, words from the pulpit, practical help, and referrals to specialist domestic violence services are comprehensively set out,³⁵⁶ strongly suggesting a collaborative framework. In spite of all this, how this alliance translates and manifests in reality is unclear.

Mary's House is another service that offers hope. It survives solely on the generosity of private and corporate supporters and the local community, without any government funding.³⁵⁷ One arm of the service, Daisy Centre, was founded in 2020, providing early intervention and

³⁵² Fisher-Townsend, Holtmann and McMullin (n 4) 471. RAVE focuses on faith-based victims in the wake of their abuse. It provides an online platform for training religious leaders, Christian social workers and the community by collating widely researched data and faith-based resources.

³⁵³ 'Responding to Domestic and Family Violence in the Australian Church', *SAFER* (Web Page) <<https://www.saferresource.org.au/responding>>.

³⁵⁴ 'About Domestic and Family Violence in the Australian Church', *SAFER* (Web Page) <<https://www.saferresource.org.au/about>>.

³⁵⁵ 'Safety First', *SAFER* (Web Page) <https://www.saferresource.org.au/safety_first>.

³⁵⁶ 'Responding to Domestic and Family Violence in the Australian Church' (n 118).

³⁵⁷ North Shore Women's Benevolent Association, *Mary's House Annual Report* (Report, 2020) 5 <https://maryshouse.org.au/wp-content/uploads/2021/01/201119_Annual_Report-2020_A4_FINAL-1.pdf>.

tailored programs, advocacy, counselling, advice and referral, and therapeutic services for women in domestic violence situations not requiring emergency accommodation.³⁵⁸ Daisy's Centre is the only service in all of New South Wales that provides ongoing support for clients in various stages, be it prior to, during or in the aftermath of leaving a violent situation.³⁵⁹ Nonetheless, a clear presence of faith-based services in addressing Christian women encountering domestic abuse is not visible, notwithstanding that Mary's House was built on a Christian foundation. Again, this leaves one to wonder if faith might just be inserted into the tailored programs.

Studies have proven that collaboration works best through a coordinated community response³⁶⁰ by drawing on the strengths of multitude workers and disciplines who are committed to ending domestic violence.³⁶¹ This 'gospel in action' of Mary's House, involving both the sacred and secular communities and organisations, tapping into and uniting multiple skills and expertise, corroborates that Nason-Clark's theoretical sacred-secular framework is best practice.³⁶² Mary's House's model testifies that collaboration is possible, but the haunting question remains whether faith-based programs are integrated into their service provision, reiterating the ambivalence about helping Christian women experiencing domestic violence.

4.7 Conclusion

This chapter focused on the possibility of a collaboration between church and secular service providers in responding to religious women who have experienced domestic violence. Research repeatedly indicates that collaboration with a multidisciplinary cohort fosters innovative ideas and solutions.³⁶³ An integrated coordinated response between the church and secular services working together hand in hand with the victims would be most desirable.

³⁵⁸ Ibid 16.

³⁵⁹ 'Daisy Centre', *Mary's House Services* (Web Page, 2023) <<https://maryshouse.org.au/daisy-centre/>>.

³⁶⁰ Steve McMullin et al, 'When Violence Hits the Religious Home: Raising Awareness about Domestic Violence in Seminaries and amongst Religious Leaders' (2015) 69(2) *Journal of Pastoral Care and Counselling* 113, 116.

³⁶¹ Nason-Clark et al, *Religion and Intimate Partner Violence* (n 5) 137.

³⁶² Mackinlay (n 7) 90, 95.

³⁶³ Murphy and Fanslow (n 10) 4; Fuafiva Fa'alau, 'Pacific Perspectives on Family Violence in Aotearoa New Zealand' (Issues Paper 16, New Zealand Family Violence Clearinghouse, June 2020) 5 <<https://nzfvc.org.nz/issues-paper-16-pacific-perspectives/>>.

Unfortunately, at best some of the providers offer referral services to meet the specific needs of the victims, without referencing faith. Apart from Mary's House, there does not appear to be a pronounced collaborative approach employed by any one of these services in line with Nason-Clark's partnership framework. The Anglican research report serves as a scathing reminder to all churches that their apparent nonchalance and lackadaisical attitude should not be tolerated. Faith-based services need to walk the talk of their religious credo in addressing Christian women's conflict between their faith and violence. With an average of one woman a week being killed by an intimate partner in Australia,³⁶⁴ the church needs to do all that it can to work towards eliminating this scourge.

An evidence guide produced by the University of Melbourne entitled *What Works to Address Violence against Women and Family Violence within Faith Settings* identified a key gap in the practice of secular services in responding to the multiple needs of religious communities.³⁶⁵ This makes it clear that secular services cannot but work in collaboration with the church to help Christian women facing abuse. And neither can the church go it alone. The sacred and the secular must talk to each other, and one cannot do without the other, to save Christian women who are drowning in domestic violence. Only by recognising the other's strengths, and by uniting in solidarity to offer best practice to a Christian victim through collaboration, can lives be resurrected. By operating separately, both types of services have undermined their service provision and failed the religious victims. This thesis argues that through their inadequacies the clergy, and secular and faith-based services have inadvertently colluded with perpetrators. It further contends that government involvement through changes in policy and law is long overdue to help bridge the gap between the sacred and the secular in service provision.

Notwithstanding, over and beyond collaboration, a potential consideration for best practice is incorporating a pastoral care worker within a secular service provider as a holistic and single-stop measure to respond to the various needs of a religious victim of domestic abuse. This might be a nascent step in the ever-evolving scholarship on addressing domestic violence, particularly in religious settings. However, given studies demonstrate that some faith-based

³⁶⁴ 'Statistics: Prevalence and Community Attitudes', *ANROWS—Australia's National Research Organisation for Women's Safety* (Web Page) <<https://www.anrows.org.au/research-areas/statistics-prevalence-and-community-attitudes/>>.

³⁶⁵ Cathy Vaughan et al, *What Works to Address Violence against Women and Family Violence within Faith Settings: An Evidence Guide* (University of Melbourne, 2020) 17.

victims inevitably turn to the clergy as their first beacon of hope, this thesis asserts that the church bears the utmost responsibility in directing the footsteps of these women. Failing this, instead of the nine, all ten of the participants reported in the Anglican research could possibly fail to find the assistance and support they require.

Among the Christian communities, the silence of the clergy in acknowledging and responding to the scourge of domestic abuse hurts and rings louder each time they turn away. The marked absence of faith remains the elephant in the room in the discourse surrounding domestic violence, needing an urgent response, especially when the victim's pain is cloaked in a hush.

Therefore, the suggestion for collaboration between church and state should be explored at length. It might be the panacea for the malady of domestic abuse among women of faith. In considering this proposition the following questions need to be examined:

1. How effective is the collaboration between the churches and secular domestic violence services in addressing faith-based victims?
2. Is it feasible to incorporate a faith-based worker in secular domestic violence services as best practice for assisting religious victims.

These questions are explored through a qualitative study in the next chapter.

Chapter 5

Qualitative Study

[S]o it's very, very important that we work collaboratively because it opens up doorways and it also helps some of those pastors or ministers who may have a quieter small little life in there in their church without realising that there is another world out there that they might not have experienced and understand ... It's so easy for people to say, 'I don't understand why they can't just leave'. Once they fully grasp the ramifications of how these persons' lives ... often with children change and they fear their safety.¹

5.1 Introduction

The victim-survivors interviewed for this research used the following words to describe domestic violence:

It's everything that I lived. It was a trauma.

I find summarising very difficult, especially for something that is very complex. [B]ut I remember three words that help me to understand it very well in a course that I did: 'fear, power and control'.

So my faith, I was brought up to believe that marriage is forever ... Also in the church they believe marriage is forever and that we work on it and every marriage has problems and we have to work at it to keep it going. So I believe that I had to from 1 Peter 3. I had to stay quiet, be godly, not answer back, obey my husband [and] forgive ... be selfless ... just suffer in silence and that is your lot.

This research explores broadly the influence of religion on domestic violence and the fact that victim-survivors continue to remain in abusive relationships because they believe in the sanctity of marriage rooted in their faith. As noted in Chapter 2, an examination of the five major world religions, namely Hinduism, Buddhism, Islam, Judaism and Christianity, demonstrated the intersection between faith and domestic violence and its impact on the victims compounded by the influence of culture on their understanding and tolerance of abuse. Given the expanse of the undertaking involved in investigating the various religions, this chapter narrows down and focuses only on victim-survivors who identify with the Christian faith. It proceeds to examine where they sought help from and if it included secular domestic

¹ Service provider participant.

violence services and/or their clergy. It further delves into the efficacy of the provision of services by the clergy and secular service providers to meet the needs of these victim-survivors, highlighting significant shortcomings that require urgent attention.

The purpose of this research is to determine what would be the best practice in providing services to a domestic violence victim who identifies with her Christian faith. In line with this, it considers whether a specialised social worker with pastoral care qualifications located in secular domestic violence services is potential best practice in meeting both the religious and practical needs of the victims, all under one roof. To achieve these aims, views were sought on what constitutes best practice from three cohorts comprising victim-survivors, domestic violence service providers and the clergy.

This chapter begins firstly, by considering the methodology employed to extract data from the three cohorts that form the foundation of this study. It explains the research questions, research design, data collection and data analysis leading to the emergence of core categories applying the method of grounded theory. Next, from the data analysis, it explores the findings related to the clergy's adequacy, service providers' adequacy and the system's efficiency. Each of these subheadings then probes into their respective failings in responding to the needs of victim-survivors and how effectively they could improve their service delivery. This is followed by seeking the views of these cohorts on what they consider to be best practice in assisting victims who identify with the Christian faith and are trapped in abusive relationships for the sake of upholding the image of a happy marriage or family. This discussion concludes that a chaplain-based service provider might potentially be the top contender in offering best practice.

The following section explains the structure of this study. It sets in motion the steps involved in leading to that conclusion.

5.2 Conceptual Framework

Drawing from the work of Nancy Nason-Clark, this study aims to examine the concept of situating a specialised pastoral care social worker in domestic violence services to enable the provision of a holistic, comprehensive and integrated service to victim-survivors of the Christian faith. Whilst Nason-Clark's research concentrates on collaboration between the

sacred and the secular, this study looks further than that ‘best promise’² and instead explores the incorporation of a dually qualified social worker in secular services to bridge the steeple and the shelter under one roof in an endeavour to battle domestic violence in the community.

With this concept in place, the next section considers the methodology and theory that were most suited for the research.

5.3 Methodology

A qualitative approach was fitting for this research as it facilitates the examination of ‘the meaning of people’s lives, under real-world conditions’ and helps to advance the insight of the participants’ lived experiences.³ Qualitative data can be extracted through interviews with participants, documents and observations⁴ providing ‘narrative data, words written and spoken, usually in sentences. Open-ended questions allow clients to provide information from their own perspective in their own words.’⁵ In summary, a qualitative approach offers participants an opportunity to share their life experiences and views, contributing a realistic worldview component to the research. Their ideas and thoughts provide the evidential data from which findings are drawn and shaped.⁶

On this basis, interviews were conducted among people residing in Adelaide and Melbourne. To align with this method, grounded theory was utilised. This theory employs a systematic approach that entails an iterative process which involves constant comparison and analysis of data, codes and categories leading to the construction and emergence of new concepts.⁷ The focus of this study is to explore the experiences of the participants in their attempts to either seek or offer assistance and, from there, to formulate best practice for victim-survivors who

² Barbara Zust et al, ‘10-Year Study of Christian Church Support for Domestic Violence Victims: 2005–2015’, (2018) 36(3–4) *Journal of Interpersonal Violence* NP1856, 21.

³ Nafiseh Ghafournia, ‘Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice’ (2017) 36(1–2) *Journal of Religion & Spirituality in Social Work: Social Thought* 146, 151.

⁴ Donald E Polkinghorne, ‘Language and Meaning: Data Collection in Qualitative Research’ (2005) 52(2) *Journal of Counseling Psychology* 137, 141.

⁵ Neely Mahapatra and Abha Rai, ‘Every Cloud Has a Silver Lining But ... “Pathways to Seeking Formal-Help and South-Asian Immigrant Women Survivors of Intimate Partner Violence”’ (2019) 40(11) *Health Care for Women International* 1170, 1176.

⁶ Polkinghorne (n 4) 138.

⁷ Kathy Charmaz, ‘Special Invited Paper: Continuities, Contradictions, and Critical Inquiry in Grounded Theory’ (2017) 16(1) *International Journal of Qualitative Methods* 1609406917719350, 1–2.

identify with the Christian faith. To achieve this, it was necessary to design suitable questions that would elicit appropriate responses and the section below describes the manner in which this was conducted.

5.4 Research Questions

The idea behind grounded theory is that it generates concepts and theories arising from the raw data collected on the participants' experiences.⁸ For this reason, this method requires a minimal initial literature review prior to the process of building theories based on the views of the participants gained through their personal lived experiences as opposed to relying on hypothetical situations.⁹ The reason for limiting the initial research is to prevent existing theories from impacting the study.¹⁰ A literature review on the influence of religion on domestic violence revealed the significant role of faith and yet religion was conspicuously absent, reiterating Julia Baird and Hayley Gleeson's reference to it as the 'missing link' particularly in the Australian domestic violence discourse.¹¹ Following the dearth of acknowledgment of the influence of religion, this review also indicated the lack of relevant expertise by both the clergy and domestic violence service providers in offering assistance to victim-survivors, at times exposing victim-survivors to heightened risks. The qualitative study contributes to two broad questions that framed the objectives of this research, namely:

1. What is the best practice when providing services to a domestic violence victim who identifies with her Christian faith?
2. Is the incorporation of a specialised social worker holding additional accreditation in pastoral care in a domestic violence service best practice in meeting both the religious and other needs of the victim, all under one roof?

⁸ Heidi M Levitt and Kimberly Ware, 'Anything With Two Heads Is a Monster: Religious Leaders' Perspectives on Marital Equality and Domestic Violence' (2006) 12(12) *Violence Against Women* 1169, 1173.

⁹ Timothy C Guetterman et al, 'Contemporary Approaches to Mixed Methods–Grounded Theory Research: A Field-Based Analysis' (2019) 13(2) *Journal of Mixed Methods Research* 179, 182.

¹⁰ Paul T Babie et al, 'The Idea of Property: A Comparative Review of Recent Empirical Research Methods' (2019) 26(2) *Indiana Journal of Global Legal Studies* 401, 427.

¹¹ Julia Baird and Hayley Gleeson, 'Submit to Your Husbands: Women Told to Endure Domestic Violence in the Name of God', *ABC News* (online, 22 October 2018) <<https://www.abc.net.au/news/2017-07-18/domestic-violence-church-submit-to-husbands/8652028>>.

These goals generated further key questions that ultimately led towards responding to the query: What constitutes best practice in service provision for a victim-survivor who is faith-based?

The following core themes provided structure and foundation for the development of questions for the interviews:

1. Understanding domestic violence in relation to faith
2. Where and when was help sought from?
3. Domestic violence in the church community
4. Domestic violence services and the faith community
5. Collaboration between the church and domestic violence service providers
6. The way forward.

Having established the rudimentary issues to help generate interview questions, the next section explains how, why and where the participants were sourced from. Further to setting out criteria selection for participants, the section outlines how pertinent interview questions were designed including hypothetical situations to extract the interviewees' views on best practice.

5.5 Research Design

The sample universe, also known as the 'study population' or 'target population'¹² for the interviews, comprised three cohorts of participants, namely domestic violence victim-survivors, domestic violence service providers and the clergy. Given that their experiences form a major component of the research,¹³ inclusion and exclusion criteria were used in the genesis of these cohorts. Inclusion criteria demarcate the boundary of the study by specifying certain features required to incorporate participants, who otherwise are excluded by default.¹⁴ In addition to these criteria, research participants were initially recruited through purposive sampling; a method applied to ensure participants with specific knowledge, experience and

¹² Oliver C Robinson, 'Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide' (2014) 11(1) *Qualitative Research in Psychology* 25, 25.

¹³ Polkinghorne (n 4) 139.

¹⁴ Robinson (n 12) 26.

perspectives relevant to the study were included.¹⁵ The selection criteria for the participants were:

- Women who are survivors of domestic violence
- Management of women's safety services/domestic violence services/specialised domestic and family violence services
- Clergy and church leaders/elders experienced in dealing with domestic violence issues among their congregations.

It was also a requirement that all participants were fluent in English. Apart from male domestic violence survivors, exclusion criteria included female domestic violence victims and survivors currently within domestic violence situations and non-Christians given that this research focuses solely on the Christian faith. Admittedly, involving survivors from non-Christian religious backgrounds could provide valuable insights across a more diversified and representative spread. However, it is believed that the outcome of this research in terms of best practice may possibly resonate with victim-survivors of other faiths and potentially open doors for future research.

The semi-structured open-ended questions used were designed primarily for participants to draw on their experiences to reveal the level of knowledge and accessibility of existing secular and faith-based services offered to victim-survivors. With this information, the interview mechanism helped to identify the model that best constitutes an all-encompassing service to those affiliated with the Christian faith. Questions surrounding the degree of awareness of available services included:

- Did you seek help from your church pastor? If so, what was the response?
- Did you seek help from the church community? If so, how did they respond?
- Did you attend any domestic violence service providers? What did you think of their services?

¹⁵ Ghafournia (n 3) 151.

The above questions elicited responses that drew further nuanced questions about their experiences, contributing rich data to the study. For example, a negative response to the question whether the victim-survivor sought assistance from the church community necessitated these more targeted questions:

- Did you go to your community for help in relation to the abuse?

A further negative response to the above question in that the victim-survivor's husband prevented her from leaving home, prompted the following question:

- Why didn't he allow you to do that?

Vital questions were framed to seek the presence of collaboration between the church and secular service providers as a united front to help victim-survivors combat their abuse. Views were also sought on what these two cohorts could have done differently to improve their service provision, that is, to understand, acknowledge and enhance the safety and well-being of the victim-survivors.

This study included pivotal questions that drew out responses revealing visceral frustrations encountered by victim-survivors when they sought help from both churches and secular services. Ultimately, hypothetical vignettes were posed to all cohorts to determine the views of respondents concerning the model that they believe represents best practice. Among these questions were:

- What are your views on incorporating a specialised social worker holding additional accreditation in pastoral care in domestic violence service providers to help Christian clients by offering both religious advice in relation to the abuse and other services under one roof?
- You have been informed that there is a domestic violence service provider offering a specialised social worker holding additional accreditation in pastoral care, together with other services all under one roof. The specialised social worker would be able to advise you on the abuse by your former husband/partner who justified his actions based on his faith. What do you think of such services?

- There is an option of attending your church and then being referred to a domestic violence service elsewhere or vice versa. Then there is the option of attending a domestic violence service that also provides a specialised social worker holding additional accreditation in pastoral care attending to your needs all under one roof. Which option do you think you would prefer and why?

Having considered the research design, the next section elaborates on the process involved in data collection and how certain unexpected hiccups along the way led to a search for additional participants.

5.6 Data Collection

Data collection commenced upon securing approval from the ethics committee of the University of Adelaide. The data were collected over a period of six months from June 2021 to December 2021 using in-depth, open-ended, semi-structured interviews lasting between 45 minutes to, occasionally, in excess of an hour. There were 23 participants in total, comprising ten clergy members, seven victim-survivors and six service providers. Of these participants, the clergy consisted of seven male and three female members whilst the service provider representatives and victim-survivors were all female. The victim-survivors and clergy in particular were made up of a diverse range of cultures, ages and country of origin, adding strength and substance to the study.¹⁶ Six out of the seven victim-survivors were Christian migrant women. The interviews were conducted face to face except for two which were over the telephone as the participants resided in Melbourne, Victoria. The interviews were audio recorded with written consent and conducted at a place that was convenient to the participants. Common demographic data sought across the cohorts encompassed age ranges and identification with culture and religion. The interviews were transcribed verbatim and de-identified. To establish the rigour and integrity necessary for qualitative research, transcripts were forwarded to the participants to confirm the accurate depiction of their views.¹⁷ Except for a handful who confirmed, the majority did not reply even when followed up with phone calls. Nevertheless, to ensure that they gave an accurate reflection of the views of the respondents, transcripts were checked twice against the audio recordings.

¹⁶ Levitt and Ware (n 8) 1171.

¹⁷ Olayide Ogunsiji et al, 'Suffering and Smiling: West African Immigrant Women's Experience of Intimate Partner Violence' (2012) 21(11–12) *Journal of Clinical Nursing* 1659, 1660.

As the data collection and analysis commenced, some difficulties arose in terms of lack of response from the domestic violence service providers through whom the victim-survivors were also to be drawn. When contacted, the majority of the management of the service providers advised that the social workers and trauma counsellors were more informed and better placed to participate in light of their direct contact with victim-survivors. This paved the way for snowball sampling, a method used to access more specific participants through the recommendations of the existing ones, permitting expansion of sample sizes.¹⁸ This flexibility about sample sizes, which is more common in grounded theory than other qualitative methodologies, helps a researcher determine if further data collection is necessary or if ‘theoretical saturation’ has been reached where no additional data could potentially contribute towards the construction of a theory or concept.¹⁹ As a result, an amendment to the ethics application was made and approved, adding the following to the selection criteria:

- Trauma counsellors and social workers from Women’s Safety Services SA and from specialised domestic and family violence services including Anglicare SA, Centacare Catholic Family Services SA and other similar services.
- New participants referred by existing participants through the snowball sampling technique.

Notwithstanding the increase in participant numbers, the principal limitation of this study lies in the small size of the sample. Though the small sample size prevents the use of the study’s findings as a general reflection, the experiences recounted by the participants and their views appeared real and heartfelt, adding credibility to this research.

Armed with data from the interviews, the following section details how they were analysed, resulting in the derivation of four salient concepts that contributed to the framework of the findings.

¹⁸ Halliki Voolma, “‘I Must Be Silent Because of Residency’: Barriers to Escaping Domestic Violence in the Context of Insecure Immigration Status in England and Sweden’ (2018) 24(15) *Violence Against Women* 1830, 1837–8.

¹⁹ Robinson (n 12) 31.

5.7 Data Analysis

Data analysis is the process in the research sequence that follows data collection. In grounded theory, data analysis involves an iterative and interactive process of comparing ‘data with data, data with codes of data, codes with codes, codes with theoretical categories, and these categories with categories’.²⁰ First, it begins with codes or a coding process that necessitates creating short and simple descriptive labels arising from the essential empirical properties of the data. This is the initial or open coding.²¹ Secondly, selective or focused coding follows which involves further refinement through analysing and constructing concepts from the initial coding that are most recurrent and significant.²² These concepts or abstract categories capture a large amount of data.²³ As the analysis and comparison progress going back and forth, more abstract categories or themes emerge in a hierarchical form literally from the ground up arriving at times at the peak with a singular theme. Though this traditional strategy of data collection and analysis should fundamentally be conducted simultaneously, in reality, some researchers only analyse data after completing all the interviews.²⁴ Charmaz argues that departing from the classic understanding of the grounded theory approach diminishes the essence of the iterative process.²⁵

The analysis in this study commenced with open coding which involved the examination of the language used by the participants to describe their experiences, which led to the creation of labels for thematic codes and categories.²⁶ With the help of the software program NVivo, these codes and categories were compared against each other, morphing and merging into a hierarchy of abstract categories and sub-categories. During this exercise, memos were developed noting multiple factors. Memo writing is a process that discerns new discoveries and perceptions gleaned from the repetitive comparison of codes and categories.²⁷ It has been described in

²⁰ Kathy Charmaz, ‘Grounded Theory: Methodology and Theory Construction’ in James D Wright (ed), *International Encyclopedia of the Social & Behavioral Sciences* (Elsevier, 2nd ed, 2015) 402, 402.

²¹ Kathy Charmaz and Linda Liska Belgrave, ‘Qualitative Interviewing and Grounded Theory Analysis’ in Jaber F Gubrium et al (eds), *The Sage Handbook of Interview Research: The Complexity of the Craft* (Sage, 2nd ed, 2012) 347, 356.

²² Ibid.

²³ Ibid.

²⁴ Ibid 348.

²⁵ Ibid.

²⁶ Susan L Morrow and Mary Lee Smith, ‘Constructions of Survival and Coping by Women Who Have Survived Childhood Sexual Abuse’ (1995) 42(1) *Journal of Counseling Psychology* 24, 29.

²⁷ Charmaz, ‘Grounded Theory (n 20) 405.

various ways as ‘the theorising write-up of ideas about codes and their relationships as they strike the analyst while coding’, or ‘the narrated records of a theorist’s analytical conversations with him/herself about the research data’ and ‘documentation of the researcher’s thinking process and theorising from data’.²⁸

Several matters were noted during this process. In particular, COVID-19 and the restrictions imposed by governments to combat its spread affected people on various levels, causing millions of deaths globally,²⁹ and having a significant impact on every aspect of life.³⁰ In terms of this research, scheduled interviews were postponed when South Australia imposed a seven-day COVID lockdown from 20 July 2021 followed by mandatory wearing of masks for another week including private working places. A few members of the clergy and some service providers declined to engage in the interviews on the basis that their resources were stretched due to COVID. This added to the limited participation of cohorts which gave rise to the subsequent ethics application for the expansion of the selection criteria.

Notwithstanding the unforeseen interruption, the analysis of data continued with memo writing and comparing and contrasting existing codes and categories. It was interesting to recognise the themes that were emerging as insights were captured on the role of culture as opposed to religion in relation to abuse, how burdened and exhausted victim-survivors felt in unilaterally attempting to make the relationship work, and how some of the clergy still view secular service providers with suspicion. The open coding generated 21 core categories:

1. Adequacy of law
2. Adequacy of service providers
3. Clergy addressing domestic violence from the pulpit
4. Clergy creating awareness
5. Clergy on collaboration

²⁸ Robert Thornberg and Kathy Charmaz, ‘Grounded Theory and Theoretical Coding’ in Uwe Flick (ed), *The SAGE Handbook of Qualitative Data Analysis* (Sage, 2013) 169, 163.

²⁹ ‘Coronavirus’, *World Health Organization* (Web Page) <<https://www.who.int/westernpacific/health-topics/coronavirus>>. Coronavirus disease or COVID-19 which took the world by storm in 2019 is an infectious disease that is caused by the SARS-CoV-2 virus.

³⁰ ‘Impact of COVID-19 on People’s Livelihoods, Their Health and Our Food Systems’, *World Health Organization* (Web Page, 13 October 2020) <<https://www.who.int/news/item/13-10-2020-impact-of-covid-19-on-people-s-livelihoods-their-health-and-our-food-systems>>.

6. Clergy on healthy relationships
7. Clergy supporting victim-survivors or abusers
8. Clergy's adequacy in advising on domestic violence
9. Clergy's improvement of service delivery
10. Clergy's stand on abuse
11. Faith helps or hinders victim-survivors
12. Identifying faith
13. Impact of COVID and funding on service delivery
14. Impact of culture versus religion on domestic violence
15. Service providers on collaboration
16. Victim-survivors on collaboration
17. Victim-survivors on faith and domestic violence
18. Victim-survivors on improving service delivery
19. Victim-survivors seeking help
20. Victim-survivors' understanding of abuse
21. Visas and abuse.

The more frequent and notable of these initial core categories were compared, scrutinised and synthesised through a selective coding process, resulting in the construction of more abstract concepts. The emerging higher-level categories reduced the twenty-one core categories to just four: adequacy of the clergy, adequacy of service providers, efficacy of the system and the law, and the incorporation of the pastoral social worker model.

