

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 15 April 2013

Members

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Mr N. Aykan, general manager,

Ms M. Toohey, executive member, and

Mr G. Krayem, secretary, Islamic Council of Victoria.

The CHAIR — Good afternoon. On behalf of the committee I welcome from the Islamic Council of Victoria Mr Nail Aykan, general manager, Ms Monique Toohey, executive member, and Mr Ghaith Krayem, secretary. Thank you all for being before us this afternoon. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded, and witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Thank you very much for providing the submission we received today. We have had a quick chance to look through this, but I am very interested in a number of aspects in relation to your submission, and I am wondering — I am not sure who will be your spokesperson — whether you could talk through the main points in relation to this submission, because committee members will have some questions in relation to some of these aspects. If you could briefly point to some of the aspects in the submission you have provided to us, that would be very helpful. It is a very frank submission, I have to say, and committee members have raised that, and we are interested to pursue those areas of interest a little further.

Mr AYKAN — Thank you for the opportunity. This is a very important commission. I will give a quick introduction. The Islamic Council of Victoria is the peak umbrella body in Victoria, and that is why you have approached us. We represent 47 member societies and act in advocacy work such as this commission. We could say that you have come to the right place, and we can answer a lot of your inquiries. Monique Toohey is a psychologist, and she is the one who prepared the submission and has all the substance. Ghaith Krayem is the secretary of the board, and he will also be contributing to answering many of your questions.

The CHAIR — Thank you. I will go straight to the part where you have made some general comments regarding victims of child abuse. You say:

The Islamic Council of Victoria has no record of contact by any single adult who has experienced child abuse whilst in the care of state or church-based institutions.

Could you perhaps explain to the committee then whether you are aware of child abuse that is occurring within the various areas of the Muslim community?

Ms TOOHEY — I have to clarify that when I am speaking, and because I was responsible for putting the submission together, part of that is knowledge that I have as a psychologist, which is bound by confidentiality. Part of it is also my consultations with community members who were able to then confirm all of the things that are in here.

The CHAIR — That is fine. You do not have to go to the specific details of individual cases.

Ms TOOHEY — I am just letting you know that there could be limitations on how much detail I can give, but where I cannot give it here I think we then need to reference another opportunity for us to go back to the community to get more information. Does that make sense?

The CHAIR — Just explain, then, to the committee those consultative processes that you have undertaken to understand the depth of the problem.

Ms TOOHEY — As you will see, the scope of our submission covers religious and non-government organisations. For us, 'religious' means mosques, and we are an umbrella organisation for all of them within the community, and in the terms of reference that is what would pertain to the term 'religious organisation'.

We wanted to make a distinction, though — and you might want to comment on this — around the concept of 'mosque', fitting the terms of reference, being a religious organisation; it is not the same as churches. We do not have a hierarchical structure in Islam. This is on one of the pages that goes into detail around mosques and their function in the community. We do not have a clergy structure — they are completely independent — so the mosque out in Noble Park is completely independent from the mosque in Broadmeadows.

Mr KRAYEM — I think it is important to reference that and the fact that each of the mosques is essentially managed by a committee made up of the local community. Our organisation sits on top of that predominantly from a social services and advocacy perspective rather than from a religious one. That is why I think some of

the matters in the submission are a little bit hazy, if you like, because we do not have that visibility. In the absence of a hierarchical structure where some information could potentially flow through, we are engaging obviously in a very sensitive area, and we do not always have the ability to access all the things that potentially may be happening on the ground.

Ms TOOHEY — Just going back to the statement, we have information — how do I say this? — that partly I have been made privy to as a psychologist, and I cannot say much more than that. It is also based on understanding the demographics of children who would have been in those institutions — and understanding that we are not completely insular from that community — who went through church or state-based care, even though they may not have been Muslim at the time, but they may have later become Muslim. Does that make sense?

The CHAIR — Yes.

