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## MEDIA RELEASE

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### **Culturally Diverse Victim-Survivors of Family Violence Often Charged Falsely, According to New Paper**

A new paper released by inTouch has highlighted the concerning and ongoing issue of misidentification in response to family violence occurring within migrant and refugee communities.

Misidentification, a key finding in Victoria's Royal Commission into Family Violence, occurs when the victim-survivor of family violence is incorrectly identified as the predominant aggressor by law enforcement and the justice system. It is estimated to occur in every one in ten cases- and significantly more when incidents take place in culturally and linguistically diverse communities.

inTouch Multicultural Centre Against Family Violence has been working with migrant and refugee women who are experiencing family violence for over 37 years and have seen many cases of misidentification occur throughout this time.

"Fortunately, after the recommendations made by the Royal Commission into Family Violence, misidentification is an issue that is slowly garnering more attention," inTouch CEO, Michal Morris said. "However, at least a third of our clients have reported being incorrectly identified as the primary or predominant aggressor at some point in their journey through the justice system."

"This can occur when law enforcement are responding to or investigating an incident and due to language or cultural barriers, there is not a clear understanding of who is in need of protection. If you add extreme emotional distress or physical self-defence to that situation, a police officer will often misconstrue the situation and arrest the wrong person- the victim-survivor."

As the inTouch position paper details, misidentification can have a number of far-reaching and devastating consequences for victim-survivors. It can result in criminal charges, detrimental legal outcomes, visa loss and a reduction in access to support services- some women will even lose custody of their children. Police administration also cannot remove the status of perpetrator from a woman's record, even when it's been proven that misidentification occurred.

Correcting instances of misidentification is a lengthy and resource-heavy process and often results in a loss of trust in the law enforcement and justice systems, making it unlikely for women to contact police for assistance should violence occur in the future.

inTouch's paper makes a number of key recommendations, informed by the organisation's extensive experience working with migrant and refugee women experiencing family violence.

"In order to address family violence effectively, we must acknowledge that it occurs across every community and culture," Ms Morris said. "Furthermore, law enforcement and the justice system must be equipped with the capacity and training to respond to family violence with culturally appropriate procedure and practice."



**Issues covered in the paper include:**

- Why misidentification of the predominant aggressor occurs
- Communities at high risk of misidentification
- Different types of misidentification, and how this can be manipulated by a perpetrator of violence (including systems abuse)
- Consequences of misidentification on the victim- survivor
- Effect of COVID-19
- Steps required to reduce instances of misidentification.

inTouch's position paper, *The Causes and Consequences of Misidentification on Women From Migrant and Refugee Communities Experiencing Family Violence* can be read [here](#)

Further reading: [Monitoring Victoria's Family Violence Reforms: Accurate Identification of the Predominant Aggressor](#) (Family Violence Implementation Monitor)

## About inTouch

inTouch Multicultural Centre Against Family Violence (inTouch) provides person-centered, integrated and culturally responsive family violence services to migrant and refugee communities across Victoria.

We have assisted over 20,000 women and children experiencing family violence throughout our 37 years of operation, providing a holistic service that centers the experiences of victim-survivors in everything we do.

inTouch provides many services including court and community outreach, legal assistance, sector training and capacity building, prevention work and perpetrator intervention programs. For more information, visit [www.intouch.org.au](http://www.intouch.org.au)

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