



Forcibly Displaced
People Network

Submission to the Victoria Legislative Council Legal and Social Issues Committee

Inquiry into anti-LGBTIQA+ hate crimes in Victoria

Focus on the experiences of LGBTIQA+ forcibly displaced people

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Forcibly Displaced People Network

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About the Forcibly Displaced People Network

Established in 2020, the Forcibly Displaced People Network (FDPN) is Australia's first national LGBTIQ+ refugee-led organisation (RLO) and a peak body working across the Asia and the Pacific to advance protection, resettlement, and settlement outcomes for LGBTIQ+ forcibly displaced people. As an LGBTIQ+ RLO, FDPN brings lived experience into direct partnership with governments, services, and international decision-makers to deliver solutions that work for people most at risk. Our work is grounded in three interconnected pillars. We design and deliver community-led pathways to safety and resettlement. We generate and share evidence to inform policy and improve humanitarian and settlement practice. We strengthen the capability of settlement services while supporting LGBTIQ+ forcibly displaced people to build safe and stable lives in Australia. For more information visit <http://fdpn.org.au/>.

Note on the used terminology

We use the term **'forcibly displaced person'** to recognise the diverse and complex experiences of LGBTIQ+ people who have been compelled or coerced to leave their countries of origin. This includes LGBTIQ+ people:

- who are currently seeking asylum (including people on a range of bridging visas (including those awaiting deportation) and international students who have applied for a protection visa but have remained on a student visa);
- recognised refugees (including those with permanent residency either having been resettled through an offshore humanitarian program and those who have received an onshore protection visa, and those with a temporary protection visa); and
- migrants (particularly those from outside the Global North).

The term is broader than legal categories because many LGBTIQ+ people experience different forms of coercion, pressure, or lack of safety that influence their decision to relocate to Australia, even when they arrive through a visa pathway.

Introduction

We thank the Victoria Legislative Council Legal and Social Issues Committee for the opportunity to make a submission to the inquiry on the scale and scope of anti-LGBTQIA+ hate crimes occurring in Victoria. Our submission focuses on the experiences of LGBTIQ+ forcibly displaced people. It is structured as follows:

- We first include some introductory remarks about the experiences of LGBTIQ+ forcibly displaced people.
- We then provide responses to the terms of reference number 1, 2, 5 and 9.

Where case studies have been included, names, countries of origin and other identifying details have been changed for privacy and safety reasons. All other details reflect real lived experiences.

About the experiences of LGBTIQ+ forcibly displaced people in Australia

The experiences of LGBTIQ+ forcibly displaced people in Australia are multifaceted and are often marked by ongoing settlement challenges, including violence, discrimination and social exclusion. In many cases, LGBTIQ+ forcibly displaced people find themselves excluded from both their ethnic communities and LGBTIQ+ communities. These challenges are intensified by pre-migration experiences of violence and trauma, the breakdown of social and family networks, and distrust of authorities, particularly where authorities were themselves a source of violence or criminalisation. Some people do not have clear knowledge of how Australian legal and justice systems operate. Others are concerned that reporting harmful experiences may lead to visa cancellation or other negative migration outcomes.

It is critical to note that FDPN does not suggest that all LGBTIQ+ forcibly displaced people have less knowledge or less capacity. Rather, this submission applies an intersectional lens to show how systems built to centre hetero- and cisnormativity, whiteness and citizenship create barriers or fail those who do not fall within this 'norm'.

Prevalence of discrimination against LGBTIQ+ forcibly displaced people

In 2022, FDPN produced the *Inhabiting Two Worlds At Once*¹, the first comprehensive Australia-wide report on the settlement experiences of LGBTIQ+ forcibly displaced people in Australia. The report found high rates of discrimination and violence and identified persistent inequities across multiple areas of settlement.

We note that the survey did not distinguish between discrimination, unlawful and/or serious vilification. In some parts, we sought to examine discrimination in specific settings (e.g. healthcare and education), while in other parts we asked broader questions about discrimination outside defined settings. These findings remain highly relevant to this Inquiry because they show patterns of harm and the ways those experiences shape service access, complaint-making and justice-seeking.