Ms TOOHEY — Okay. It is more an inference to say we are not completely isolated from the fact that there are members of the Australian community who experienced that and are now Muslim. It is an inference.

The CHAIR — Yes. I understand. You have talked about mosques and the religious aspect of your representation that you have for those institutions. What about the non-religious institutions, such as schools? Do you have representation or advocacy that you make on their behalf? Does that come within your charter as well?

Ms AYKAN — No. Schools per se are not members of the peak summit body. They have their own kind of like — —

Ms TOOHEY — Umbrella organisation.

Mr AYKAN — I do not know if it is an umbrella organisation. They tend to meet amongst themselves, but I do not know if they are actually represented by any peak body. We have networks and relationships with individual schools, but not as a collective.

The CHAIR — Okay. Thank you. So how many? I think you said 47?

Mr AYKAN — Forty-seven member societies in total.

The CHAIR — So that is mainly religious-based institutions?

Mr AYKAN — Forty are religious based, as in mosques and Islamic centres, and seven are in specific areas of service or community welfare causes, like homelessness or foster children et cetera.

Mr KRAYEM — In the interests of completeness, a number of the mosques and the religious bodies do have associated organisations that run weekend language schools and things of that nature, and they certainly do come under our remit as a peak body.

The CHAIR — And children would be attending those bodies?

Mr AYKAN — At a weekend school, yes.

The CHAIR — Thank you.

Mr McGUIRE — Thank you very much for your submission and testimony here today. You are quite right that we are wanting to hear from the peak bodies, and we are wanting to put in place a better model as best we can. I might take you to your recommendations. It might be the simplest way. Through your recommendations, you are saying that you really want to look at understanding the barriers faced by clients and community members in regard to the handling of the child abuse issue, so I would like to hear from whichever speaker on what you think might be beneficial.

Ms TOOHEY — If you could just repeat the specific — —

Mr McGUIRE — If you could actually put on the record what your recommendations are and what you think would improve the protection of children?

Ms TOOHEY — Sure. Okay. No problem. They are contained in the document, but I will go through them and then please feel free to question me on them.

Mr McGUIRE — Just the policies and the procedures and what you think would be beneficial.

Ms TOOHEY — Okay. Quite frankly for the organisations to firstly acknowledge that there are gaps in the system; there are gaps where there are no policies. We are aware, and we heavily speculate, that there are organisations that do not have any policies. They have practices — the practices are referred to in the document, and this is again based on very minimal community consultation — but we think there is an absence with regard to policies within certain organisations, just complete absence.

One of the fundamental vulnerabilities is because there is no overarching umbrella organisation that takes responsibility for these types of things. In fact we were debating whether we were the right organisation to be representing the community here, and we believe that a more suited organisation might be indeed a social service agency, which the Muslim community in Victoria does not have, but nonetheless we are presenting what we have, so other than the lack of policies to begin with; that is one area.

There is a lot of work and support that can be facilitated within the Muslim community. We do not know if there is an organisation that is right for that, where we have models of best practice. We have schools that are doing wonderful things. I have had extensive consultation with Islamic schools. They have wonderful policies. They are laid out, they are being implemented, and we think that some of that infrastructure is best practice because they have been around for a very long time. They are also funded organisations, and they are not volunteer organisations. I think that is a big distinction to make. Where you have got funded organisations they have more human resources to be looking at these things, whereas the volunteer organisations may not have and they are completely dependent on who volunteers in that organisation and whether they believe that certain policies need to be in place.

Mr McGUIRE — Just following up on that, do you believe it needs to be a structure — you are saying you are even debating amongst yourselves whether you are the right organisation — just to get guidelines, protocols and procedures throughout the community?

Mr KRAYEM — Perhaps I can answer that, Mr McGuire. I do not know whether a structure is really what we are suggesting. What we think there actually does need to be is a sharing of those learnings. I think from our perspective there is a fairly broad spectrum of sophistication in terms of the on-the-ground communities. Some are very new, just given the settlement issues that we are all aware of, and some are quite more advanced. What we do not have at the moment is a way in which to leverage from one organisation across to the others. They are no different to any other community-based organisations out there. Whether it is the scouts or youth groups, all are exactly the same; they run in very similar ways.

