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# Access to justice – structural violence and a community call to rethink knowledge and ways of working

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## Abstract

Between 2020 and 2022, during the COVID-19 pandemic, Melbourne, Australia was known as the most locked-down city in the world. Communities experienced rolling and extended lockdowns differently, impacting access to various resources, including *access to justice*. This article presents the key findings of a study on the effects of the pandemic on migrant and refugee communities' ability to access social and legal services in Melbourne which it frames as an issue of access to justice. The research highlighted that COVID-19 magnified existing barriers in the form of structural violence experienced by these communities – including racism, uncertainty, fear, distrust and isolation. The research also demonstrates that the pandemic importantly provided an opportunity to rethink old ways of working by centring community as a justice practice: not delivering services *to* but working *with* communities to meet their needs. We argue that collaborative work *with* communities was key to effective service provision but also a safeguard against structural violence. Through this participatory-collaborative model, the research reveals how structural violence is perpetuated when it decentres community needs and expertise, and how space can be opened up for change.

## Keywords

access to justice, structural violence, community engagement, COVID-19, racism

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## Introduction

‘The lockdown worked like a chemical experiment that suddenly illuminated hidden things’.  
(Roy, 2020)

Two scenes during the pandemic come to mind for many Victorians in Australia: one is of its normally traffic congested roads and highways now empty and desolate, foreboding in the traces of an absence and conjuring an apocalyptic film scenario ravaged by plague or zombies. The other is a group of police officers standing around the high-rise public housing buildings in Flemington or Carlton where the mostly migrant, refugee and low-income residents were confined. Like the highway scene, the space around the buildings curiously feels vacant with the exception of the presence of uniformed officers policing its perimeters. These seemingly contrasting scenes tell two stories about community experiences with the COVID-19 public health crisis which was declared across the globe with the first case in Australia on 25 January 2020.

The first scene captures the pandemic’s uniformity as a public health threat, and the measures introduced across the state of Victoria in the name of safety and protection. The second captures the uneven experiences of communities with the pandemic, raising the question whose safety and protection were these measures in the service of? This question is only sharpened when considering the Victorian Ombudsman Deborah Glass’ investigation into the detention and treatment of public housing residents arising from a COVID-19 ‘hard lockdown’ in July 2020, where she noted that ‘In a just society, human rights are not a convention to be ignored during a crisis, but a framework for how we will treat and be treated as the crisis unfolds’ (Glass, 2020, Forward, 5).

There have been nearly 780 million reported cases of COVID-19 across the world, resulting in more than 7.1 million deaths (WHO, 2025). In Australia there have been more than 12 million reported cases and well over 28,000 deaths, with the state of Victoria accounting for most of these deaths (Australian Institute of Health and Welfare (AIHW), 2024; Macali, 2026). While the hard data indicates the deadly impact of the pandemic, the wider and more long-term impact has yet to be determined. We are continuing to see the impact of COVID-19 and will do so for years to come. This is not an old story. The continued impact of the pandemic is illustrated in how during the writing of this article the numbers presented had to be frequently updated.

The pandemic was an unprecedented moment, a reckoning on the effectiveness of public services and provisions at times of extreme vulnerability. Structural problems that pre-existed such as socio-economic inequities within countries, regionally and globally, for example, the deregulation of industry and casualisation of the workforce, had dire consequences on a vulnerable aged care system, teachers and public health. Growing research has shown the negative and unequal impact of the pandemic on communities in the areas of economics, family, mental and physical health, education and tourism (Andrade et al., 2022; McGowan and Bambra, 2022; Pokhrel and Chhetri, 2021; Škare et al., 2021; Yashadhana et al., 2020). These experiences were marked and amplified in the inequality of access to social and legal services, where communities who for a long time had experienced barriers in accessing justice, were further impacted.

The cumulative problems during the pandemic also signalled a moral reckoning with a confronting question: What kind of society do we want to live in? From racial violence with the murder of George Floyd that saw global outrage from the United States to Australia to the extreme precarity in the care industry, there was a new urgency injected into old problems.

The following article draws on research on the impact of the pandemic on racialised communities in the state of Victoria, Australia and their reflections on this post-pandemic, with a focus on access to justice. Although perspectives and experiences of migrant and refugee communities in relation to (in)justice and service delivery are increasingly being studied, no such studies have been conducted in Australia that explicitly frames these problems as an issue of structural violence – systemic restrictions placed on communities through institutions (Galtung, 1969; Young, 2004; Žižek, 2009). We introduce this frame to demonstrate how vulnerability is produced and deepened by structures that are then experienced as injustice. As a study on access to justice, we deliberately took a collaborative, community-engaged approach where we partnered with community organisations, leaders and counsellor-advocates as co-designers and knowledge partners. We took our lead from these partners, which included members of our team, as to what was understood as justice, and what was understood as access. In so doing, we opened up a space for reflection from non-community partners including a government legal agency and community legal centres to consider new ways of working to enable effective access to legal services that may result in justice.

