

The Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) Submission to Women’s Safety and Justice Taskforce’s Third Discussion Paper Questions

- DCYJMA provides the below response to selected questions in the Discussion Paper– not all questions in the Discussion Paper have been responded to.
- Correspondence from DCYJMA to the Taskforce dated 4 April 2022 responded to specific information requests by the Taskforce – the below information complements the previous information provided

Question number (refer to DP)	Question	DCYJMA Response
Part 1: Cross-cutting issues		
<i>Overrepresentation of Aboriginal and Torres Strait Islander women and girls in the criminal justice system as both victims and offenders</i>		
1	What are the drivers of First Nations women and girls’ overrepresentation as victims of sexual violence? What works to reduce this overrepresentation? What needs to be improved?	<p>Drivers of disadvantage for Aboriginal and Torres Strait Islander people in general can be categorised under cultural, social, and economic factors, including cultural disconnection, limited access to education and employment, inadequate housing, poor health and wellbeing and increased contact with the justice system. Aboriginal and Torres Strait Islander people also continue to experience the ongoing and cumulative causes/ drivers of disadvantage, including family violence, resulting and contributing to intergenerational trauma.¹</p> <p>There is a strong association between lower social economic status, poverty, social exclusion, worklessness and high rates of victimisation. The most marginalised are also less likely to seek help from police or other agencies and may believe that they would not be believed or be seen as having contributed to their own victimisation.²</p> <p>Aboriginal and Torres Strait Islander people are disproportionately victims and offenders of crime. The drivers of the overrepresentation of Aboriginal and Torres Strait Islander women/ girls as victims of sexual violence may be attributed to the disadvantages listed above. Aboriginal women and girls may be more susceptible to sexual violence due to the intersecting disadvantages of gender, race and class.³</p> <p>What works/what needs to be improved:</p> <ul style="list-style-type: none"> • improved/increased access to relevant and appropriate services (including culturally and gender specific programs) such as culturally responsive therapeutic programs for victims of sexual assault.

¹ Carlson, B., Day, M., & Farrelly, T. (2021). [What works? Exploring the literature on Aboriginal and Torres Strait Islander healing programs that respond to family violence](#). Australia’s National Research Organisation for Women’s Safety Limited (ANROWS).

² Croall, H. (2017). Socio-economic inequalities, victims and crime. *Victims, Crime and Society: An Introduction*, 184.

³ Dylan, A., Regehr, C., & Alaggia, R. (2008). [And justice for all? Aboriginal victims of sexual violence](#). *Violence against women*, 14(6), 678-696.

Question number (refer to DP)	Question	DCYJMA Response
		<ul style="list-style-type: none"> • Findings from a multi-dimensional study investigating sexual violence against women from Indigenous and linguistically diverse backgrounds highlighted the following needs: ⁴ <ul style="list-style-type: none"> - need for interpreters when appropriate - preference for female police officers to handle cases - clear information on how the criminal justice system processes sexual assault cases - strong community leadership and support to address fundamental attitudes and beliefs within communities.
2	What are the drivers of First Nations women and girls' overrepresentation as accused persons and offenders in the criminal justice system? What works to reduce this overrepresentation? What needs to be improved?	Drivers: <ul style="list-style-type: none"> • Ongoing impact of intergenerational trauma • Negative impact of cultural (loss of identity), social (inadequate housing, limited access to services) and economic factors (unemployment) • Family and sexual violence • The following have been identified as particularly important to offending behaviour of girls and young women: childhood abuse or neglect, mental health problems, unstable accommodation or out-of-home care, chronic illness or disability, socio-economic disadvantage, low formal education, poor housing, low parental supervision, erratic and severe parental discipline and difficulties at school.^{5,6} Aboriginal and Torres Strait Islander peoples experience extreme socioeconomic disadvantage and ongoing marginalisation in Australian society. This is characterised by poverty, poor health, unemployment, low levels of education, and high levels of incarceration and children in out-of-home care.⁷ This marginalisation increases the factors that contribute to offending behaviour in women and girls. Reducing Overrepresentation: <ul style="list-style-type: none"> • Early intervention with respect to preventing violence and abuse; culturally responsive parenting support programs and services • addressing the impacts of lived violence and abuse as early as possible;

⁴ Taylor, N. & Putt, J. (2007). [Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia](#). Trends & issues in crime and criminal justice no. 345. Canberra: Australian Institute of Criminology.