What we have not been able to do at this stage yet, I think, is engage more broadly and allow our community-based on-the-ground organisations to learn from some of the others and to have a program that will allow us to do that, whether it is establishing some model policies and things of that nature to help them get it going — almost a professional development program, if you like — that allows us to leverage the learnings not just within the Islamic community but the broader community who are well advanced in some respects. I think that would be a key thing from our perspective.

Mr McGUIRE — So some models on best practice, procedures, protocols, reporting — all of those sorts of things — if that could be provided you think that would be beneficial and, as you say, then you would be able to put it across the board to all these different organisations within your jurisdiction?

Mr KRAYEM — Yes.

Ms TOOHEY — I think that would fill the gap.

Mrs COOTE — Mr Aykan, Ms Toohy and Mr Krayem, thank you very much indeed for being here, and thank you for this submission, which clarified a number of things, and the openness which this represents — it was really helpful — and also particularly the points that you talk about in talking about there is not a clerical hierarchy et cetera was very useful I think, so thank you very much indeed.

You also explained that this has given you an opportunity to go to your communities and to talk about it and to raise this issue. But all through this submission that you have given us you speak about cultural issues and tension — not so much tension, but cultural and ethnic diversity. Given that you are a peak organisation, is there a singular definition of what child abuse would be amongst the 47 organisations that you represent?

Ms TOOHEY — The definition would be common, because we would reference what is child abuse according to the law. That would be common. What would be diverse would be perhaps understanding and adherence.

Mrs COOTE — Please bear with me. We have issues with other organisations that we have dealt with about their canon law versus their civil law. In this instance there is no conflict between, for example, sharia law and civil law in regard to child abuse?

Mr KRAYEM — No.

Ms TOOHEY — No, absolutely not.

Mr KRAYEM — There would be no divergence whatsoever in terms of what from an Islamic perspective would come within the ambit of abuse and what the Australian law would say it is. There are cultural issues only because we have such a diverse cultural background, and we know that religion is not always what people practise in reality. Cultural issues do come into play. We are a religious body and while that is what we go out to our communities for and are working towards and emphasising, we accept that on the ground while people are potentially within our community, they are not necessarily practising the religious dictates, if you like. There are some cultural elements that do come into play.

Mrs COOTE — Which brings me to another part of my question. I would be really appreciative if you could clarify for me, for example, the issue of the identification of a child. Would all those 47 organisations within your group identify that children are children in the same respect as civil law here says they are? We hear that in other parts of the world children become child brides, for example. Do you have any understanding whether that would be an acceptable recognition of what a child is here in this country with your groups?

Ms TOOHEY — I think the definition of a child would be the same across all groups.

Mrs COOTE — That is exactly what I am trying to grapple with. Another issue that I must ask about is the issue of female genital mutilation. Is that an issue that would be a dilemma for some of the groups that you organise between what happens here in Australia and what is an acceptable or what it is a cultural and diversified area for some parts of your organisations?

Ms TOOHEY — Again, the majority of the 47 organisations would agree that female genital mutilation is a crime.

Mrs COOTE — Okay. That is terrific. That is exactly what I wanted to get. Thank you very much indeed for those answers.

Ms HALFPENNY — In the past few days we have had a number of organisations that have come to present from different cultural or religious backgrounds. The Greek Orthodox Church has come in and also a representative from the Indian community. In their presentations the organisations have said they were not really aware of this issue, but because of the inquiry and being asked to come, it is something that they would now be thinking about into the future and that they would like to work with other organisations on. On reading your submission it seems to be saying a similar thing. What is your organisation's view of that?