This study brought together diverse communities in Australia – refugees and migrants – most needing service providers at the time of extreme vulnerability and crisis, such as a pandemic. We explored the experiences of these communities in the state of Victoria which experienced, the most stringent public health measures in the country – months of lockdowns, restriction of movement, curfews and other public health orders to minimise the impact of the pandemic. We worked collaboratively with Victorian legal, social and community service providers and grassroots community organisers from racialised, refugee and migrant communities. The unique moment of the pandemic and focusing on communities who most need support was an opportunity to also test the effectiveness of service provision, from both the perspectives of those seeking it, and those delivering it. With scientists warning of future pandemics and recognising that ecological and climate-related crises are a defining feature of our times, the insights from this research offer important recommendations to service providers and policymakers (Feldscher, 2024). They highlight how future pandemics – and crises more broadly – can be better managed in ways that safeguard those points where access to services that enable justice ends, are critical.

As part of our participatory community approach, the research deliberately centred participants' words, drawing on long narrations, to highlight their insights, emotions, sensibilities, imagination and what stories they wished to tell. It aimed to identify and further understand both long-standing obstacles to accessing legal and social services and new opportunities for access to justice in Victoria, as they were understood and experienced by project participants. The community findings direct this research. The research provided an opportunity to identify both new and existing obstacles – including those that

may be exacerbated due to COVID-19 – with service providers and community members, and possibilities for meaningful collaborations. By centring the experiences of those communities most in need of support, in a state that enforced stringent public health measures, we were able to examine the effectiveness of service provision under conditions of crisis but also what these conditions made visible.

The article is structured into four sections. The following section outlines the existing literature and the trend in pandemic research and in legal need and access to justice during COVID-19 and how our research contributes to the documentation of the debilitating effects of the pandemic on racialised, refugee, and migrant communities and in understanding what access to justice requires. We frame the barriers that communities experience as an issue of accessing justice to give urgency and weight to the problems highlighted in the research as it has great stakes for migrant and refugee communities. We expand the concept of ‘access to justice’ beyond its legal confines to include structural barriers. Structural barriers to services that provide safety and protection for communities are an issue of rights and liberties, and therefore, justice. In doing so, we deliberately centre understandings of ‘access to justice’ and ‘justice’ itself in the communities and community organisations whose experiences of injustice inform how justice is conceptualised and practiced. This approach allows us to consider the limitations of dominant notions of justice and extend this understanding through our work with communities and their understanding of justice as interconnected to lives, in ways that resonate with and contribute to existing scholarship in this area.

The next section highlights the methods and then the research findings that enable community-engaged research. A key finding from the research identified that the COVID-19 pandemic exacerbated and magnified migrant and refugee communities’ difficulties in accessing social and legal services in Victoria. The focus on these communities was not only because of their marginalised status but to consider how injustice is produced structurally and because we see their experiences as a metric for assessing the structural competence and value of a legal and social service system. This collaborative methodology that is community focused and driven highlights pre-existing problems as an effective *diagnostic tool* but also as a *prophylactic to the problems* highlighted in existing research, including our own research findings. The research demonstrates how this collaborative approach that brought legal and social services together establishes the need for divesting control as a practice of valuing community expertise as a preventative measure against structural injustice. This was a key finding of the work, and points to this community-engaged methodology as central to the work of doing justice (on this, see Balint et al., 2026 forthcoming).

The findings of our collaborative and participatory approach to research itself established ways of identifying barriers by centring community experiences to understand how structural violence is experienced and how it is perpetuated by devaluing the knowledge of communities and their expertise. By centring community voices as not just insider perspectives but as *experts on the structural barriers they face*, the findings highlight the pressing need to share power and diversify knowledge as a justice practice.

## Rethinking access to justice in a time of crisis

Emerging research on the COVID-19 pandemic demonstrates its far-reaching effects across socio-economic, health and political domains, with disproportionate impacts on informal workers, low-income families and racialised communities. Studies across OECD countries show that immigrants faced higher infection, severe illness and mortality rates than native-born populations, patterns shaped by systemic factors such as sub-standard housing, insecure employment, and lower vaccination access (OECD, 2020, 2022). These inequities were further compounded by the global proliferation of misinformation, which targeted multicultural communities, undermined public trust and impeded public health efforts (Kuzelewska and Tomaszuk, 2022). In Australia, these dynamics intersected with heightened racism and xenophobia, particularly towards Asian Australians and newly arrived migrants scapegoated during the crisis (Elias and Ben, 2023; Kamp et al., 2024).