The *Inhabiting Two Worlds At Once* report found that:

- 69% of respondents experienced LGBTIQ+ discrimination
- 85% of respondents experienced racism and discrimination linked to migration status, and
- 15 % of respondents reported experiences of ableism.

The *Inhabiting Two Worlds At Once* report also found that 56% of respondents said ongoing experiences of discrimination had an ongoing negative impact on their physical and mental health.

The report also identified a common pattern of non-reporting of any harmful experiences. LGBTIQ+ forcibly displaced people often did not make complaints because they did not think the situation would be resolved, did not know they could seek remedies, feared repercussions for reporting, feared visa cancellation, or blamed themselves for the discrimination endured. Those who did make complaints often reported that nothing changed, or that they were ostracised or dismissed afterwards.

Most importantly, these experiences were often not based on a single attribute. Respondents commonly described discrimination linked to a combination of factors, including sexuality, gender identity, race, migration status and disability. This is central to FDPN's analysis. The issue is not only

¹ Cochrane, B., et al. (2023) "Inhabiting Two Worlds At Once": Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network. Available online: <https://www.fdpn.org.au/lgbtiqa-settlement-report/>

that discrimination occurs, but that it often occurs in overlapping ways that are not well addressed by systems built around a single-axis understanding of harm.

Experiences of violence against LGBTIQ+ forcibly displaced people

The *Inhabiting Two Worlds At Once* report also found that 60% of participants reported having experienced at least one form of gender-based violence in Australia. The table below shows the responses based on the most commonly reported forms of violence disaggregated by the types of perpetrators.

Type of violence	Reported perpetrators				
	Intimate partner	Family members	Stranger	Another known person ²	Authority figure ³
Emotional abuse (n=21)	8	2	2	8	1
Physical violence (n=20)	5	2	10	3	0
Verbal abuse (n=20)	3	2	8	7	0
Sexual harassment (n=19)	3	1	4	10	1
LGBTIQ+ related abuse (n=9)	0	1	4	4	0
Property damage (n=9)	5	0	3	1	0
Sexual violence (n=9)	3	1	3	2	0
Technology-facilitated abuse (n=8)	1	0	4	3	0

The findings that most common perpetrators of physical violence, verbal abuse, LGBTIQ+ related abuse and technology-facilitated abuse were strangers, and that other known persons were also likely to inflict emotional, verbal and LGBTIQ+ related abuse are significant and relevant in the context of this Inquiry.

It is both noteworthy and deeply concerning that of the participants who said they had experienced violence in Australia, only about 17% said they had attempted to seek services afterwards. Participants were most likely to seek support from counsellors or friends. This suggests substantial barriers to engaging formal systems. Some participants reported poor communication from police, fear of police based on their past experiences in Australia and overseas, and systems' failure to be taken seriously.

² Another known person refers to housemates, co-workers or students in the same class or educational institution.

³ Authority figure refers to police, other government officials or community services workers.

These findings show that hate, vilification and violence must be understood within the broader lived realities of LGBTIQ+ forcibly displaced people. The barriers are not only legal. They are also social, cultural, structural and migration-related. Any effective legal and policy response must recognise that full context.

Responses to the Inquiry Terms of Reference (TOR)

TOR (1) The communication and recruitment methods of anti-LGBTIQ+ influencers and hate groups that endorse anti-LGBTIQ+ hate crimes, including those creating and sharing online content steeped in racism, misogyny, transphobia, homophobia, far-right ideology and unhealthy masculinities

There has been a significant rise in anti-gender and anti-rights movements globally. These movements, often professionalised and operating under the guise of promoting women's and family rights, fundamentally reject the concept of gender as a social construct. They advocate for a return to a strict sex binary and oppose initiatives aimed at gender equality, particularly those encompassing sexual and reproductive rights and LGBTIQ+ rights. These actors are commonly supported by foreign states and religious actors. Weaponising cultural narratives, they undermine human rights and erode democratic institutions.⁴

At the United Nations, these groups have formed transnational coalitions to influence policy and discourse. A UN research paper⁵ highlights the professionalised nature of these anti-gender movements, noting their efforts to disguise discriminatory agendas behind a facade of advocating for women's and family rights. This approach not only undermines progress made in gender equality but also poses a direct threat to the rights and protections of LGBTIQ+ individuals.