Ms TOOHEY — I have worked in the Muslim community for about 16 years, and I remember the issue of child abuse being raised in a public forum for the Muslim community that about 400 people came to. That was a surprise in itself. We are going back over a decade ago. The response then — this is a decade ago — was that the Muslim community was shocked that child abuse might even be occurring within the community, because it is such an abhorrent practice when it comes to Islam. That is also the case because there are very few professionals who work in the area of human services, psychology, social work and child protection who are also members of the Muslim community and act as advocates within the community around these issues. So it is not surprising that when you present a topic like this to the community for it to go, 'Really? Is this happening

to our community?'. It is not necessarily around ignoring the issue; it is just about being unaware of the issue. Ten years on we are in a similar situation, albeit that there have been a lot of professionals that are coming through and are now advocating amongst a whole range of different topics from drug and alcohol to mental health, and child abuse is one other issue.

With regard to your question, I think it is important for communities to collaborate and even for our community to learn from the experiences of other communities that have experienced gaps, because we are in a situation now where as old as our community is, we are still a relatively youthful community. Our organisations are youthful. Many of them are in their infancy of development, so our infrastructure is quite varied. We have organisations that do things very well because they have been around for 20 to 30 years, then we have very new organisations that have literally sprung up overnight. I think there is a lot of collaboration to be done between faith-based communities and also non-government organisations. The Islamic council has consulted and does consult with a range of non-government organisations so that we can learn from each other, recognising that we have big gaps in terms of what we know needs to be done but do not have the human resources to do it.

Ms HALFPENNY — Sorry, it was not about asking whether you would work with those other organisations, I hope you understood that.

Ms TOOHEY — Yes, I did.

Ms HALFPENNY — It was more about what they said to the committee. They said that this was something that they had not thought a lot about, but now they would be looking at it as an issue, and that was what I was asking you about as an organisation. You have sort of answered it because you also said you have in the past had community meetings about it. Can I ask what initiated that or how it came about, just to get a bit of background to it?

Ms TOOHEY — Muslim children going into foster care and the absence of Muslim foster carers in the system — that is what triggered that earlier community discussion a decade ago. We see this submission as a great opportunity for us to put this issue front and centre for our community to start to look at, albeit it is not pretty to look at. It is not fun to engage with. We acknowledge that our presence here will be confronting to some of our community members, but nonetheless it is extraordinarily important that we are here and that we have made this submission so that more discussions get started in our community.

The CHAIR — Just on that point, you said you started those community engagement processes a decade ago. Has the awareness increased over the past decade through the work that you have undertaken within your communities? Is that fair to assume?

Ms TOOHEY — Yes, absolutely.

The CHAIR — On all those issues. Thank you.

Mr O'BRIEN — Thank you for coming. I appreciate the spirit in which you answered the last question. It is very much the spirit I have perceived in your submission in that you outline and acknowledge that you need to learn more about the handling of child abuse within Muslim-based community organisations. We would say that has been the experience of many of the other religions and non-government institutions that have appeared before us and will continue to appear before us. You do identify, perhaps in answer to the Chair's question and I think in the back of your submission, that you are aware of some cases. I appreciate your answer. I am not going to drill you on how many cases or what is going on, but you identified a couple of processes where you wish to engage with your community to, as you call it, break down some of these taboos, because it is a very embarrassing, sensitive and confronting topic. That taboo itself, as you have identified in your submission, may be an inhibitor from reporting because of the difficulty for young children and therefore in psychological terms you can get a false positive, where there is something even though there is no report. I will let you answer that general proposition of how you are proposing to engage with your community to start discussing these topics.

Ms TOOHEY — Sure. We have employed and are currently employing a women's support officer who not only is there to address issues of women in crisis and families in crisis, but we will be publicising that this position will also be there to start to take inquiries from our community with regard to these allegations — a central point of contact, if you like. That is as much as we have scope for at the moment. Our being here is important and is also something that by default will be channelled through our community — that we are here

doing this presentation. That will also send very important messages around what we hope will occur and what we look forward to working with our various community organisations on. We think that there is room for growth.