These developments exposed the limitations of Australia's enduring 'colour-blind' national discourse, which obscures the structural and racialised nature of inequality. Bonilla-Silva (2022) critiques colour-blind racism for failing to recognise systemic disparities, a shortcoming that became especially evident during the pandemic and complicates the development of effective policy responses. Similarly, Young (2008) shows how liberal democracies often perpetuate structural injustice by applying uniform standards that ignore unequal social and economic positions. Her critique of 'difference-blind' approaches underscores the need for justice frameworks that recognise and respond to material and social disparities. Thobani's (2022) edited volume on the pandemic extends this critique, illustrating how global harms were shaped by race and its intersections with class, gender, coloniality and state power.

Theories of justice (Balint et al., 2020; Kapur, 2006; Mani, 2002; Young, 2011) have envisioned justice in different forms. In critical theory, feminist, post-colonial, and decolonial traditions which are focused on race, gender and class (Atuahene, 2014; Mignolo 2002; Said, 1978; Spivak, 1999), critical engagements with justice fundamentally do so with the aim to decentre power, rethink and transform institutions, introduce if not improve practices of equality, equity, accountability, representation – the anatomy of justice. They take a more structural justice approach, interrogating the deep and ongoing structures that enable injustice. Applying such perspectives to the pandemic highlights the need to understand justice not simply as access to resources but as a recognition of how systemic inequities shape people's lives regarding vulnerability, decision-making power and exposure to harm.

The term *access to justice* has historically been associated with access to legal services and variously framed as legal needs, unmet legal needs, justice needs, justiciable needs and the aspiration towards *equal justice* (Buck and Curran, 2009; Curran and Noone, 2007; Sandefur, 2015, 2019). Traditional socio-legal scholarship has emphasised the ability to obtain legal representation, appear in court and exercise due process rights (Sandefur, 2009). While this lawyer- and court-centred model emphasises expanding formal legal pathways, scholars increasingly critique its limitations and call for broader, inclusive approaches that recognise the diverse sites where people encounter the law.

These approaches highlight partnerships between legal institutions, governments and communities (Bass et al., 2005; Sandefur, 2014, 2019), while affirming that structural barriers including economic precarity, limited rights awareness, language and cultural exclusion, and institutional bias shape how marginalised groups engage with legal systems (Cornwellet al., 2017; Croke 2024; Michelson, 2006).

Australian research, often found in grey literature, similarly shows how migrant and refugee communities experience the legal system within conditions marked by language barriers, limited knowledge of rights and services, insecure immigration status, trauma and long-standing mistrust of state institutions (see Centre for Advocacy, Support & Education for Refugees, 2014; Department of Justice and Regulation, 2016; El-Murr, 2018; Judicial Council on Cultural Diversity, 2016; Settlement Council of Australia, 2019). Existing research acknowledges the ongoing impact of structural factors such as trauma on migrants', refugees' and asylum seekers' and how these can be addressed to enhance understanding of their rights (e.g. Aidani, 2010a, 2010b). International studies likewise emphasise how structural disadvantage constrains equitable access and outcomes (Gill et al., 2021; Pascoe et al., 2014).

Contemporary socio-legal work has shifted towards people-centred understandings of access to justice, focusing on everyday problems, pathways and outcomes. These studies show that most civil justice issues arise outside formal courts (Storgaard et al., 2023) and disproportionately burden marginalised groups, exposing the limitations of institution-centric metrics such as representation rates (Sandefur et al., 2023). Critical scholars caution that reforms promoting procedural simplification and self-help may legitimise inequality by narrowing which harms are legally intelligible (Amit, 2024). Research on evidence practices (Vestad, 2025) and digital justice (Creutzfeldt, 2021; Mulcahy and Tsalapatani, 2024) further reveals how administrative and technological infrastructures shape who can mobilise law. The accelerated adoption of remote hearings during the pandemic exemplifies this: although intended to address backlogs, digitalisation intensified inequities through digital exclusion, particularly affecting older people, remote communities and those with limited digital literacy (Dorneanu et al., 2021; OECD, 2020; Teremetskyi et al., 2021). In Australia, analyses by the Castan Centre underscore how digital-only processes compounded barriers for disadvantaged groups, including Aboriginal and Torres Strait Islander communities, raising concerns about procedural fairness and the symbolic authority of law in virtual environments (Bell et al., 2021).

Research in the United Kingdom reinforces our project findings that the pandemic created conditions for rethinking entrenched models of legal support and redistributing authority towards community-based actors. Mulqueen and Wintersteiger's (2025) study of local legal needs in Coventry, shows how COVID-19 exposed the limits of formal legal services and elevated the role of trusted intermediaries, demonstrating that meaningful access to justice depended on community-embedded knowledge and flexible, grass-roots responses rather than traditional, top-down systems. Work by O'Doherty et al. (2022) on survivors of sexual violence likewise reveals how pandemic-driven disruptions prompted new practices such as remote service adaptations that, while imperfect, opened possibilities for more survivor-centred and responsive forms of support. Together, these

works suggest that the pandemic acted not only as a crisis but as a catalyst, unsettling entrenched systems and responsively redirecting power and expertise towards communities.