With these four primary categories providing the groundwork, the next section analyses the participants' views leading to the conclusion on best practice.

5.8 Findings

Though services were offered with the best of intentions, the inadequacy displayed by both the clergy and the secular providers and the inefficiency of the overall system were the fundamental reason Christian women experiencing domestic violence were driven away and into utter despondency. This validated the early literature review precipitating the research question as to what constitutes best practice when providing services to a domestic violence victim who identifies with her Christian faith.

This section examines four key findings. The first is the clergy's adequacy in assisting Christian women experiencing domestic abuse. Second, it considers the adequacy of both secular and faith-based service providers. Then it discusses the efficiency demonstrated by the legal system and its considerable impact on the lives of these women. Finally, it explores the views of the participants on the best practice in assisting victim-survivors identifying with the Christian faith.

5.8.1 Clergy's Adequacy

In addressing the adequacy of the church, notwithstanding their united stand against abuse, the majority of the clergy members professed that they were ill-equipped to meet the needs of Christian women experiencing domestic violence. Their responses depended largely on the church tradition they belonged to, which in turn influenced the kind of services offered or referrals made, if any.

This section addresses the victim-survivors' experiences at the hands of the clergy and the latter's failure to raise awareness of domestic violence, which potentially contributed to the conflict between faith and abuse that the victim-survivors encountered. It further examines the clergy's response to the abuse and explores the ways in which they could affect effective service delivery. It begins with victim-survivors sharing their experiences with the clergy.

5.8.1.1 Victim-Survivors' Responses

The clergy's inadequacy was clearly demonstrated through the experience shared by a victim-survivor who said the pastor 'could have just believed me to start with'. She found the pastor and his wife looking flustered, not knowing what to do with her situation which impacted her confidence in their support. There were resources in the church that the pastor could have connected her with including counselling or a volunteer to drive her to seek psychological help, given that she was a new migrant, or offering to cook for her. Instead, she was left on her own without any money for her next meal. Wishing there was more immediate practical help for survival and feeling really alone, she added:

[I]nstead of just telling to join this prayer group and join that prayer group and pray, I was going for [religious] studies four times a week when I was going through the most difficult situation in my life. I had a to-do list with 30 things in terms of immigration, in terms of setting up a bank account, ... even thinking about what mixed up my future

when I was going through immense depression and anxiety but all the advice I got was go do more [religious] study.

The parents of this participant were devastated when, upon climbing through the hierarchy of the church back in the home country and reaching the highest level, desperately seeking assistance to save their daughter's marriage, they were met with: 'No, this happens. We can't do anything about it. What can we do ... [w]hen they are in different countries over there by themselves, there is nothing that the church can do.' She said: 'that is when my mum felt there is no reason why people should get married in churches because the church does not support families of women especially when marriage breaks down and are stranded in different countries'.

Another migrant victim-survivor who vehemently said that religion had no place in her community, well-illustrated that culture supplanted religion when she shared her experience of seeking help from her pastors who prioritised family unity over safety at all times. Revealing that none of her church community was aware of the abuse because 'they judge you', she quietly moved interstate with assistance from secular services. 'I didn't tell. But in my culture, if you tell pastor they fix it ... Even they don't accept social worker too, the pastor. They said the social worker, they don't good, they separated, they don't help you, they don't accept the social worker.' Saying 'my culture and religion is very connected', she argued that, if her husband was to pass away, she could remarry, but culture dictates that if she experiences abuse, she remains to care for her children and family. This survivor indicated that she could never seek help from her church nor will they reach out to secular services fearing they encourage families to split up.

A participant among the service providers found certain churches adopt a culture of silence where domestic violence is never spoken of even where 'it was obvious, physical abuse', and neither are family issues discussed. She added that the pastors do not have any knowledge of abuse among their parishioners. Another participant commented that the effect is a mixture of faith and culture where women 'stay and stay and stay until they can't anymore', and some were unaware of available services even if they wanted to leave.

Conversely, another victim-survivor had a positive experience with her church through the assistance and referral of her pastor. She received much support from her church community

who visited and cheered her up whilst she was in a shelter about two and a half hours' drive away. She appreciated the various help offered including 'the senior accompanied me to the court, to magistrates court to make a report ... and praying ... And here I connected with the Indonesian ... church and the pastor as well, is happy to give me counselling'.

The frustration and disillusionment with the clergy were palpable among the majority of the victim-survivors, proving how critical it is for clergy to be well trained in their understanding of domestic violence before offering assistance. The concerns expressed by the migrant victim-survivors in the clergy prioritising family unity over their safety correspond with the literature review in Chapter 3. This thesis contends that any ill advice centring only on either faith or culture provides a skewed approach exacerbating the violence endured by Christian women.

Given the acute lack of understanding of issues surrounding domestic violence, the next section considers efforts by the clergy to raise awareness within church settings.

5.8.1.2 Failure to Raise Awareness

One particular church tradition admitted that they are not professionally trained to handle issues of domestic abuse and, given that there are experts within the church structure, the better option was to refer victims on. They are 'not all-rounders to know everything'.

Their inadequacy arose from a lack of training right from the commencement of their studies and through the years. As one participant said:

I don't think even once in our theological [training] we've been told anything about this ... So we've picked up things from experience ... In the parish here, I haven't heard too many cases. So I would kind of start believing maybe that doesn't exist because I haven't heard of it. I think we are definitely not equipped for it.

When asked what he thought of secular domestic violence services, one participant who had been a member of the clergy for more than fifty years commented, 'I don't know anything about them. I know they're there, but I don't know'. The same participant said that, in an annual three-day priest assembly that covers sessions on various topics, they do not touch on domestic violence; instead, 'often they were safe subjects'.

The dearth of training and knowledge was reflected in the resounding ‘No’ response, except in clergy literature or perhaps gatherings, to the question of if this cohort had made attempts to create awareness of domestic abuse among its flock. Some indicated domestic violence is a matter dealt with at a higher level as opposed to the individual parish. One participant added: ‘But we don’t have as a parish, somebody assigned that is your role. Maybe because we don’t have so much that has come to the fore. So maybe it is under ... people don’t want to talk about it.’

Their consistent reasoning for failing to raise awareness was that they were bound by the Sunday readings and themes, and hence, had never spoken on domestic violence directly from the pulpit. Rather, they addressed it in a subtle way, relating to safe and respectful relationships.

Not wanting to re-traumatise some parishioners who might have experienced abuse seemed to be their top priority. They avoided the topic, focusing on the need to be sensitive as victim-survivors are vulnerable to being triggered by a sermon and clergy are unable to immediately assist. Upon being asked how else the clergy could reach out to the victims, admitting it is a dilemma requiring a skilled person, a clergy member said that it is a difficult topic to teach, and one has to respect the conscience of the congregation and ensure that they are not distressed.

And that’s where it does become really difficult to talk on these types of topics in a way that enlightens people but doesn’t traumatise others. And especially if you’ve got somebody in the congregation who, you know, is experiencing domestic violence ... then you make them feel like ... he’s picking on me or he’s breaking the confidence I shared with him ... kind of gets tricky.

It looked like the need to educate and save the rest of the congregation from falling into the same pit as the victim-survivors did not take precedence. However, the realisation that the gravity of the issue requires urgent attention seemed to set in when one participant said:

This thing that is a big issue. And it is provoking me ... you start thinking ... it is the society that we are living in. These things not coming in from the sky. It is within the people that we are living with ... it doesn’t mean when everything is quiet, everything is ok. That’s what I think because I hear on the radio but on the ground I don’t. It is making me to start thinking ... it’s an issue that you need to be speaking about and sharing about.

On the whole, in the same church tradition, domestic violence is treated with a cursory mention as part of the prayers to honour the annual national Domestic Violence Awareness Week. One parish priest highlighted that greater attention is focused on child protection than on domestic violence, as shown on his church website with information on child safety, and grandparents' and carers' safety, but none on domestic abuse. Expressing concern that the Sunday sermon is not a conducive time to touch on the topic, he said:

I don't know if a Sunday homily would be a perfect environment to speak about it only because you aren't actually dealing with it. You're touching on the surface and walking off. From my little experience, ... I feel Sunday homily might open a door but unless it's followed up with something else, I think it might not do what it's supposed to do.

However, he pointed a finger at the top hierarchy in his church structure, saying:

I never had anyone from the [hierarchy] ... anyone from those kind of like [our church's social service arm] and others actually come and say, 'What are you doing in regards to domestic violence? [Is] there anything up there?' Whilst for child safety we actually have a whole load of things ... There's nothing here. No one even approached me from the [hierarchy] in connection to how much we know about domestic violence, what we need to do, when we have to do that. So there's been nothing. No information.

This participant considered adding information about domestic violence to his website and raising it in his sermons. Unfortunately, he has since relocated to another country and the status quo remains. In contrast, a clergy member originally from a different denomination commented without hesitation regarding preaching on domestic violence: 'Oh yes you got to. That's part of the real world and it's part of what we are not supposed to be doing.'

Other church traditions appear to be far more proactive in creating awareness. In one church, through a close connection with local services, speakers are invited to talk on domestic violence on a regular basis as 'we have a strong link with our local domestic violence centre ... we've actually invited case workers from domestic violence services to come and speak ... about supporting women who are survivors of domestic violence'. The church also receives referrals from these services stemming from first having reached out to them years prior:

[O]riginally years ago I went to them and explained what we had here and how we could support some of the women they're working with ... So I've been over there ... I would go to a team meeting that they're holding and present on how we can support and what we have available here.

Meanwhile, another church held a musical concert to raise funds for its domestic violence unit with over a thousand people in attendance, providing an excellent opportunity to educate the masses:

I raised the issue of domestic violence at that concert as I gave a talk and we were raising money that evening. And I talked about that hidden issue, ... happening at every socio-economic group and every cultural group ... all around us but often is happening quietly and we don't know ... I got the opportunity to share. [It] was a bright musical evening like a festive style. ... I [got] everyone to pause for a moment to recognise around us ... this is happening, an epidemic ...

Instead of waiting for services to approach them, church leaders who are lacking in training can take a lesson from those of other persuasions on the importance of creating awareness if they seriously intend to assist women suffering domestic abuse in their midst. By linking with the local communities, these churches commenced and embraced a collaborative approach to their service delivery.

The next section explores how the clergy's flaws heightened the bewilderment felt by victims who were torn between their beliefs and the violence they endured.

5.8.1.3 Conflict between Abuse and Faith

There is a general consensus that pockets of people in the church still prioritise the sanctity of marriage regardless of abuse. Eight of the ten clergy participants supported this view. The clergy's inadequacy only contributed to the victim-survivors feeling conflicted between abuse and their faith. Whilst acknowledging that this group is waning, a migrant clergy participant commented that 'Some of us are brought up with the issue ... you have to hang on, you have to persevere, you have to forgive, ... Now it's only when you come to the western world, you start opening up, talking about rights. And then you consider this is abusive.'

On enquiring about the origin of this mindset, he attributed it to the traditional teachings of the church reaffirmed by the conservative teachings of parents. Another clergy participant offered: 'what God joins together let no one separate. ... the teaching that you take vows for life therefore you got to keep those marriage promises. So the escape clause was never spoken about, that you could go'. One migrant clergy supported this view who expressed the conflict faced by victims of South Asian background who wanted to voice their hurt but simultaneously

maintain the sacredness of their marriage, confirming the significant impact of faith on their perspective.

Another clergy participant said he advises victims that it is their husbands who have broken their vows as they have failed to live up to their role in loving their wives and giving themselves sacrificially to their families as Christ did with the church, concluding: 'So domestic violence just totally violates that'. By breaking the vows, he assures the victims that the husbands have released them from their marriage vows.

All of the victim-survivors felt that marriage was forever and fought hard to maintain it despite the abuse, struggling with their faith. This was even more pronounced for a survivor who came from a broken home:

[E]specially because I come from a very broken family and even now so much bitterness and hate towards the exes ... I just wanted to keep hoping ... believing trying to convince myself that I know God can do miracles ... hoping and wishing that He would do one. Therefore, I did not want to give up on that hope and I just kept trying, kept praying, kept forgiving the most unforgivable horrific things.

A migrant victim-survivor voiced the magnitude of the conflict:

It was very hard to put the two together because my religion tells me that I should be forgiving, I should be loving, I should be ... Proverb 31; women are submissive wives and I kept doing all of that only to be further controlled ... was very challenging to put it together, all of me ... was telling me what was happening to me was wrong whereas there was no one to talk about it because my family was in India. And religiously I have been brought up to think no matter what happens I need to keep the peace, I need to keep the Christian values, be in the relationship and show love towards the person ... being extremely violent towards me. So, it was very, very difficult to navigate.

Similarly, another survivor, referring to her faith, strongly believed that marriage was for good, enduring and describing the abuse as a cross to bear in her life:

So my faith, I was brought up to believe that marriage is forever ... Also in the church they believe marriage is forever and that we work on it and every marriage has problems and we have to work at it to keep it going. So, I have very, very strong belief that I had to try and keep the marriage going ... I believe that I had to from 1 Peter 3, I had to stay quiet, be godly, not answer back, obey my husband [and] forgive ... be selfless ... he must have some issues so I need to care for him ... basically you just suffer in silence and that is your lot.

This participant did not leave until she was handed a book by her bible study leader, *A Cry for Justice* by Pastor Jeff Crippen, that ‘opened my eyes to all the abuse. It just clarified it for me and then I could make that decision before God that this was not a marriage based on love at all. It was just a contract which he had broken years and years ago when he started abusing me.’ Her situation was further exacerbated when her abusive husband justified his behaviour by cherry-picking scriptural verses condoning his actions, locating himself as the head of the family, and demanding her submission.

One service provider who was a victim herself said she felt it was a real struggle especially when both parties had come from a strong connection with the same church. She said various questions beset the victims: ‘all of a sudden they’re isolated, no one’s bothering to make contact with them. Or the church is taking his side or “I don’t understand how can our church reject ...”’. An ongoing feeling of discord between her faith and the abuse compounded her anxious thoughts: ‘I mean I am divorced now and remarried. But there’s still a part of me that feels like, “Did you do the right thing? Should you have stayed?”’

It is this profound strife that appeared to hinder some victim-survivors from seeking help. Conceding that the Christian faith might have contributed to abuse, a clergy participant reiterated that members of a couple should be equals and summarised the conflict as follows:

[S]ome of our faith traditions have offered unhelpful models of relationships. When we think of a man being the dominant presence or even the language around complementarian theology, it immediately puts a woman in a very small box. Even if they say ‘Oh we are equal partners but we just have different roles’. I think, ‘Oh you have a very set idea on what role a woman should have’ ... if you only read the surface of scripture, you can take horrendous ideas out of it and give permission for awful behaviours. And I don’t believe that’s what our scripture is about. I don’t believe that’s the faith we’ve inherited. But I think people can use scripture verses taken out of context very abusively.

Notwithstanding their sufferings, altogether, victim-survivors were of the view that the abuse only strengthened their faith, and drew them closer to God, relying on scriptures for support. Whilst some victim-survivors attempted to plough through their abusive marriage, the next section considers the clergy’s position on women facing such situations.

5.8.1.4 Clergy Responses

Prioritising safety, almost all of the clergy participants were unanimous in their views that the victims should separate. Recognising that the older generation would want to preserve their marriage at all costs, one participant said of his church tradition that the majority agree that the church is evolving and, therefore, does not tolerate abuse any longer, particularly given that divorce can be sought through an annulment process via a tribunal. Another acknowledged that it is not the time to spiritualise the situation when a woman is experiencing abuse but instead to seek help from the police, indicating that the law must take its course. In relation to the best way to assist a Christian victim of abuse, one participant said:

Get a divorce ... Its endemic, the relationship. It's getting worse, its destroying people. My advice to people is get a lawyer, get out of it because time after time, because they are Christian, have this funny idea that you got to become a martyr. Not necessary you become a martyr to be a good Christian. [I]f you are in a violent domestic relationship, get out of it. Not just walk away. Make sure you get looked after. That's why you need to get a good lawyer.

On the contrary, another participant from the same tradition said: 'we would not, never advocate a divorce directly'. The reason is that the victim's safety and well-being are the foremost priority, and the pain the victim is experiencing, could cloud her judgment.

On the question of apparent inconsistency between the canon law that appears to endorse divorce whilst for years his church's tradition was to oppose it, one participant said it is subject to the interpretation of the law and, suggesting it has to move with the times, he said the church, 'has life and therefore it evolves, it changes. So with events ... now it has become very clear to people ... the canon law has to go in line with the law of the country'.

This thesis posits that simply voicing that safety is the priority defeats its purpose if the message is not distinctly conveyed to Christian women experiencing violence. The essence is lost in transition if they continue to remain in an abusive relationship assuming it is their religious obligation. The important step is to return to basics, recognising the need to educate the congregations through effective service delivery to communicate the priority of safety over the facade of a happy family. This is discussed in the section below.

5.8.1.5 Improvement of Service Delivery by the Clergy

One of the key messages was that it is important to create awareness among Christian women, particularly that they should not be forced to remain in abusive relationships. To this end, one clergy member thought adopting a universal concept of religion will help victims of abuse move forward:

I think what you need is a universal concept in religion ... religion isn't just religion. That's the problem. Religion is used by some people as a tool or a weapon to manipulate people. I feel sorry for a lot of people who can't escape like in prison, this time warp back in 1940s. That can be cultural. But I think it's basically to do with religious background. They grew up in a very conservative home. No matter what happened you stayed with your husband ... I've got a relationship. I've got a commitment. I swore I will stay in this relationship. I am a Christian, therefore I can't break my word. I made a promise to God on the day of my wedding that I will stay faithful.

In the same way, another participant emphasised the importance of educating victims who think being a martyr and tolerating abuse is a Christian call.

[F]irst and foremost you still have to convince them that taking care of themselves is a spiritual thing. It's not just a physical thing. It's not a secular thing. Taking care of themselves is a spiritual thing because as the scripture says, 'You are the temple of the holy spirit'. God created you in His own image and likeness. So, when His own image and likeness is getting distorted, that is a spiritual battle. [T]hat has to be a starting point. Where they feel that it's not actually unspiritual to take care of themselves.

One participant was of the view that educating people on the availability of services outside the church would be valuable. Like other clergy members of his church tradition, he expected the services to approach him to make their presence known:

I don't remember at any given time that I ever had people dealing with domestic violence from the government coming to the parishes and say that 'We can offer some help, give some talk, do some training for people to be aware of domestic violence, how do you define it?' ... these things seem to be limited knowledge of a few. [I]t is not out there to know how to go about it. [O]ur people need to be aware, also the challenge, depends on culture to culture, ... how they understand about domestic violence, how do you define it, where do you go for help?

He added that the church needs to encourage parishioners to speak openly about domestic violence. Very often it comes as a surprise to learn that someone is a victim because of the silence, only to realise they have been tolerating abuse for years. Stating that it is the duty of

the church to speak against evil and appreciating the need for trained staff, he commented that it was important for the church ‘to conscientise your congregation to be aware that we have things like this happening within the societies’. Noting the lack of community interaction by saying, ‘[i]t’s dying in the western world so much that even the Christian who come to the church, they don’t know each other’, he emphasised the need for vital support and a sense of belonging in caring for each other, arguing when a victim feels pain it pulsates across the community.

Interestingly, another clergy member from the same church tradition held the view that ‘when you say domestic violence ... [i]t’s a little bit scary and people may step back’. However, if named differently, a forum on domestic abuse might attract more people. Drawing an analogy, he cited an example where ‘mentally retarded’ person is now referred to as ‘mentally challenged’. Similar to the position taken by his fellow clergy, he too placed the responsibility squarely on the secular services to reach out to the sacred, saying, ‘domestic violence services should go through higher authorities in the church to have a forum in every parish, give a space to create awareness. Sometimes, we have Social Justice Sunday, so the person can come and speak.’

In improving service delivery from a clergy’s standpoint, one participant added a thought-provoking recommendation. Observing the lack of available information online for faith-based victims, he suggested that secular services should assist by directing such victims to faith-based service providers:

If they were to get onto their website, is there anything that tells them ‘Are you a Christian? This is the number you can call.’ [I]f you ask the traditional Muslim, even if it’s a dentist, a Muslim woman will not [go] to a male dentist. They will seek out a woman dentist. [I]n the same way, if it’s a Christian getting onto a secular website for domestic violence ... I think putting it out there that, ‘If you are a Christian or a Hindu or a Muslim, these are numbers you can call.’ So, then they know that there’s someone who might understand them on the other side.

Another participant focused on the sacred and secular services working together as a progressive step, declaring that not all churches have antiquated ideas on marriage and relationships. ‘I think the piece of the puzzle that’s missing is relational. If the services don’t know the churches, don’t trust the churches, and the churches don’t know and trust the services, there’s a missing piece in that.’ She also stated that the language used by the church would be

significant in unpacking what a spiritually healthy relationship looks like as opposed to pressuring women by using unhelpful language that emphasises remaining in abusive marriages.

One participant suggested a worker at a secular service with a pastoral role for victims who identify with faith would be a step forward. The reason was ‘it’s so important in their healing journey particularly if women have understood incorrectly who God is in this and where God is involved’. Though accepting it is changing, albeit slowly, she reiterated how crucial it is for church leaders to be educated on the issue of domestic violence:

particularly those more traditional churches, actually getting the leaders because it needs to come from top down, to understand the real issue. The impact it has on women and children especially ... or when women are encouraged to stay in relationship that is violent, and they stay for years and years and the damage that’s caused. [I]t’s so important that church leaders particularly understand the implications of that.

It is truly noteworthy that a certain church tradition appears to absolve itself of the responsibility of reaching out to equip themselves with knowledge on the nuances of domestic violence, notwithstanding their own admission that they are sorely lacking in this area. That several participants were quick to censure their church hierarchy, secular services or the government for their faults while confining their sermons to ‘safe topics’ in itself sounds rather ‘unholy’. It is as if the onus is upon everyone else to beat a path to their door to offer to educate them about a scourge that exists within. Such an attitude of blame and refusing to be accountable is counterproductive towards providing assistance to women trapped in violent relationships inside church settings. This is compelling evidence as it further endorses and resonates with past literature on the failings of the church when it treats victims of abuse as invisible.

With this in mind, the chapter now turns to consider the adequacy of service providers in meeting the needs of Christian women experiencing domestic violence.

5.8.2 Service Providers’ Adequacy

As with clergy, data indicate that the inadequate service delivery by secular providers to Christian women facing domestic abuse only accentuated their experiences. Not being able to speak about their faith openly hindered them from discussing their conflict with abuse. This

arose from the fact that the services almost never sought information on their faith. This pivotal omission deterred the victims from disclosing their beliefs. As a result, a one-size-fits-all approach in service delivery seems to have been applied with no regard to the victim's religious persuasion and its impact on abuse. However, some providers argued that, in times of crisis, safety overtakes questions of religion.

This section examines the service providers' failure to identify a victim's faith, and victim-survivors' response to the services offered. It explores if and how they address the faith element of victims in their service provision, and finally looks at how providers could enhance their service delivery. It begins by discussing the omission of a victim's beliefs.

5.8.2.1 Failure to Identify Faith

Generally among service providers, asking about a client's faith is not a requirement. Therefore, none of the service providers was able to provide statistics on Christian clients as these figures were not documented. About 10 years ago, one participant, a faith-based provider, revealed that it was originally a funding requirement for the client to tick religion on the intake form and the data were entered into the system for reporting. Now, however, there are no direct questions in the assessment process regarding one's faith, hence, no data is captured about one's religion.

A staff in the chaplain-centred service said that, in the course of conversation, she does ask the victims if they identify with a particular faith:

out of my interest as a support to my client I like to know what state of faith might be so I can help them, for example, if they were Muslim, still following their faith I can put them in contact with the Muslim Women's Association ... I just don't want to assume because they're wearing a hijab that they want to follow that faith. Or mix in Muslim circles ... [F]or their safety, to know how important their faith might be to them ...[so] I can direct best help for them.

She highlighted that the presence of the chaplain encouraged faith-based victims to speak freely when she meets with them weekly over coffee, regardless of their beliefs.

Among the survivors, the service providers did not ask about their faith either. The general opinion was that religion was personal. A migrant survivor found it rather odd that faith is not openly talked about in Australia on the basis that it is a private matter:

I don't think this is something that is discussed at all in Australia. To be very honest, I find that very strange. I am so guided by my Christianity in everything I do in my life. The way I interact with everyone, the person that I am, the decision that I take is all guided because of my faith ... [A]t times I can't go to another person and say, 'God bless you. You've had a baby. Congratulations.' It is not a thing here. I find it very, very strange.

She added that religion was not part of the demographic questions when she attended the service. It was never explored.

Another survivor reasoned that the services did not inquire about her faith because they wanted to treat everyone equally whatever their beliefs may be. 'I think it's because it's your personal choices ... they're trying to put everybody in equal position whether you have a faith or a atheist or wherever you come from, they are not going to see those things'. On the other hand, one survivor spoke about her faith and the conflict openly which helped her tremendously, only because the worker identified herself as a Christian and prompted her to do so.

By failing to identify the victim-survivors' faith, the services appear to have missed the opportunity to address the conflict between the abuse and beliefs that distinguishes these victim-survivors from their secular sisters. In doing so, they also seem to have reinforced the impression that religion is personal and disclosing it might mean treating clients differently instead of seeing it as a specific issue in assisting with their violence. Given that faith is ignored, the next section examines victim-survivors' responses to the services they encountered.

5.8.2.2 Victim-Survivors' Responses

There were mixed responses from the victim-survivors in relation to services received. One survivor felt services placed high expectations on victims to attend their offices. Hospitalised, diagnosed with suicidal ideation resulting from the violence, new to the country and haunted by the abuser's repeated drumming into her head that Australia is 'a dangerous place and people can't be trusted', she was completely lost. '[It] would have been really good for someone to have that outreach support to come to my home, or to a park near me, to sit down and talk to

me or to make the journey for me'. Instead, she fumbled her way to the city, furnished with a notebook jotting down everything she heard, yet taking in nothing, overloaded with information. There were a lot of times when she could not attend her appointments because she just could not get herself out of bed. Fearing she had lost the support, intensifying her anxiety, she used to lie in bed thinking, 'Oh my God, why did I not go? Why did not I go?'

Recognising that domestic violence services are inundated with heavy caseloads, nevertheless, she stated that their priority sometimes appeared to be closing cases. She found their interaction with her to be highly clinical with perfunctory questions: 'OK, how are you? Are you well? Alright, let's do this. Today I want you to do this. I sent you an email, can you just look at it? I want you to fill this form. OK, can you let me know ...' The participant said she could not do three things let alone 30 things at that time. But the services imposed tasks on her assuming she was a normal functioning human being when all she needed was to be allowed to work at her pace, not theirs, without pressure. Wishing the staff had more compassion, she said:

in Australia a lot of people do small talk ... I cried my eyes out the whole night, very scared about what is going to happen to my life, then somebody seats across me and says 'Oh, very nice shoes'. I don't understand, it doesn't make sense to me. ... I just really not want to talk about the shoes. I just want to cry.

She also took umbrage at survivors being referred to as people with 'lived experiences'. She argued that she is still living it because she would never be the same person again as she was prior to the violence. She contended that the trauma does something to the victim-survivor and that the services need to view them through a different lens:

I would say, 'No', it's not a thing of the past for me although people might in the sector perceive something that happened in the past but, ... I am living it. It's my living experience. The person that I was before my violence I am never going to be that person ever again. The thing has changed me ... the sector needs to understand when they work with the victim-survivors their lens need to be very different ... need to think of all aspects and complexities of a person's life, how that particular individual responds to trauma ... It changes something for us, so trust is something the sector has to build.