Mr AYKAN — One of the key issues is that we do not have actual data; a lot of the information is hearsay and anecdotal, so we need to approach or move forward with professional staff to be able to make inroads. Getting real data is vital for a real reflection on the state of affairs within the Muslim community, if any.

Ms TOOHEY — I think this is a huge issue. If we do not have any level of accurate or even close to accurate data around the existence of child abuse in the community, then we cannot come to the government and say we would like a certain amount of money to put together programs or that type of thing, because we are data-less.

As you can see in the recommendations there is research for a whole lot of areas to support what we are here doing that hopefully will become a little bit more than hearsay. We expect that by us being here today at least it validates a victim's experience, which is important: we are here to represent the community, we are here for the community should there be victims of child abuse within the community. I expect that it might be sometime before we have a lot of people coming forward with that. I hope no-one comes forward with that, but I am assuming it still might take time.

Mr O'BRIEN — I take it from what you have said that there are some people in your community — —

I think you have said the phrase, and perhaps I can ask you to explain that as best you can — on page 5 of your submission, and this is after your answer to the Chair's questions about there being no record of contact:

Consultations within the community have revealed there are members of the Muslim community today who experienced child abuse whilst in the care of — —

some organisations within the Muslim community.

Can you explain?

Ms TOOHEY — We have no data to back that up. It is completely anecdotal. It is through consultations that I had with various members of the community where they gave me access to information that they had heard of cases.

Mr O'BRIEN — And in another answer to the Chair you indicated that you would be prepared to engage in a process — and I will be fair to you, you make some criticism of the way we have had to engage to get a statement, but let us put that behind us and we are here now, talking. Is there a process that you could identify ways that you could explore these anecdotal cases? Are you happy, for example, to work with Victoria Police, DHS or our parallel processes in relation to that, even if it is in a sense — I will not say test case — a way of unlocking some of these taboos that you have identified? You may want to think about that and come back too, because you might need to take some consultations. But you have hinted — —

Ms TOOHEY — I understand the importance of more detail. I understand that it is important for the committee to get a detailed understanding of what this might look like in the community. We do not have that evidence now. I cannot guarantee that I would even have anyone willing to document this formally.

Mr O'BRIEN — We may leave it open for you: if you do, please come back to us.

I just need to follow up one question that my colleague asked in answer to the question on female genital mutilation. It is an issue that is out there in the community. I suppose this is a good opportunity for you to, I suppose, support — —

I am not sure if you are aware of the protocol that mentions the issue generally. It is the protocol that has been discussed in the last few days with other bodies, called 'Protecting the safety and wellbeing of children and young people'. If I could take you to page — —

The CHAIR — I think Ms Toohey answered that question in response to Mrs Coote's question.

Mr O'BRIEN — Could I just clarify the answer, and I am sorry to interrupt. You said the majority would recognise it as a crime, and perhaps my legal brain — —

Ms TOOHEY — I think I said the 47 organisations would recognise it was a crime.

Mr O'BRIEN — Is that all of them?

Ms TOOHEY — That is all of them that are under our umbrella.

Mr O'BRIEN — Are you aware of any that would not, for example?

Ms TOOHEY — No, we are not aware of any that would have a different interpretation of that crime, under our umbrella.

Mr O'BRIEN — Under your umbrella, yes. Because that is certainly what this document — I have found the page, Chair — says at page 40. It recognises that it is a practice that occurs overseas and therefore it needs to be recognised that it is part of child abuse as a physical crime in this state. I imagine that is something that as a peak body you would absolutely endorse.

Mr AYKAN — Yes. I mean, that is our understanding, in that this is not something which is practised here in Australia; it is an overseas thing. It is not a religious thing, it is more a regional cultural thing. And to date we have not heard of any cases within the Muslim community in Australia whatsoever.

Mr O'BRIEN — I am glad to have offered you the opportunity to clarify that.