This article contributes to this emerging literature by examining access to justice for refugee and migrant communities in Australia during the pandemic through a collaborative, community-engaged methodology. By centring the perspectives of community members and service providers, and centring their knowledge in our approach together, we identified both long-standing and pandemic-exacerbated barriers to accessing and delivering legal and social services, and pointed to new ways of working that were not just about systems, but about power and agency. This participatory approach enabled us together to examine what has been effective, what has not, and generated recommendations for change that focused on the positionality of communities and what is required for justice. This collaborative approach is central to our argument here that access to justice is best understood not merely as a matter of unmet legal needs but as a question of structural violence. Consistent with Sandefur's (2019, 53) framing of access to justice as constituting 'a crisis of exclusion and inequality', our findings demonstrate how systemic disadvantages deepen vulnerabilities. We frame access to justice through the perspectives of those most affected and most involved (communities and service providers), underscoring the interconnection of social, structural, and legal justice, and showing that legal problems and their solutions cannot be understood in isolation.

Our research on the pandemic's impact on refugee and migrant communities was deliberately framed as a question of justice. In liberal democracies, justice is rarely invoked as an immediate frame for social and structural inequities. This absence reflects an assumption that liberal democracies already possess the tools to address harm. By centring justice as a core lens and frame, we interrogate this assumption and emphasise its weight and urgency. Rather than treating these issues as circumstantial deficiencies in resources or expertise, we reframe them as matters of *injustice*.

## **Participatory methodology and partnership as research process**

This article draws on a 2-year collaborative research project during the COVID-19 pandemic conducted in partnership with key government and community legal and social service providers. Emerging evidence was that newly arrived migrant and refugee Victorian communities were suffering further vulnerabilities around service provision and access due to COVID-19. The project was initiated to collaborate with service providers and community organisations to document the experiences of communities they work with in accessing legal and social support services during COVID-19. In its development with the partner organisations, it went further than solely documenting. It created space for discussion of the barriers and obstacles to accessing and providing legal and social services, what has worked, what has not, and suggestions for change. The focus on what next was an ethical imperative, that avoided documentation for documentation's sake (Tuck and Yang, 2012). It particularly asked the question, what does access to justice mean to you.

The project partners, and members of the project team, were Foundation House: The Victorian Foundation for Survivors of Torture, Victoria Legal Aid (VLA) and Afri-Aus Care. Foundation House is a Melbourne-based service provider working with people from refugee backgrounds who have experienced torture and trauma, with a focus on community capacity building. One of our project team had worked with them over some time. We partnered with their Community Capacity Building Team and services team, largely comprised of counsellor-advocates. The counsellor-advocates are individuals – from refugee and migrant backgrounds themselves – who occupy embedded positions within legal, health and community services and act as intermediaries and advocates between institutions and the communities they support. Their work spans advocacy, liaison, and referrals across health, education, community, and legal services, and their contributions reflect not only personal experience but also the broader needs of the communities they support. Their enthusiasm for the importance of this work was a key driver, and their involvement enabled depth and breadth for the project.

VLA is a Victorian statutory authority, and a major provider of legal advocacy, advice and assistance to socially and economically disadvantaged Victorians. Each year it assists more than 100,000 people with their legal problems at courts and tribunals, as well as on the phone, webchat, online services and early-intervention programmes. VLA works to improve access to justice and pursues innovative ways of providing assistance to reduce the prevalence of legal problems in the community. The participation of their lawyers and managers enabled deep reflection on professional roles and institutional practices in working with communities.

Afri-Aus Care is a key community-based not-for-profit organisation in Melbourne providing support services to migrant youth and their families, primarily from African backgrounds. It focuses on addressing inter-generational trauma and conflict, particularly in relation to experiences with the justice system. Another member of the project team had been working with them over some time. Their involvement in the project enabled grassroots input from young people and their families, particularly mothers, who were first-generation refugees in Melbourne.

The project expanded and critiqued traditional, process-centered understandings of access to justice by foregrounding community expertise and highlighting the social, cultural and systemic barriers that conventional frameworks often overlook. Each partner organisation identified which individuals and groups would participate in focus group discussions and individual interviews with us, and what they were most interested in identifying through the project. For example, VLA identified lawyers and managers, Afri-Aus Care brought together youth and mothers from the African Australian community, and Foundation House put a call out to their counsellor-advocates to meet with us. Legal and social service providers reflected on their work with specific communities, their understandings of community experiences during the pandemic, and how these compared to pre-pandemic conditions.

In addition to individuals from each of these organisations, the project team comprised academics from the University of Melbourne in the School of Social and Political Sciences (Faculty of Arts), and the School of Population and Global Health (MDHS), and from RMIT (Social and Global Studies Centre), along with the Melbourne Social

Equity Institute. In addition, as core members of the team, were two Research Fellows, who brought significant academic and community expertise to the project and were foundational to the community discussions with Foundation House and Afri-Aus Care, as well to the thematic discussions and analysis.