In contrast, another migrant survivor was simply happy with the range of services that she received. It was upon meeting a social worker at the hospital that she decided to leave her abusive husband. The service provider assisted her with accommodation, Centrelink benefits, childcare and vouchers for food and clothing. She held fond memories of the service provider,

which had an in-house chaplain, saying, ‘It’s very nice. Very nice, I miss until now. If I need go there I can go ... everyone very nice, kind ...’

The same service was instrumental in relocating one other survivor and her children from interstate as they escaped from the abuser who was about to be released from prison. Similarly, a different survivor was highly impressed with the chaplain-based service, feeling very grateful but curious about the possible outcome for survivors who were not housed by this service. She suggested that the service should be renamed the ‘Hope House’ since ‘you know, it’s very important because every week when I speak with other ladies one of them get a house or job or move to new life and yes go for work all this ...which is very important’. Feeling they are doing their best, in terms of improving their services, she thought they should have more houses to offer survivors who are placed on a waiting list.

One survivor wished there were more workers who understood domestic violence and were Christians. She wondered, however, if no one knew they existed then how would she be referred to them. She alluded to collaboration and the role of the church in helping services to understand how important faith is to the victim:

[i]t’s probably more the Christians are able to try and help these services to understand our faith is very important to us ... if somebody is grappling with whether or not it’s acceptable to God, if they were able to understand more how important our faith is that it’s not just a component where they could say, ‘Oh go and see a pastor’. And to be honest, that hasn’t even happened anyway ... But if our faith is central to us, how can they help us to navigate the two together?

Having said that, she acknowledged that she was encouraged to seek support from her church by the service while living in a transition home waiting to move to Helen Mayo House for young mothers with mental health issues. She said the service facilitated various members of her church visiting her daily ‘so that I wouldn’t be on my own’.

On the whole, those who attended the chaplain-centred service appeared to be highly contented, receiving both practical and spiritual help. The service accepts victims of all religious or non-religious backgrounds. Somehow, the presence of the chaplain appears to make a significant positive impact on their lives, by providing what they believe to be a holistic approach. Whether holistic service delivery is offered by other providers is considered below.

5.8.2.3 Addressing Christian Victims of Abuse

When service providers were asked whether they felt well equipped to advise Christian clients about their faith-based abuse, the general response was they were not. Whilst a few said that, in a crisis situation, religion is not their priority but safety is, another felt that at least they were well equipped to connect with faith-based services in the community.

A Christian-based service provider, who was asked if they offered specific services for victims identifying with a faith, confirmed there was no difference between their service provision and that of secular services. Explaining that social teachings of the faith synchronise with social values manifested via their services and referring to their organisation as a 'church's field hospital', she said:

So [our] social teaching around looking after the needy ... giving compassion, giving support around the community ... a kind of the church's field hospital, around people coming from the community that have a need, we work with them to have their best life really. [O]ften we work with some of the really basic human needs, food, shelter ... consistent with the work of the church, what it's there for.

Noting that their service provision is entirely government-funded, she said:

they do not want a faith-based service. They contract [us] to provide that service but wouldn't want a faith-based support for women. They want all women to be able to participate in the service ... that's where we really walk that line around it. We look at providing that service that kindness to women no matter where they come from ... part of church's work.

In pursuing the question, as a provider founded in Christianity should they not offer special services to Christian-based victims, she acknowledged that they are not well armed to provide everything. Pointing out that they already are by linking such women to their respective churches if it surfaces as part of their case management, she cited an example:

Often I've been called in [by the church] ... I almost gone to the cathedral in the city ... and she's been in a domestic violence situation and the perpetrator is there, but she wants to go back to mass. I've safety planned around get[ting] her back into mass ... We really work together. [S]he didn't need housing or safety ... she was really missing her church community ... she's back there and things are going OK. So, it's about working together.

Notwithstanding that faith is not apparent in the services provided, she argued that theirs is not a secular service:

But I wouldn't call ourselves a secular service because we're really quite tied to the [parent church] and we're really quite consistent with our mission of doing this work. We talk to women that we're [faith-based] family services but we don't say, 'We will talk to you about [our faith]', 'We will talk to you about religion'. Because the women we work with, there's more immediate issues ... I wouldn't say we're secular because we are quite tied to the mission of the church ...

Among faith-based providers there appears to be a misapprehension that providing specific services to Christian women comes at a cost to other victim-survivors. It does not. This thesis contends that, to distinguish themselves from secular services, faith-based providers could and should consider delivering, in addition to the general services, specific services to meet the special needs of victims professing the Christian faith. It is posited that the church is tied to its mission of compassion and mercy just the same way secular services are to their vision and values in their service provision. This thesis further asserts that the responsibility lies with the faith-based providers to demonstrate that they are a cut above other providers in addressing Christian women tolerating abuse. In light of the inadequacy, the next section considers views on how the providers could enhance their service provision.

5.8.2.4 Improvement of Delivery by Service Providers

In terms of improving service delivery, one participant thought that her services offered the perfect solution of an in-house chaplain who provides counselling regardless of the survivor's faith in a non-judgmental and informal setting, in furtherance to meeting her practical needs. The service's ultimate goal 'is to empower the client to assist them to break free of the cycle of domestic violence and to live safely in the future. So, I feel like we collaborate quite well with those secular services. I feel like we always have done.'

Stressing the importance of Christian victims understanding that, notwithstanding the abuse, God still loves and cares for them, a recently retired staff member from the same service emphasised the crucial need to link churches, family and friends to help build victims' self-esteem:

So if they can have a church close to where the domestic violence units are they can link that person in like with the doctors ... we linked in with the medical service. ...

[t]here would be a continuity of service from those doctors to our clients. [T]he same with churches. Would be great to have that continuity and to link those that want into a faith-based ... but unless you got an inquiring secular group who understand the importance of someone's faith, then maybe they're not going to reach out.

Praising the holistic chaplain-based service, she said:

It just wasn't purely practical. It was far more than that ... spending time, finding about them, working with them, letting them know that we care ... and it's not just a figure in the paper—'We'll find you a house and move you on and see you later'... a follow-up care program, that's very important'.

One participant offering outreach support to victims and children living in regional South Australia recognised that often domestic violence victims tend to be afraid of men and therefore may not approach male pastors and so it may remain hidden from the clergy. Recognising the need to educate the clergy, she mused:

whether it's something [her service provider] can do more around that? ... good to have some time and extra staff to connect with the churches and go 'What can we do?' and run sessions around that in an ideal world but ... It probably takes us to go there that we are here and we can do this.

The paucity of funding and resources seems to reverberate across the service providers. This was particularly the case with a migrant-focused service where the staff felt, regardless of religion, their clients were underserved, failing to receive quality support whilst demand is high. With limited resources, she said the focus is on ensuring the safety of the victim:

It's really hard [b]ecause we don't have the resources. Now our priority, clients' safety [t]o remove client from unsafe relationship ... unsafe surrounding ... Do the assessment, the risk assessment, the safety planning and connect her with other services who can support her. All because ... lack of funding and demand is high especially now.

She added that COVID had exacerbated the situation: 'A lot to do with the COVID as well ... always the demand is increasing, especially last year and this year thanks to COVID, it's even more.' She also reiterated that a worker needs to understand the Christian faith or whichever faith the client belongs to as it would greatly help the victim: 'So if client receives spiritual help, much easier for the client to make decision to understand the situation she's in then she's not obliged to stay in unsafe relationship. If possible, this will be the best for the victims.'

Apart from funding, faith again emerged as a crucial element of comprehensive service delivery. A worker equipped with faith such as a chaplain meeting both practical and spiritual needs seems to offer a comprehensive service, particularly in assisting a Christian woman in her determination either to remain or to leave an abusive relationship. However, failure to identify the faith of a victim-survivor upfront, be it by faith-based or secular services, proves to be a stumbling block in holistic service provision. Without exploring the spiritual aspect, a provider will never know the conflict experienced by a victim who is silenced even more by the lack of acknowledgment of her faith.

Having examined the adequacy of service providers and found them wanting, the next section discusses the efficiency of the legal system in offering assistance to the victims.

5.8.3 System Efficiency

The overwhelming response from the victim-survivors and even some service providers is that the whole system particularly the legal system has been a huge disappointment. A structure constructed to offer assistance in the best and simplest way possible has turned into a complex maze of networks that appears to traumatise an already traumatised cohort.

This section explores the accessibility of the police for victims seeking refuge through intervention orders. It considers the effectiveness of the legal system, focusing on the family law system in protecting the women and their children and the perennial fear of deportation of migrant victims on temporary visas. It begins by looking at the experiences of victims with the police.

5.8.3.1 Police and Intervention Orders

For one victim-survivor, soon after leaving, the abusive husband began a smear campaign against her, mostly through social media, intensifying when court proceedings commenced. The police could not assist her as she had not sustained any physical injury, and neither did a women's legal organisation, suggesting she proceeded with the application for an intervention order on her own, and merely offering some advice on the process. The survivor did as instructed, dropping the abuser out of her email list followed by his phone number, although he would send multiple messages from multiple phone numbers; yet they refused to help her.

She was told, ‘apply yourself ... I don’t think you get one’ and ‘It just depends on the judge on the day’. This was despite the fact that the abuser was posting images of their daughter, and her friends, and threatening to commit suicide in front of her, ultimately leading to the child’s admission to hospital for abdominal pains.

Eventually, upon securing one, she vouched for the ineffectiveness of the intervention order. The abuser would initially send ‘probably a hundred letters from prison’ threatening her. Upon an order from the court to limit his letters to once a week only through her lawyer, he then proceeded to ‘send four sometimes five some of them 200 odd pages long, some over 100 pages long. I had an intervention order ... [h]e was still allowed to send letters from prison, abusing me which is a breach of the intervention order.’

Her abuser had promised never to hurt her and she now realises that he only meant physical abuse because

they can certainly brag that they can ruin your life without even laying a finger on you. And the psychological trauma they inflict on us is horrific. But you can’t it just seems like that’s not much you can do unless they’re actually stalking you, there’s nothing you can do about it.

For this reason, she thought that coercive control laws, if worded correctly, would be more helpful.

Another victim-survivor said that the burden of navigating the legal and the criminal justice system fell on the victim, describing it as ‘very, very complex [at] times it fails people who are in need quite a bit’. Expressing insufficient protection provided by the law and having lost faith in the effectiveness of intervention orders, she believes there are too many loopholes of which abusers are aware. Her attempts to prove breaches by the abuser failed. Confirming there is no current intervention order in place and therefore ‘I just had been in hiding since then’, she said:

I tried many times to prove breaches but they said it is not conclusive. So I felt I cannot be frequenting a police station to prove my intervention order had been breached ... they are not going to do anything ... the more they are not doing anything is giving more power to that person to keep doing this to me ... I lost faith in extending an intervention order. So I stay in an apartment where nobody can access my doorstep. There are things that I have to do by myself but protection failed me many times.

One other victim-survivor felt she did not receive any protection from the police, not even when ‘he was smelling of alcohol and something else ... police said if nothing happened the child is safe, we cannot do anything’. Similarly, when he traced her to her new location and attempted to enter her home, she sought an intervention order but the police advised her to contact them when he turned up again. Never having had an intervention order, she said, ‘After you are dead, maybe. I don’t know.’

The disappointment over inefficacious intervention orders seems to overcome the affected victim-survivors. It appears the abusers are well informed about how to exploit the system, facilitated by the need for physical injury as evidence when seeking an order. The victims’ perception of the legal system further reinforced their despondency, as seen in the section below.

5.8.3.2 The Legal System

Based on their experiences, one service provider said the legal system particularly the family law system had completely betrayed the women. The perpetrators manipulate these systems to gain leverage against the victims:

Sometimes police haven’t believed them. Sometimes the clergy haven’t believed them. Yet at different points they had tried to get help but people haven’t believed them ... [M]ental health is a big one because when there is domestic violence often it all affect their mental health but perpetrators would use their mental health to still abuse them in family court ... they say, ‘Well, she has mental health issues’, so he gets custody of the kids. ... happens all the time ... also with the police, if they’ve got mental health on their record, police don’t believe them. They believe the husband. So mental health is a huge one that’s stopped people from getting help ... a lot of our callers tried to get help at different points but have not received the help they need.

To add to the labyrinth, the services said, some victim-survivors do not raise their concerns with child protection services for fear of losing their children and when they fail to report

the court can say ‘You’re putting your kids in harm’s way’. And so it can be either way ... a lot of them feel torn don’t know which way to go. Some have gone this way, some that way. And they still got in trouble ... whole family law system needs to be relooked at.

As a result of such painful experiences, the service provider said some victims wished they never left due to the continued abuse thereafter, ‘and they’re the most saddest, saddest calls.

Expressing frustration at the lack of communication among the relevant authorities, one participant said:

my biggest bugbear has been the Family Court of Australia. It’s just allowed abuse to continue on so much ... they do nothing to enforce their orders at all ... you can’t even get the South Australian police to enforce an order, federal police. ... there’s no link and dealing with the Family Court then you’re dealing with the police then you’re dealing with the Correctional Services trying to work in that triangle ... linking and there’s really nothing ... there’s no link in there.

Of great concern are the victim-survivors from culturally and linguistically diverse (CALD) backgrounds. Kept isolated from the rest of the world with almost no knowledge of their surroundings, they are far removed from the availability of legal and social services. As one provider stated:

Some of my clients didn’t even know that police would help them, coming from culture where police wouldn’t ... They didn’t know or understand. Some were not allowed to leave the house, they were taken shopping ... They stay home all the time ... didn’t even know the community in which they lived because they didn’t go out ... They hadn’t grown up here. So it wasn’t familiar to them.

The above issues particularly the complicated legal system appear to repel victim-survivors instead of attracting them to offer help. Victims from multicultural and religious backgrounds, especially migrants, face even greater challenges, having to seek support within a framework that fails to accommodate their unique needs. Immigration laws further accentuate the failure which perpetrators manipulate to achieve their own ends, as discussed in the section below.

5.8.3.3 Visas and Abuse

Visa abuse with the threat of deportation is a common noose hung over the heads of migrant women by their abusive spouses. Knowing full well that the fear of shame and abandonment by their own family members in their country of origin deters the victims from returning, the abuse continues.³¹

³¹ Woolma (n 18) 1834.

Whenever it arises, service providers assisted with visa issues regardless of the residency status of the victims. Relying on the husbands' sponsorship, the victims were lost with immigration issues. The services reasoned, 'because the women out here on spousal visas, temporary spousal visas ... sometimes they don't even know what visa they're on'. The threat of repatriation was enormous among the victim-survivors:

really prevalent thing for many of these women ... the husbands have not provided all the information. They don't really know what their visa is and believe the husband can just make a phone call and send them back to their country, which makes them stay in the relationship much longer ... [We] spend a lot of time and efforts ... establishing their visa status through a DV provision within the legislation, ... assisting client down that path.

Acknowledging that accessing the exclusion clause in the legislation to establish a genuine relationship is a 'convoluted and long, difficult process', one service said the humiliation and pressure from both sides of the families intensify to make it work. Nevertheless, they have had high success rates.

Another migrant victim-survivor alluded to the power imbalance inherent in the *Migration Act*, granting the abusive sponsor the authority to hold the spouse ransom.

[F]irst I came on tourist visa, then applied and got a temporary spouse visa. ... my sponsor have to write to the immigration saying we are still married can you give her a permanent residency. But he thought, 'No, I am not going to do that. I am just going to [say] that she is really dangerous'. So he did that ... I was left with no visa. So I had to get a permanent residency because of the family violence provision.

She said the abuser timed it well and waited almost two years to express his views on their marital status as required by the immigration department. Warning that he intended to withdraw the application,

He said he didn't want to mislead the department. I felt like I was instigating him to do the whole thing and when he put it like that it sounded really horrible ... he said he cannot tell the department our marriage is still ongoing because 'I fear for my life', that's what he wrote in the email. And I was really shocked.

When he emailed the department, the victim said she was prepared to return to her home country, and it was then that she was admitted to hospital. Whilst there, she was put in touch with the Multicultural Centre Against Family Violence which saw her through the process of acquiring a visa. When asked by the worker if she wanted to stay or leave Australia, the participant said:

at that stage I just wanted to go home, I didn't want to stay here. But ... is horrible. I have to go back home it could be like it's all the woman's fault ... I don't know if I had it in me. Where would I start when I don't know anyone. I asked the worker, 'I am happy to try and get the visa' ... [b]ut I don't know the first thing about it.

She added, 'When I got my visa I started, "OK, don't know what to do with the visa. I didn't know how to start a bank account. I didn't know anything about Centrelink." I pretty much started my whole life.'

In a similar vein, another victim-survivor was constantly threatened with withdrawal of the visa with:

'I am going to judge today', 'I am going to the police to tell them to you get out from my house because I don't want you in my house. I think you are a danger' ... Can you imagine being in a new country, no money, nowhere to go. Even I work but the money wasn't enough to rent a house or anything. I couldn't find anything when I saw the price, ... it was terrible.

On the assurance that the abuser would sponsor her teenage son from her previous marriage, she paid \$4000 to the migration agent, only for the abuser to withdraw from the process two months later. She lost the entire sum and the son remained in his country. The abuser also withdrew her visa in 2020. She was ever so grateful to the migrant-centred service provider for coming to her aid when she had to leave with her baby: 'I didn't have anything. I moved only with my clothes. After he withdraw his visa I had to leave his house. I found a cheapest rent for a house.' Having a child with him made it easier for her to get permanent residency.

The participants' experiences demonstrate the systems' deficiencies in assisting victim-survivors. The shortcomings of the migration laws discussed in Chapter 3 particularly facilitating agency in the hands of the sponsors to control the process, were further endorsed by the Christian migrant victim-survivors here. This adds to the urgency as to why these pieces

of legislation need immediate attention to assist them escape the violence. Instead of empowering victims, legal institutions appear to work against them, strengthening the abusers, demanding they toe the line or else sponsorship is withdrawn. This thesis argues that to live in constant fear is the system's making and its absolute failing.

Having so far examined the inadequacy of the three pillars, namely the clergy, service providers and the system, in offering assistance to Christian women experiencing domestic violence, the next section discusses the participants' views on what they consider is best practice.

5.8.4 Best Practice

The question of incorporating a specialised social worker with additional accreditation in pastoral care in domestic violence services to help Christian women by offering both religious advice in relation to the abuse and other services under one roof drew various views from the three cohorts. They shared their thoughts and potential concerns that may arise from this theoretical model. Questions were presented to invoke responses leading towards what the participants viewed as best practice. The responses also highlighted essential configurations that set the benchmark for the potential framework. This section starts with the views of the survivors.

5.8.4.1 Survivors

All victim-survivors were in consensus on the benefits of collaboration, believing that, while the church provides spiritual support, the secular services offer their expertise in case management, risk management and safety planning. One migrant victim-survivor viewed the incorporation of a specialised social worker as 'blue sky' thinking 'because it is so ideal'. In line with this thinking, she would like an inclusive approach to service, one that supports her spirituality and offers practical needs simultaneously because her own experience was siloed. Faith was pivotal in her life, but she said the church advised her to pray and attend bible groups, ignoring her practical needs. She felt if her worker had accompanied her to meet the pastor that would have validated her belief and she had no need to leave her religion at the door 'because it never gets talked about'. Further, that worker would have explained coercive control, manipulation and gaslighting to the pastor who might have believed her. She said having a

special worker with pastoral care experience would certainly increase her trust in that service as they would totally understand her.

The same survivor acknowledged that persons with pastoral care social work backgrounds need to constantly update their knowledge as family violence is dynamic and constantly evolving. She suggested regular training, education sessions and availability of resources to upskill ‘because there are so many other voices that are not heard as well’. Referring to children and young people, and migrant and refugee communities, she said there are ‘so many different voices, very different responses’, and that the worker must be able to hear all these voices, ensuring unconscious biases do not creep in. This thesis supports her suggestion in light of the complexity of visa issues with the overwhelming threats of deportation and the overall complicated system entrenching Christian women deeper in their abusive relationships further heightened by their beliefs. A worker who understands the various demands that could possibly be made on her is needed.

Another victim-survivor who was assisted by a migrant service provider expressed concerns that, given the multiple cultures and religions that exist in Australia, it may not be viable to have a qualified person address them all, but between the church and the secular services ‘[m]aybe they can collaborate in some way, you know. They can provide information and maintain faith, collaborate, work together.’

One victim-survivor suggested either having a pastoral care worker in the secular services or having the church provide all the services needed. Acknowledging it might be a herculean task unless a specific church undertakes that role, she maintained the need for at least a ‘Christian support person linked in with, say, the domestic violence service that can at least find a link someone in with a church ...’ She proposed that this worker located in domestic violence services would have a similar role to that of a chaplain in a footy club as it would be ‘really, really helpful’. She felt such a chaplain would be highly supportive especially in navigating the very confusing family law and legal system.

Expressing gratitude, another victim-survivor shared her experience of having a chaplain at the shelter, who not only prayed for and with the residents if requested but also door-knocked once they moved out, to touch base over a coffee and a chat. Fearing the perpetrator, who was a historical paedophile facing another similar charge, she welcomed the chaplain’s visits as

someone she could truly trust. Just as with the previous survivor, she too preferred a special pastoral worker located in a secular service given it is more convenient, flexible and efficient.

It is evident that the theoretical model requires someone with a high degree of confidence, knowledge and skills who can offer a wraparound service particularly in further addressing the unique needs of migrant victim-survivors including those of the Christian faith. This service should include an in-depth understanding of the spiritual and practical needs, especially the functioning of multiple systems including immigration-related issues, experienced by victim-survivors. Given the victims' views, this section moves to consider those of the service providers.

5.8.4.2 Service Providers

To the question, 'What held the victims back from leaving sooner?', the need to maintain the facade of a happy family emerged as paramount for those with children. Recognising that sometimes the abusers can be good to the children prompted victims to hold the family together, notwithstanding the violence. As one service provider said:

They try to cope as much as possible to keep the family together. I think it's in their mentality ... whatever happen within the family don't want to take it out of the family, don't want to share with their friends, close family members, especially with the church, ... They just pretend it's a good family ... [A] lot of families if you take that any of the church, they play good family ... you never know what happens inside because they don't want to talk about it.

A service provider stated, 'The statistics are that women leave eight to fourteen times before they leave the final time'. When they do leave, safety and housing featured prominently as priorities in the assistance sought and offered by service providers, be they secular or faith-based. One said: 'safety, I think safety is number one thing. They want to get out, they want to be safe, they want a life free of violence, not to be scared for their lives.' Another service provider supported this: 'I think the biggest thing in their head is safety and housing. Somewhere where they could be with a roof over their head, where they felt safe just in their own company [a]nd with their children ...'

It is patently clear that security and accommodation are immediate practical needs required by a victim-survivor fleeing abuse, regardless of whether a woman is religious or not. However,

over and above that, in addressing her inner spiritual conflict, a holistic and integrated service encompassing both practical and spiritual aspects arose as an urgent need, to give voice to her silent sufferings. This is particularly pressing when Christian women erroneously believe enduring abuse is their cross to bear, as demonstrated by a survivor torn between exerting her rights and submitting as a godly wife, though she found herself concurrently turning to God in every situation. Once completely bereft of self-esteem, dependent on medication and preoccupied with anger, frustration and doubt, now, in hindsight, she accepts that she is better for it as God has a way of shifting and shaping lives to achieve His purpose:

[N]ow I do know that He has used a very, very, very difficult situation in my life to put me in a place where I can be helpful to other women ... I am having some sense of purpose ... I sit on various advocacy groups ... I work with government to inform the Royal Commission for reforms in Victoria ... I am placed because of my experiences but also His doings, so if there is anything it is only Him and that has strengthened my faith at a personal level.

The chief executive officer of the chaplain-based service was of the view that they are already providing the best assistance to Christian victims of domestic violence, collaborating actively with multiple secular providers. Monthly meetings are held within their area group to consider further alliances with local services. Realising the role of the church, she said: 'I guess that's the best way ... because the DV services are not necessarily going to reach out to the churches for that support. So, I think it's up to the churches to go, "Hey we're local churches in your area how can we be of help?"' However, she appreciated that their service could offer an integrated comprehensive service because they were a small provider with only onsite accommodation for the victims, and her case managers have a smaller caseload, which enables them to discuss issues relating to faith. She explained that other metropolitan services have victims in motels waiting to be housed and needing to be managed, some in transitional homes and others in onsite accommodation:

And I think whereas if you got a lot of clients and its very task oriented, it would be harder for a client to perhaps talk about their spirituality ... Whereas if it's all like practical tasks that we need, we need to get this housing application here, we need to do that ... I think that's where we have the benefit of that space as well.

She pondered out loud the concept of incorporating a chaplain in secular services:

I wonder whether the services would be open to having a chaplain. Because you know how we have lots of chaplains, like a prison chaplain and a hospital chaplain. I wonder

if that is an option. Whether the services would be open to that. You can almost have one that kind of cover ... like full time covering all the services. Even ours isn't full time but they're small services.

A participant, formerly a staff member of the chaplain-based service, reiterated the importance of collaboration between services and churches:

[S]o it's very, very important that we work collaboratively because it opens up doorways and it also helps some of those pastors or ministers who may have a quieter small little life in there in their church without realising that there is another world out there that they might not have experienced and understand ... It's so easy for people to say, 'I don't understand why they can't just leave.' Once they fully grasp the ramifications of how these persons' lives ... often with children change and they fear their safety.

Interestingly, she commented that services refer on Muslim or Hindu victims, whereas those identifying with the Christian faith are ignored. She said, 'And they think so little of Christianity. They don't think it's worth it. But they think a great deal of Muslim women and the Hindu but don't think about Christian faith.' Supporting the concept of an in-house chaplain in a secular service with cross-referrals between them and the churches, she suggested that the case plan of the victim-survivor could incorporate the churches together with other services: 'if the client agrees the church can also be in on the case plan, link in with a psychologist, or their mental health or their vehicles, getting their furniture together, all of those things ... [a] linking'.

One service provider supported the need for an organisation such as Women's Safety Services SA to conduct training across all churches to equip the pastors, as '[i]n that way to not feel like they have to deal with that themselves but can refer and have professional help. So to collaborate that way.' This participant felt it is key for victims to be able to discuss their faith freely, especially that submission is not equivalent to tolerating abuse and that it is perfectly acceptable to leave. Victims who identify with the Christian faith will feel much more comfortable hearing that from a Christian worker or counsellor.

The regional faith-based service provider indicated that they are already collaborating with local secular services and also refer Christian survivors to churches for support including meeting their practical needs. Applauding the concept of incorporating a pastoral care worker

in secular services provided there is funding, she was of the view that just a single pastoral carer is not sufficient:

I think that one person can't provide everything that the church provides. I think still that pastoral care is important but that connection to your church brings a connection to the community ... there's a role there but I don't think it replaces the connection between the service and the church.

In conclusion, one service participant succinctly summarised that incorporation of a faith-based worker into a mainstream service was a better system as it 'would work well because then there's better collaboration, better communication and therefore better case management.' Whether this view is shared by the clergy is considered in the next section.

5.8.4.3 Clergy

The overall response to the question whether the clergy should work collaboratively with secular services to assist Christian women experiencing domestic violence was very positive. A minority of the participants were already implementing cross-referrals. One participant emphasised the importance of a close relationship with the community. He had received referrals for counselling through schools, teachers, doctors and even students, though clearly not from service providers.