There is limited evidence collected in Australia on the scale of funding for these anti-rights and anti-gender movements. There is however evidence available regarding a dramatic increase in explicit transphobia in Australian populist and far right discourse between 2015 and 2022.⁶ The 2026 Equal Identities Report by the Australian Human Rights Commission discusses the increase in the number of and visibility of groups opposing the rights of trans and gender diverse people. These groups and individuals are focused on discrediting trans and gender diverse people, and often actively promote hate and vilification. Similarly with those anti-gender movements operating at the UN level, many of these groups describe themselves as pro-family or pro-women, rather than explicitly anti-trans and gender diverse.⁷

⁴ IPPF, Justice for Prosperity (2024) Report: Unveiling Subversive Power: Shedding Light on Anti-Rights Actors in the Asia-Pacific Region. Available at <https://www.ippf.org/resource/report-unveiling-subversive-power-shedding-light-anti-rights-actors-asia-pacific-region>

⁵ Mcewen, H., Narayanaswamy, L. (2023) The International Anti-Gender Movement Understanding the Rise of Anti-Gender Discourses in the Context of Development, Human Rights and Social Protection. Working paper prepared under the UNRISD programme Gender Justice and Development. Available at <https://cdn.unrisd.org/assets/library/papers/pdf-files/2023/wp-2023-4-anti-gender-movement.pdf>

⁶ Sengul, K., & Shannon, B. (2025) Mainstreaming LGBTIQ+ hate: the far-right's anti-gender countermovement in Australia. Australian Journal of Political Science, 1–20. <https://doi.org/10.1080/10361146.2025.2599760>; Jones, C., Trott, V., Robards, B., & Roberts, S. (2026). 'You can't trust the mainstream media': exploring shifts in racist, homophobic, transphobic, sexist, antisemitic and Islamophobic sentiment within Australian far-right alternative news media. Media International Australia, 199(1), 309-327.

⁷ Australian Human Rights Commission. (2026) Equal Identities: A human rights review of the experiences of

Anti-gender movements and anti-immigration rhetoric is also closely intertwined, particularly in contexts like Australia with ongoing impacts of colonisation.

Recommendations

1. Fund research about the prevalence, operations and links between international anti-rights, anti-gender and anti-immigration movements and their counterparts in Victoria, and Australia more broadly.

TOR (2) Current strategies to counter anti-LGBTIQ+ hate crimes, particularly among young people and how these could be strengthened

Limited knowledge about rights and protections provided to LGBTIQ+ forcibly displaced people by the Australian Government prior and during settlement

There is limited awareness among LGBTIQ+ forcibly displaced people about their rights and protections under the Australian law, both prior to arrival and during early settlement.

Based on our direct work with LGBTIQ+ forcibly displaced communities, we observe significant gaps in accessible, tailored information about equal rights, anti-discrimination protections, and laws relating to hate crimes and vilification. Existing government resources for those migrating or being resettled to Australia are largely generic and do not adequately address the specific experiences or risks faced by LGBTIQ+ people.

For example, the *Life in Australia: Australian Values and Principles*⁸ booklet provided by the Department of Home Affairs outlines Australian values, but does not provide clear or comprehensive guidance on protections from anti-LGBTIQ+ harm. While it includes references to respect for individual dignity and the illegality of violence, freedom of religion, freedom of speech, equality of opportunity, and mutual respect and tolerance, these sections:

- lack specific examples relevant to LGBTIQ+ people;
- do not address how religious or ideological beliefs may be used to justify harmful attitudes;
- focus primarily on race-based harms rather than sexuality or gender diversity; and
- omit important attributes such as sex characteristics.

Although the booklet includes general references to discrimination and online safety, its generalised approach results in limited practical understanding of how legal protections operate in everyday situations, particularly in relation to hate speech and vilification.