We ensured that we brought in other voices throughout, including from the Muslim Legal Network, Asylum Seeker Resource Centre, WEstJustice Community Legal Centre, Changemakers Collective, Inner Melbourne Community Legal Centre and individual grassroots community organisers working with refugee and migrant communities in Victoria.

Central, thus to the project was a participatory methodology where the organisations involved and key people within, played a leading role across all stages of the research process, from agenda setting and research design to interpretation and dissemination. The project design enabled findings beyond ‘barriers experienced’, to broader findings about new ways of working, about community involvement, and about understandings of justice. While the original purpose was solely to document experiences of migrant and refugee communities in Victoria in accessing social and legal services during the pandemic, the way in which the research was designed, enabled much broader and newer findings to emerge. This approach from us was highly welcomed by all we spoke with, and was seen as an important intervention into the *how* of doing access to justice work in Victoria.

The project took a deeply iterative approach, going back to the organisations at all stages of the project to check findings and get guidance on the next steps. Given the COVID-19 restrictions in Victoria, all interviews and focus groups were conducted via Zoom, enabling greater agency and control over participation (Prior and Lachover, 2023; Vaughan, 2025). Preliminary findings were first shared with community and service partners through informal discussions to validate their accuracy, before being further reviewed in a December 2022 workshop at the University of Melbourne, and finally, with a report released (Balint et al., 2023), through a final set of collaborative reflections on next steps in which community participants and partner organisations played a central role. Beyond shaping the research focus, they actively promoted the importance of disseminating the findings through media and policy channels, emphasising the importance of institutional backing to amplify community voices and raise public awareness. Their call for support from the University of Melbourne reflects a deliberate strategy to centre community agency while leveraging academic legitimacy to advance advocacy and systemic change.

## **Rethinking old ways of working – opportunities for divesting control and addressing long-standing barriers to access justice**

Our discussions with communities and legal and social service providers identified two main findings. Firstly, structural conditions that already limited access to justice for racialized, refugee and migrant communities were not only revealed but also exacerbated during the pandemic. Secondly, the pandemic conditions provided an opportunity for service

providers to rethink old ways of working and consider how their services might be delivered more effectively. Access to legal and social services for migrant and refugee communities was shown to be successful where services took a collaborative approach with communities, recognising their expertise. Divesting control to communities was highlighted to us as a successful way to ensure and enable access to justice. We deliberately draw extensively from those we spoke to, in their own words, in recognition of their leading the project's key findings.

### *COVID-19 revealed and exacerbated specific injustices*

Speaking with community participants, we found that the pandemic made long-standing obstacles to accessing justice significantly worse, as migrants and refugee communities experienced specific structural injustices and harms such as enforced lockdowns of social housing towers, increased racism, changes to migration rules and asylum seeker rights, social isolation, along with language barriers, an inaccessible court system, and reduced access to social and legal services.

During Victoria's extended lockdowns, it was not COVID-19 itself that created the barriers and injustices faced by communities. Rather, the pandemic exposed and intensified these pre-existing barriers, making them more visible and acute. As one social service provider observed, 'COVID has brought all these issues to the fore. Before, these issues were there but again their vulnerability has increased because of COVID'. Community organisations also acknowledged this reality: 'I don't think everyone has the same opportunity to access to justice. So, COVID makes things worse, even worse than before'.

Together with communities and organisations, we identified that communities are isolated and lack knowledge and capacity to navigate the legal system. We heard that people felt 'locked out' and that they were unable to even 'get to first base unless they've got a really strong advocate because the system is so different from what they know and have experienced' (Social service provider, Melbourne). A young person from a community organisation elaborated:

[COVID] has exposed a lack of understanding [in differences between legal systems in Australia and countries of origin]. Because you come here and somebody tells you, "this and this and this happens in Australia," and possibly the person who is telling you does not have any legal background whatsoever. Maybe they heard it from somebody and then they are trying to translate it to you the way they understand it.

Community advocates, members and service providers reported that mainstream services are neither culturally safe nor culturally responsive, a problem extending beyond legal services to broader service provisions. As one community organiser highlighted:

mental health generally in this country has always served one community, and that's if you're English speaking ... There's a stigma to it... And then even some of the words and the language

that's used when you're dealing with depression... like the black dog follows me around. Like how do you even say that in our community?

We found that contact with the legal system is often avoided due to stigma, shame, fear and trauma stemming from experiences in countries of origin, as well as experiences with Australian authorities. This finding echoes Aidani's (2010a, 2010b, 2016) research with Iranian diaspora communities, which revealed that unjust and violent interactions with authorities such as the police, the military and the regime as a whole, resulted in profound social and cultural alienation.

Heightened sensibilities about authorities as unreliable and untrustworthy often lead individuals and families to avoid contact with the legal system and courts, fearing it could jeopardise their residency or citizenship applications; 'be careful not to touch the legal system, otherwise your citizenship will be disrupted' (Social service provider, Melbourne). A manager of a legal service further emphasised: 'It's not just about interpreters; it's about people feeling safe'. These fears are compounded by the structural and systemic racism that racialized communities continue to experience within the legal system.