The response from participants of a certain church tradition was interesting. All of them have had no referrals from secular domestic violence services and none had even cross-referred. If needed, they referred to the social justice arm of their parent church within their district and not beyond. One admitted that the first thing he does when a victim-survivor approaches him is not to direct her to secular services but straight to the parent church instead:

because we know that the [parent] church does things based on what the government stipulated. So we know that we're kind of safe ... we are understood as well ... [I]f I were to connect to a secular service I don't know if they would keep in mind they are going to be dealing with a maybe, a conservative Christian. They might be dealing with someone whose faith far supersedes their health. I don't know who I'm sending them to. I think that's important that the secular services give us that confidence that they will be taken care of ... keeping in mind their religious and spiritual journeys they're making. I'm not saying that they need to be spiritual people to do that. But to be mindful of that.

Ripples of suspicion were felt across other participants in the same tradition. In admitting that they are not well equipped since they are ‘not all-rounders to know everything’, one thought it is important for clergy to understand the need to refer victim-survivors to those who are experts. Notwithstanding the shortcoming, a few of the clergy had reservations, reiterating concerns and scepticism about the philosophy of the secular services when faced with victims who are Christians, with one saying:

[It] depends on the philosophy of the secular services ... let’s be honest, there are some feminists, psychologists, sociologists, medical practitioners who are really, I was going to say, violent but they are not violent physically but are very militant in their views ... and that is a bit of a problem contemporaneously, I think.

A church from a different tradition commenced an ongoing collaboration years ago by establishing a strong connection with a Christian case worker in a local secular service provider. The participant believes the partnership is vital. She commented that it is pivotal for churches to engage in collaboration with other organisations ‘to support people in the best way forward’. Aspiring to see people ‘flourish both inside and outside’ of the church communities, she stressed it is essential that churches are open to working with the ‘wider community and service providers from all different areas’.

As another participant put it, it is crucial to collaborate with secular services because they are the ones with resources. A clergy member was of the view that the failure of the secular services to refer clients to her church is the ‘missing piece’, as it has always been her community referring them outward, and this is because there has been no relationship between them. She wondered if the secular services view the church suspiciously, instead of as a place for ‘healing and wholeness’. It is obvious that the sacred and secular continue to be suspicious of each other, failing to centre the victim-survivors, who should be at the heart of their service delivery.

Some of the clergy participants talked about the need to address the spiritual aspect of victims-survivors as they are spiritual beings, having been made up of ‘the body and the spirit’ working together as a unit. In going through a spiritual journey, the victims often are confused in trying to make sense of their abuse with their beliefs. One participant explained that ‘spiritually wounded’ victims tend to not only question God’s perceived absence but think that it was ‘God who allowed that thing to happen to them’. Therefore, he argued that such victims should be

supported to develop a better understanding of their relationship with God and each other, hence the need for collaboration.

On the theoretical concept of the incorporation of a specialised social worker with an additional pastoral care qualification, the response from participants of a particular church tradition was a resounding 'Yes'. However, the nagging 'we still look at it with suspicion' persisted, with one doubting participant questioning the kind of pastoral care that secular services would offer. On seeking clarification if the pastoral care should originate from his church tradition, he was quick to point out that, 'once you reach that stage of domestic violence, it has nothing to do with you being from a specific denomination because the foundations are just the same', confirming that the worker needs only be Christian based. Having said that, he then commented that his mind would be at ease knowing there is a specific worker to refer to, rather than just to any secular services when 'we don't know who we're getting on the other side'. However, another participant who would welcome a pastoral care worker in domestic violence to work with his church raised concerns about government funding and securing someone committed to both social work and faith given that in Australia 'religion is becoming an issue for so many people' as it is 'your personal problem', to the extent that they do not even want to state it in a form.

Adopting a holistic approach, the church offering the in-house chaplain as part of its domestic violence services held the view that they have what it takes to address domestic abuse, for a Christian woman or otherwise. They are connected to the local churches and facilitate victims attending services while residing in the crisis accommodation provided by the service. Upon leaving, the chaplain continues to support the victims with regular visits, walking alongside them for as long as needed. On the question of the specialised social worker, the chaplain participant responded, 'I am going to say "Yes", because this is my role and I am very passionate and I love my role'. However, she raised a concern about how a secular service would identify whether a victim is Christian given that it is not a requirement and such a question is never asked.

As the concept of a specialised social worker appeared to gain traction with the clergy, one participant suggested the role would be akin to a school chaplain, a person with a Christian faith but able to work with women across different faiths to 'help understand the role of faith in what they've experienced'. Another felt that it would not be helpful if this one person was

going to do all the work. Rather, the specialised worker would be ‘part of the puzzle’ and a victim would still need a community relationship with the church:

I think there are two things that person [specialised social worker] could provide. One is the pastoral conversation and that is an individual relationship. If that person helps connect [a victim-survivor] with a faith community, that would be great. If this person [specialised social worker] is going to do all of the work that is not helpful ... I mean it is still helpful but its only part of a puzzle. I think that people who have experienced abuse need a community. And so if the choice is between a community relationship and an individual they can trust, I would hope that the woman can have both and meet both.

One other participant, drawing from her own experience, stated it is important to have a case worker with the skill set to unpack someone’s faith including if they are practising their faith and if they would like to speak to someone from a Christian or perhaps another belief in moving forward.

On the whole, the model of a specialised social worker with a pastoral care qualification appears to be warmly embraced by the clergy. Whilst some referred to it as ‘ideal’, as demonstrated, a particular cohort viewed it a little suspiciously and required some degree of convincing as to where and to whom they would be sending victims. The mitigating factor for them was a clear presence of a specific Christian worker as the reference point in a secular service. This concept seems to have been captured by the in-house chaplain service provider.

5.9 Discussion

The findings of this study repeatedly endorsed the existing literature that both clergy and secular providers remain ill-equipped to offer assistance to a Christian woman experiencing domestic violence. This problem is exacerbated by a system that in many ways seems to facilitate the abuse, in particular the family law system and the *Migration Act*. Understandably, service providers prioritise victim safety when they attend crisis accommodation, arguing it is not the time to discuss one’s faith. Notwithstanding that reticence, once the immediate practical needs such as housing and security are met, invariably a victim’s inner conflict between faith and abuse emerges, which if not addressed, seems to drive them into a deeper state of confusion and despair.

A particular church tradition, from which incidentally the majority of the clergy participants came, did not think it incumbent upon them to initiate awareness among their parishioners on the evils of domestic abuse, but rather are happy to delegate it to the social arm of their church structure. In fact, they believe the onus lies on the secular services and the government to reach out to them as parishes, absolving themselves by claiming that they cannot be expected to be ‘all-rounders’, furnished with knowledge in every field. That perpetrators camouflaged as wolves in sheep’s clothing parade as regular churchgoers among their congregations did not appear to be of great concern. The church should be held accountable and not allowed to gloss over this serious issue, plainly displaying its ignorance.

The findings highlight that the failure to identify a victim-survivor’s faith, be it by religious-based or secular service providers, posed the greatest hurdle to offering targeted assistance to Christian women. The impact is felt particularly by Christian migrant victim-survivors whose lives are shaped by their faith and culture as evidenced by the participants in this study. The question that was raised repeatedly by both victim-survivors and providers themselves was how would one identify a Christian victim, or a victim affiliated with any faith for that matter, when the question is never explored and is not a component of the risk assessment process? By omitting to collect this crucial data, the services applied a universal approach, inadvertently ignoring the particular needs of a Christian suffering domestic abuse. They leave it to chance that faith might be discussed if victims choose to, and without clear directions it is apparent that designing a special service to meet the needs of these women is not possible.

Collaboration was viewed favourably by all three cohorts, that is, the need to work in partnership to achieve a common goal. However, feelings of suspicion and mistrust seem to impair their judgement, oblivious to the needs of the victim caught between them. In contrast, a certain church tradition took it upon itself to touch base with a secular service, which resulted in a strong alliance with cross-referrals progressing over the years. Similarly, a chaplain-based service with close connections to the surrounding churches and various providers appeared to be a favourite among the victim-survivors. Such a concept was even proposed by those unaware of its existence.

The findings about the chaplain-based service are intriguing as it parallels the core question of this study. The idea of incorporating a faith-based social worker in a secular service drew much approval from all three cohorts. Nuances of response by some participants noted that she must

maintain a strong link with the churches and not replace them. The assurance of a continuity of relationship and a specific Christian worker for reference in the secular provider appears to be a source of comfort for some clergy. Legitimate concerns were raised, though, about the challenge of finding such a worker, both with social work and especially faith-based accreditation, in a country that is increasingly moving away from religion, with the 2021 census indicating approximately 40 per cent have no religion, almost a 10 per cent increase since 2016.³² This is a pertinent question under the circumstances, particularly when religion is discussed in hushed tones, which conversely renders the need for such a worker more urgent given Christian victims suffer violence silently.

5.10 Conclusion

This chapter explored best practice in providing services to a domestic violence victim identifying with her Christian faith. It considered the merits of incorporating a specialised social worker with pastoral care qualifications in secular domestic violence services as potential best practice to meet both the religious and practical needs of victims, all under one roof. In response to the query ‘What constitutes best practice in service delivery for a victim-survivor who is faith-based?’, the suggestion that rang out the loudest across the participants, particularly the victim-survivors, was the chaplain-centred service, a service that meets both spiritual and practical needs within the same setting. This attests that just meeting material needs is not sufficient for a faith-based victim-survivor to survive and thrive.

Similar to other faith-based services, the chaplain-based service operates on the same terms as secular services in its delivery provision. However, the most striking singular difference is the presence of a chaplain within, which seemingly left an indelible positive impression on the victim-survivors regardless of their faith. Along this line, several participants conceptualised the model as similar to a ‘chaplain in a footy club’ or a ‘school chaplain’. However, it is questionable whether these concepts offer all-encompassing provision.

It is hoped that a chaplain who is equivalent to a specialised social worker with pastoral care qualifications offering wraparound services located in a secular provider be considered as a

³² Australian Bureau of Statistics, ‘2021 Census Shows Changes in Australia’s Religious Diversity’ (Media Release, 28 June 2022) <<https://www.abs.gov.au/media-centre/media-releases/2021-census-shows-changes-australias-religious-diversity>>.

government program developed under the new National Plan, as it is most ideal. A comprehensive service delivered in a one-stop venue would ease the trauma of a victim-survivor who would no longer have to seek a multitude of services. It is recommended that this theoretical concept be commenced with victim-survivors of domestic violence identifying with the Christian faith. Then, applying identical principles, this model will open the doorway for future research into other faiths. To initiate this concept, policy and legal reforms are required, as outlined in the next chapter.

Chapter 6

Policy and Legal Reforms

[P]eople who abused us are people we knew; people we liked; ... most often people we loved. Too many of us are re-traumatised trying to engage with systems meant to 'protect' us but fail. Systems that create barriers to access ... because services are not designed for the realities of our lives. Instead, they perpetuate ... same dynamics of power and control as our abusers. Systems that wait until the worst has happened before they respond, then blame us for not reporting or leaving. We should not have to die to get your attention.¹

6.1 Introduction

From the preceding chapters, it is evident that the existing services in Australia are markedly inadequate to serve Christian women experiencing domestic violence. The qualitative study showcased the views of various cohorts, some of whom proposed a chaplain in a similar role to a footy club chaplain or school chaplain as a possible response. More precisely, they were unanimous in approving the concept of a specialised social worker with pastoral care qualifications located in secular domestic violence services as potential best practice to meet both the religious and practical needs of victims, all under one roof (henceforth 'specialised social worker'). A chaplain-centred service is an embodiment of all that is needed to meet the needs of a Christian victim of abuse.

For the concept of the specialised social worker to materialise, the government's involvement is central. Accordingly, it is cardinal that the government cease treating religious women as invisible in the domestic violence discourse, become seriously cognisant of the significant interaction between faith and violence, and visibly and rigorously evaluate effective policies and responses for best practice. Bridging the gap between the sacred and the secular in this way could be a reality and not merely a pipe dream in assisting Christian women experiencing intimate partner violence.

To introduce the concept of a specialised social worker into a secular service requires changes to law and policy. To this end, one has to start by analysing if the existing laws and policies

¹ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (Policy Document, 2022) 9.

offer adequate protection for abused women professing a particular faith to justify the initiative. Based on previous chapters, this thesis concludes that laws, regulations and policies on protection surrounding migration and family issues are lacking. This chapter attempts to evaluate domestic violence legislation in some nations to study the measure of protection aiming to equalise gender imbalance and the lessons that can be learned from them before considering Australian laws and the reforms to be proposed.

This chapter is divided into six main sections. The first, highlights specific outstanding features that frame this research, including areas that prompt queries and puzzlement, resonating throughout the thesis, leading to the genesis of the specialised social worker model. The second reviews the domestic violence legislation in selected countries discussed in Chapter 2. It explores the legislative protection for women available in national laws with a special interest in the Indian case of *Ahuja v Ahuja*. The third compares the protection available under personal or religious laws that relate to family matters. It critiques these laws that reveal some progress in some countries, offset by regression in others depending on the level of interaction of law and religion in the specific state. It is evident that in certain countries religion has seeped, infused and ingrained profoundly into the spirit, culture and tradition of a society heavily impacting the construction of legislation. But the extent to which it is capable of undermining the protection for abused women is extremely daunting. Fourth, the chapter unpacks the Australian legislation and discovers it is altogether silent about religion, offering no specific protection for abused women identifying with their faith.

The fifth section turns to policy considerations, outlining the previous National Plan, then focusing on the new National Plan, which hinges on a ‘person-centred’ policy. It pays special attention to this development, analysing changes including underscoring the role of faith in addressing the abuse. And, finally, the chapter returns to the theory of a specialised social worker. By building on the new National Plan this chapter proposes policy, practice and law reforms that are needed to support the model of the specialised social worker with dual qualifications meeting both the spiritual and practical needs of a Christian woman.

6.2 Salient Facets

6.2.1 Facade of a Happy Family

Upholding the all-important sanctity of marriage and maintaining the image of a perfect family life at all costs is everything that a religious woman strives for. If she has to put up with abuse, so be it. Somehow this burden is not shared by the husband. It is the sole responsibility of the woman. Prescribed by ancient religious laws and culture grounded in patriarchy, it makes perverse sense. That these victims do not appear to question the entrenched gender inequity but continue to embrace abuse silently, sparks curiosity.

6.2.2 Harmful Theology

Another source of curiosity is the harmful theology founded in all the religions discussed in this thesis. With scriptural texts instructing submission and obedience to the husband, or warranting beating or punishment through karmic forces, women have been ingrained with the internalised belief that they are inferior to men. This further translates to harmful cultural practices victimising women. These are used to justify abuse even in the women's own eyes.

What is surprising, though, is that amongst the abuse faith is not compromised. Chapter 5 in particular demonstrated that, notwithstanding the violence and anguish, unable to make sense of it all, the women still ploughed through without compromising their faith. Their belief system remained their pillar of strength in adversity, helping them to heal as they recovered. One migrant participant, looking back, acknowledged that God used the incredibly difficult situation she experienced to help her rise like a phoenix from ashes. Once new, frightened and lost in the convoluted Australian systems, she now spearheads and informs reforms in the national domestic violence sphere. If anything, her faith has been strengthened.

6.2.3 Ignorance of Clergy and Service Providers

The inadequacy of the clergy and service providers has been a recurring theme in this thesis, and contribute to abuse, as experienced by most participants. The majority of the clergy of a particular persuasion maintained their stance, with the excuse that they cannot be expected to know it all. The reluctance and suspicion particularly between this tradition and service providers, with each compromising the other's role, emerged overwhelmingly during the

research, along with their complete obliviousness to the struggles of the Christian women caught in between. But the concept of the specialised social worker as a point of reference helping to retain the victim's community connection with the church seems to appeal to both.

6.2.4 Missing Link

The silencing of faith resounds throughout the structural and legal framework discussed in this thesis. The under-identification of faith during risk assessment reinforces that religion is a missing link, creating a yawning chasm through which the religious victims of domestic abuse have been falling. Without her faith being validated and with nowhere to turn, a religious victim tolerates the abuse silently, as her lot in life.

The above striking features work complicitly. The harmful theology leads women to internalise the need to uphold a perfect facade, and the inadequacy of clergy and service providers compound each other, failing the victims. This leads to the question of best practice.

6.2.5 Chaplain-Centred Service

The chaplain-centred service discussed in Chapter 5, operating unobtrusively, appears to rescue the situation. Women of all faiths attending this service sing nothing but high praises. They feel welcomed, and their dignity and self-esteem are restored, prompting an eager participant to refer to it as the 'Hope House'. The service provider believes they are the epitome of service delivery for religious women hurting from domestic violence. But, as the chief executive officer admitted, they are small in number and, hence, it is possible for the workers to spend quality time with the victims.

These distinctive factors drawn from the interviews with the participants demonstrate the urgent need for a specialised social worker to address the unmet needs of women of faith in relation to domestic violence. Having established the exigency, the rest of the chapter sets out to examine the degree of protection offered to victims through existing law and policy both within and without Australia prior to considering relevant reforms to actualise the specialised social worker model.

The following two sections discuss protective laws for women in several countries, first considering the national laws and thereafter personal religious laws.

6.3 National Laws

This section examines the nuances of protective legislation in India, Cambodia and The Philippines. It demonstrates the continuum influence of culture and religion in the construction of laws to safeguard women from abuse.

6.3.1 India

Despite the apparent interpretation of asymmetrical gender relations in Hinduism, enshrined in the *Indian Constitution of 1950*, inter alia, are the equality of all people under article 14, prohibition of discrimination by a state under article 15, equal opportunity under article 16 and equal pay in employment under article 39.² In keeping with the *Constitution*, in 2006, the *Protection of Women from Domestic Violence Act 2005* (henceforth ‘the Act’) came into force in India.³ The Act provides wide and extensive powers for the protection of a wife or a female partner. Interestingly, the Act allows a wife or female partner to bring an action against not only her husband or male partner for abuse but also his relatives sharing the same household, whilst simultaneously prohibiting any of the female relatives of the husband or male partner from reporting against her.⁴

Section 4(1) of the Act extends the power to anyone other than the aggrieved party to lodge on the victim’s behalf a domestic violence incident so long as it is done in good faith.⁵ This is arguably an essential enabling provision as victims may be reluctant to report against their husbands. Those who can file a complaint include social workers, relatives and neighbours.⁶

Section 17 of the Act offers further protection for a victim to continue living in the home or a part of it, even if she has no legal claim to it. This provision was not without contention at the

² Hari Priya Pathak, ‘Hinduism and Women Religious Beliefs and Practices’ [2019] *SSRN Electronic Journal* 232 <<https://www.ssrn.com/abstract=3434115>>.

³ Manjeet Bhatia, ‘Domestic Violence in India: Cases Under the Protection of Women from Domestic Violence Act, 2005’ (2012) 32(2) *South Asia Research* 103, 106.

⁴ *Ibid* 107.

⁵ *Ibid*.

⁶ *Ibid*.

initial stage. Section 17 of the Act was first tested in the case of *Batra v Batra* in 2007.⁷ In this case, during the course of the marriage, the wife lived with her husband on her mother-in-law's property.⁸ When the marriage broke down, she moved into her parents' home.⁹ Later, upon filing allegations of cruelty from both her husband and mother-in-law, she attempted to re-enter her former home only to discover that it was locked. She sought a mandatory injunction to allow her access to the matrimonial home.¹⁰

The trial judge found in favour of the wife but on appeal, the Senior Civil Judge overturned the decision and later, on further appeal, the High Court upheld the earlier judgment.¹¹ When a final attempt was made to India's apex court, the Supreme Court, the whole case revolved on the definition and interpretation of the term 'shared household', in determining if the wife or victim of domestic violence had access to a property that she resided in with her husband but in which she had no proprietary interest. Employing a narrow and restrictive meaning, the court construed 'shared household' as per section 2 of the Act,¹² holding that the property the victim resided in and claimed access to was neither registered in her name nor in the husband's but rather in the name of the mother-in-law.¹³ Hence, she had no right of residence.

Notwithstanding, 13 years later, in 2020, a three-judge bench overturned *Batra* in the landmark case of *Ahuja v Ahuja*, holding that the wife has a right of residence in a shared household.¹⁴ The court extended the definition of 'shared household' to include any household that is owned by the husband's relatives in which the couple had resided in a domestic relationship.¹⁵ Reading

⁷ (2007) 3 SCC 169. See 'S.R. Batra And Anr vs Smt. Taruna Batra on 15 December, 2006', *Indian Kanoon* (Web Page, December 2006) <<https://indiankanoon.org/doc/594165/>>.

⁸ *Batra v Batra* (n 7).

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Protection of Women from Domestic Violence Act 2005* s 2(s) states: "'shared household' means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household'.

¹³ *Batra v Batra* (2007) 3 SCC 169.

¹⁴ *Ahuja v Ahuja* (Supreme Court of India, Civil Appeal No 2483 of 2020, 15 October 2020). See 'Satish Chander Ahuja Vs Sneha Ahuja', *Tripaksha Litigation* (Web Page, 15 September 2022) <<https://tripakshalitigation.com/satish-chander-ahuja-vs-sneha-ahuja/>>.

¹⁵ *Ahuja v Ahuja* (n 14).

together sections 2, 17 and 19¹⁶ of the Act, it went beyond the interpretation that the household must be of the joint family in which the husband is a member or where he has an interest.¹⁷ The court declared that, regardless of whether a woman has any legal interest in the property, these sections grant her a right of residence in the shared household.¹⁸

This historical decision was monumental in strengthening the protection of abused women where shelter is paramount when she escapes violence. This seminal judgment, however, drew criticism, with some commentators suggesting that, in place of a literal interpretation of section 2, the Supreme Court should have adopted a more holistic and broad approach in line with the *Convention on the Elimination of all Forms of Discrimination Against Women*.¹⁹ Some argued that the court failed to consider the fundamental objective of the Act from the perspective of an abused woman.²⁰ It was contended that the court should shed its ‘patriarchal mindset’ with its interpretations in seeking to save victims of domestic violence, and instead should set out to ensure her ‘a safe space free from insecurity’.²¹

On the other hand, certain sectors lauded the court for its innovative approach, particularly in couching its judgment in the language of the rights of an abused woman rather than a paternalistic slant underscoring the aim of the Act designed to protect a victim.²² Viewed either way, the fact remains that the case of *Ahuja* has heightened safety and protection for a woman who suffers domestic abuse, be it from her spouse or the spouse’s family and irrespective of whether she has a legal interest in the matrimonial home. This is particularly relevant in a culture where ownership of properties lies generally with the husband or his family and where

¹⁶ *Batra v Batra* (n 7). Section 19 refers to a Residence Order issued by the magistrate instructing the perpetrator to vacate the premises attached with various other conditions.

¹⁷ *Ahuja v Ahuja* (n 14).

¹⁸ Srinath Sridevan, Anita Suresh and Bhagavath Krishnan, ‘Was There a Better Way to Set Right the Error of *Batra v Batra*?’, *Bar and Bench* (Web Page, 15 November 2020) <<https://www.barandbench.com/columns/was-there-a-better-way-to-set-right-the-error-of-batra-v-batra>>.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² Gautam Bhatia, ‘Domestic Violence Act: The Supreme Court Took a Progressive Turn, Writes Gautam Bhatia’, *Hindustan Times* (online, 25 October 2020) <<https://www.hindustantimes.com/columns/domestic-violence-act-the-supreme-court-took-a-progressive-turn-writes-gautam-bhatia/story-DSneUa82oEcGt7SYZXVyhN.html>>.

fleeing from violence to her parents' home in shame is not an option, ultimately rendering many women homeless.²³

Upon the commencement of the Act, a study was undertaken to gauge an overall response to its implementation. Majority of the 99 participants interviewed, reported a positive reception.²⁴ Nevertheless, it was noted that most male participants found it offensive that women could take them to court on matters considered within their private spheres.²⁵ The research also revealed that women struggled to acknowledge sexual abuse and marital rape, accepting that it was part of the relationship.²⁶ Unsurprisingly, this was also the perception of educated women, indicating a high probability of sexual offences going unreported. This research reinforces that wives deeply internalise the concept of patriarchy whilst religion and tradition perpetuate and promulgate complete submission to their husbands. It appears that, though the government may rule the Indian nation with its codified laws attempting to protect women, running parallel and securely on its own accord is the society governed by ancient scriptures, Laws of Manu and traditions.²⁷

Be that as it may, this thesis argues that the Indian *Protection of Women from Domestic Violence Act 2005* is rather liberating in ensuring an abusive act can be reported by bystanders in the event a woman is bullied into silence. With the landmark decision of *Ahuja*, section 17 now offers safety and security from homelessness, particularly where the matrimonial home is not registered under the wife's name. This is a purposeful interpretation bringing enormous relief to victims trapped in a patrilineal culture, where upon marriage tradition dictates that a woman moves into and lives together not only with her husband but also with his parents and siblings.²⁸ Therefore, it is highly unlikely that the shared household will be in her name. In addition, the Act duly recognises and responds to the cultural social structure of the living arrangement of extended family in India by prohibiting possible abusers including mothers-in-

²³ Ibid. The Supreme Court also clarified that only the last household where the parties resided and which the victim's right to access was denied will be considered a 'shared household' and not every residence the parties had resided in previously.

²⁴ Bhatia, 'Domestic Violence in India' (n 3) 119.

²⁵ Ibid.

²⁶ Ibid 118.

²⁷ Pathak (n 2) 232.

²⁸ Supriya Singh and Jasvinder Sidhu, 'Coercive Control of Money, Dowry and Remittances among Indian Migrant Women in Australia' (2020) 12(1) *South Asian Diaspora* 35, 36.

law from reporting the victim, namely young married women, as the perpetrators.²⁹ In light of the progress made, this thesis asserts that the Act has made long progressive strides since the ancient Laws of Manu.

The following section considers the similar impact of culture and religion in shaping the corresponding legislation in Cambodia.

6.3.2 Cambodia

The *Law on the Prevention of Domestic Violence and Protection of Victims 2005* (Cambodia) (henceforth the Act) and the enactment of the first and second National Action Plans on Violence against Women 2014–2018 constitute part of the Cambodian national legal and policy framework.³⁰ These instruments were aimed towards a cultural change, in promoting new norms and encouraging men to question the relevance of manliness with violence.³¹ As ambitious as these plans were, entrenched customs and traditions challenged and blocked their implementation.³² Research demonstrated a reluctance on the part of the public to change, indicating a failure at primary prevention of domestic violence.³³

Family preservation appeared to be a formidable stumbling block. Article 26 of the Act prioritises family unity over violence. It offers a consensual reconciliation or mediation to be facilitated by the parties' families, Buddhist monks, village chiefs, elders or commune councillors to help resolve their issues for the purposes of maintaining household harmony.³⁴

²⁹ Amrita Mukhopadhyay, 'Found and Lost in Translation: Exploring the Legal Protection of Women from the Domestic Violence Act 2005 Through the Social Public Space of Kolkata' (2019) 28(3) *Social & Legal Studies* 349, 356.

³⁰ Maurice Eisenbruch, 'Violence Against Women in Cambodia: Towards a Culturally Responsive Theory of Change' (2018) 42(2) *Culture, Medicine and Psychiatry* 350, 354.

³¹ Ibid.

³² Ibid 361.

³³ Ibid.

