

Micah Projects

A Women's Taskforce Paper 2

Discussion Questions

Should we explore any other cross-cutting issues?

Already included are:

Diversity - Intersecting disadvantage

Micah Projects works with a diverse population and the intersecting patterns and areas of disadvantage that impact on women's experiences and agrees that this requires significant attention. For example, we particularly support the need for legalisation of the prostitution laws to more adequately support the safety of women at their work and prevent their engagement in the criminal justice system. Other intersections include:

- » disadvantage and demands on women's experiences as partners and mothers of men in the criminal justice system requires more recognition and responses,
- » women as mothers and the child protection system and the links with mental health, trauma and addiction,
- » women with a disability and acquired brain injury.

Recognising and responding to trauma

Micah Projects supports the need for the whole system to address and be more informed about a trauma informed approach and in particular the needs of women. The trauma associated with the separation of children especially newborns and babies needs attention as the trauma and harm is often a direct

Micah Projects

PO Box 3449, South Brisbane Q 4101
 Ground Floor, 162 Boundary Street, West End Q 4101
Ph 07 3029 7000 | Fax 07 3029 7029
 info@micahprojects.org.au | micahprojects.org.au

We are committed to providing services and opportunities in the community to create justice and respond to injustice.

We work collaboratively and respectfully with Indigenous communities and agencies. Micah Projects endorses the United Nations Universal Declaration of Human Rights.





result of the policy and practices to children and mothers. There needs to be different custodial and diversion options.

Addressing the impact of trauma experienced in childhood and as an adult prisoner would provide better foundations for preventing recidivism.

Overrepresentation of Aboriginal and Torres Strait Islander women and girls as victims of crime and as accused persons

Micah Projects supports addressing the over representation of Aboriginal and Torres Strait Islander women and girls, particularly in relation to occasions where there are domestic violence orders in place for multiple individuals within a domestic partnership or family. We would also acknowledge the call by many Indigenous Women for reform of the whole system as it impacts on all their family members.

The nature and culture of the criminal justice system and alternative justice models

Micah Projects would support exploration of these issues by building upon and taking into consideration the work undertaken by the Queensland Productivity Commission in 2019. Reform of the whole system would benefit women.

Protecting and promoting human rights and the need to achieve just outcomes by balancing the interests of victims and accused persons

Micah Projects believes that the nature and culture of the criminal justice system is causing great harm in the lives of individuals and families, the institutionalised nature of the prisons and the degrading and humiliation that comes with entering the system. The system stigmatises, excludes, traumatises well beyond a person's direct engagement with incarceration. It is costly to families and partners who are often already struggling with poverty and to the taxpayer. A comprehensive Crime Prevention Strategy that is community led is required to sit alongside the criminal justice system. Micah Projects supports the need for a reform of drug laws and the systems response. We especially believe that a broader investment into the health response for drug related matters should be more diversionary and include restorative justice approaches to consequences of offending.

Given rates of victimisation are highest for women and girls with respect to sexual offences, within the time available, do you

The Taskforce could consider all the recommendations in relation to the Royal Commission into the institutional response to child sexual abuse in relation

support the Taskforce focusing inquiries on sexual offending against women? If not, why not and what other offence types should the Taskforce focus on?

to victims of child sexual abuse and explore if there are gaps in relation to the experiences of women.

Given the relevance to offending behaviours as well as reporting, do you support the Taskforce examining community attitudes to sexual offending against women and girls? If not, why?

Micah Projects supports this approach and would support more consultation and reform in relation to consent.

Given under-reporting of sexual offences, do you support the Taskforce examining the barriers to reporting sexual offending against women and girls? If not, why?

Yes – also for the statistics to be well known so that the problem is understood in relation to the percentage where reports are made, then progressing to court, conviction rates, sentencing.

Given that police currently act as a gateway to the criminal justice system for sexual offences, do you support the Taskforce examining the initial police response to reports of sexual offending against women and girls? If not, why?

Yes, but also broadly for any person who is reporting sexual offences and identifying the differences in practice that may need to occur for women.

Given the role police play in investigating and charging sexual offences, do you support the Taskforce examining the police attitudes towards and decision to charge in relation to sexual offending against women and girls? If not, why?

Yes, Micah Projects supports the need for the Police to have a deeper understanding and appreciation of the gendered nature of violence and for independent reviews of the experiences of women and children.

Given the role that specialist and mainstream services play, or could potentially play, in supporting victims and survivors of sexual violence offences, do you support the Taskforce examining the role and potential role of sexual violence and mainstream services? If not, why?