Young people reported being disproportionately targeted by police during the pandemic. Community legal services observed increased requests for support with police encounters and highlighted the targeted policing of suburbs with larger Muslim populations, which were perceived as 'hotspots' for lockdown violations (Balint et al., 2023; Sentas and Boon-Kuo, 2023). While these patterns intensified during COVID-19, they reflected broader, ongoing experiences, particularly for young people from African-Australian communities (Hopkins and Popovic, 2023). As one community organiser explained: 'a lot of young African-Australians, [are] actually fighting a war on a lot of fronts. You've got police, you've got criminal justice system, you've basically got schools'. A principal lawyer of a community legal service shared:

racial profiling and policing issues have come up as well, particularly during the lockdown and requests from community members to get support to deal with police interactions.

Legal service providers also identified a lack of trust between themselves and the communities they serve as a significant barrier. They emphasised the need to build relationships with communities that may perceive service providers as part of an untrustworthy system. Existing funding models, which are often short-term and individual-focused, rather than holistic community-centered approaches, were identified as a major impediment to achieving this goal. As one principal lawyer explained:

they [communities] wanted the material to come from people that they trusted, not institutions that they had never heard about and that they had probably put in the basket of don't trust you because of their experience with the department here but also their experiences in their countries of origin.

Services are often inaccessible to communities, both geographically and in terms of navigating the processes required to seek assistance. The responsibility frequently falls on individuals to actively search for support, which poses significant challenges. Particularly, during the pandemic, accessing services when they were remote, or when communities were not physically able to travel to them, was a significant barrier. This issue was especially acute for women and children experiencing family violence, as perpetrators remained at home with the whole family during lockdowns, creating significant safety concerns. A community social service provider noted,

I've just found that ... theoretically, on paper it sounds like it's a service that should be very accessible to everyone, but... it is incredibly inaccessible... their hours are 5:30 to 8:30 Tuesdays, Thursdays, and their lines just cut up as soon as the line fills up to six people...

Language continues to be a significant barrier to accessing justice. This is a surprising finding, given that this has been the focus of much access to justice work for some decades (El-Murr, 2018; Settlement Council of Australia, 2019). Our discussions indicated that translation and interpreting services are often either unavailable or underutilised by legal service providers, which significantly impacts the ability of communities to engage with the legal system. This challenge was raised in cases of family violence, as noted by a service provider from a legal service: 'we knew that family violence was becoming more of an issue in the community, but we weren't able to respond to those language needs of community as well...' Another persistent problem has been the reliance on static translated legal information. Service providers emphasised that information provision was more than translation, and that how legal information was digested and circulated, needed to be re-thought, particularly in relation to self-determination and community agency.

The need for such reimagined approaches became starkly apparent during the lockdowns in Melbourne's public housing towers. As one community organiser explained:

There was no information available in multiple languages. There are so many diverse people that live in those [Melbourne public housing] towers, and there was no ... translated information that was coming to any of the residents. (Community organizer, Melbourne)

### *Divesting control: An opportunity to rethink old ways of working*

What became evident through our conversations with legal service providers is the particular ways that COVID-19 provided an important opportunity to rethink old ways of working. Access to legal and social services for migrant and refugee communities proved most successful when services adopted a collaborative approach that genuinely recognised and valued community expertise. Legal service providers encountered significant challenges when communities – particularly young people – took the legal information provided and assumed control of its dissemination. Divesting control was inherently challenging, yet providers recognised this as critical to ensuring communities' access to justice. A key barrier to divesting control was the problematic tendency to depict communities as vulnerable and lacking agency. This fundamental failure to see

community members as equal partners possessing essential expertise was, as community members stressed, a recipe for ineffective collaboration and a substantial impediment to community justice. As one lawyer from a community legal service in Melbourne pointedly noted: 'COVID exposed these points in the system where more dialogue is required so that we could actually improve access to justice'.

Community service providers and community organisers outlined how divesting control meant recognising that legal service providers were not always best placed to lead and deliver the work. This recognition was particularly significant among legal service providers, who traditionally maintained tight control over service delivery. It became particularly evident with the decision in July 2020 by the Victorian government to, without any notice, lock down nine public housing towers in Melbourne, which housed an estimated 3000 residents. As the Victorian Ombudsman was to write in her report, '... the early days of the lockdown were chaotic: people found themselves without food, medication and other essential supports. Information was confused, incomprehensible, or simply lacking. On the ground few seemed to know who was in charge' (Glass, 2020, 4).

At this time, there were attempts by government and community legal service organisations to get legal information to the residents. On the ground, community organisers were ensuring that the community had the information they needed and were organised. The legal providers soon realised how the community on the ground were organising the legal information in the ways that they needed, and that suited them best.