³⁴ *Law on the Prevention of Domestic Violence and Protection of Victims Act 2005* (Cambodia). See 'Law on the Prevention of Domestic Violence and the Protection of Victims', *Open Development Cambodia* (Web Page, 10 January 2018) <https://data.opendevelopmentcambodia.net/laws_record/law-on-the-prevention-of-domestic-violence-and-the-protection-of-victims>. Article 26: 'For the offences that are the mental/psychological or economic affected violent acts and minor misdemeanours, or petty crimes, reconciliation or mediation can be conducted with the agreement from both parties. The household members can choose any way by requesting parents, relatives, Buddhist monks, elders, village chiefs, and commune councillor to act as the arbitrators to solve the problems in order to preserve the harmony within the household in line with the nation's good custom and tradition in accordance with Article 45 of the Constitution of the Kingdom of Cambodia.'

This provision is available for offences that are ‘mental/psychological or economic affected violent acts and minor misdemeanours, or petty crimes’. This alternate dispute resolution process is carried out through ‘*samroh samruol*’, a local customary method of reconciliation conducted by the village or commune leaders encouraging couples to compromise.³⁵

In reality, very often, even though it is inconsistent with article 26, victims inflicted with serious bodily harm including rape³⁶ are repeatedly pressured to reconcile with the perpetrator, leading to the abusers avoiding the clutches of the criminal system.³⁷ The state’s tendency to dispose of domestic violence cases through this mediation process is highly concerning. Simultaneously, the victims are blamed for not accessing the court system, made impenetrable with numerous barriers including financial dependence on men, weak government, lack of legal aid services and a corrupt judicial system.³⁸ Both ways, women are at the zenith of victimisation.

This thesis argues that article 26 is flawed. The principal purpose of resolving issues is to prioritise family unity over the safety of the victim. Furthermore, article 26 requires compliance with article 45 of the Constitution of the Kingdom of Cambodia, mandating maintaining peace within a family ‘in line with the nation’s good custom and tradition’.³⁹ However, article 45 of the Constitution provides that women should never be discriminated against and are to be treated equally to men, particularly in matters relating to marriage and family.⁴⁰ The tension between these two provisions, prioritising equality or preserving household harmony even if it means perpetuating an abusive marriage, is tangible.

This thesis further argues that article 26 is simply not compatible with domestic violence settings. This is especially so in a culture that normalises ill treatment, intensified by women

³⁵ Katherine Brickell, ‘Clouding the Judgment of Domestic Violence Law: Victim Blaming by Institutional Stakeholders in Cambodia’ (2017) 32(9) *Journal of Interpersonal Violence* 1358, 1363.

³⁶ Alexandra Kent, ‘Global Change and Moral Uncertainty: Why Do Cambodian Women Seek Refuge in Buddhism?’ (2011) 23(3) *Global Change, Peace & Security* 405, 412.

³⁷ Brickell (n 35) 1363.

³⁸ *Ibid.*

³⁹ *Law on the Prevention of Domestic Violence and Protection of Victims Act 2005* (Cambodia).

⁴⁰ *Constitution of the Kingdom of Cambodia*. Article 45: ‘All forms of discrimination against women shall be abolished. The exploitation of women in employment shall be prohibited. Men and women are equal in all fields especially with respect to marriage and family matters. Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.’

internalising the belief that they are subservient to men, and hence abuse is legitimised. The mediation process appears to be nothing more than a smokescreen behind which victims go through the motions. If anything, this thesis contends that article 26 is a manifestation of a system steeped and circumscribed by tradition with victims of domestic violence trapped within whilst it facilitates impunity and freedom for perpetrators. With help neither from mediation nor from the courts, the victims fall through the cracks in the system. It is evidently clear that, unless judicious measures are put in place to reflect a strong element of independent adjudication in article 26 targeted at the victim's safety, abused women will remain victims, with the perpetrators escaping punishment.

Given that Buddhism is deeply embedded into the tapestry of Cambodian life and to encourage the public's active engagement in policies, Maurice Eisenbruch proposed that the perceived hindrances of culture and traditions be viewed as part of the solution and not as augmenting the problem.⁴¹ However, reading through article 26, this thesis posits that the suggestion is highly debatable where culture, tradition and the societal norm regarding conserving a family is the bane of many women's existence, accounting for the plight of domestic violence victims. In view of the visceral patriarchal culture, this thesis contends that article 26 has a serious tendency to expose the victim to a greater danger of being hushed and cowed into remaining in the abusive relationship by the arbitrators themselves. Facing insurmountable barriers in accessing the courts, this thesis asserts that the victims are no better off than before the enactment of an Act that is increasingly reflecting their powerlessness, proffering negligible protection for abused women.

The situation is similar in the Philippines, as discussed below.

6.3.3 The Philippines

The Philippines, where 90 per cent of the population are Catholics, remains the only country in the world apart from the Vatican City where divorce is not allowed.⁴² Statistics show that one in every four wives has been abused by their spouses and that marital violence is a

⁴¹ Eisenbruch (n 30) 362.

⁴² Tasha Wibawa, 'Trapped in an Abusive Marriage in One of the Last Places on Earth Where Divorce Is Illegal', *ABC News* (online, 8 October 2018) <<https://www.abc.net.au/news/2018-10-09/the-philippines-is-one-of-two-countries-where-divorce-is-illegal/10332600>>.

dominant abuse suffered by women between the ages of 15 and 49.⁴³ Relief in the form of legal separation is only available through the civil process of an annulment for reasons of ‘psychological incapacity’, which is subject to various interpretations and by any indication is a costly and protracted procedure.⁴⁴

Marking progress, in February 2020, the Committee on the Population and Family Relations of the Philippine House of Representatives presented and passed a Bill to legalise divorce.⁴⁵ On the face of it, if passed, this Bill would have alleviated the plight of women trapped in abusive marriages. But it introduced a rather unsettling proviso. Upon lodging a divorce petition, parties were given a six-month cooling-off period within which the courts would be required to work towards reunifying the parties unless one spouse is imprisoned for six years or the parties have been separated for at least five years.⁴⁶

Notwithstanding, the Senate under the government of then President Rodrigo Duterte, revoked this Bill.⁴⁷ Unperturbed, another push commenced thereafter to reinstitute what is referred to as the *Absolute Divorce Act*, to liberate ‘beleaguered and tormented wives’ and release them from ‘irretrievably dysfunctional marriages or inordinately abusive marital relations’.⁴⁸ Legislators argued that the introduction of this Act is not inconsistent given that divorces existed during the Spanish occupation of the Philippines. They asserted that legalising divorce is imperative in light of the increased abuse experienced by women and children.⁴⁹ On the other hand, traditionalists countered that such views fail to uphold the sanctity of the family, particularly children who could be most impacted.⁵⁰

The principle that family and marriage are sacrosanct is enshrined within the legislation of the countries discussed above, holding women accountable if they fail, even in the face of violence.

⁴³ Ibid.

⁴⁴ Ibid. ‘Psychological incapacity’ could include one party being unwilling to commence marital life by refusing to consummate the marriage.

⁴⁵ ‘Philippines: House Bill on Divorce Approved in Committee’, *Library of Congress* (Web Page, 4 March 2020) <<http://www.loc.gov/law/foreign-news/article/philippines-house-bill-on-divorce-approved-in-committee/>>.

⁴⁶ Ibid.

⁴⁷ Joseph Peter Calleja, ‘Lawmaker Files for Legalizing Divorce in Catholic Philippines’, *UCA News* (online, 4 July 2022) <<https://www.ucanews.com/news/lawmaker-files-for-legalizing-divorce-in-catholic-philippines/97895>>.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

Whether culture and/or religion have equal footprints, forestalling greater protection for abused women in personal laws, is considered in the section below.

6.4 Personal Laws

This section considers the effect of personal laws on women in selected countries. Generally, these laws govern family matters, including marriage, divorce, custody and inheritance.⁵¹ Prescribed by religion, they are, in effect, religious laws; therefore the terms personal and religious laws are often used interchangeably.⁵² However they are referred to, these laws are known to offer minimal protection for women experiencing abuse, colliding with their fundamental human right to equality.⁵³ One finds such laws in the Jewish and Islamic traditions.

6.4.1 Jewish Laws

In Israel, matters pertaining to marriage and divorce are accorded personal status subject to Jewish laws under the jurisdiction of an all-male Orthodox rabbinical court or Beth Din.⁵⁴ As noted in Chapter 2, husbands are known to manipulate these laws by refusing to grant a Jewish divorce or ‘*get*’,⁵⁵ compounding the despair of a woman already caught in an abusive marriage.⁵⁶ Unlike in the United States or Australia, where there is an option to seek divorce through civil law, under these Jewish laws the husband’s consent is fundamental, otherwise, she risks being called an ‘*agunah*’.⁵⁷ In 1978, the then President of the Israeli Supreme Court, Y Kahn, considered the possibility of forcing a divorce on the husband or *kefiyat get*.⁵⁸

⁵¹ S Mohammed Raiz and Susanah Naushad, ‘Personal Law vs. Fundamental Rights Divide: The Case for Judicial Intervention’ (2019) 8 *Indian Journal of Constitutional Law* 65, 65–6.

⁵² Archana Parashar, ‘Gender Inequality and Religious Personal Laws in India’ (2008) 14(2) *Brown Journal of World Affairs* 103, 104.

⁵³ Raiz and Naushad (n 51) 66.

⁵⁴ Naomi Graetz, ‘The Battered Woman in Jewish Tradition: See No Evil, Hear No Evil, Speak No Evil’ (2005) 6(3/4) *Journal of Religion and Abuse* 31, 32.

⁵⁵ Allyson Horn, Fouad AbuGosh and Haidarr Jones, ‘In Israel, Wayward Husbands Go into Hiding so They Can Keep Their Wives “Chained” to Dead Marriages Forever’, *ABC News* (online, 29 July 2022) <<https://www.abc.net.au/news/2022-07-30/jewish-marriage-laws-keep-divorced-women-trapped-in-israel/101258118>>. ‘*Get*’ is a document consensually executed by both parties permanently ending their marriage.

⁵⁶ Alison C Cares and Gretchen R Cusick, ‘Risks and Opportunities of Faith and Culture: The Case of Abused Jewish Women’ (2012) 27 *Journal of Family Violence* 427, 428.

⁵⁷ Graetz (n 54) 32. ‘*Agunah*’ means still anchored to the husband.

⁵⁸ *Ibid* 33.

However, the majority of the rabbinic judges opposed on the grounds that a husband must freely consent, failing which the divorce is invalid.⁵⁹

In the event a woman remarries without a *get*, her action is rendered adulterous and her children illegitimate or *mamzerim*. This is a stigma for life, and they can only marry another *mamzerim* as Jewish law prohibits marrying a Jew.⁶⁰ The social price accompanying such actions is too costly.⁶¹ On the contrary, should a wife refuse a divorce, the husband who defiantly proceeds to remarry is merely rebuked whilst his children remain legitimate on the basis that the biblical law allows a man to take on numerous wives.⁶² Nonetheless, in 1993, the then Chief Rabbi of Haifa, Sha'ar Yashuve Cohen, made an exception when a husband, a serial wife abuser, was imprisoned and ordered to grant his wife a *get*.⁶³ Historically, Maimonides, the great Jewish philosopher, permitted divorce on the grounds the woman finds her husband 'repugnant' and 'because she is not like a captive subjected to intercourse with one who is hateful to her' (Mishneh Torah).⁶⁴ Nevertheless, Rabbeneu Tam instructed to the contrary, contending that there has been no Talmudic precedent on this point, a view that is held until the present time.⁶⁵ This is a regressive legal perspective and a great disservice to women.

Abused Jewish women are in a multiple bind if they intend to leave a violent marriage. They are at the mercy of the perpetrator in securing a *get*, pressured to concede to his wishes, and if they remarry without, they assume the sole responsibility for *mamzerim* children. Feeling oppressed and hopeless, some continue to remain in what is referred to as 'dead marriages', finding themselves prematurely as 'widows within', freed only upon the death of their husbands.⁶⁶ Vengeful spouses are prepared even to be imprisoned or go into hiding rather than emancipate their unhappy and abused wives through *get*.⁶⁷ The vexatious imposition of double standards in the application of *get*, intensified by the traditional religious hierarchical and

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Cares and Cusick (n 56) 248.

⁶² Graetz (n 54) 43.

⁶³ Ibid 33.

⁶⁴ Dheeshana Jayasundara et al, 'Leveraging Faith to Help End Domestic Violence: Perspectives from Five Traditions' (2017) 44(4) *Social Work and Christianity* 39, 47.

⁶⁵ Graetz (n 54) 35.

⁶⁶ Horn, AbuGosh and Jones (n 55).

⁶⁷ Ibid.

patriarchal culture reflected in the structure and framework of the Beth Din, has done nothing to alleviate the predicament of women held captive in abusive marriages.

This thesis asserts that *get* completely disempowers a woman gripped in a violent relationship. Absolutely to her detriment, *get* acts as leverage employed by a perpetrator holding the victim ransom, exacerbated by an adjudication process monopolised by an all-male orthodox rabbinic court that tend to demonstrate compassion towards men.⁶⁸ Sole reliance on the Beth Din without any alternative traps and stifles abused women with no room to manoeuvre. It is even more unfortunate that Israel refuses to acknowledge the Conservative and Reform streams that could potentially challenge the courts with opposing approaches.⁶⁹ These streams have made constructive advancements outside Israel, resolving issues surrounding *get*, where there is a clear separation between state and religion.⁷⁰ Unyielding in their stance and failing to recognise an alternative view by the regime itself, the rabbinical courts are not inclined to interpret Jewish laws in support of women.⁷¹ This thesis posits that this is an archaic judicial authority in today's modern Israel.

Parallel to Jewish laws, Islamic laws, as discussed below, reiterate the inferior position of women, providing hardly any protection against domestic violence.

6.4.2 Islamic Laws

A civil court and a religious Sharia court in the present-time Muslim minority western world highlighted the ambiguity and the complexity of the application of Sura 4 verse 34. A Muslim domestic violence victim of Moroccan descent sought to expedite her divorce process in a German civil court following ongoing physical abuse, particularly a threat to her life.⁷² Refusing the woman's request, the judge reasoned that beating a wife forms part of the Moroccan culture and by embracing a western lifestyle the victim had disgraced her husband and was indeed deserving of the abuse by a traditional interpretation of Sura 4 verse 34.⁷³

⁶⁸ Graetz (n 54) 32.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Shannon Dunn and Rosemary B Kellison, 'At the Intersection of Scripture and Law: Qur'an 4:34 and Violence against Women' (2010) 26(2) *Journal of Feminist Studies in Religion* 11, 11–12.

⁷³ Ibid 12.

In the United Kingdom, around 2008, the then Lord Chief Justice duly recognised the jurisdiction of Sharia courts.⁷⁴ In the domestic violence cases that were heard, the Sharia courts were found to take pride in saving marriages by mandating the perpetrators to attend anger management counselling for purposes of reconciliation.⁷⁵ Sura 4 verse 34 was viewed as a means to castigate violence and not justify it. However, in prioritising the sanctity of the family over ending abuse, these decisions drew censure as the perpetrators were escaping jail time, which is not available in civil courts.⁷⁶ This thesis contends that, in both the German and United Kingdom cases, it was the woman who was ‘sacrificed’ through an oblique application of this controversial verse, underscoring the danger of overlooking violence.

Globally, the practice of Islam is found to be varied and even conflicting. It appears that the interpretation of the status of women is entirely at the hands of men.⁷⁷ The situation is further aggravated by the spread of a more severe and religious form of Islamic practice originating from the Middle East.⁷⁸ An example of such practices is found among South Indian men who, upon returning home from working in the Gulf countries, are found to enforce a harsher version of Islam endorsing patriarchy and isolating women.⁷⁹

Research indicates that Muslim fundamentalists hold women as the dominant source of societal destruction arising from their unbridled and alluring sexuality that requires strong restraint.⁸⁰ Unless men control the women’s dangerous sexuality by ensuring they adhere to their roles as homemakers and child bearers, women could morally undermine men.⁸¹ Total obedience is extracted from women in every aspect of their lives ranging from modesty, mandating the wearing of veils to sexual submission on demand. In the event she disobeys, conforming to Sura 4 verse 34, a man is allowed to use violence.⁸²

⁷⁴ Ibid 35.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Emma Fulu and Stephanie Miedema, ‘Globalization and Changing Family Relations: Family Violence and Women’s Resistance in Asian Muslim Societies’ (2016) 74(11–12) *Sex Roles* 480, 482.

⁷⁸ Ibid.

⁷⁹ Ibid 484.

⁸⁰ Susan Deller Ross, *Women’s Human Rights: The International and Comparative Law Casebook* (University of Pennsylvania Press, 2009) 127–128.

⁸¹ Ibid 128.

⁸² Lisa Hajjar, ‘Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis’ (2004) 29(1) *Law & Social Inquiry* 1, 10.

Therefore, in countries where Islamic law forms the law of the land as in Pakistan and Iran, conservative interpretations of the faith have been continuously imposed at the expense of women.⁸³ The Human Rights Commission of Pakistan reported in 1997 that the incidence of domestic violence in Pakistan was among the highest in the world with approximately 70 per cent to 90 per cent of women experiencing domestic abuse.⁸⁴ Pakistan has not enacted any specific legislation for the protection of women against domestic violence nor to punish abusers. Rather, it relies on the Qisas (retribution) and Diyat (compensation) Ordinance 1990 derived from Islamic criminal laws.⁸⁵ An act of domestic abuse is not considered an act against the state but only against an individual. This means the victim could be pressured to accept compensation, reunite or forgive and withdraw the assault charges.⁸⁶ As a result of a clear lack of criminality to intimate partner violence, little regard is accorded to this offence and it has been relegated to a private family matter.⁸⁷ In a study on barriers to reporting domestic violence, out of the 7897 women who sustained physical abuse, only 14 reported it to the police⁸⁸ due to harassment and pressure from family and shelters to reconcile and return home.⁸⁹

Similarly, in Jordan, where Sharia law covers personal and family matters, domestic violence is not only common but broadly accepted.⁹⁰ As indicated by 2019 statistics, 69 per cent of men and 46 per cent of women accepted that ‘wife beating’ can be rationalised.⁹¹ Even Turkey, comprising approximately 99 per cent⁹² Muslims, is incrementally shedding its secular image with Sharia laws surreptitiously making headway into politics and all aspects of people’s

⁸³ Ibid 30.

⁸⁴ Ibid 29.

⁸⁵ Neil Andersson et al, ‘Barriers to Disclosing and Reporting Violence Among Women in Pakistan: Findings from a National Household Survey and Focus Group Discussions’ (2010) 25(11) *Journal of Interpersonal Violence* 1965, 1966.

⁸⁶ Ibid 1967.

⁸⁷ Ibid.

⁸⁸ Ibid 1971.

⁸⁹ Ibid 1979–80.

⁹⁰ Suha Ma’ayeh, ‘Jordan Struggles to Stem Violence against Women’, *The Arab Weekly* (online, 15 July 2022) <<https://the arabweekly.com/jordan-struggles-stem-violence-against-women>>.

⁹¹ Ibid.

⁹² Nina Evason, ‘Turkish Culture’, *Cultural Atlas* (Web Page, 2019) <<http://culturalatlas.sbs.com.au/turkish-culture/turkish-culture-religion>>.

lives.⁹³ Up to July alone, 158 women were murdered as a result of domestic violence in Turkey in 2022.⁹⁴ In addition, findings from Bangladesh demonstrate that, the more conservative the interpretation of Islam around the role of women is, the greater the propensity to subject them to violence at the hands of their husbands.⁹⁵ Maldives is an example of a country where women's emancipation in personal matters has eroded due to the infiltration of fundamentalist Islam into their politics and legal system to such an extent that even women's failure to don the burqa was attributed to the tsunami tragedy.⁹⁶ This thesis avers that subjecting women to an extreme view of this kind is a tragedy.

In countries where personal status law applies to specific communities, powers are vested upon religious authorities to administer the law, as evidenced in the pluralistic legal system in Malaysia and India. In multicultural Muslim-majority Malaysia, a dual legal system coexists for family-related matters, with Sharia laws for Muslims and civil laws for non-Muslims.⁹⁷ Each state employs its version of the Islamic Family Law Act and enactments offering protection over property and persons.⁹⁸ Notwithstanding, the introduction of fundamentalist Islam into the country over the years has curtailed Muslim women's protection from domestic violence.⁹⁹ For Muslims in India, family matters relating to marriage, divorce and inheritance fall under the jurisdiction of Islamic laws.¹⁰⁰ But this has come at the cost of Muslim women in the country. A Muslim woman who suffers domestic abuse in dowry-related matters that could potentially result in murder can seek no recourse under the *Dowry Prohibition Act 1961*, an Act meant only for Hindus.¹⁰¹ However, the Indian *Protection of Women from Domestic Violence Act 2005* extends cover to all including Muslim women, though with clear exceptions

⁹³ Soner Cagaptay, 'Opinion | In Long-Secular Turkey, Sharia Is Gradually Taking Over', *Washington Post* (online, 16 February 2018) <<https://www.washingtonpost.com/news/democracy-post/wp/2018/02/16/in-long-secular-turkey-sharia-is-gradually-taking-over/>>.

⁹⁴ 'Femicides Surge in Türkiye, 158 Domestic Murders This Year', *Missions Box* (Web Page, 7 October 2022) <<https://missionsbox.org/news/femicides-surge-turkiye-158-domestic-murders-so-far-this-year/>>.

⁹⁵ Fulu and Miedema (n 77) 484.

⁹⁶ *Ibid* 489.

⁹⁷ Roslina Che Soh, Nora Abdul Hak and Norliah Ibrahim, 'Adequacy of Legislation in Protecting the Rights of Muslim Women Against Spousal Violence in Malaysia' (2012) 6(11) *Australian Journal of Basic and Applied Sciences* 319, 322.

⁹⁸ *Ibid*.

⁹⁹ Fulu and Miedema (n 77) 484.

¹⁰⁰ Hajjar (n 82) 20.

¹⁰¹ *Ibid* 22.

for the states of Kashmir and Jammu.¹⁰² These states refer to their own Act, the *Jammu and Kashmir Protection of Women from Domestic Violence Act 2010*.¹⁰³

In summary, it is indisputable that religious laws significantly compromise not only the rights but more importantly the safety of women, escalating their exposure to potential abuse. This thesis contends that in the absence of defined legislative protection for women and with the adoption of a fundamentalist and conservative interpretation of Sharia law, women's rights to safety much less equality will barely see the light of day. On the other hand, culture and religion appear to have infiltrated into legislation, particularly in Cambodia, securely ensconcing women in their historical location in the social hierarchy. With this background, this chapter now turns to consider the availability of legal safeguards for women of faith in Australia.

6.5 Australian Legislative Responses

This section explores legal protections in Australia for religious women who are victims of domestic violence. Legislative safeguards are especially relevant and important for this cohort given that there is overwhelming evidence of an acute lack of insight on the part of the church, anchored deep in silence and denial. With scarce opportunity to seek refuge with the clergy or domestic violence service providers, these women should at least be able to access shelter under the corresponding laws. Legislation from a few states is reviewed to determine to what extent, if any, they assist victims of faith.

6.5.1 Intervention Orders (Prevention of Abuse) Act 2009 (SA)

Section 13 of the South Australian *Intervention Orders (Prevention of Abuse) Act 2009* provides the Family Violence Courts with the power to mandate the perpetrator, upon assessment, to attend an intervention program as a condition of their intervention order or bail provided he is eligible and the services are available for him. Generally, this happens when there is a criminal charge accompanying an interim intervention order.¹⁰⁴

¹⁰² *Protection of Women from Domestic Violence Act 2005* (India).

¹⁰³ *Jammu and Kashmir Protection of Women from Domestic Violence Act 2010*.

¹⁰⁴ 'Family Violence Court and Domestic Violence Prevention Programs', *Courts Administration Authority of South Australia* (Web Page, 6 October 2022) <<https://www.courts.sa.gov.au/going-to-court/court-locations/adelaide-magistrates-court/court-intervention-programs/family-violence-court-and-domestic-violence-prevention-programs/>>.

An Abuse Prevention Team has been set up to undertake a variety of Domestic Violence Prevention Programs, which are designed to focus on behaviour change by aiming to help men stop their abusive behaviours towards their current or former intimate partners.¹⁰⁵ Their function is to conduct assessments, make referrals, monitor compliance and review the progress of the participants regularly.¹⁰⁶

However, neither the Act nor the program details what the assessment entails and if a participant's faith is an important consideration, although it vaguely makes reference to his 'beliefs'.¹⁰⁷ It is unclear whether that means cultural beliefs, religious beliefs or both. On the assumption it is not religious beliefs and given the secular setting, this thesis contends that a participant may not allude to his faith and this may potentially reflect the inadequacy of the program and the gap in the legislation in failing to draw on his religious belief system which underpins his choice to use violence towards his partner.

On the other hand, if a participant indeed refers to his faith, questions arise as to how it is addressed and whether faith-based, accredited and committed experts are readily available to counter the former's justification for his violence. Perhaps referrals are made to community faith leaders but the concern yet again is whether they are sufficiently qualified and skilled to respond to issues relating to domestic violence. Evidence demonstrates that incorporating facilitators from the same cultural and religious background was instrumental in the success of a 12-week primary prevention workshop that was conducted involving men from the CALD community.¹⁰⁸ This only underlines, even more, the crucial need to highlight a perpetrator's faith in addressing his abusive behaviour towards his wife.

In tandem with the men's engagement in the Domestic Violence Prevention Program, the safety of their partners or former partners is ensured and monitored through access to women's safety services, a service that provides safety advice and case management.¹⁰⁹ As comforting as that

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ 'Webinar: Prevention of Violence against Women and Safer Pathways to Services for Migrant and Refugee Communities', *ANROWS—Australia's National Research Organisation for Women's Safety* (Web Page, 2020) <<https://www.anrows.org.au/event/prevention-of-violence-against-women-and-safer-pathways-to-services-for-migrant-and-refugee-communities/>>.

¹⁰⁹ 'Family Violence Court and Domestic Violence Prevention Programs' (n 104).

may sound, it is nonetheless uncertain whether these safety services touch on faith-based violence and the type of supports available to meet the women's spiritual needs.

6.5.2 *Domestic and Family Violence Protection Act 2012 (Qld)*

Section 69 of Queensland's *Domestic and Family Violence Protection Act 2012* provides that, in making a domestic violence order and subject to the perpetrator's consent, the court may make an intervention order requiring him to engage in an approved intervention program and counselling facilitated by approved providers.¹¹⁰ The Act does not define the constituents of the program, leaving it unclear if religion is embedded within.

6.5.3 *Family Violence Protection Act 2008 (Vic)*

Part 5 of the Victorian *Family Violence Protection Act 2008* provides for the issuance of counselling orders against perpetrators. Section 127 of the Act outlines its objectives for the counselling orders, among which are to increase the perpetrator's accountability for his violence leading to behaviour change.¹¹¹ Section 129(1) of the Act provides that a counselling assessor is appointed to interview the perpetrator and provide a report to the particular court. However, the provision makes no reference to identifying the perpetrator's faith as part of the assessment.

According to section 133 of the Act the chief executive officer of Court Services Victoria may approve counselling if it is considered appropriate for the perpetrator to address family violence, and in doing so is required to provide a list of approved counselling services and their contact details to the relevant courts. As in the South Australian and Queensland legislation, this corresponding Victorian Act lacks clarity. It stops short of describing 'approved counselling' and of stating whether a perpetrator's religious beliefs are accounted for. Unless the counselling assessor and the chief executive officer are highly knowledgeable, experienced and competent in discerning the relationship between domestic violence and religion, a faith-based perpetrator will most likely fall through the cracks and the fundamental issue prompting the violence will be wholly missed.