Micah Projects supports and advocates for a more integrated approach to meeting the needs of supporting victims/survivors of sexual violence offences in the family, in institutional settings, and in the community. We support the Taskforce examining the role of sexual violence and mainstream services, including Aboriginal and Torres Strait Islander community.

Micah Project advocates for the continuation and expansion of specialist sexual violence services for women, men and people who have experienced sexual violence by a professional, carer care give or in an



institutional context both historic and current. Each of these areas require specialist responses.

Is it appropriate for the Taskforce to consider the adequacy of Queensland’s current sexual offences including provisions about consent and the operation of the excuse of honest and reasonable mistake of fact in the prosecution of sexual offences? If not, why?

Yes, this is critical for the Taskforce to consider this issue.

Given the role that the ODPP plays in the prosecution of sexual violence offences, do you support the Taskforce examining the role of the ODPP and their engagement with victims during the process? If not, why?

Yes, again the Royal Commission into institutional response to childhood sexual abuse has recommendations for consideration and review.

Do you support the Taskforce examining the trial process with a focus on the particular needs of victims while ensuring the accused person has a fair trial? If not, why?

Yes again the Royal Commission into institutional responses to childhood sexual abuse examined this issue.

Do you support the Taskforce examining the needs of victims following the prosecution of a sexual offence and whether the establishment of a Victims of Crime Commissioner is appropriate for Queensland? If not, why?

Micah Projects supports the need for a Victims Commissioner with the powers to investigate and ensure that policy and practices change when necessary to consider the experiences of victims and witnesses whether they report crimes to the police or not in relation to all systems that they navigate not simply the criminal justice system. This needs to be available for historic and current processes.

We do not support a model where are Victims of Crime Commissioner simply has oversight of the Victims of Crime Services. A Victims Commissioner needs to be an independent body that can oversight the quality and the effectiveness of **all systems** to enhance the effectiveness of the response, or to break down the barriers impacting on a response. The position must have the authorisation of government to make a difference and to investigate the responses of other government departments including police and non-government services.



Over the past 25 years Micah Projects has supported victims of violence and abuse as children and adults. We have partnered with victims in advocacy for inquires for reform of the child protection, civil and criminal justice system. The only time people can share their experience with the safety of the legislative framework is in circumstances such as Royal Commissions. A permanent Commissioner who can listen and act upon the experiences of victims and witnesses is a gap in the system and would add a value complementary role to the Human Rights Commission.

Do you support the Taskforce examining alternative ways of delivering justice for victims such as through the establishment of specialised courts or through restorative justice? If not, why?

Micah Projects supports the development of specialist courts. A restorative justice framework needs to be carefully considered when impacting on victims' survivors including with children and young people. The Restorative Justice Framework would need to cover the whole criminal justice system to be effective with dedicated strategies for victims/survivors that align with age, gender, disability.

Do you support the Taskforce focusing on the underlying factors that are contributing to the increasing levels of women and girls coming into contact with the criminal justice system with a particular focus on Aboriginal and Torres Strait Islander women and girls? If not, why?

Micah Projects recognised the need for government to look at the causes of crime for everyone, and the specific reason for women and girls. It would be important to explore the number of women and girls with a disability and or an acquired brain injury.

Do you support the Taskforce focusing on the role of the police in relation to women and girls accused of offences? If not, why?

Micah Projects recognises the need to look at the culture of police and the need to identify an independent body to investigate issues of culture and experiences of women, girls, and other vulnerable populations.

Do you support the Taskforce focusing on women and girls experiences in the legal system when they have been accused of committing offences? If not, why?

Micah Projects supports a focus on the legal systems and women's experience, as well as noting the recommendations in relation to victims from the Royal Commission into institutional response.

Do you support the Taskforce focusing on women and girls' experience of incarceration and release and in particular the progress towards implementing the recommendations of Women in Prison 2019? If not, why?

Micah Projects supports the Taskforce to focus on the experience of women and girls and incarceration in the light of and reviewing and extending the recommendations of the Women in Prison 2019 report. Additional attention could be to explore how pregnant and parenting women are supported in their birthing, breastfeeding, and parenting through community-based centres in partnership with Health and Department of Children, Young People and Multicultural affairs.

The recommendation of the Queensland Productivity Commission in relation to recidivism and the cost of the current correctional response.

Taskforce should consider the need for reform of the criminal justice system for everyone, as women are impacted on as inmates and as mothers, partners, and relatives of inmates.