The manager of a legal service provider in Melbourne told us:

[My colleague] said she got the information ... she spoke to residents, she heard what they wanted, she got them that information and then they did stuff to it that she didn't like. They changed the content in ways that didn't reflect best practice. But she realized that that's what they needed and wanted, and this was an example of self-determination ... And then once it got into the hands of key community members, it went viral.

The principal lawyer of a community legal service in Melbourne had a similar experience:

So, I ended up kind of divesting a lot of control and just saying, I can't orchestrate this ... the community's leading this, they're doing a better job, they're doing it faster, they know who the people are that need the information. They know how they want the information.

The same person again noted:

... what stands out in my mind is what we saw the community was able to achieve when they were empowered to do so... So, allowing community members to actually drive the solutions, you know, be involved in that rather than us purporting to know what to do and not ... I guess they just have to fight so hard to get a seat around the table.

Getting a seat at the table was seen as critical. A community organiser who we spoke with noted:

Well to be honest with you, justice for my community is when my community plays the role of justice. So we need to be embedded in justice. You can't give justice to someone unless that person you're giving justice to has a place on the table. They feel like they're empowered ... when we bring someone of their colour, someone of their same community, it's like this kid all of a sudden, it's like they want to talk, they want to express their views. And then when we ask them, "why don't you do that with others" they're like, "we can't tell people about our shame, we can't tell them the way they treat us, that gives them power over us."

The principal lawyer of a community legal service agreed 'I guess we've often designed service responses without actually hearing their perspectives'. The manager of a legal service had a similar reflection '... the community has its own expertise' and so when services were informed by them, it reflected community needs.

The dominant approach we observed was that there is a current focus on 'service provision *to* communities', instead of 'service provision *with* communities'. Divesting control and working with communities was shown to transform service delivery, where legal institutions and service providers were able to reimagine their role from leaders to collaborators. By enabling communities to drive solutions, service providers can move beyond prescriptive assistance towards a more collaborative engagement. Access to justice thus emerges not as something dispensed from above, but co-created through genuine partnership, where communities become architects of their own social and legal interventions. 'Legal' problems cannot be effectively resolved in isolation, yet they are often treated as distinct from 'social' problems, rather than as interconnected issues. This disconnection limits the effectiveness of social services, particularly when legal challenges are divorced from broader socio-economic contexts such as housing, education, or trauma recovery. As one lawyer from a community legal service in Melbourne observed:

We spent so much money doing it wrong ... I think there needs to be a real joining of forces with all of the different service systems – health, child protection. They say that they do that, but we don't do this well.

Community advocates and service providers stressed the importance of understanding the circumstances leading up to an individual's engagement with the legal system. They indicated that the pathways to legal intervention are shaped by a range of social, economic and personal factors, which must be acknowledged to provide meaningful support. Thus, establishing ongoing, structural relationships between legal services, social services and community organisations was shown to be essential for delivering holistic and effective responses. As a social service provider in Melbourne explained:

I think lots of the issues that are around access to justice ... there's the legal stuff, but there's also what happens in the lead-up to perhaps needing [support], whether it's access to a family violence service or to a settlement support service or to people helping you advocate for yourself. That's all part of the justice system, isn't it?

A community member also echoed this need to look beyond individual cases to root causes:

My cry is before people start judging the people who have done wrong, they should go to the root cause. What are the causes?... We need more counselling services. We need services, main-stream services, who will accept us for who we are and not taking advantage of us.

Service providers and community advocates emphasised the critical need to acknowledge and value the work of existing community organisations and networks as well as the specialised knowledge and lived experiences of some community members and compensate them adequately. Building on the importance of paying for community expertise, participants also highlighted the necessity of creating a range of paid roles for community members within government organisations. However, the current lack of meaningful collaboration and inclusion was a recurring critique:

...service providers will get funding from government. You have to understand, majority of them ... in their managerial positions, you've got people who live in suburbia who don't live in this community, so they don't actually [possess] understanding of what it means to live in these towers ... that's why I say they keep doing the same thing and there's no outcome, is the fact that there's no codesign, they don't consult community.

As they noted:

...you've got obviously service providers who have been in this community getting government funding for the past 30 years ...to be honest with you it's the definition of insanity because they've been doing the same thing for 30 years expecting a different outcome and nothing.

This critique highlights a broader systemic issue: the absence of genuine co-design processes and the reliance on external actors unfamiliar with local contexts. Furthermore, the tendency to create tokenistic roles within government, such as bicultural workers or community engagement officers, rather than empowering community organisations to lead, compounds the problem. This approach fails to build capacity within community organisations and undermines the potential for sustainable, community-led solutions. Addressing these shortcomings requires not only structural reform but also a commitment to genuinely valuing and embedding community expertise at all levels of decision-making.