¹¹⁰ *Domestic and Family Violence Protection Act 2012 (Qld)* s 69.

¹¹¹ *Family Violence Protection Act 2008 (Vic)* s 127.

In examining these pieces of legislation it is evident that a perpetrator's religious beliefs are silenced, reinforcing that it is indeed a 'missing link' in the domestic violence discourse in Australia. With little if not nil reference to faith as a consideration in dealing with a perpetrator's violence, this thesis argues that, as with the clergy, the law is complicit with the abuser to the detriment of the victim. Australia's poor legal response in ignoring religion and treating women of faith who experience abuse as invisible does serious harm to these victims.

Having said that, in Australia, matters relating to divorce and the nullity of marriage are governed by part VI of the *Family Law Act 1975*. It provides for no-fault divorce.¹¹² Unlike her sisters in Israel or in the Philippines, an abused Catholic woman in Australia can seek divorce through the civil process and remarry. The protection is available. Nonetheless, if she wishes the church to endorse her divorce in the eyes of God, she is required to undertake the annulment process, particularly if she intends to remarry in the church.¹¹³ Over a quarter of an estimated 200,000 migrants who arrived in Australia between 2016 and 2021 and identified as Catholics, were from the Philippines.¹¹⁴ A domestic violence victim from this cohort can avail herself to the protection and provisions in the Family Law Act without being trapped in an abusive marriage. Hence, having examined selected national laws, religious laws and safeguard laws for women in Australia, one can safely conclude that, whilst domestic violence legislation makes advances in certain countries, where personal matters are left in the hands of religious authorities, contrary to their apparent principles of justice, abused victims have all the more to fear.

The next section reviews contemporary Australian policies offering protection for abused religious women.

¹¹² *Family Law Act 1975* (Cth).

¹¹³ Australian Episcopal Conference, *Divorce and the Catholic Church: Frequently Asked Questions*. (Australian Catholic Bishops Conference, 2007) 12.

¹¹⁴ 'Religious Affiliation in Australia | Australian Bureau of Statistics' (4 July 2022) <<https://www.abs.gov.au/articles/religious-affiliation-australia>>.

6.6 Australian Policy Responses

Primary prevention of violence before it even begins should be the major consideration of all policies and laws at every layer of society, for it is everyone's responsibility.¹¹⁵ Recognising there has been some progress in the cultural and attitudinal shift but still requiring extensive work, with 29 women murdered in the first three months of 2021 alone, it was sanctioned that this should be the key focus in the new National Plan.¹¹⁶ Given that gender inequality is the principal contributor to domestic violence, public policy sensitive to and developed through a gendered lens is imperative.

This section examines the seminal prevailing policy of the National Plan to Reduce Violence against Women and their Children 2010–2022 followed by its extension, the newly launched National Plan to End Violence against Women and Children 2022–2032, currently at its embryonic stage. It further explores the pillars that uphold these plans, working collaboratively and intersecting with each other to achieve the shared objective. These pillars include Our Watch, ANROWS and 1800RESPECT. This is discussed in the section below.

6.6.1 The National Plan

The National Plan to Reduce Violence against Women and their Children 2010–2022 (National Plan 2010–2022) was Australia's pioneering framework for addressing domestic and family violence.¹¹⁷ The National Plan 2010–2022 was implemented through a series of four three-year Action Plans with its chief target to stop violence even before it happens, intending to provide a safe community free from violence for all Australian women and children to live in.¹¹⁸ It is noted that, in addressing violence against women and their children, the National Plan 2010–2022 included both domestic and family, and sexual violence, where the perpetrator may not necessarily be an intimate partner.

¹¹⁵ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 79.

¹¹⁶ Amy Hall, 'What Women Really Want from Australia's National Summit on Women's Safety', *SBS News* (online, 5 September 2021) <<https://www.sbs.com.au/news/what-women-really-want-from-australia-s-national-summit-on-women-s-safety/10651ab5-8154-4383-9dd7-546947b3b964>>.

¹¹⁷ Council of Australian Governments, *The National Plan to Reduce Violence against Women and Their Children 2010–2022* (Policy Document, 2010) <<https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>>.

¹¹⁸ *Ibid.*

As part of its Second Action Plan (2013–2016), 29 kitchen roundtable discussions were held across Australia to gain a deeper understanding of the myriad experiences relating to domestic violence among women from culturally and linguistically diverse (CALD) backgrounds, where women from more than 40 different ethnic and cultural backgrounds attended.¹¹⁹ There was a general consensus that CALD women experience greater difficulties in seeking employment, accessing support services and transportation, may speak limited or no English and may have few or no family or friends.¹²⁰ One of the primary issues that was specifically identified with CALD women involved community and religious leaders. These women had high regard for their faith leaders but held concerns that they placed greater importance on preserving family over their safety, condoning violence by advising that perpetrators be given a second chance.¹²¹

Following these discussions, certain major measures were to be implemented under the Third Action Plan (2016–2019) including addressing the difficulty CALD clients faced in navigating a system of complex support services and the need to have front-line services with cultural competencies.¹²² However, the plan was silent on whether the front-line services were also required to be equipped with religious competencies or if faith should form an essential component of cultural competencies. This was especially significant in light of the women’s concerns regarding religious leaders’ prioritisation of family over their safety.

The final and Fourth Action Plan (2019–2022) was rolled out to right the wrongs of the previous action plans and enhance extant resources and initiatives to achieve the objective of ending violence against women and their children.¹²³ It appeared to be the most ambitious, having received a sizeable injection of \$340 million in total, solely working towards the

¹¹⁹ Department of Social Services, *Hearing Her Voice: Report from the Kitchen Table Conversations with Culturally and Linguistically Diverse Women on Violence against Women and their Children* (Report, 2015) 56.

¹²⁰ Ibid 3.

¹²¹ Ibid 37.

¹²² Department of Social Services, *Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022* (Action Plan, 2016) 18–23

<https://www.dss.gov.au/sites/default/files/documents/10_2016/third_action_plan.pdf>.

¹²³ Department of Social Services, *Fourth Action Plan: National Plan to Reduce Violence against Women and Their Children 2010–2022* (Action Plan, 2019) 6 <<https://www.dss.gov.au/women-publications-articles-reducing-violence/fourth-action-plan>> (*Fourth Action Plan*).

government's goal of preventing and stopping violence before it starts.¹²⁴ Five national priorities, with prevention of violence remaining the pivotal driver, informed this plan.¹²⁵ National Priority Three focused on the need to acknowledge and respond to the multiple lived experiences and knowledge of victims, and to recognise that culture and religion shape the violence endured by some women.¹²⁶ Apart from adopting specific methods, as part of its action, this last leg of the plan also aimed through policies and services to develop ways to confront the excessive violence suffered by specific cohorts.¹²⁷ Admitting that ending violence is a concerted and prolonged effort requiring much time given its intergenerational impacts, the Fourth Action Plan noted that by all indications they were walking down the right path.¹²⁸ Given that the National Plan was set to end in July 2022, work looking into a new draft plan commenced well in advance, in mid-2020.¹²⁹

With the cessation of the National Plan in mid-2022, the new National Plan to End Violence Against Women and Children 2022–2032 was completed and unveiled in October 2022, having received unanimous approval from all levels of government.¹³⁰ Accordingly, the new National Plan was launched on 17 October 2022, aiming to address violence against women and children in ‘one generation’ and highlighting its fundamentals including ‘centring victim-survivors’, ‘advancing gender equality’ and offering ‘trauma-informed’ responses.¹³¹ Acknowledging that multiple strands influence and compound abuse, causing or increasing the vulnerability of

¹²⁴ ‘Overview of Key Commonwealth Initiatives’, Department of Social Services (Web Page, 9 August 2019) <<https://www.dss.gov.au/women-publications-articles-reducing-violence/overview-of-key-commonwealth-initiatives>>.

¹²⁵ Department of Social Services, *Fourth Action Plan* (n 122) 20.

¹²⁶ *Ibid* 29.

¹²⁷ ‘Fourth Action Plan of the National Plan to Reduce Violence against Women and Their Children 2010-2022 Endorsed’, *Queensland Department of Justice and Attorney-General* (Web Page, 14 April 2021) <<https://www.justice.qld.gov.au/initiatives/end-domestic-family-violence/news/news-articles/news-items/2019/fourth-action-plan-of-the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022-endorsed>>.

¹²⁸ Department of Social Services, *Fourth Action Plan* (n 122) 11.

¹²⁹ Shane Wright, ‘National Plan to End Violence against Women to Top Agenda’, *The Sydney Morning Herald* (online, 10 July 2022) <<https://www.smh.com.au/politics/federal/plan-to-deal-with-women-s-violence-top-of-agenda-when-ministers-meet-next-week-20220710-p5b0hu.html>>.

¹³⁰ ‘Ministers Agree on “Pathway” Finalising National Plan to End Violence against Women and Children’, *SBS News* (online, 22 July 2022) <<https://www.sbs.com.au/news/article/ministers-agree-on-pathway-finalising-national-plan-to-end-violence-against-women-and-children/43a4wqyq7>>.

¹³¹ Anastasia Powell, ‘A New National Plan Aims to End Violence against Women and Children “in One Generation”. Can It Succeed?’, *The Conversation* (online, 17 October 2022) <<http://theconversation.com/a-new-national-plan-aims-to-end-violence-against-women-and-children-in-one-generation-can-it-succeed-192497>>.

certain cohorts of women more than others, this plan adopts an intersectional approach in confronting violence.¹³² The intersection of systemic and structural factors including sexual orientation, race, culture, religion and class was found to impact women experiencing violence differently.¹³³

This ten-year plan was constructed through an extensive and comprehensive consultation process involving notable key players including specialist services, victim-survivors, the health sector, the law sector, government bodies and more.¹³⁴ Unlike the previous plan, this new National Plan is divided into two five-year action plans centred on specific areas, reflecting the measure of support and financial undertaking by the government.¹³⁵ The first of these commenced at the start of 2023.¹³⁶ In addition, an independent third action plan referred to as the First Nations National Plan has been enacted focusing on addressing violence against women and children who are Aboriginal or Torres Strait Islanders.¹³⁷

The new National Plan consists of four key areas that lead the work, namely prevention, early intervention, response, and recovery and healing.¹³⁸ Principal gendered drivers identified as underlying factors propelling violence against women, inform these domains. These drivers are ‘condoning of violence against women’, ‘men’s control of decision-making and limits to women’s independence in public and private life’, ‘rigid gender stereotyping and dominant forms of masculinity’, and ‘male peer relations and cultures of masculinity that emphasise aggression, dominance and control’.¹³⁹ Although these drivers have been ascertained as consistent determinants of men’s violence against women, they do not stand alone but very

¹³² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 72.

¹³³ *Ibid* 129.

¹³⁴ Department of Social Services, *Draft National Plan to End Violence against Women and Children 2022–2032* (Draft Policy Document, 2022) <<https://engage.dss.gov.au/draft-national-plan-to-end-violence-against-women-and-children-2022-2032/draft-national-plan-to-end-violence-against-women-and-children-2022-2032-document/>>.

¹³⁵ *Ibid*.

¹³⁶ Anna Macdonald, ‘Plan to End Violence against Women Ambitious and Intersectional but Lacks Detail’, *The Mandarin* (online, 17 October 2022) <<https://www.themandarin.com.au/202781-plan-to-end-violence-against-women-ambitious-and-intersectional-but-lacks-detail/>>.

¹³⁷ *Ibid*.

¹³⁸ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 104.

¹³⁹ ‘Change the Story’, *Our Watch* (Web Page, 2023) <<https://www.ourwatch.org.au/resource/change-the-story-a-shared-framework-for-the-primary-prevention-of-violence-against-women-and-their-children-in-australia>>.

often traverse multiple systemic and structural elements impacting women in varying degrees.¹⁴⁰

To steer and guide the implementation of the new National Plan, a major report involving about 500 specialists was recently published, demonstrating the magnitude of dedication and effort required to accomplish the desired target of ending violence against women and children.¹⁴¹ The report sets out the need to apply a more directed and specialised perspective to vulnerable groups.¹⁴² Warning that the issue of domestic violence has reached a national ‘critical point’, the chief investigator of the report, Associate Professor Fitz-Gibbon, criticised the government for failing to match the funding to the size of the problem.¹⁴³ This egregious issue was most evident in the regional Albury Wodonga Domestic Violence Centre, New South Wales, whose major funding had not seen a rise since 1986, whilst it continues to grapple with an ever-increasing demand.¹⁴⁴ However, it is noted that in its 2022–2023 budget, the Federal government pledged \$1.3 billion to enact the new National Plan.¹⁴⁵

To a question posed by Senator Nita Green during a senate inquiry on what distinguishes the new National Plan from the old, the Department of Social Services women’s safety group manager, Greta Doherty, explained that it builds on an evidence base and experiences from the previous 12 years.¹⁴⁶ Wiser now and strengthened with a better understanding of the cause and effect of violence across every part of the community, Doherty conceded that there are still considerable fissures that need fixing.¹⁴⁷ One of the major flaws noted in the new National Plan

¹⁴⁰ Ibid.

¹⁴¹ Krishani Dhanji, ‘How Will the New Government Seek to Address Australia’s Domestic Violence Crisis?’, *SBS News* (online, 14 July 2022) <<https://www.sbs.com.au/news/article/how-will-the-new-government-seek-to-address-australias-domestic-violence-crisis/owzax9tu2>>.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Katherine Smyrk and Erin Somerville, ‘Desperate Call for More Funding for Regional Domestic Violence Services’, *ABC News* (online, 4 March 2022) <<https://www.abc.net.au/news/2022-03-05/domestic-violence-survivors-falling-through-the-cracks-as-region/100883766>>.

¹⁴⁵ Safe and Equal, *Safe and Equal Response to the Federal Budget* (Position Paper, 4 April 2022) 2 <<https://safeandequal.org.au/wp-content/uploads/Safe-and-Equal-Response-to-Federal-Budget-2022.pdf>>.

¹⁴⁶ Anna Macdonald, ‘Senate Inquiry Told Not to Treat First Nation Deaths as a Tick in a Box’, *The Mandarin* (online, 5 October 2022) <<https://www.themandarin.com.au/201825-senate-inquiry-told-not-to-treat-first-nation-deaths-as-a-tick-in-a-box/>>.

¹⁴⁷ Ibid.

is the lack of attention to the difficulties encountered in family law matters relating to parenting orders by the Federal Court, involving complexities of domestic, sexual and family violence.¹⁴⁸

The next section explains the stalwarts that formed the backbone of the previous National Plan and which continue to uphold and progress the objectives of the new plan.

6.6.2 Foundations of the National Plan

Our Watch, ANROWS and 1800RESPECT are the three major national organisations that constituted the structural framework and bedrock of the previous National Plan, working collaboratively towards addressing domestic, family and sexual violence involving all forms of government and sectors across the nation.¹⁴⁹ These initiatives are continuing their roles under the new National Plan.¹⁵⁰ Our Watch leads the country in primary prevention by championing that violence against women and children is preventable through sustained changes that define its policy.¹⁵¹ For violence to cease before it even begins, we need to address deeply entrenched beliefs and worldviews to bring about attitudinal and structural progress.¹⁵² Recognising that violence against women has reached ‘epidemic proportions’, costing the Australian economy approximately \$21.7 billion in 2015, Our Watch underpins an urgent drive to ‘change the story’, a shared effort to change the narrative, to free women and children from violence.¹⁵³

A review of the Our Watch website reveals a summary report on primary prevention relating to LGBTI communities but the same cannot be said for faith-based communities.¹⁵⁴ That said, Our Watch does acknowledge the influential role of religious leaders in creating a respectful violence-free community and lists faith-based contexts as one of the keys to the prevention of

¹⁴⁸ Powell (n 130).

¹⁴⁹ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 90.

¹⁵⁰ Ibid.

¹⁵¹ Ibid 91.

¹⁵² ‘Change the Story’ (n 138) 3.

¹⁵³ Ibid 2–3.

¹⁵⁴ Yvonne Lay et al, *Primary Prevention of Family Violence against People from LGBTIQ Communities – an Analysis of Existing Research* (Our Watch, 2017) <<https://www.ourwatch.org.au/resource/primary-prevention-of-family-violence-against-people-from-lgbtqi-communities-an-analysis-of-existing-research/>>.

violence against women.¹⁵⁵ Interestingly, the Our Watch Prevention Handbook on ‘Working in faith-based contexts’ provides a link to two religious-based resources.

One, ‘Challenge Family Violence’, a three-year project on primary prevention covering areas beyond Melbourne city, engaged male leaders from the community including spiritual leaders of both genders to educate them on violence against women.¹⁵⁶ Contrary to ‘harmful theology’, this website offers spiritual texts from a variety of religions that empower and encourage equal, loving and respectful relationships between men and women.¹⁵⁷ Similarly, the second website, initiated by the Anglican Diocese of Melbourne, undertakes to create awareness among communities and church leaders on how best to assist women experiencing domestic abuse.¹⁵⁸ Stressing that the Christian faith equals love, it outlines a series of programs including training for church leaders, developing a best practice model, and importantly, partnering with specialist and local domestic violence service providers.¹⁵⁹ It is heartening to note that some religious organisations have spotlighted scriptural verses that expound and define a true loving marriage, demonstrating that domestic violence against women is simply not acceptable.

As world leaders in primary prevention, in addition to Our Watch, Australia’s National Research Organisation for Women’s Safety (ANROWS) was established to conduct, deliver and disseminate high-quality research and assist in applying evidence-informing policy and practice relating to reducing violence against women and children.¹⁶⁰ A general perusal through the research areas of policy and practice on the website uncovers resources on various categories subject to domestic violence including LGBTQI communities and women with disabilities. But those relating to faith communities are few and far between.¹⁶¹ Policy

¹⁵⁵ ‘Working in Faith-Based Contexts’, *Our Watch* (Web Page, 2022)

<<https://handbook.ourwatch.org.au/resource-topic/tailor-primary-prevention-to-groups-and-settings/working-in-faith-based-contexts>>.

¹⁵⁶ Ibid. See also Monique Keel et al, *Putting the Prevention of Violence against Women into Practice: How to Change the Story* (Handbook, Our Watch, 2017) 68 <<https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2019/11/07042017/Putting-prevention-into-practice-AA-web.pdf>>.

¹⁵⁷ ‘Family Violence—Faith Perspectives’, *Greater Dandenong Council* (Web Page)

<<https://www.greaterdandenong.vic.gov.au/family-violence/family-violence-faith-perspectives>>.

¹⁵⁸ ‘Preventing Violence Against Women Program’, *Anglican Diocese of Melbourne* (Web Page, 2022)

<<https://www.melbourneanglican.org.au/pvaw/>>.

¹⁵⁹ Ibid.

¹⁶⁰ ‘Who We Are’, *ANROWS—Australia’s National Research Organisation for Women’s Safety* (Web Page, 2021) <<https://www.anrows.org.au/about/>>.

¹⁶¹ ‘Research to Policy and Practice’, *ANROWS—Australia’s National Research Organisation for Women’s Safety* (Web Page, 2021) <<https://www.anrows.org.au/publications/rtp/>>.

involving religious leaders is most crucial given that, together with family and friends, they are viewed as informal responders or supports to whom a victim might first turn.¹⁶²

Research indicates that approximately 75 per cent if not more victims seek help from this informal support, particularly vulnerable groups for whom the subject is taboo.¹⁶³ However, corpus studies repeatedly illustrate religious leaders' inadequacy in understanding much less offering assistance, which at times is misguided, emphasising forgiveness alone as a solution when oftentimes victims require a holistic approach encompassing spiritual, emotional and practical measures.¹⁶⁴ Somehow, this thesis asserts, this dominant aspect, an integral constituent of any policy in addressing the needs of a faith-based victim of domestic violence, appears to be hushed or completely lost, falling through the gaps in the system amid the clamour of countless voices of multiple stakeholders.

Whilst Our Watch and ANROWS work at primary prevention, 1800RESPECT offers nationwide around-the-clock counselling services on family, domestic and sexual violence.¹⁶⁵ It further provides a broad range of services including information, online referrals and various supports for victims of abuse, those at risk and whoever may need it.¹⁶⁶ Together, these three bastions construct a holistic, integrated and coordinated framework intent on achieving the target of addressing violence against women and children in one generation.

The next section identifies progressive steps in the new National Plan in relation to protecting religious women tolerating domestic violence. It picks out salient attributes that could potentially facilitate the concept of the specialised social worker propounded by this thesis.

¹⁶² Jaelyn D Houston-Kolnik, Nathan R Todd and Megan R Greeson, 'Overcoming the "Holy Hush": A Qualitative Examination of Protestant Christian Leaders' Responses to Intimate Partner Violence' (2019) 63(1–2) *American Journal of Community Psychology* 135, 137.

¹⁶³ *Ibid* 136–7.

¹⁶⁴ *Ibid* 137.

¹⁶⁵ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 91.

¹⁶⁶ *Ibid*.

6.7 Policy and Legal Reform Proposals

Ending violence against women before it even starts will always remain a work in progress requiring a major focus to change the public's attitude to violence, a societal transformation.¹⁶⁷ This requires a paradigm shift in policy centring on culture, which has been ascertained as a principal driver of domestic violence.¹⁶⁸ Nevertheless, studies note that it is not possible to orchestrate cultural change without concurrently addressing social structures, especially those that entrench gender imbalance.¹⁶⁹

While cultural change refers to challenging gender inequity from an individual perspective influenced and typecast by tradition, structural change relates to an organised and established character of the society that prevents women from enjoying equitable opportunities with men in various settings including employment, reinforcing their secondary position.¹⁷⁰ It is evident that inequality of gender found in culture and structure are interlaced and one cannot be dealt without the other. Therefore to put policies in place to address domestic violence, especially among religious and migrant women, radical change applying a sensitive gendered lens is necessary on the cultural and structural fronts, as manifested in the previous National Plan.¹⁷¹ This now flows into the new National Plan, extending the work in considering the unique contributors and barriers in navigating a complex system that victims of domestic abuse face including this cohort of religious and migrant women.¹⁷² Building on aspects of the new National Plan, then, this final section proposes policy and legal reforms aimed at supporting the concept of a specialised social worker.

6.7.1 Policy

The new National Plan appears to have understood the cracks in the system given that, as part of its action plan, it intends to guide faith-based and multicultural or ethnicity-specific

¹⁶⁷ 'Overview of Key Commonwealth Initiatives' (n 123).

¹⁶⁸ Ella Kuskoff and Cameron Parsell, 'Preventing Domestic Violence by Changing Australian Gender Relations: Issues and Considerations' (2020) 73(2) *Australian Social Work* 227, 228.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid 229.

¹⁷¹ Ibid.

¹⁷² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 63.

organisations to recognise and respond to women encountering domestic violence.¹⁷³ The plan also encourages specialist domestic violence services and cultural and faith-based organisations to increase capacity and collaborate effectively.¹⁷⁴ The plan, however, is silent on how this process is to be actuated. Expanding on the new National Plan, this thesis offers the following suggestions:

1. The initial and foremost step is that the process commences with a victim's faith being identified as an integral component of the risk assessment by the specialist domestic violence services. Along with faith, as recommended by Marie Segrave, for migrant women, the migrant status of the victims should be included in the comprehensive assessment.¹⁷⁵ This complements the plan's stipulation that services should be tailored to the victims' cultural and religious needs.¹⁷⁶ Identifying the clients' faith and culture leads the process in the right direction instead of applying a universal approach.
2. Specialist domestic violence services should train clergy and faith leaders to recognise religious women experiencing abuse within their midst and to respond accordingly. This is consistent with the plan's intention for men including faith and community leaders to initiate change to prevent violence.¹⁷⁷ Further, service providers should educate clergy on the role of these services so that the clergy are well equipped to assist victims and refer them without suspicion. Otherwise, merely addressing their spirituality without attending to the basic practical needs of abused women offered by service providers is unfinished work, accomplishing little.
3. The clergy should train specialist domestic violence services to appreciate their role and the part faith plays in a religious woman's life. With heightened discernment, providers can cross-refer confidently if necessary, delivering effective services. More

¹⁷³ Ibid 114.

¹⁷⁴ Ibid 116.

¹⁷⁵ Marie Segrave and InTouch Multicultural Centre Against Family Violence, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (School of Social Sciences, Monash University, 2017) 5, 29 <<http://artsonline.monash.edu.au/gender-and-family-violence/temporary-migration-and-fv>>.

¹⁷⁶ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 88.

¹⁷⁷ Ibid 80.

importantly, religious victims will feel validated knowing that their conflict between abuse and their belief system is acknowledged.

With mutual understanding there is a high possibility that the wariness between the sacred and secular services will diminish, enabling them to view each other collegially and centring their vision on the person needing their assistance the most. Given the body of evidence that migrant women import their faith, incorporating the services of religious leaders into the alliance is central. If faith leaders inspire victims to leave abusive relationships, religion can be a source of empowerment.¹⁷⁸

The government's efforts in the new plan were acknowledged and collaboration with faith-based organisations as part of a solution was discussed at a roundtable consultation event, pooling together academics, churches, faith communities and secular services, held in Melbourne in October 2022.¹⁷⁹ Discussions revolved around sharing information on resources and initiatives implemented, to understand the impact of family and domestic violence to enable church settings and faith communities to be a safe haven for all, offering healing and simultaneously holding perpetrators accountable.¹⁸⁰

4. Religious victim-survivors should be the drivers of this training, sharing their personal lived experiences of having been blindsided by both sacred and secular services. This will help to raise awareness and understanding for these parties to learn the gaps in their services and how to address them. It is timely since victim-survivors are now the leading protagonists in the new plan, recognising that they are the very reason and the nucleus of shaping policy and practices.¹⁸¹

¹⁷⁸ Sonia Kapur and Anna Zajicek, 'Constructions of Battered Asian Indian Marriage Migrants: The Narratives of Domestic Violence Advocates' (2018) 24(16) *Violence Against Women* 1928, 1936.

¹⁷⁹ 'Round Table Consultation Event—Understanding Domestic Violence and Religion: Exploring How Faith-Based Organisations Can Be Part of the Solution', *Flinders University* (Web Page) <<https://www.flinders.edu.au/swirls/what-we-do/latest-activities/round-table-consultation-event>>.

¹⁸⁰ *Ibid.*

¹⁸¹ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 9.

During the online ANROWS Conference 2021, themed ‘Evidence in Action’, the plenary panel discussed the critical need to incorporate the lived experiences of domestic violence survivors into policy.¹⁸² The experiences of survivors offer subjective evidence and a real personal touch to an otherwise objective decision-making process. It was acknowledged that service providers and policymakers among others tend to exclude the voices of survivors, whereas their trauma is pivotal in understanding and constructing a framework for addressing domestic abuse.¹⁸³ Their voices offer trauma-informed evidence to support a holistic policy. In addition, it was conceded that the multiple intersecting factors making up a victim’s voice need to be accounted for in totality and not in isolation.¹⁸⁴

5. Considering the above points, do they incorporate a specialised social worker qualified in pastoral care in a secular service? It is posited that the collaboration arising from the training cited in points 2, 3 and 4 above establishing a trust relationship between the two parties is not sufficient as at most they will offer a cross-referral service. Therefore, this thesis submits that a specialised social worker embodying and offering both sacred and secular services to a religious victim of domestic violence in one venue is best practice.