⁵ Australian Institute of Health and Welfare. (2012). [Girls and young women in the juvenile justice system 2010-11](#). Australian Government.

⁶ Bright, C. L., and Jonson-Reid, M. (2010). [Young Adult Outcomes of Juvenile Court-Involved Girls](#). Journal of Social Service Research, 36, 94-106.

⁷ Carlson, B., Day, M., & Farrelly, T. (2021). [What works? Exploring the literature on Aboriginal and Torres Strait Islander healing programs that respond to family violence](#). Australia's National Research Organisation for Women's Safety Limited (ANROWS).

Question number (refer to DP)	Question	DCYJMA Response
		<ul style="list-style-type: none"> • improved/increased access to relevant and appropriate services (including culturally and gender specific programs). <p>Improvements:</p> <ul style="list-style-type: none"> • Assessment of the impacts of trauma, including intergenerational trauma considered at every point of women and girls experience of the criminal justice system and appropriate adjustments made to reflect this assessment. • Promote healing through reconnecting with culture, strengthening identity, and restoring safe and enduring relationships. Communities can be empowered to address the causes of dysfunction based on Aboriginal worldviews that recognises that healing is holistic and multidimensional, and that individual wellbeing cannot be separated from the wellbeing of the whole community.⁸ <p>A study that linked population-based (1990 birth cohort) Queensland child protection and youth justice administrative data found a link between childhood maltreatment, and particularly chronic maltreatment, and youth offending. This was particularly the case when maltreatment began or continued into adolescence. Aboriginal and Torres Strait Islander young people were particularly overrepresented in trajectory groups characterised by chronic, high frequency, and multi-type maltreatment substantiations. Gender did not impact on these trajectories although males were particularly overrepresented in groups with a high rate of offending and females were particularly overrepresented in the group with low rate of offending.⁹</p>
3	How can the diversity of First Nations women and girls' experiences be better reflected and supported in their experiences as victims and accused persons and offenders in the criminal justice system in Queensland?	<ul style="list-style-type: none"> • Increase the confidence of Aboriginal and Torres Strait Islander women in approaching the criminal justice system. • Improved understanding of the needs of Aboriginal and Torres Strait Islander women/girls as victims and accused persons. • That the response of the criminal justice system takes into account the history and circumstances of the woman/girl as well as the characteristics/seriousness of the offence. • The criminal justice system notes the indirect impact that the woman/girl has experienced and the impact of the offence on family, friends and the broader community.

⁸ Healing Foundation. (2016). [Restoring our spirits – Reshaping our futures: Creating a trauma aware, healing informed response to the impacts of institutional child sexual abuse for Aboriginal and Torres Strait Islander people – Discussion paper](#). Healing Foundation.

⁹ Hurren, E. & Stewart, A. & Dennison, S. (2017). [Transitions and turning points revisited: A replication to explore child maltreatment and youth offending links within and across Australian cohorts](#). Child Abuse & Neglect. 65. 24-36.

Question number (refer to DP)	Question	DCYJMA Response
<i>Intersecting experiences of disadvantage</i>		
4	What are the experiences of women and girls with multiple and complex intersecting needs as victims-survivors of sexual violence in the criminal justice system? What works? What needs to be improved?	What needs to improve: <ul style="list-style-type: none"> • Increasing the confidence of Aboriginal and Torres Strait Islander women to approach and access the criminal justice system and providing culturally safe environments in which to access justice processes. • Gaining extensive knowledge and understanding relevant and appropriate services and support programs to assist with complex needs. • Connections and/or referrals to culturally safe service providers including community-controlled organisations. • Timely and accurate advice and timely access to justice services. • Due to gendered pathways into offending, young women can often present to youth justice with complex needs. Effective interventions match trauma informed services that are appropriate to the young person's identified needs. This includes access to appropriate substance misuse, mental health, abuse counselling, sexual assault counselling services as well as assistance to meet basic needs. Effective interventions assist young women to build meaningful and positive relationships and provide support with accessing job training and career support.¹⁰
5	What are the experiences of women and girls with multiple and complex intersecting needs as accused persons and offenders in the criminal justice system? What works? What needs to be improved?	NGOs have advised that they are aware of instances where women from culturally diverse backgrounds were named as respondents in domestic and family violence as a result of not having access to an interpreter. <p>The following appear to be contributing factors:</p> <ul style="list-style-type: none"> • assessments may determine if a person can 'speak' English, but do not identify the level of comprehensions • phone interviews with respondents can increase the difficulty in determining comprehension • wording in the Police Powers and Responsibilities Act which may narrowly focus on perpetrators. <p>Additionally, as noted in question 1, Aboriginal and Torres Strait Islander women and girls have potential exposure to increased levels of social, and economic disadvantage.</p>

