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## **Submission to the Review of the Queensland Charter of Victims' Rights**

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### **Introduction**

Settlement Services International (SSI), Multicultural Families Organisation and Immigrant Women's Support Service (IWSS) welcome the opportunity to contribute to the Review of the Queensland Charter of Victims' Rights (the Charter). This submission highlights key considerations in the Charter for women victim-survivors from diverse multicultural communities from diverse migrant and refugee, and culturally and linguistically diverse backgrounds.

Our joint submission proposes recommendations to strengthen protections, ensure equity, and promote culturally safe justice responses. We acknowledge that women from migrant and refugee backgrounds face unique and compounded vulnerabilities, including language barriers, insecure visa status, cultural stigma, and mistrust of authorities due to past experiences of persecution.

### **About us**

**SSI** is a national, non-government, membership-based organisation focusing on:

- designing and implementing tailored and responsive programs to improve social, economic and cultural access and participation opportunities for migrants and refugees
- elevating the voices of multicultural communities in all their diversity through consultation- and evidence-based advice on policy and practice.

In Queensland, SSI delivers a range of place-based initiatives to newly arrived people from migrant and refugee backgrounds living in Southeast Queensland. This includes 99 Steps - a program that provides culturally responsive and trauma-informed specialist support for migrant and refugee women who are affected by domestic and family violence in Logan and Beenleigh. 99 Steps is funded by the Department of Families, Seniors, Disability Services and Child Safety.

**MFO** is a not-for-profit organisation that supports culturally and linguistically diverse families and communities on the Gold Coast. MFO aims to promote a

more accepting, harmonious and cohesive society, and empowers individuals and communities through various programs and services, including the SARA (Support Assessment Referral Advocacy) Program.

The SARA Program is the first domestic and family violence service for women from culturally and linguistically diverse communities on the Gold Coast. The services are sensitive to cultural diversity and consider the impact of both pre- and post-migration experiences. The SARA Program is funded by the Department of Families, Seniors, Disability Services and Child Safety.

**IWSS** is a Queensland based specialist domestic family sexual violence service providing critical support to women, children and young people from diverse cultural backgrounds with diverse migration and settlement experiences. IWSS delivers trauma informed counselling, case management, early intervention, crisis management, court support within a culturally safe, feminist and client-centred, contributing to systemic change by delivering individual and systems advocacy, empowerment, community engagement and sector leadership.

All three organisations have a proven track record and specialist practice expertise in supporting women from migrant and refugee backgrounds who are at risk of and are victim-survivors of domestic, family and sexual violence (DFSV). Our significant specialist practice experience offers unique and nuanced insights into the diversity of individual experiences of various forms of violence, and particularly those that disproportionately affect people from migrant and refugee backgrounds.

### **Victim-survivors' Needs (Q1)**

While the paper identifies that victim-survivors from culturally and linguistically diverse backgrounds may require interpreters and translators (p.17), the Charter does not explicitly address the broader settlement challenges migrant and refugee women face.

### **Recommendations:**

1. Recognise and address intersectional experiences and needs of victims from migrant and refugee backgrounds, such as migration-related, language, and faith and cultural considerations, including access to cultural, faith-based or spiritual healing during the aftermath of a crime if preferred by the victim.
2. Provide culturally responsive, trauma-informed support for victim-survivors from migrant and refugee backgrounds taking into considerations the intersectional factors that shape their experiences, including their experiences of migration and settlement in Australia and other adverse

experiences before their arrival to Australia, and understand the compounded impacts. Consult with migrant and refugee communities and victim-survivors from migrant and refugee backgrounds to identify approaches to provide relevant culturally responsive and trauma-informed support.

### **Courtesy, Compassion, Dignity, and Respect (Q14)**

Women and children from diverse cultural backgrounds with diverse migration experiences are often misunderstood or disbelieved, particularly in DFSV contexts (p.19). This may relate to different cultural expressions of emotions and language barriers. Perpetrators may also use coercive control and stronger language proficiency to misrepresent victim-survivors as the person using violence, resulting in misidentification. The Charter's general right to respect is broad and does not address systemic racism, xenophobia, or migration-related vulnerabilities, especially when experiences of crime and engagement in the legal system can impact the residency status of the victim-survivor (pp.36-37).