## **Diversifying knowledge as a practice of justice**

The findings of this project catalogue problems, from community isolation, difficulties in navigating a complex legal system, language barriers, distrust, providers continuing to practice cultural illiteracy and paternalistic tendencies. They demonstrate that the COVID-19 pandemic operated as both a stress-test and a revealing mechanism: it exposed the fragility of existing access-to-justice infrastructures while simultaneously

opening space for alternative, community-guided practices to emerge. The extended accounts from the pandemic into the social, political and economic barriers reveal a mirror to injustice in society than an injustice inflicted on society by the pandemic. Seen through this lens, the pandemic was not simply a public health crisis but a profound legal-institutional event, one that rendered visible the limits of dominant, institution-centred understandings of access to justice. Our findings illuminate these limits by showing how, for many migrant and refugee communities, 'access' was shaped less by formal entitlements or procedural rights than by everyday encounters with institutions, intermediaries and shifting configurations of power during crisis conditions. Our key findings therefore corroborate Thobani (2022) and others' observations (see Bell et al., 2021; Dorneanu et al., 2021; Mulqueen and Wintersteiger, 2025; O'Doherty et al., 2022; Teremetskyi et al., 2021) that the pandemic was a period which highlighted the deadly effects of existing structural models and disproportionate effects on racially marginalised communities.

These experiences from Australia and in a state that responded with severe public health measures, contributes to wider research that documents how structural violence is cumulative. It demonstrates that in times of crisis, such as a pandemic, vulnerabilities for refugee and migrant communities were markedly distinct.

The findings however reveal that these experiences of a pandemic where vulnerability and risk are exposed as a political phenomenon, was an opportunity to draw lessons beyond documenting harm, so 'catastrophe was foreseeable' and 'preventable' (Thobani, 2022, 2). Our research findings and recommendations highlight this urgency in addressing structural inequalities as a preventable violence that places limitations on people's experiences which crises only compound.

While our research confirms trends in the existing research on the problems that the pandemic brought to the fore (Mulqueen and Wintersteiger, 2025; O'Doherty et al., 2022); the findings also reinforce the value of community-embedded knowledge production. Our other key finding emphasised the need for service providers to divest control to break from practices proven to be ineffective, even harmful. Whereas much pandemic-era justice research documents rising legal need, digital inequities or administrative bottlenecks, our findings show how community-based counsellor-advocates and leaders actively interpreted, translated and challenged these conditions. Their embedded, dual positionality, as both service providers and community members meant that they were acutely attuned to the lived dynamics of legal precarity and could identify failures of communication, cultural safety, responsiveness and trust long before they were legible to formal systems. This is crucial because it reframes the pandemic not only as a moment of intensified legal vulnerability, but also as one that revealed the epistemic limitations of state-centred justice frameworks. Communities must be participants in the solutions, not merely selective consultants.

The research also contributes a more robust account of how relational, participatory and community-engaged practices reshape the meaning of justice in crisis contexts. During COVID-19, service providers were forced to rapidly reconsider established modes of working. But, as our findings show, many of the most effective innovations including flexible outreach models, trauma-informed engagement, shifts towards phone-

or doorstep-based support, and strengthened cross-sector partnerships were not initiated within formal systems. They were driven by community-based practitioners who understood that justice is experienced not solely through legal processes, but through feelings of safety, recognition and relational accountability. In this sense, the pandemic revealed not only structural violence but also the possibility of structural re-orientation. This is an opening for services to devolve decision-making, follow community leadership, and attend to people's everyday legal lives rather than merely their legal cases. The pandemic highlighted that this was not just possible, but desirable and impactful.

This re-orientation also helps clarify the study's contribution to contemporary debates over the adequacy of procedural, liberal or technocratic models of justice. Our findings suggest that these dominant models fail to capture the texture of justice as experienced by communities during crisis conditions, when trust, cultural safety and the presence of credible intermediaries become the primary determinants of whether law can be accessed at all. Rather than treating 'access' as a question of system design, or digital capacity, the findings invite a shift towards a relational, people-centred account of justice, one that foregrounds community authority, context-specific knowledge and the political and emotional labour required to navigate legal systems marked by precarity and unequal power.

Further, the findings intervene in debates about post-pandemic reform by showing that the most meaningful transformations occurred where institutions relinquished control where they deferred to community expertise, adapted procedures to local realities and recognised service providers' relational work as central rather than peripheral to justice. This suggests that lasting reforms will require more than digital infrastructure or procedural efficiency. They will require institutional investments in partnerships that treat community leaders and counsellor-advocates not as adjuncts to justice, but as co-producers of it. By tracing these dynamics, the study provides an account of justice that is not only diagnostic of crisis-era inequities, but also generative of alternative, community-rooted pathways forward.


By centring community needs and knowledge, the findings brought to more urgent attention the wider practice of diversifying knowledge as a practice of justice. Finally, a justice lens informed and led by community experiences is integral to strengthening and shielding the social and economic lives of communities from not only future pandemics but the structural violence of the present as an enabler of injustice.

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### Ethical considerations

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### Consent to participate

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