It is argued that the clergy will be highly assured in referring a victim to such a service knowing that there is a faith-based worker and that the victim’s beliefs will not be compromised. Meanwhile, the secular services will not have to refer a religious victim to the clergy, having gained their confidence with the presence of the specialised social worker. It is a win-win situation for both sides and above all for the victim. Moreover, the abused victim need not seek both services and become re-traumatised¹⁸⁵ by having to repeat her narrative over and over again.¹⁸⁶

¹⁸² ‘ANROWS National Research Conference on Violence Against Women’, *ANROWS* (Web Page, 2021) <<https://www.anrows.org.au/>>.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

¹⁸⁵ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 9.

¹⁸⁶ *Ibid* 70.

As some of the participants in the qualitative study suggested, the specialised social worker needs to maintain the victim's connection with her local church and not usurp its role. By doing so, the victim will not feel estranged but comforted that she can continue being part of her community. Also, extending a recommendation by a clergy participant, the secular services could advertise on their websites the availability of this specialised service, encouraging and offering hope to religious victims. Such an offer of hope most probably would have encouraged the 9 out of 10 victims of the Anglican report discussed in Chapter 4 to attend.

This thesis proposes that the specialised social worker should attain a minimum Certificate IV in pastoral care from an accredited institution much the same way chaplains do.¹⁸⁷ In general, an accredited social worker is required to have either a four year Bachelor degree in Social Work or a two year in Master of Social Work qualification.¹⁸⁸ These degree programs equip a worker with knowledge and skills to better support, understand and promote social change.¹⁸⁹ However, to address a victim of domestic violence professing a faith, it is crucial that the social worker acquires the additional qualification in pastoral care to have an in-depth understanding of her spiritual needs. With the certificate in pastoral care providing an ecumenical focus, the specialised social worker would not only offer support and care for the Christian woman suffering domestic abuse but would be available for women of other faiths, as demonstrated by the chaplain-centred service in the qualitative study. Similar to Chaplaincy Australia, which consists of a wide range of chaplains from all denominations and demographics,¹⁹⁰ the specialised social worker will provide a committed and compassionate service to a victim conflicted between her faith and abuse.

With the suggested policy reforms above, this chapter next turns to proposals for law reforms.

¹⁸⁷ 'Accreditation Information', *Chaplaincy Australia* (Web Page, 2023)

<<https://www.chaplaincyaustralia.com/accreditation-information/>>.

¹⁸⁸ 'About Social Work', AASW <<https://www.aasw.asn.au/social-work/about-social-work/>>.

¹⁸⁹ Ibid.

¹⁹⁰ 'Who We Are', *Chaplaincy Australia* (Web Page, 2023) <<https://www.chaplaincyaustralia.com/info/>>.

6.7.2 Law Reforms

The policy reforms would dovetail with legislative reform aimed at protecting a faith-based victim of domestic violence. The necessary reforms would include:

1. Mandating best practice in the form of a specialised social worker accredited in pastoral care incorporated in all specialist domestic violence services offering a holistic, integrated and comprehensive service addressing the practical and spiritual needs of the victim.
2. Identifying a perpetrator's faith as a crucial element in the risk assessment and mandating this requirement in corresponding legislation. This should be prioritised, for instance, in the policies and procedures of part 11 of the Family Violence Risk Assessment and Risk Management Framework of the Victorian legislation.¹⁹¹ In line with this, to incorporate facilitators from the same cultural and religious background in primary prevention workshops for effective delivery. This is crucial given that a recent study in the United States involving 4,126 college students to determine if religious intervention could reduce domestic violence showed reluctance to report abuse by those with high religious involvement, concluding that abuse can be reduced with religious counselling.¹⁹² Similar to the policy suggestion for risk assessment by the domestic violence services above, identifying a perpetrator's faith will enable service providers to address the claims of an abuser manipulating religion to legitimise his actions. This responds to the omission of faith in the domestic violence legislation in South Australia, Queensland and Victoria considered earlier in this chapter. In this way, both the abuser and the abused are supported based on their faith, which is not silenced but validated.
3. Incorporating in legislation the concept of 'shared household', in the wake of the Indian case *Ahuja v Ahuja*, particularly given that domestic violence is the leading cause of

¹⁹¹ *Family Violence Protection Act 2008* (Vic). Section 190 provides that policies and procedures must align with the framework.

¹⁹² Romina Istratii and Parveen Ali, 'A Scoping Review on the Role of Religion in the Experience of IPV and Faith-Based Responses in Community and Counseling Settings' (2023) 51(2) *Journal of Psychology and Theology* 141, 151 <<https://doi.org/10.1177/00916471221143440>>.

homelessness in Australia.¹⁹³ This is highly pertinent to the current Australian climate of multiculturalism, diversity and ongoing migration where patrilineality and patrilocality are common features in some Asian and South Asian homes. This is particularly important given that Indians formed the majority of the three million permanent migrants to Australia since the year 2000.¹⁹⁴ The current legislation fails to reflect this evolving landscape where there could be numerous potential abusers including the husband and his extended family sharing the home and possibly having a legal interest in the property.

4. Adding dowry-related abuse to the definition of economic abuse across domestic violence legislation. However, there appear to be diverse views among the Indian community on whether dowry-related abuse should be considered in isolation, given that it has been duly recognised as an example of economic abuse in the amended Victorian *Family Violence Protection Act 2008*, being the first Act in Australia to do so.¹⁹⁵ If dowry abuse is singled out, the contention is it might minimise other aspects of abuse related to migrant women including threats of visa cancellation, accessing her earnings to remit overseas or stopping her employment altogether.¹⁹⁶

Nonetheless, in 2018, a Senate inquiry into the practice of dowry and the incidence of dowry abuse in Australia recommended that dowry abuse be included under economic abuse in the *Family Law Act*.¹⁹⁷ This thesis supports this view, given that, as a federal law, it is applicable throughout Australia.

Whilst psychiatrist Dr O'Connor vouched that 40 per cent of the 180 cases that she attended in three years were related to dowry, Safe Steps in its submission to the same Senate inquiry, though admitting limited data, claimed that in a year only 8 of the 1996

¹⁹³ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 77.

¹⁹⁴ 'Permanent Migrants in Australia, 2021 | Australian Bureau of Statistics' (29 March 2023) <<https://www.abs.gov.au/statistics/people/people-and-communities/permanent-migrants-australia/latest-release>>.

¹⁹⁵ Senate Legal and Constitutional Affairs References Committee, *Practice of Dowry and the Incidence of Dowry Abuse in Australia* (Report, February 2019).

¹⁹⁶ Singh and Sidhu (n 105) 44.

¹⁹⁷ Manjula Datta O'Connor, *Daughters of Durga: Dowries, Gender Violence and Family in Australia* (Melbourne University Publishing, 2022) 81.

women born overseas suffered a similar plight.¹⁹⁸ Pending detailed study of this harmful practice, the fact remains patriarchy endures in the practice of dowry, leading to at least several deaths over the years in Australia.¹⁹⁹

It was shocking to discover that seven Indian women committed suicide in the Melbourne suburb of Epping between 2018 to 2019, all of whom were new migrants.²⁰⁰ Investigations seem to suggest a history of domestic violence aggravated by isolation and lack of knowledge of services.²⁰¹ These suicides might or might not be related to dowry abuse. But the inequitable treatment of women in the name of culture and religion appears to have no bounds, with harmful practices continuing wherever the migrant community settles. The victims, sadly, are all women.

Proposing that the ‘transnational nature of dowry crime deserves transnational responses’,²⁰² Dr O’Connor contends that there should be a system in place for Australia to recognise dowry abuse and for the victims to recover their losses.²⁰³ This is particularly significant given that, since 2016, Indian women form the majority of migrant women arriving in Australia,²⁰⁴ whilst Indians in general have been the largest migrant group since 2017.²⁰⁵ She also argues, in a similar vein, that the desertion of foreign brides should be a crime. With vast numbers of Indian women being abandoned, in 2020 the Indian government enacted a Bill mandating registration within thirty days of all NRI marriages, failing which the groom’s passport shall be impounded following an amendment to the *Passports Act*, simultaneously calling for cooperation from member states of the Hague Convention to apply local laws to resolve the disputes.²⁰⁶

¹⁹⁸ Singh and Sidhu (n 28) 45.

¹⁹⁹ Sue Smethurst, ‘Dowry, Death and Despair in Australia’s Indian Community’, *The Australian* (online, 1 October 2018) <<https://www.theaustralian.com.au/weekend-australian-magazine/dowry-death-and-despair-in-australias-indian-community/news-story/b49666d96ac623af5147d6d4edc09e>>.

²⁰⁰ Lin Evlin, ‘Why Did Seven Women from One Area of Melbourne Die by Suicide within Months of Each Other?’, *SBS News* (online, 2 June 2020) <<https://www.sbs.com.au/news/article/why-did-seven-women-from-one-area-of-melbourne-die-by-suicide-within-months-of-each-other/51vrlcgie>>.

²⁰¹ O’Connor (n 192) 163.

²⁰² *Ibid* 89.

²⁰³ *Ibid* 82.

²⁰⁴ Harmony Alliance, *2016 Census and Settlement Database Brief* (Report, March 2022) 2 <https://mcusercontent.com/cf3d702640e25493b600dfcd2/files/62cddf66-6db9-7879-499a-c6ae50d9f9f0/HA_2016_Census_and_Settlement_Database_brief.pdf>.

²⁰⁵ O’Connor (n 192) 209.

²⁰⁶ *Ibid* 79–80.

However, evidence demonstrates that the perpetrators are slipping through the fingers of the law, with both the Indian and Australian governments refusing to enforce their extradition treaties, with the latter stating it is only meant for serious crimes, implying transnational dowry abuse and abandonment of women are not.²⁰⁷ This thesis asserts that dowry abuse at its roots is extortion and the perpetrator should be made to pay for his crime accordingly, which makes it all the more fitting that it be specifically inserted into both state and federal legislation.

5. Amending the *Migration Act* and *Migration Regulations* as discussed in Chapter 3, to dispense with the two-year temporary visa²⁰⁸ and the need to establish a genuine continuing relationship.²⁰⁹ Instead, as in the United States, the applicant should only need to prove she began the relationship in ‘good faith’, excluding the abuser’s intentions.²¹⁰ In terms of the adequacy of evidence required, weight should be given to the woman’s emotional connection with the resident country and her fears of returning to her homeland, following the footsteps of Canada, the United States and Sweden. This thesis contends that these changes remove the heavy reliance on the perpetrators for proof, empowering and providing agency to the abused migrant women to steer the process.

Taking into consideration the recommendations for reform to policies, practices and legislation above, it is evident that the proposed specialised social worker needs to wear multiple hats. She must be well equipped to handle manifold unique issues pertaining to the conflict between faith and abuse, compounded by challenges encountered by migrant women with perpetrators leveraging their sponsorship to manipulate and threaten deportation, and a system restricting those on temporary visas from accessing services.²¹¹

²⁰⁷ Ibid 80.

²⁰⁸ Ana Borges Jelinic, ‘I Loved Him and He Scared Me: Migrant Women, Partner Visas and Domestic Violence’ (2019) 32 *Emotion, Space and Society* 100582, 7.

²⁰⁹ Segrave and InTouch (n 174). Monash University, on the other hand, proposes clearer provisions to define evidentiary requirements and to dispense with them in situations such as forced marriage where it may not be necessary.

²¹⁰ Borges Jelinic (n 203) 7.

²¹¹ Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (n 1) 44.

6.8 Conclusion

This chapter outlines the stages leading to and culminating in the construction of the specialised social worker model through policy and law reforms. It analysed and compared national and religious-based legislation. It revealed how religious fundamentalism remains the bedrock confining women within a patriarchal, social and legal framework narrowly defining their subordinate role.²¹² Fundamentalist movements exist within most religions in the world.²¹³ They underscore the oppression of women by drawing on selected past religious traditions and orthodox practices demanding complete obedience, deepening and endorsing the chasm between the genders.²¹⁴ It is obvious that the fundamentalist system through religious personal law is designed to maintain women in a submissive position in quiet acquiescence to the husband through legal mechanisms, especially in areas relating to marriage, divorce and modesty.²¹⁵

The chapter argues that current Australian legislative responses have little to offer by way of protection of religious women either, demonstrating their silence on religion as an identifier, be it for the abused or the abuser. The new National Plan, however, offers a fresh awakening, realising the critical need for collaboration between the sacred and the secular. But progressing a step further, the specialised social worker offering wrap-around services supporting both spiritual and practical needs under one roof as a single-stop measure, it is contended, is best practice. Employing these workers would address the salient facets discussed earlier in this chapter. And for this concept of a specialised social worker to transpire, the law and policy reforms outlined above must be speedily and rigorously applied.

²¹² Ross (n 80) 115–116.

²¹³ Ibid 116.

²¹⁴ Ibid.

²¹⁵ Ibid 117.

Chapter 7

Conclusion

I wonder whether the services would be open to having a chaplain. Because you know how we have lots of chaplains, like a prison chaplain and a hospital chaplain. I wonder if that is an option. Whether the services would be open to that.¹

A woman experiencing domestic violence, religious or not, is often asked, ‘Why doesn’t she leave?’, whilst the perpetrator is hardly ever asked, ‘Why doesn’t he stop?’²

This thesis seeks ideal practice in responding to a Christian woman overwrought with pain, conflicted between her faith and domestic violence. Broad scholarship indicating religion as the ‘missing link’ in domestic violence discourse resulting in religious women enduring abuse silently provided the impetus to commence this arduous journey. In Chapter 2, the search traversed through terrains of ancient religious laws and age-old traditions deeply rooted in patriarchy, unpacking and reinforcing the internalised beliefs of faith-based women that negatively impact their understanding of gender equity. Chapter 3 evidence that migrant communities adopt, import and practise a similar worldview wherever they make their homes.

Acknowledging that a visceral cultural and religious desire to prioritise a perfect family life facade drives the victims notwithstanding the abuse, the thesis investigated the realms of service provision by secular and faith-based organisations to religious victims confronting the crossroad. Unfortunately, Chapter 4 revealed an under-identification if not a total failure by service providers in considering a victim’s religious beliefs during the process of risk assessment, missing a golden opportunity to address a pivotal issue. On the contrary, the services apply a one-size-fits-all approach, demonstrating a dearth of understanding of the crucial role of faith and the complexities encountered by these women, leading to the victims slipping through the system unassisted.

On this basis, the thesis embarked on a qualitative study to advance the concept of incorporation of a specialised social worker with pastoral care qualifications in secular

¹ Interviewee, Chapter 5.

² Department of Social Services, *National Plan to End Violence against Women and Children 2022–2032* (Policy Document, 2022) 73.

domestic violence services as best practice, meeting both the religious and practical needs of the victims. A proposal, tested in Chapter 5, ending with a twist, that this hypothesis is indeed real, implemented successfully under the radar, by a particular service provider, quietly tucked away in a corner. A chaplain-centred service, dubbed a Hope House by a victim-survivor, it appears to strike the right balance between offering religious support and all other needs required by a faith-based victim. It presented further proof that attending to material needs alone does not suffice for victims who are torn between their abuse and faith. The victim-survivors in this study confirmed that the services never explored their faith. Though constrained by the small number of participants, this chapter stands as true testimony that merely offering practical assistance without addressing the spiritual needs of a religious victim, in the same way that domestic violence discourse discounts religion, is a serious failing of the system.

As examined in Chapter 6, policy and law reforms are imperative to construct the chaplain-centred concept in the form of a specialised social worker with pastoral care qualifications. By mandating the role of the specialised social worker in all specialist domestic violence services as part of law reform, faith-based victims are assured of comprehensive and integrated services. Instead of enduring in silence and fearing to raise their beliefs, the victims will feel comfortable, confident and validated in discussing their faith freely with a specialised social worker who understands their confusion, hurt and unique needs. Further, the worker will offer all other practical assistance within the secular services whilst facilitating the victim-survivors to stay connected with their churches, offering a holistic provision and simultaneously empowering the women. In addition, there is no reason whatsoever for the churches or the secular services to view the other with suspicion but instead they are encouraged to collaborate effectively, referring victims assured in the knowledge that they are in the good hands of the specialised social workers.

By the same token, as part of law reform, mandating the identification of a victim's culture and religious beliefs including migrant status as a foremost component of risk assessment is critical. Once a victim's faith is disclosed, she will be appropriately directed to the specialised social worker who will offer and link her up to a holistic service to meet her needs. This requirement should also be added to the family violence risk assessment of the corresponding state domestic violence legislation to ensure that a faith-based abuser is referred to a relevant qualified worker to address his perceived justification for violence grounded in his beliefs.

With the new National Plan intending to engage faith-based and multicultural organisations, this thesis submits it is a perfect time and platform for policy and practices to be re-drawn to reflect, align with and implement the need for a specialised social worker. This thesis postulates that incorporating a specialised social worker with dual qualifications in a secular service offering wraparound services is best practice, a Hope House. The specialised social worker is the personification of the bridge between the sacred and the secular, offering optimal integrated and holistic services to a cohort that has long remained invisible. This is an adjunct to the new plan's proposal of collaboration between secular and faith-based services, offering a trajectory embracing myriad voices, particularly the voice of religious women.³ Given their personal lived experiences and their multilayered needs, Christian women tolerating domestic abuse are best placed to direct the course of the new plan.⁴ The law and policy reforms recommended herein should facilitate the seamless transition to the specialised social worker model. Thereafter, applying identical principles, the needs of women of other faiths experiencing domestic abuse may be explored.

The need for specialised social workers is urgent. The fact that Christian women including wives of senior clergy members have suffered years of abuse silently, frightened and depressed to the point of being suicidal, with no appropriate services to turn to, is deplorable.⁵ Again the compulsion to maintain a perfect model of happy family life and the public image of the men overtakes everything else.⁶ This will continue as it has all these years shrouded in a 'holy hush', as corroborated by the Anglican research, unless immediate measures are put in place. Therefore, the proposed specialised social worker in a secular service offers an ideal and neutral venue for a Christian woman to approach, away from her church settings, to divulge her innermost fears openly and to learn that harmful theology such as 'submission' and 'headship' by no means define a happy marriage, and that she can leave. Her safety and those of her children are paramount. This thesis submits that the specialised social worker should be made a top priority in the implementation of the new National Plan before women of faith drown deeper in their sufferings. And the time is now.

³ Ibid 116.

⁴ Ibid 68.

⁵ Julia Baird and Hayley Gleeson, 'Raped, Tracked, Humiliated: Clergy Wives Speak Out about Domestic Violence', *ABC News* (online, 24 November 2017) <<https://www.abc.net.au/news/2017-11-23/clergy-wives-speak-out-domestic-violence/9168096>>.

⁶ Ibid.

Appendices

Appendix 1A: Copy of Recruitment Email for Domestic Violence Service Providers and Churches

Dear [Name of Providers/Churches as participants]

My name is Mary Manickam and I am a PhD candidate under the supervision of the University of Adelaide.

I have an extensive background as a solicitor specialising in areas of family law and domestic violence. My current research is in relation to exploring how religion impacts a victim's understanding of domestic violence and the victim's response towards seeking help.

Based on my background and experience, my research seeks to determine the best practice to addressing domestic violence among victims who identify with the Christian faith in an effort to enhance service delivery. My research also examines the effectiveness of services offered by domestic violence service providers and the churches towards these victims and how, if need be, that can be further improved.

I would also be interested to know if there are Christian domestic violence survivors in your organisations who might be interested to share their views and participate in my research project. Their views, as are yours, would contribute significantly to my research. In line with that I attach a copy of a recruitment letter that you could forward to your clients.

Please know that your participation and assistance towards my research project is highly appreciated.

Interested in participating

You are invited to indicate if you would be interested to participate in an interview with me. If you are interested, please:

1. Read the Participant Informant Sheet and Consent Form as attached; and
2. Reply to this email with your signed Consent Form attached.

These documents will highlight the fact that your participation in this research is completely voluntary and that you may take a break midway or withdraw altogether from the interview at any time without giving a reason.

If you have any questions, please do not hesitate to contact me.

Thank you.

Yours sincerely

Appendix 1B: Copy of Recruitment Email for Domestic Violence Service Providers and Churches to Send to Potential Domestic Violence Survivor Participants

Dear [Name of potential participants]

I am writing this email on behalf of Mary Manickam, a PhD candidate under the supervision of the University of Adelaide.

Mary has an extensive background as a solicitor specialising in areas of family law and domestic violence. Her current research is in relation to exploring how religion impacts a victim's understanding of domestic violence and the victim's response towards seeking help.

In light of her background and experience, Mary's research seeks to determine the best practice to addressing domestic violence among victims who identify with their Christian faith in an effort to enhance service delivery. She is seeking domestic violence survivors who might be interested in participating in her research project.

Interested in participating

You are invited to indicate if you would be interested to participate in an interview with Mary.

If you are interested, please:

3. Read the Participant Informant Sheet and Consent Form as attached; and
4. Reply to this email with your signed Consent Form attached.

These documents will highlight the fact that your participation in this research is completely voluntary and that you may take a break midway or withdraw altogether from the interview at any time without giving a reason.

Counselling

As a survivor you may have or continue to experience emotional distress. The following is a list of contact numbers for counselling services that might be of help to you:

1. 1800RESPECT- National Sexual Violence, Domestic Family Violence Counselling Service- call 1800 737 732 (immediate help)
2. Domestic Violence Crisis Line 1800 800 098 (immediate help)
3. SAPOL 000 (immediate help)
4. Relationship Australia SA 1300 364 277
5. Anglicare SA 8305 9200
6. Centacare Catholic Family Services SA 8303 6660

If you have any questions, please do not hesitate to contact me.

Thank you.

Yours sincerely

Appendix 2A: Participant Information Sheet—Survivors

PROJECT TITLE: Building Bridges-Domestic Violence, Religion, and the Law

HUMAN RESEARCH ETHICS COMMITTEE APPROVAL NUMBER:
H-2021-34952

PRINCIPAL INVESTIGATOR: Prof Paul Babie

STUDENT RESEARCHER: Mary Manickam

Dear Participant,

You are invited to participate in the research project described below.

What is the project about?

This research project is about exploring the influence of religion on domestic violence and how Christian victims continue to remain in abusive relationships because of their beliefs in the sanctity of marriage. The project will examine where the victims sought help from and what their views are in terms of available services. It will further examine the views of the clergy or church leaders/elders and domestic violence service providers in relation to services offered to meet the needs of Christian victims.

Therefore the aims of this project are:

- To determine what is best practice towards providing services to a Christian victim.
- To consider the incorporation of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service as potential best practice in meeting both the religious and other needs of the victim all under one roof.

To achieve these aims, in depth interviews need to be conducted to seek the views of participants on what constitutes best practice. This is where your voluntary participation to share your thoughts and views on this project will be most useful. The data collected from your interview will be analysed to determine what defines best practice and if the inclusion of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service is an option. If it is, this will highlight the importance of addressing the unique needs of religious based victims widely as religion is hardly ever discussed in relation to domestic violence.

At this stage we have limited the interviews to addressing domestic abuse among Christian survivors only. It is hoped that with the findings of the data collected from your willing participation, it might demonstrate the need for further research in the future.

Who is undertaking the project?

This project is being conducted by Mary Manickam under the supervision of Professor Paul Babie. This research will form the basis for the degree of Doctor of Philosophy at the University of Adelaide.

Why am I being invited to participate?

You are being invited as a domestic violence survivor whose experience may have a significant impact on the outcome of this project. Your views on how your faith influenced your understanding of domestic violence and if the available services both from the church and service providers sufficiently met your needs, may shed some light on concerns of Christian victims. To enhance service delivery in the future, your views on what defines best practice and whether having a specialised social worker holding additional accreditations in pastoral care in secular service addressing both religious and other needs of a victim under one roof, would be a notable contribution.

What am I being invited to do?

You are being invited to provide consent for an interview in relation to your views on how your faith affected your understanding of the abuse you experienced and your thoughts on services you attended for help. Also, to seek your views on best practice and if that includes having a specialised social worker holding additional accreditations in pastoral care in a domestic violence service that would meet both your religious and other needs under one roof. Views if such a service would have made a difference to you.

To this end, the interview would be audio taped. It will be just that one interview and it will be conducted at the premises of the organisation in which you are a client, or any other place that you feel safe and is to your convenience.

How much time will my involvement in the project take?

The interview will not take any more than an hour at best. You will be reimbursed for your travel expenses to the place of meeting and any parking charges incurred.

Are there any risks associated with participating in this project?

There is a likelihood of anxiety being induced by the interview. You might experience emotional distress when recalling incidents of abuse. In such situations you are free to either take a break from the interview or withdraw altogether without having to provide any reason.

Your participation is completely voluntary. Therefore, you do not need to feel obligated to complete the interview. You are also encouraged to have a support person to accompany you during the interview. This could include your social worker or any family members or a friend.

In the event you want to seek help after terminating or completing the interview, you can contact any of the following services:-

1. 1800RESPECT- National Sexual Violence, Domestic Family Violence Counselling Service- call 1800 737 732 (immediate help)
2. Domestic Violence Crisis Line 1800 800 098 (immediate help)
3. SAPOL 000 (immediate help)
4. Relationship Australia SA 1300 364 277
5. Anglicare SA 8305 9200
6. Centacare Catholic Family Services SA 8303 6660

What are the potential benefits of the research project?

Depending on the outcome of the findings, the research project may propose the inclusion of a specialised social worker holding additional accreditations in pastoral care in secular domestic violence service as best practice to address both religious and other needs of a Christian victim under one roof. There is no absolute certainty that this might be the outcome. Even so this may not provide you with an immediate benefit as potentially further research may need to be conducted in the future.

Can I withdraw from the project?

Participation in this project is completely voluntary. If you agree to participate, you can withdraw your consent anytime up to the point of analysis of the interview data.

What will happen to my information?

All data collected will be deidentified in a coding system before being electronically recorded and securely stored on a password protected computer. Pseudonyms will be used in place of your name. The deidentified data will be stored in a separate location from the identifiable data with linked codes or pseudonyms.

In addition, the researcher will also utilise the University of Adelaide's online storage network such as Shared Drive S which allows confidential and sensitive data belonging to participants to be stored safely allowing access only to the supervisor. Similarly, the online cloud storage Box is another feature that is available for safe storing of participants' data.

The findings of the research will be set out in the researcher's thesis and possible journal articles, conference papers, book chapters and other forms of presentations. In all instances, your details will be deidentified and pseudonyms used. In this way the privacy and confidentiality of your information is well assured and secured.

However, while all efforts will be made to remove any information that might identify you, as the sample size is small, complete anonymity cannot be guaranteed. Having said that, the utmost care will be taken to ensure that no personally identifying details are revealed.

All records, materials and data collected for the research will be deposited securely with the supervisor as provided in section 4d of the University's Research Data and Primary Material Policy. It will be stored for 5 years after the withdrawal of the PhD program.

Transcripts of the interview will be provided for you to confirm the veracity of the content.

Your information will only be used as described in this participant information sheet and it will only be disclosed according to the consent provided, except as required by law. Take note that it is mandatory under the law for the researchers to report any disclosures relating to abuse of children and young persons or any illegal activities.

Who do I contact if I have questions about the project?

If you have any questions about this project you may contact:-

- Professor Paul Babie: Paul.Babie@adelaide.edu.au
- Ms Mary Manickam: mary.manickam@adelaide.edu.au

What if I have a complaint or any concerns?