#### **Recommendations:**

3. Embed the National Anti-Racism Framework into the Charter to ensure fair, dignified and non-discriminatory treatment at both systemic and service levels, and mandate cultural responsiveness and anti-racism training for organisations, including police and courts, and support services.
4. Recognise and address migration-related vulnerabilities in definitions in the Charter and ensure victim-survivors have access to migration-related information or legal aid to assist them with any impacts of crime on visa applications or residency status.

### **Access to Information, Services, and Remedies (Q16-19)**

Victim-survivors from migrant and refugee backgrounds face significant barriers with regard to access to information, services, and remedies. The current lack of clarity in relation to providing victim-survivors with information about services and remedies, coupled with cultural and structural barriers impacting migrant and refugee victim-survivors in particular, may result in delays and inconsistencies in when and how support is offered, impacting on equity of service access and experience as well as outcomes.

#### **Recommendations:**

5. Review the provision of "at the earliest practicable opportunity" with a view to providing clear, specific definitions related to access and referral to services to ensure equity of access for victim-survivors.

### **Understanding and Being Understood (Q31-33)**

The review notes the importance of interpreters and translators (p.17), yet the Charter does not guarantee them.

Further, victim-survivors may prefer accessing telephone interpreting services as opposed to in-person interpreting. This is mainly, due to their confidentiality concerns as it is likely that the interpreter is from the same small and tight-knit community. Telephone interpreting may also be preferred for sensitive topics, in particular those associated with gender-based considerations and cultural taboos.

#### **Recommendations:**

6. Embed a right to access free and appropriate language support, including access to interpreting and translating at all stages of support to access information materials in plain-language, and access to multilingual information on rights and justice processes.
7. Implement justice system navigation mechanisms, including multicultural community liaison officers and victim-survivor advocates.
8. Invest in recruitment and retention of bilingual and bicultural workforce to improve access to, and experience of, services for victim-survivors from migrant and refugee backgrounds.

### **Safety and Protection (Q30)**

Safety is identified as a universal victim-survivor need (pp.16-17), but the Charter does not account for immigration-related risks, such as perpetrators threatening deportation or exploiting insecure visa status (p.18).

#### **Recommendations:**

9. Ensure a right to access safety without fear of immigration repercussions by providing victim-survivors with access to free or low-cost immigration legal services to assist them with immigration-related matters and expanding the scope of legal aid to include assistance with immigration-related matters.
10. Extend access to financial assistance regardless of visa status.

### **Complaints and Accountability (Q26 & Q28)**

Victims have the right to make complaints if Charter rights are not upheld (pp.35-36). Migrant and refugee victims, in particular women and young people from diverse cultural backgrounds, face additional barriers due to language, mistrust of

institutions, cultural expectations and lack of awareness. These barriers are not addressed in the current framework for upholding rights (pp.60–62).

### **Recommendations:**

11. Establish a culturally responsive complaints mechanism with access to free and appropriate language support, including interpreting and translating, and advocacy support. The mechanism should be designed in consultation with multicultural communities. The accessibility of the mechanism should be monitored for quality improvement, and the uptake reflected in the annual public reporting.

### **Right to receive a victim recognition statement (Q36)**

Access to a victim recognition statement can strengthen access to alternative residency pathways for women and children in precarious visa circumstances if included in the Family Violence Assessment.

In addition, access to a victim recognition statement can reduce control factors of formal and informal gate keepers limiting reporting of crimes by women and children from diverse backgrounds, in particular within the DFSV context.

### **Recommendations:**

12. Provide access to a victim recognition statement recognising the impact of violent crime on the life of victims-survivors and importance of sustainable secure access to civic and legal support.

### **Conclusion**

We welcome the opportunity to continue working with the Office of the Victims' Commissioner to ensure the Charter effectively meets the needs of victims from migrant and refugee backgrounds.

We agree to this submission being published.

To discuss this submission further, please contact:

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