More broadly, settlement information⁹ provided to migrants prioritises economic and functional integration (e.g. employment, finances, services), with insufficient attention to human rights, legal protections, and pathways for reporting harm.

The quality of pre-departure information for humanitarian entrants is further limited. The Australian Cultural Orientation (AUSCO) program,¹⁰ delivered offshore by IOM, contains outdated and

trans and gender diverse people in Australia. Available at: https://humanrights.gov.au/media/documents-files-PDFs/strategic-communications/EQUAL_IDENTITY_FINAL_DIGITAL.pdf

⁸ See at <https://immi.homeaffairs.gov.au/support-subsite/files/life-in-australia/life-in-australia.pdf>

⁹ See more at <https://immi.homeaffairs.gov.au/settling-in-australia/settle-in-australia/key-settlement-topics>

¹⁰ See more at <https://immi.homeaffairs.gov.au/settlement-services-subsite/files/english-ausco-australian-law.pdf>

inappropriate terminology (e.g. “sexual preference”), and minimal engagement with LGBTIQ+ issues, confined largely to discussions of age of consent rather than broader rights and protections.

Similarly, *Australian Citizenship: Our Common Bond*,¹¹ used to prepare for the citizenship test, acknowledges equality regardless of gender and sexual orientation and references marriage equality. However, its treatment of gender remains largely a sex binary and does not reflect contemporary understandings of gender diversity, nor does it engage meaningfully with the realities of LGBTIQ+ inclusion or protection from harm.

Collectively, these gaps indicate that current strategies do not provide LGBTIQ+ migrants and refugees, including young people, with the knowledge required to recognise, prevent, and respond to hate crimes and vilification.

Recommendations

2. Develop and implement targeted, culturally appropriate education on LGBTIQ+ rights, anti-discrimination protections, and hate crime/vilification laws across all migrant and refugee settlement stages (pre-departure, arrival, and early settlement), including age-appropriate materials for young people.
3. Fund awareness-raising campaigns on the human rights of LGBTIQ+ people, delivered in intersectional ways.
4. Fund awareness-raising and prevention campaigns to increase understanding of the legal protections available in vilification and hate crimes cases.

Structural exclusion of LGBTIQ+ forcibly displaced people in the service system

These information and awareness gaps continue when engaging with community and social services.

Evidence consistently demonstrates that LGBTIQ+ refugees experience significantly poorer settlement outcomes than other humanitarian entrants, even after arrival in Australia, as demonstrated in our 2022 LGBTIQ+ Settlement Report.¹² While there has been a growing attention to the settlement needs and experiences of LGBTIQ+ refugees, settlement systems still lack the cultural competence and SOGIESC-inclusive practice needed to respond effectively. It is not common that mainstream settlement services are providing orientation content tailored to the needs and experiences of LGBTIQ+ forcibly displaced people.

Mainstream LGBTIQ+ community-controlled organisations rarely engage with LGBTIQ+ forcibly displaced people. LGBTIQ+ community-controlled organisations while playing a critical role in ensuring that the specific and intersectional needs of this community are met, remain severely

¹¹ See more at <https://immi.homeaffairs.gov.au/citizenship-subsite/files/our-common-bond-testable.pdf>

¹² Cochrane, B., et al. (2023) “Inhabiting Two Worlds At Once”: Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network. Available online: <https://www.fdpn.org.au/lgbtqiqa-settlement-report/>

underfunded. This reflects a global trend which sees LGBTIQ+ lives as marginal in the total funding distribution. Global Philanthropy Project¹³ reports the following:

- In 2021-22, \$905 million USD was distributed among approximately 8,000 LGBTIQ+ organisations globally.
 - Only 5% of this funding was for the Asia and the Pacific region despite the region containing more than half of the world's population.
 - Out of this funding, less 1% was directed at refugee and migrant issues (\$48,295 out of \$44.8 million).
- In contrast, in the same year, 3 anti-LGBTI organisations reported a combined income of over \$1 billion.

