



Queensland
Family & Child
Commission

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30 July 2021

The Honourable Margaret McMurdo AC
Women's Safety and Justice Taskforce
GPO Box 149
BRISBANE QLD 4001

Dear Justice McMurdo

The Queensland Family and Child Commission (QFCC) is pleased to respond to the Women's Safety and Justice Taskforce's second discussion paper: *Women and girls' experience of the criminal justice system*.

The QFCC is pleased to see the Taskforce examining the experience of women and girls across the justice system. It is important work, which should help to identify ways to protect the rights of women and girls throughout their contact with justice services.

To actively protect children's rights, particularly the right of children to participate in decisions made about them, the QFCC seeks to make sure the views and experiences of children are sought and considered during examination of each of the Taskforce's proposed themes.

The QFCC considers children's experiences of the criminal justice system (as both victims and accused persons) to be especially important to informing the enquiry. A striking proportion of victims of violence are children. Research shows the lifelong negative impacts of this harm,¹ along with negative outcomes from early contact with the criminal justice system.²

Part 1: Women and girls' experience of the criminal justice system as victim-survivors (Themes 1-3)

The Taskforce proposes focussing on the experiences of women and girls as victims of sexual violence.³ It is essential that the Taskforce adopt a trauma-responsive approach to consultations that seeks to understand survivors' experience of sexual assault as children. This should include the barriers they face/d in reporting sexual assault and their experiences of the justice system as child victim-survivors.

The Queensland Government Statistician's Office (QGSO) reports girls and young women aged 0–19 years comprised almost half (49 per cent) of all victims of reported sexual offences in 2019-2020.⁴ Of reported sexual offences against females for the same period, girls and young women (aged 0–19 years) comprised 58 per cent of victims. Additionally, boys and young men of the same age accounted for 65 per cent of victims of reported sexual offences against males.⁵

The Royal Commission into Institutional Responses to Child Sexual Abuse found among survivors participating in private sessions who provided information about disclosing childhood sexual abuse, 57 per cent said they did not disclose the abuse until they were an adult.⁶

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The Royal Commission found women from this group took on average 20.6 years to disclose childhood sexual abuse. It is therefore likely that a significant proportion of offences reported by the QGSO in higher age groups would have occurred when the victim-survivor was a much younger woman, or a child. These statistics indicate children are even more disproportionately the victims of sexual violence than indicated in the QGSO report.

Like other vulnerable groups identified in the discussion paper, it is well established that children experience barriers to reporting sexual offences. Children may not know they have been victimised or how to seek help. They may not have the language or ability to communicate their experiences or have support to seek help. They may be reliant on the offender for their care or experience off-balanced fear of 'getting someone in trouble', or feelings of responsibility.⁷

Additionally, children may not be believed, or they may have their experience downplayed because of their age or understanding. These barriers can cause children to remain at risk of further offences and could dissuade them from disclosing abuse or seeking support.

The QFCC urges the Taskforce to consider the experiences of girls and very young women as being the most impacted group of sexual violence, having distinct vulnerabilities and facing unique barriers to reporting sexually violent offences, and in legal and court processes more generally.

Part 2: Women and girls' experience of the criminal justice system as accused persons (Themes 4-5)

The QFCC supports the proposal to focus on factors that contribute to women and girls coming into contact with the justice system, with a particular focus on Aboriginal and Torres Strait Islander women and girls. Given the inequalities faced by First Nations women and girls,⁸ this focus should continue through other topics being considered, including women and girls' experience as accused persons and of incarceration and release.

The QFCC's recent report, *Changing the sentence: overseeing Queensland's youth justice reforms* examines the characteristics of children in the youth justice system as well as how well children's rights and well-being are being upheld. The report finds investment should focus on addressing underlying causes for children coming into contact with the youth justice system and providing specialised services for young people already in the system.⁹

Additionally, the 2018 *Report on Youth Justice* makes recommendations to address the causes of youth offending and reduce recidivism.¹⁰ These reports should be considered as part of the enquiry.

The Taskforce identifies 72 per cent of female prison entrants had previously spent time in detention, including youth detention.¹¹ The Taskforce should consider programs to prevent offending on release from detention, especially programs for girls and young women leaving youth detention. Addressing recidivism in this age group can help maximise girls and young women's prospects for the future and lead to more positive outcomes for future generations.

Yours sincerely



Natalie Lewis
Commissioner
Queensland Family and Child Commission

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- ¹ AIFS 2013, *The long-term effects of child sexual abuse* CFA Paper No. 11 2013 accessed 21 July 2021 <https://aifs.gov.au/cfca/sites/default/files/cfca/pubs/papers/a143161/cfca11.pdf>
- ² The State of Queensland (Queensland Family and Child Commission) 2017, *The age of criminal responsibility in Queensland* p.29 accessed 22 July 2021 <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/kids-justice-system>
- ³ Women's Safety and Justice Taskforce 2021, *Discussion paper 2: Women and girls' experience of the criminal justice system*, p.11 accessed 20 July 2021 https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0005/687614/wsjt-discussion-paper-2-final.pdf
- ⁴ The State of Queensland (Queensland Treasury) 2020, *Crime report Queensland 2019–20* pp. 66-69 accessed 20 July 2021 <https://www.qgso.qld.gov.au/issues/7856/crime-report-qld-2019-20.pdf>
- ⁵ *ibid.*
- ⁶ Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final report, Volume 4: Identifying and disclosing child sexual abuse* p. 20 accessed 20 July 2021 https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf
- ⁷ Bravehearts Foundation 2020, *Child Sexual Assault: Facts and Statistics*, accessed 20 July 2021 https://bravehearts.org.au/wp-content/uploads/2021/06/Facts-and-stats_updated-Apr-2021.pdf; Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final report, Volume 4: Identifying and disclosing child sexual abuse* Chapter 4 accessed 20 July 2021 https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf
- ⁸ Australian Human Rights Commission 2020, *Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing our Future 2020 Report* chapter 6 accessed 22 July 2021 <https://wiyiyaniuthangani.humanrights.gov.au/>
- ⁹ The State of Queensland (Queensland Family and Child Commission) 2021, *Changing the sentence: overseeing Queensland's youth justice reforms* accessed 22 July 2021 <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/monitoring-reviewing-systems-protect-children/changing-sentence>
- ¹⁰ The State of Queensland (Department of Child Safety, Youth and Women) 2018, *Report on youth Justice* accessed 21 July 2021 <https://www.cyjma.qld.gov.au/resources/dcsyw/youth-justice/reform/youth-justice-report.pdf>
- ¹¹ Women's Safety and Justice Taskforce 2021, *Discussion paper 2: Women and girls' experience of the criminal justice system*, p.27 accessed 20 July 2021 https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0005/687614/wsjt-discussion-paper-2-final.pdf