The study has been approved by the Human Research Ethics Committee at the University of Adelaide (approval number H-2021-34952). This research project will be conducted according to the NHMRC National Statement on Ethical Conduct in Human Research 2007 (Updated 2018). If you have questions or problems associated with the practical aspects of your participation in the project or wish to raise a concern or complaint about the project, then you should consult the Principal Investigator. If you wish to speak with an independent person regarding concerns or a complaint, the University's policy on research involving human participants, or your rights as a participant, please contact the Human Research Ethics Committee's Secretariat on:

Phone: +61 8 8313 6028

Email: hrec@adelaide.edu.au

Post: Level 4, Rundle Mall Plaza, 50 Rundle Mall, ADELAIDE SA 5000

Any complaint or concern will be treated in confidence and fully investigated. You will be informed of the outcome.

If I want to participate, what do I do?

If you wish to participate in the interview, you are required to sign the Consent form and email it through your organisation or directly to me. Also kindly provide a time that is convenient for you to attend the interview at your organisation.

Yours sincerely,

Prof Paul Babie and Mary Manickam

Appendix 2B: Participant Information Sheet—Domestic Violence Service Providers

PROJECT TITLE: Building Bridges-Domestic Violence, Religion, and the Law

HUMAN RESEARCH ETHICS COMMITTEE APPROVAL NUMBER:
H-2021-34952

PRINCIPAL INVESTIGATOR: Prof Paul Babie

STUDENT RESEARCHER: Mary Manickam

Dear Participant,

You are invited to participate in the research project described below.

What is the project about?

This research project is about exploring the influence of religion on domestic violence and how Christian victims continue to remain in abusive relationships because of their beliefs in the sanctity of marriage. The project will examine where the victims sought help from and what their views are in terms of available services. It will further examine the views of the clergy or church leaders/elders and domestic violence service providers in relation to services offered to meet the needs of Christian victims.

Therefore, the aims of this project are:

- To determine what is best practice towards providing services to a Christian victim.
- To consider the incorporation of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service as potential best practice in meeting both the religious and other needs of the victim all under one roof.

To achieve these aims, in depth interviews need to be conducted to seek the views of participants on what constitutes best practice. This is where your voluntary participation to share your thoughts and views on this project will be most useful. The data collected from your interview will be analysed to determine what defines best practice and if the inclusion of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service is an option. If it is, this will highlight the importance of addressing the unique needs of religious based victims widely as religion is hardly ever discussed in relation to domestic violence.

At this stage we have limited the interviews to addressing domestic abuse among Christian survivors only. It is hoped that with the findings of the data collected from your willing participation, it might demonstrate the need for further research in the future.

Who is undertaking the project?

This project is being conducted by Mary Manickam under the supervision of Professor Paul Babie. This research will form the basis for the degree of Doctor of Philosophy at the University of Adelaide.

Why am I being invited to participate?

You are being invited as a domestic violence service provider whose experience may have a significant impact on the outcome of this project. Your views on your involvement with Christian victims and if the services you offer sufficiently meet their needs, may shed some light on their concerns. To enhance service delivery in the future, your views on what defines best practice and whether having a faith-based worker in secular service addressing both religious and other needs of a victim under one roof, would be a notable contribution.

What am I being invited to do?

You are being invited to provide consent for an interview in relation to your views on domestic violence and Christian victims and your thoughts on how services could be improved to achieve better results. Also, to seek your views on best practice and if that includes having a faith-based worker in a domestic violence service that would meet both a victim's religious and other needs under one roof. Views if such a service would enhance service delivery to a Christian victim.

To this end, the interview would be audio taped. It will be just that one interview and it will be conducted at the premises of your organisation for your convenience.

How much time will my involvement in the project take?

The interview will not take any more than an hour at best.

Are there any risks associated with participating in this project?

It is unlikely that there would be any foreseeable risks with your participation noting that spending time to engage in the interview for about an hour might cause inconvenience as it would potentially impact on your busy schedule. However, there is a likelihood of anxiety being induced by the interview. You might experience emotional distress when recalling incidents of abuse related to your clients. In such situations you are free to either take a break from the interview or withdraw altogether without having to provide any reason.

In the event you want to seek help after terminating or completing the interview, you can contact any of the following services:

7. 1800RESPECT- National Sexual Violence, Domestic Family Violence Counselling Service- call 1800 737 732 (immediate help)
8. Domestic Violence Crisis Line 1800 800 098 (immediate help)
9. SAPOL 000 (immediate help)
10. Relationship Australia SA 1300 364 277
11. Anglicare SA 8305 9200
12. Centacare Catholic Family Services SA 8303 6660

What are the potential benefits of the research project?

Depending on the outcome of the findings, the research project may propose the inclusion of a specialised social worker holding additional accreditations in pastoral care in secular domestic violence service as best practice to address both religious and other needs of a Christian victim under one roof. There is no absolute certainty that this might be the outcome. Even so this may

not provide you with an immediate benefit as potentially further research may need to be conducted in the future.

Can I withdraw from the project?

Participation in this project is completely voluntary. If you agree to participate, you can withdraw your consent anytime up to the point of analysis of the interview data.

What will happen to my information?

All data collected will be deidentified in a coding system before being electronically recorded and securely stored on a password protected computer. Pseudonyms will be used in place of your name. The deidentified data will be stored in a separate location from the identifiable data with linked codes or pseudonyms.

In addition, the researcher will also utilise the University of Adelaide's online storage network such as Shared Drive S which allows confidential and sensitive data belonging to participants to be stored safely allowing access only to the supervisor. Similarly, the online cloud storage Box is another feature that is available for safe storing of participants' data.

The findings of the research will be set out in the researcher's thesis and possible journal articles, conference papers, book chapters and other forms of presentations. In all instances, your details will be deidentified and pseudonyms used. In this way the privacy and confidentiality of your information is well assured and secured.

However, while all efforts will be made to remove any information that might identify you, as the sample size is small, complete anonymity cannot be guaranteed. Having said that, the utmost care will be taken to ensure that no personally identifying details are revealed.

All records, materials and data collected for the research will be deposited securely with the supervisor as provided in section 4d of the University's Research Data and Primary Material Policy. It will be stored for 5 years after the withdrawal of the PhD program.

Transcripts of the interview will be provided for you to confirm the veracity of the content.

Your information will only be used as described in this participant information sheet and it will only be disclosed according to the consent provided, except as required by law.

Who do I contact if I have questions about the project?

If you have any questions about this project you may contact:-

- Professor Paul Babie: Paul.Babie@adelaide.edu.au
- Ms Mary Manickam: mary.manickam@adelaide.edu.au

What if I have a complaint or any concerns?

The study has been approved by the Human Research Ethics Committee at the University of Adelaide (approval number H-2021-34952). This research project will be conducted according to the NHMRC National Statement on Ethical Conduct in Human Research 2007 (Updated 2018). If you have questions or problems associated with the practical aspects of your participation in the project or wish to raise a concern or complaint about the project, then you should consult the Principal Investigator. If you wish to speak with an independent person regarding concerns or a complaint, the University's policy on research involving human

participants, or your rights as a participant, please contact the Human Research Ethics Committee's Secretariat on:

Phone: +61 8 8313 6028

Email: hrec@adelaide.edu.au

Post: Level 4, Rundle Mall Plaza, 50 Rundle Mall, ADELAIDE SA 5000

Any complaint or concern will be treated in confidence and fully investigated. You will be informed of the outcome.

If I want to participate, what do I do?

If you wish to participate in the interview, you are required to sign the Consent form and email it through your organisation or directly to me. Also kindly provide a time that is convenient for you to attend the interview at your organisation.

Yours sincerely,

Prof Paul Babie and Mary Manickam

Appendix 2C: Participant Information Sheet—Clergy or Church Leaders/Elders

PROJECT TITLE: Building Bridges-Domestic Violence, Religion, and the Law

HUMAN RESEARCH ETHICS COMMITTEE APPROVAL NUMBER:
H-2021-34952

PRINCIPAL INVESTIGATOR: Prof Paul Babie

STUDENT RESEARCHER: Mary Manickam

Dear Participant,

You are invited to participate in the research project described below.

What is the project about?

This research project is about exploring the influence of religion on domestic violence and how victims who identify with their Christian faith continue to remain in abusive relationships because of their beliefs in the sanctity of marriage. The project will examine where the victims sought help from and what their views are in terms of available services. It will further examine the views of the clergy or church leaders/elders and domestic violence service providers in relation to services offered to meet the needs of Christian victims.

Therefore the aims of this project are :-

- To determine what is best practice towards providing services to a domestic violence victim who identifies with her Christian faith.
- To consider the incorporation of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service as potential best practice in meeting both the religious and other needs of the victim all under one roof.

To achieve these aims, in depth interviews need to be conducted to seek the views of participants on what constitutes best practice. This is where your voluntary participation to share your thoughts and views on this project will be most useful. The data collected from your interview will be analysed to determine what defines best practice and if the inclusion of a specialised social worker holding additional accreditations in pastoral care in a domestic violence service is an option. If it is, this will highlight the importance of addressing the unique needs of religious based victims widely as religion is hardly ever discussed in relation to domestic violence.

At this stage we have limited the interviews to addressing domestic abuse among Christian survivors only. It is hoped that with the findings of the data collected from your willing participation, it might demonstrate the need for further research in the future.

Who is undertaking the project?

This project is being conducted by Mary Manickam under the supervision of Professor Paul Babie. This research will form the basis for the degree of Doctor of Philosophy at the University of Adelaide.

Why am I being invited to participate?

You are being invited as a clergy or church leader/elder whose experience may have a significant impact on the outcome of this project. Your views on your and or the church's understanding of domestic violence and if the available services you offer sufficiently meet the needs of victims among your congregation, may shed some light on concerns of Christian victims. To enhance service delivery in the future, your views on what defines best practice and whether having a specialised social worker holding additional accreditations in pastoral care in secular service addressing both religious and other needs of a victim under one roof, would be a notable contribution.

What am I being invited to do?

You are being invited to provide consent for an interview in relation to your views on domestic violence and Christian victims and your thoughts on how services could be improved to achieve better results. Also, to seek your views on best practice and if that includes having a specialised social worker holding additional accreditations in pastoral care in a domestic violence service that would meet both a victim's religious and other needs under one roof. Views if such a service would enhance service delivery to a Christian victim.

To this end, the interview would be audio taped. It will be just that one interview and it will be conducted at the premises of your organisation for your convenience.

How much time will my involvement in the project take?

The interview will not take any more than an hour at best.

Are there any risks associated with participating in this project?

It is unlikely that there would be any foreseeable risks with your participation noting that spending time to engage in the interview for about an hour might cause inconvenience as it would potentially impact on your busy schedule. However, there is a likelihood of anxiety being induced by the interview. You might experience emotional distress when recalling incidents of abuse related to your parishioners. In such situations you are free to either take a break from the interview or withdraw altogether without having to provide any reason.

In the event you want to seek help after terminating or completing the interview, you can contact any of the following services:

1. 1800RESPECT- National Sexual Violence, Domestic Family Violence Counselling Service- call 1800 737 732 (immediate help)
2. Domestic Violence Crisis Line 1800 800 098 (immediate help)
3. SAPOL 000 (immediate help)
4. Relationship Australia SA 1300 364 277
5. Anglicare SA 8305 9200
6. Centacare Catholic Family Services SA 8303 6660

What are the potential benefits of the research project?

Depending on the outcome of the findings, the research project may propose the inclusion of a specialised social worker holding additional accreditations in pastoral care in secular domestic violence service as best practice to address both religious and other needs of a Christian victim under one roof. There is no absolute certainty that this might be the outcome. Even so this may not provide you with an immediate benefit as potentially further research may need to be conducted in the future.

Can I withdraw from the project?

Participation in this project is completely voluntary. If you agree to participate, you can withdraw your consent anytime up to the point of analysis of the interview data.

What will happen to my information?

All data collected will be deidentified in a coding system before being electronically recorded and securely stored on a password protected computer. Pseudonyms will be used in place of your name. The deidentified data will be stored in a separate location from the identifiable data with linked codes or pseudonyms.

In addition, the researcher will also utilise the University of Adelaide's online storage network such as Shared Drive S which allows confidential and sensitive data belonging to participants to be stored safely allowing access only to the supervisor. Similarly, the online cloud storage Box is another feature that is available for safe storing of participants' data.

The findings of the research will be set out in the researcher's thesis and possible journal articles, conference papers, book chapters and other forms of presentations. In all instances, your details will be deidentified and pseudonyms used. In this way the privacy and confidentiality of your information is well assured and secured.

However, while all efforts will be made to remove any information that might identify you, as the sample size is small, complete anonymity cannot be guaranteed. Having said that, the utmost care will be taken to ensure that no personally identifying details are revealed.

All records, materials and data collected for the research will be deposited securely with the supervisor as provided in section 4d of the University's Research Data and Primary Material Policy. It will be stored for 5 years after the withdrawal of the PhD program.

Transcripts of the interview will be provided for you to confirm the veracity of the content.

Your information will only be used as described in this participant information sheet and it will only be disclosed according to the consent provided, except as required by law. Take note that it is mandatory under the law for the researchers to report any disclosures relating to abuse of children and young persons or any illegal activities.

Who do I contact if I have questions about the project?

If you have any questions about this project, you may contact:

- Professor Paul Babie: Paul.Babie@adelaide.edu.au
- Ms Mary Manickam: mary.manickam@adelaide.edu.au

What if I have a complaint or any concerns?

The study has been approved by the Human Research Ethics Committee at the University of Adelaide (approval number H-2021-34952). This research project will be conducted according to the NHMRC National Statement on Ethical Conduct in Human Research 2007 (Updated 2018). If you have questions or problems associated with the practical aspects of your participation in the project or wish to raise a concern or complaint about the project, then you should consult the Principal Investigator. If you wish to speak with an independent person regarding concerns or a complaint, the University's policy on research involving human

participants, or your rights as a participant, please contact the Human Research Ethics Committee's Secretariat on:

Phone: +61 8 8313 6028

Email: hrec@adelaide.edu.au

Post: Level 4, Rundle Mall Plaza, 50 Rundle Mall, ADELAIDE SA 5000

Any complaint or concern will be treated in confidence and fully investigated. You will be informed of the outcome.

If I want to participate, what do I do?

If you wish to participate in the interview, you are required to sign the Consent form and email it through your organisation or directly to me. Also kindly provide a time that is convenient for you to attend the interview at your organisation.

Yours sincerely,

Prof Paul Babie and Mary Manickam

Appendix 3A: Domestic Violence Survivors—Consent Form

1. I have read the attached Information Sheet and agree to take part in the following research project:

Title:	Building Bridges-Domestic Violence, Religion and the Law
Ethics Approval Number:	H 2021-34952

2. I have had the project, so far as it affects me, and the potential risks and burdens fully explained to my satisfaction by the research worker. I have had the opportunity to ask any questions I may have about the project and my participation. My consent is given freely.
3. I have been given the opportunity to have a member of my family or a friend present while the project was explained to me.
4. Although I understand the purpose of the research project, it has also been explained that my involvement may not be of any benefit to me.
5. I agree to participate in the activities outlined in the participant information sheet.
6. I agree to be:
Audio recorded Yes No
7. I understand that I am free to withdraw from the project up to the point of analysis of the interview data.
8. I have been informed that the information gained in the project may be published in the researcher's thesis and or book chapters, journal articles, conference presentations etc.
9. I have been informed that while all efforts will be made to remove any information that might identify me and that I will not be named in the published materials, it may not be possible to guarantee my anonymity given the nature of the study and/or small number of participants involved.
10. I hereby provide 'extended' consent for the use of my data in future research projects by these same or any researchers that are either:
- (i) an extension of, or closely related to, the original project: Yes No
 - (ii) in the same general area of research (for example, genealogical, ethnographical, epidemiological, or chronic illness research): Yes No

11. I understand my information will only be disclosed according to the consent provided, except where disclosure is required by law.

12. I am aware that I should keep a copy of this Consent Form, when completed, and the attached Information Sheet.

Participant to complete:

Name: _____ Signature: _____

Date: _____

Researcher/Witness to complete:

I have described the nature of the research to

(print name of participant)

and in my opinion she/he understood the explanation.

Signature: _____ Position: _____

Date: _____

Appendix 3B: Domestic Violence Service Providers—Consent Form

1. I have read the attached Information Sheet and agree to take part in the following research project:

Title:	Building Bridges-Domestic Violence, Religion and the Law
Ethics Approval Number:	H 2021-34952

2. I have had the project, so far as it affects me, and the potential risks and burdens fully explained to my satisfaction by the research worker. I have had the opportunity to ask any questions I may have about the project and my participation. My consent is given freely.
3. Although I understand the purpose of the research project, it has also been explained that my involvement may not be of any benefit to me.
4. I agree to participate in the activities outlined in the participant information sheet.
5. I agree to be:
 Audio recorded Yes No
6. I understand that I am free to withdraw from the project up to the point of analysis of the interview data.
7. I have been informed that the information gained in the project may be published in the researcher's thesis and or book chapters, journal articles, conference presentations etc.
8. I have been informed that while all efforts will be made to remove any information that might identify me and that I will not be named in the published materials, it may not be possible to guarantee my anonymity given the nature of the study and/or small number of participants involved.
9. I agree to my information being used for future research purposes as follows:
 Research undertaken by these same researcher(s) Yes No
 Research undertaken by any researcher(s) Yes No
10. I hereby provide 'extended' consent for the use of my data in future research projects by these same or any researchers that are:
- (i) an extension of, or closely related to, the original project: Yes No

- (ii) in the same general area of research (for example, genealogical, ethnographical, epidemiological, or chronic illness research): Yes No

11. I understand my information will only be disclosed according to the consent provided, except where disclosure is required by law.

12. I am aware that I should keep a copy of this Consent Form, when completed, and the attached Information Sheet.

Participant to complete:

Name: _____ Signature: _____

Date: _____

Researcher/Witness to complete:

I have described the nature of the research to

(print name of participant)

and in my opinion she/he understood the explanation.

Signature: _____ Position: _____

Date: _____

Appendix 3C: Clergy or Church Leaders/Elders—Consent Form

1. I have read the attached Information Sheet and agree to take part in the following research project:

Title:	Building Bridges-Domestic Violence, Religion and the Law
Ethics Approval Number:	H 2021-34952

2. I have had the project, so far as it affects me, and the potential risks and burdens fully explained to my satisfaction by the research worker. I have had the opportunity to ask any questions I may have about the project and my participation. My consent is given freely.
3. Although I understand the purpose of the research project, it has also been explained that my involvement may not be of any benefit to me.
4. I agree to participate in the activities outlined in the participant information sheet.
5. I agree to be:
Audio recorded Yes No
6. I understand that I am free to withdraw from the project up to the point of analysis of the interview data.
7. I have been informed that the information gained in the project may be published in the researcher's thesis and or book chapters, journal articles, conference presentations etc.
8. I have been informed that while all efforts will be made to remove any information that might identify me and that I will not be named in the published materials, it may not be possible to guarantee my anonymity given the nature of the study and/or small number of participants involved.
9. I agree to my information being used for future research purposes as follows:
Research undertaken by these same researcher(s) Yes No
Research undertaken by any researcher(s) Yes No
10. I hereby provide 'extended' consent for the use of my data in future research projects by these same or any researchers that are either:

- (i) an extension of, or closely related to, the original project: Yes No
- (ii) in the same general area of research (for example, genealogical, ethnographical, epidemiological, or chronic illness research): Yes No

11. I understand my information will only be disclosed according to the consent provided, except where disclosure is required by law.

12. I am aware that I should keep a copy of this Consent Form, when completed, and the attached Information Sheet.

Participant to complete:

Name: _____ Signature: _____

Date: _____

Researcher/Witness to complete

I have described the nature of the research to

(print name of participant)

and in my opinion she/he understood the explanation.

Signature: _____ Position: _____

Date: _____

Appendix 4A: Interviews—Domestic Violence Survivors

Give Participant Information Sheet, Contacts, 2 copies of Consent Form, & business card.

Time to read materials, and sign forms. Interviewer keeps 1 signed Consent form.

IQ00: Demographic Information

1. Which age range do you belong to? Please stop me when I reach your range.

18-24 25-34 35-44 45-54 55-64 65+

2. Which culture do you identify with?
3. Are you married, single or separated?
4. Do you have any children living with you? If so, their ages?
5. Which religious group, if any, do you identify with?
6. How long have you embraced your faith?

RQ01: Understanding domestic violence in relation to faith

Interview Questions related to RQ01

7. What is your understanding of domestic violence?
8. Thinking of your experience, how did you understand domestic violence in relation to your faith, if at all?
9. What was your ex-husband's/partner's religious history?
10. If at all, how did he relate his actions to his faith?

RQ02: When and where was help sought from?

Interview Questions related to RQ02

11. Did you seek help from your church pastor? If so, what was the response?
12. Did you seek help from the church community? If so, how did they respond?
13. If you did not seek the community's help, what do you think held you back?
14. Do you think the pastor or the church community provided you the kind of help you were seeking?
15. What do you think they could have done differently to improve their services for you?
16. Did you attend any domestic violence service providers? What did you think of their services?
17. Did you or they discuss your faith in relation to the abuse?
18. If they did not ask about your faith, why do you think that might be?
19. If you had mentioned your faith, were you referred to a Christian based service?
20. In your view, what could the domestic violence service provider have done anything differently to improve their services for you?

RQ03: Collaboration between the church and domestic violence service providers

Interview Questions related to RQ03

In this series of questions we are going to consider several hypothetical situations for you to reflect and respond accordingly.

21. You have sought help from your pastor who advised you on your religious belief in relation to the abuse. After that he refers you to a domestic violence service provider for other assistance. What do you think of such referral?
22. Alternatively, you first attended the domestic violence service provider where your faith was raised in relation to the abuse. In addition to the other services provided to you, they referred you to your church for religious based advice. What do you think of such referral?
23. You have been informed that there is a domestic violence service provider offering a specialised social worker holding additional accreditations in pastoral care, together with other services all under one roof. The specialised social worker would be able to advise you on the abuse by your former husband/partner who justified his actions based on his faith. What do you think of such services?
24. There is an option of attending your church and then being referred to a domestic violence service elsewhere or vice versa. Then there is the option of attending a domestic violence service that also provides a specialised social worker holding additional accreditations in pastoral care attending to your needs all under one roof. Which option do you think you would prefer and why?
25. Which option do you think would benefit a victim the most?

RQ04: Moving forward

Interview Questions related to RQ04

26. Over all, what improvements would you like to see in the relationship between the church and the domestic violence service providers that would be beneficial to a victim or survivor and help them move forward?
27. If a service provider with a specialised social worker holding additional accreditations in pastoral care under one roof was to be proposed, what further improvements do you suggest would greatly benefit a victim?

28. In your view, do you think there is sufficient protection in the law for a domestic violence victim?

29. As a Christian do you think your faith helped or hindered you to cope with the abuse and if so, how?

30. How do you think your experience has affected your views on your faith, church and the services available to you?

Closing Question

31. Is there anything else you would like to say about improving services to a victim by the church and the domestic violence service providers as a way forward?

32. Is there anything else that you would like to ask me about this research project?

Appendix 4B: Interviews—Domestic Violence Services

Give Participant Information Sheet, Contacts, 2 copies of Consent Form, & business card.

Time to read materials, and sign forms. Interviewer keeps 1 signed Consent form.

IQ00: Background Information

1. What is the history of your service?
2. What type of services are offered to clients generally?

IQ01: Demographic Information

3. What are the age ranges of the clients?
4. Which culture do they most identify with?

RQ01: Domestic violence services and faith community

Interview Questions related to RQ01

5. In your service, how, if at all, do you identify if a client is religious?
6. Which faith do the clients identify the most?
7. If your organisation captures religious identification, can you tell me what is the average number of Christian clients seeking help in a year?
8. In your experience, how, if at all, do these clients identify their faith in relation to the abuse?
9. What is the position of your service when a client raises faith in relation to the abuse?

10. In your experience, do you think faith helps a client to cope with the violence? And if so, in what ways?
11. At which stage of the abuse do they generally approach your service?
12. What do you think might have held them back from seeking help sooner?
13. Generally, what type of assistance do they seek from your service?
14. In providing help to Christian clients, do you think your service is well equipped to advise them about their faith based abuse?
15. How would you like to improve the services you provide to these clients?

RQ02: Collaboration between the church and domestic violence service providers

Interview Questions related to RQ02

16. In your experience, have you referred Christian clients to the churches for help?
17. What are your views about working collaboratively with churches to assist Christian clients?
18. Have any churches referred Christian clients to you for other assistance?
19. What improvements, if any, would you like to see in the relationship and the collaboration between the church and the domestic violence services that would benefit the clients?
20. What are your views on incorporating a specialised social worker holding additional accreditations in pastoral care in a domestic violence service provider to help Christian clients by offering both religious advice in relation to the abuse and other services under one roof?

21. Would that be a preferred system as opposed to the church and the service provider cross referring clients?

22. In your view, what do you think would be the best way to assist Christian clients as opposed to clients of other faiths or even agnostics?

Closing Question

23. Is there anything else you would like to say about improving services to Christian clients in moving forward?

24. Is there anything else that you would like to ask me about this research project?

Appendix 4C: Interviews—Clergy

Give Participant Information Sheet, Contacts, 2 copies of Consent Form, & business card.

Time to read materials, and sign forms. Interviewer keeps 1 signed Consent form.

IQ00: Demographic Information

1. Which age range do you belong to? Please stop me when I reach your range.

18-24 25-34 35-44 45-54 55-64 65+

2. Which culture do you identify with?
3. Which Christian denomination do you identify with?
4. What is your position as a clergy in this church and how long have you been a member of the clergy?
5. Can you tell me something about your congregation, in terms of its size, ethnicity and age range?

RQ01: Domestic violence in the church community

Interview Questions related to RQ01

6. In your experience as a pastor, has the topic of domestic violence ever been spoken from the pulpit?
7. Is there a special women's or domestic violence ministry in your church that handles related issues?
8. Among the various activities, has the church attempted to create awareness on domestic violence?

9. In your role as a pastor, have you been approached by a victim of domestic violence seeking your help or support? If so, was it in pastoral care or in what other context?
10. In your experience, how do these victims explain the abuse in terms of their faith, if at all?
11. In your view, do you think faith helps or hinders these victims to cope with the violence?
12. Have any abusers approached you for help, if so, what kind of assistance have they sought from you?
13. In providing help be it to the victims or abusers, do you think you are well equipped to advise them?
14. According to the church's teachings what would you say forms a healthy relationship and marriage?
15. Are there any aspects of the church's teachings or traditions that might be problematic in terms of defining relationship in relation to words such as 'submission' or 'obedience' found in the scriptures?

RQ02: Collaboration between the church and domestic violence service providers

Interview Questions related to RQ02

16. In your experience, have you ever referred the victims to domestic violence services for help?
17. What are your views about working collaboratively with secular support services to assist victims?
18. Have any secular support services referred Christian victims of domestic violence to you?

19. What are your views about secular support services referring victims to you for religious advice?
20. What improvements would you like to see in the relationship and the collaboration between the church and the domestic violence services that would benefit the victims?
21. What are your views if a domestic violence service provider offers a specialised social worker holding additional accreditations in pastoral care to help Christian victims who can access both religious and other services all at the same venue?
22. Would that be a preferred system as opposed to the church and the domestic violence services cross-referring victims?
23. From the theology perspective or the worldview of your faith, what do you think would be the best way to assist a Christian victim in addressing her issues?

Closing Question

24. Is there anything else you would like to say about improving services to a Christian victim in moving forward?
25. Is there anything else that you would like to ask me about this research project?

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