A very similar pattern is observed domestically. LGBTIQ+ communities are amongst the least funded cohorts in Australia. Registered LGBTIQ+ organisations receive just 5 cents out of every \$100 received by Australian charities.¹⁴ Within the Australian landscape, however, most mainstream LGBTIQ+ community-controlled organisations do not work specifically with forcibly displaced LGBTIQ+ people, nor do they engage in migration, asylum, or settlement policy and advocacy.¹⁵

LGBTIQ+ refugee-led organisations are therefore left with the primary responsibility of supporting forcibly displaced community members, despite lacking the funding, institutional backing, and administrative infrastructure afforded to other actors in the settlement sector.

Additionally, many established actors within Australia's settlement infrastructure, including Approved Proposing Organisations (APOs) and organisations participating in community sponsorship models such as Community Refugee Integration and Settlement Pilot (CRISP), are faith-based institutions. These organisations often benefit from long-standing access to philanthropic, charitable, and faith-linked funding streams, as well as established governance structures and administrative capacity.

LGBTIQ+ refugee-led organisations do not have comparable access to these funding ecosystems. In addition, they operate in an increasingly hostile environment marked by the rise of anti-rights and explicitly anti-LGBTIQ+ movements. These movements not only target LGBTIQ+ communities directly but also undermine the legitimacy, safety, and sustainability of organisations that support them, further limiting funding opportunities and increasing operational risk. As a result, both LGBTIQ+ forcibly displaced people and the organisations working to support them are subject to compounded and systemic disadvantage.

¹³ Global Philanthropy Project. (2024) Global Resources Report 2021/22: Government and Philanthropic Support for LGBTI Communities. Available at <https://globalresourcesreport.org>

¹⁴ Aurora & GiveOUT. (2021) Where are the rainbow resources? Understanding the funding needs of the LGBTIQ+ sector in Australia. Available at <https://static1.squarespace.com/static/66be7c73f21c9a3f1e519edc/t/67398bb720270477b0a935d7/1731824580935/Rainbow%2BResources%2BReport.pdf>

¹⁵ Australian Coalition for LGBTIQ+ Asylum and Migration Justice. (2025) Roadmap for Action: Achieving asylum and migration justice for LGBTIQ+ forcibly displaced people. Available at: <https://www.fdpn.org.au/roadmap-for-action/>

Recommendations

5. Fund the Forcibly Displaced People Network as the LGBTIQ+ refugee-led peak body to build settlement capability across community sectors including LGBTIQ+, settlement, health, housing, and employment.
6. Provide sustainable and quarantined funding for LGBTIQ+ refugee- and migrant-led community organisations, recognising their essential role in supporting belonging and safety.
7. Mandate comprehensive training on working with LGBTIQ+ refugees in all government-funded settlement service contracts, developed and delivered in partnership with LGBTIQ+ refugee-led organisations.

Legislative protections from hate crimes and vilification

The legislative protections from hate crimes and vilification could be strengthened in the *Equal Opportunity Act 2010* (VIC). While the protected attributes under s102B (vilification), among others, include sexuality, gender identity, sex characteristics, race, and personal association with a person who is identified by these protected attributes, this section omits political belief, even though it is an existing attribute under s6 (discrimination). Importantly, both sections do not include immigration status as a protected attribute. Division 2D Serious vilification in the *Crimes Act 1958* (VIC) similarly does not include either of these attributes, drawing on the attributes under s102B of the *Equal Opportunity Act 2010* (VIC).

The absence of ‘immigration status’¹⁶ as a protected attribute matters in practice. Anti-refugee and anti-migrant hostility often targets people not only because of their race or religion, but because of their migration status. The hateful rhetoric is often designed to undermine social cohesion and presents those who are non-citizens, not only as people who do not belong but also as those threatening the ‘security of borders’. That hostility is often explicit in online abuse, public commentary and harassment in education, housing and services. While these harmful narratives are racist at the core, expanding the list of protected attributes offers not only protection but symbolic recognition of their full humanity and human rights. For LGBTIQ+ forcibly displaced people, these forms of hostility often overlap with homophobia, transphobia and racism. The surge in the far-right demonstrations across Australia, where calls to violence are often made specifically in relation to forcibly displaced people, also substantiates the need for these amendments to both acts.