Ms TOOHEY — Could I also say that this is an important issue. I do not think we were made aware of making any statement on that particular issue, but I think it is important that we clarify in future documents around the community's understanding and other things that might pertain to FGM in our community. So far as I was aware I did not get that document that had any reference to that, but that is important for us to be able to make a comment on with more time.

Mr O'BRIEN — We would like it if you wanted to review the protocol, because it is the joint protocol of the Department of Human Services, the Department of Education and Early Childhood Development. It is essentially the government's — it was actually put out by the previous government — and it has had some commentary in recent days. I would be happy for you, perhaps even in a further consideration, to respond to this protocol.

Ms TOOHEY — We would be happy to respond to that.

The CHAIR — Thank you. I think you have answered the question in relation to that issue.

Mr WAKELING — Thank you very much for your presentation and your openness and frankness in what you have said, and in good faith we have taken this document as an acknowledgement that there is more to be done, like many organisations before us that have done that. Can I assume on that basis that the majority of the 47 groups would not have policies or procedures in place in terms of dealing with young people?

Ms TOOHEY — We actually cannot tell you how many of the 47 do or do not, because the time in which we had to put together the submission was not enough to consult with the 47.

Mr WAKELING — That is okay.

Mr AYKAN — But to answer your question about the majority, we would assume it would be a good number — —

Mr WAKELING — Who do not?

Mr AYKAN — Who do not, yes.

Mr WAKELING — Okay, that is fine. The second thing is: do you have a police liaison? Some community organisations have a specific person as a contact within the police hierarchy as a liaison.

Mr AYKAN — Yes, the Islamic council liaises. It is fair to say that the Victoria Police is our no. 1 key stakeholder. We work with six different branches of departments within Victoria Police, so we have many different liaisons for different areas.

Mr WAKELING — In that respect do you believe if within one of those six areas there would be someone that deals specifically with child abuse that you would be made aware of that?

Mr AYKAN — This is a relatively new issue for us and I would say for the whole of the Australian population until the establishment of this committee. To date it has not come on our agenda. The Victoria Police have not actually approached us saying, 'Look, if there are any cases, we are the department branch that you need to liaise with'. I would say after this committee I could easily inquire who would be our best liaison person to report such cases. At this stage we work heavily with the Victoria Police, but I cannot say I know who would be the best person to liaise with.

Mr WAKELING — Just one final thing: assuming that your peak body in fact recognises the organisation that would help in the establishment of policies and procedures within your member organisations — and that will probably be an internal issue for yourselves — are there any models that you have been involved with in the rollout of other training or procedures within the Islamic community? I refer to the rollout of other government programs or policies and procedures — and you might want to take this on notice — where you could say, 'I know that three years ago we were involved in the rollout of training in X and that worked really well'? That may be something that you might be able to come back to us with as a potential model of what has worked in the past, or as an idea of a potential example that we could look at in terms of the rollout of such a program.

Mr AYKAN — I think it will be best if we take that on notice and come back to you after some further investigation. The ICV has conducted many different types of programs, workshops and training in the past. This may be a very special, sensitive area, and hence I think it may be appropriate if we investigate it fully before determining what would be the best model.

Ms TOOHEY — If something like what you suggest occurred it would make a significant impact right across the Muslim community based on the relationships that the Islamic Council of Victoria has with those 47 member organisations, which do represent thousands of Muslims.

Mr WAKELING — We want to make sure we get it right in terms of the rollout.

Ms TOOHEY — That is right.

The CHAIR — Can I again say how much we appreciate your time. I note that you prepared this submission in recent days and we do acknowledge that. Can I also put on the record that I did write to your organisation last year and again earlier this year, so we are very appreciative of your coming before us and providing the evidence that you have provided. You are a significant community within the Victorian community. I note from your submission that the 152 000 Muslims living in Victoria are in fact 33 per cent of the total in Australia, so it is a very large and important community. Your evidence today has most helpful for us in determining what we are looking at in this very important issue. Again, thank you for the frankness that you have provided in your submission to us; it has been most helpful.

Witnesses withdrew.