The omission of ‘political belief’ under s102B of the *Equal Opportunity Act 2010* (VIC) is also problematic in the context of politicisation of the human rights advocacy on LGBTIQ+ matters.

Recommendations

8. Amend section 102B of the *Equal Opportunity Act 2010* (VIC) to include immigration status and political belief as protected attributes from unlawful vilification.
9. Amend division 2D Serious vilification in the *Crimes Act 1958* (Vic) to include immigration status and political belief as protected attributes from serious vilification.

¹⁶ Note that the *Discrimination Act 1991* (ACT) includes ‘immigration status’ as a protected attribute against discrimination under section 7. In response to the 2026 ACT Hate Crimes and Vilification Review, FDPN has recommended amending section 67A(1) of the *Discrimination Act 1991* (ACT) and the section 370 of the *Criminal Code 2002* (ACT) to include ‘immigration status’ as a protected attribute against unlawful and serious vilification.

TOR (5) The role and responsibilities of social media and digital platform owners in preventing and responding to anti-LGBTIQ+ hate crimes

There is also another consideration, worthy of noting, that is an interaction between the civil protections for vilification online with the commonwealth e-safety laws and the obligation of social media platforms to remove harmful content. While many people understand platform reporting tools, they do not understand that removal of content by a platform may not address accountability, harm or repeat conduct. Consider the following case studies.

Case study 1

Aysha, a trans refugee woman from Indonesia, made a public post saying she would be joining an FDPN's Mardi Gras float calling other LGBTIQ+ refugees from Indonesia to express interest. A person from her university responded with public comments that were racist, transphobic and anti-refugee in their nature. The comments called for borders to be closed, for refugees to be sent back, and used religious references to condemn her gender identity. Aysha reported the comments to the platform. The comments were removed and she blocked the user.

This case study demonstrates that Aysha did not know that the conduct may also have been unlawful vilification and that she could have made a complaint to the Equal Opportunity and Human Rights Commission. Additionally, it could have been possible to also refer the matter to VCAT and seek an order to prevent the person from repeating such vilification.

Case study 2

Nishin, a member of the FDPN's lived advisory group, made a public call-out on his Facebook page, seeking contact from community members to support policy work, which he was tasked with leading. He then received comments from multiple anonymous accounts calling for refugees to be removed from Australia. Although he understood that some legal pathways existed, he was unsure what could be done where account holders used aliases and object images instead of personal photographs. He reported the content to the platform but did not pursue any further action.

Both case studies demonstrate the need for targeted community education about unlawful vilification, and also urge the government's consideration of the interaction with existing commonwealth frameworks, particularly in the context of social media.

TOR (9) The relevant work of the Commissioner for LGBTIQ+ Communities, relevant government advisory groups, including but not limited to relevant community, health and law enforcement organisations to combat anti-LGBTIQ+ hate crimes.

Availability of support services

There is a strong need for dedicated legal support services for LGBTIQ+ people, and in particular for LGBTIQ+ forcibly displaced people to provide legal information, advice and representation on matters of unlawful vilification, serious vilification and hate crimes.

Case study 3¹⁷

Ansu and Manjula, a queer couple, were attacked on the street. The attack was motivated by hate as the perpetrator knew they were a couple through university. The attack happened in the public place. Ansu and Manjula were holding hands, while waiting for a taxi to get home. Police and paramedics were called, as Ansu sustained bodily harm. Police interviewed both Ansu and Manjula at the scene.

Given that the perpetrator was known to Ansu and Manjula, they decided to take a personal protection order (PPO) against him. They also wanted to obtain some legal advice about their options and the process, but there were no services to access. A legal service for women who are victims/survivors of domestic and family violence (DFV) could not see them, given that the attack was not DFV. Legal Aid helped with the PPO, but did not elaborate more on the hate motivation for the attack, deeming it irrelevant to the PPO.

When the application was heard at the court, the perpetrator denied the hate motivation. He claimed to have been intoxicated, and that he did not remember the attack at all. PPO was granted, nevertheless.

In the meantime, police did not keep Ansu and Manjula up to date about the status of the prosecution. Despite repeated calls, no updates were shared. On the day that the case was to be heard at the court, police reached out to them asking to submit their witness impact statement. Ansu and Manjula had 2 hours before the hearing to do so. They asked if the statement could be delivered in person but were denied this request. They were assured that the statement would be read. They were not informed of the outcomes of the court case for 2 weeks, after the sentencing was delivered.

Recommendations

- 10.** Fund LGBTIQ+ community-controlled organisations, in particular LGBTIQ+ refugee- and migrant-led to deliver integrated support through a holistic lawyer and social worker model for LGBTIQ+ people victims of vilification and hate crimes.
- 11.** Funds justice system peer-navigators who can provide one-to-one support across dealing with police, the Equal Opportunity and Human Rights Commission, VCAT, criminal justice, and other relevant bodies. Support must be culturally responsive, LGBTIQ+ inclusive, migration-aware and accessible to people with disability.

Barriers to reporting unlawful vilification

Based on our support of LGBTIQ+ forcibly displaced people Australia-wide, we believe that there are significant barriers to making complaints about unlawful vilification. For people who are systemically marginalised such as LGBTIQ+ forcibly displaced people, complaint-making can feel risky and exhausting.

For LGBTIQ+ forcibly displaced people these barriers include the following:

- Limited understanding of the differences between discrimination and unlawful vilification, and that civil protections are available;

¹⁷ Note that the case study is based on the ACT context.

- Low awareness that online conduct may amount to unlawful vilification and can be reported through a civil complaints pathway;
- Fear of repercussions for making a complaint, including a fear of visa cancellation or deportation;
- Distrust in authorities, and that they will help;
- Service models built and information tailored for heterosexual and cisgender people and those with citizenship.

These barriers are also highlighted by the lack of tailored legal assistance to navigate these processes.

Recommendations

12. Invest in targeted community education about unlawful vilification, ensuring that such education is delivered in an intersectional way, translated in multiple community languages and is accessible. This work should be delivered in partnership with community organisations that already support LGBTIQ+ people, refugees and migrants.

Barriers to reporting hate crimes to police

There are major barriers to reporting hate crimes to police. For many LGBTIQ+ forcibly displaced people, police in a country of origin or transit were not a source of safety. They may have been a source of violence, extortion, humiliation or indifference. Those histories do not disappear on arrival in Australia. They shape whether a person believes reporting is safe, useful or likely to produce a fair response.

Other barriers include low confidence that the report will be understood, limited knowledge of legal pathways, trauma, language barriers, and fear connected to insecure migration status. These are not theoretical barriers. They affect whether a person reports at all, what details they disclose, and whether they stay engaged with the process.

Recommendations

13. Ensure the police undertake proactive and sustained outreach with LGBTIQ+ communities including those who are forcibly displaced people.
14. Mandate the training for all staff within police on working with LGBTIQ+ communities, including specifically with LGBTIQ+ forcibly displaced people.

The training on working with LGBTIQ+ forcibly displaced people should be designed and delivered by LGBTIQ+ refugee-led organisations

Conclusion

Prevention of vilification and hate crimes must go beyond civil and criminal law. The VIC Government should invest in public education, community- led anti-hate campaigns, online safety work, service sector training, and better data collection. Prevention efforts should name and address intersecting harms, including racism, antisemitism, Islamophobia, homophobia, transphobia, ableism and anti-immigration hostility.

Victoria already has policy infrastructure that could support this work. Pride in our future: Victoria's LGBTIQ+ strategy 2022-32 includes a priority area of equal rights and freedoms. Hate crime prevention work should be integrated into this framework and resourced through stable funding, not treated as one-off messaging.

Prevention campaigns must also be genuinely intersectional. Too often, work on refugee rights omits LGBTIQ+ people, and work on LGBTIQ+ equality omits migrants, refugees, people of colour and people with disability. That gap leaves many people unseen. Community organisations need sustained funding to do prevention, early intervention, digital safety support and post-incident care in ways that reflect lived realities.

Once again, thank you for the opportunity to make a submission. FDPN looks forward to engaging with the Victoria Legislative Council Legal and Social Issues Committee further on these matters.