¹⁰ Chesney-Lind, M., Morash, M & Stevens, T. (2008). [Girls' Troubles, Girls' Delinquency, and Gender Responsive Programming: A Review](#). The Australian and New Zealand Journal of Criminology 41, 1. 162-189.

<i>Recognising and responding to trauma</i>		
6	How are the impacts of trauma for women and girls understood and exercised at each point across the criminal justice system?	<p>Youth Justice staff in this agency are well versed in the impacts of trauma and the need for gender specific responses to young women offenders. The Youth Justice Framework for Practice encapsulates a trauma-informed perspective. Its scope extends to young people at risk of offending, young people engaged in the Youth Justice system, their families, their communities and their victims.</p> <p>The trauma-informed practice model focuses on fundamentals of Safety, Nurturance, Development and Healing, emphasising physical, psychological and emotional safety to create opportunity for rebuilding a sense of control and empowerment. The model outlines the fundamental principles of a trauma-informed approach which is incorporated into youth justice manuals, policies and procedures. The benefits of trauma-informed practice span across service delivery to young people and managing vicarious trauma for staff.</p> <p>Resources such as <i>Awareness of trauma in LGBTQI young people</i> provide strategies and guidelines in working with and responding to young people and staff who identify as part of the LGBTQI community and the impact of trauma they may experience as a result.</p> <p>Gender (female) specific resources would support staff to consider young women's experience and specific risk factors associated with young women offending/reoffending and enabled tailored service provision in line with gender responsive practice.</p> <p>These impacts are not clearly understood for Aboriginal and Torres Strait Islander women and girls; however, there is an opportunity for a trauma-informed justice system to be created where trauma is not repeated, and women/girls have an opportunity to access relevant and appropriate services/interventions that will help them to address the causes of their offending and reset their future.</p>
7	How can the impacts of trauma be better recognised and responded to at each point across the criminal justice system? In your response you might like to consider the understanding and responses of: <ul style="list-style-type: none"> - police - forensic medical examinations and processes - prosecuting authorities including the police and the 	<p>Better trauma-informed practice training across agencies could facilitate better practice across the criminal justice system. Comprehensive and consistent training on trauma-informed practice would allow the impacts of trauma to be better recognised and responded to at each point of the criminal justice system. Training would provide a varied group of practitioners (including police, lawyer, judiciary etc.) with the necessary skills to deal with the impacts of trauma, which will ultimately result in more appropriate outcomes.</p> <p>For young women, recognition of previous trauma and adverse childhood experiences from the outset (Police/arrest) would provide for early intervention and prevention in keeping them out of the criminal justice system. Information regarding a young person's trauma history is provided to Courts routinely by Youth Justice Court staff. Practice Reviews have highlighted where trauma has been taken into consideration by courts, particularly as part of pre-sentence reports (PSRs) and fitness to plea assessments, especially in the presence of associated mental health diagnoses. Further information is required to enable consideration of trauma by Police at the time of/prior to arrest.</p>

	Office of the Director of Public Prosecutions - lawyers - support services - judicial officers and courts staff	For Aboriginal and Torres Strait Islander girls and women: <ul style="list-style-type: none"> • Police - improving cultural awareness and the relationship between police and Aboriginal and Torres Strait Islander people. • Forensic medical examinations and processes- connecting with local communities to be familiar with cultural processes if any • Prosecuting authorities including the police and the Office of the Director of Public Prosecutions – ensuring outcomes/processes are explained in a way that the individual understands. • Lawyers- Aboriginal and/or Torres Strait Islander representation • Support services – link to community-controlled organisations • Judicial officers and courts staff- Aboriginal and Torres Strait Islander staff are available and able to assist Aboriginal and Torres Strait Islander people in contact with the system.
8	How are the risks of vicarious trauma and compassion fatigue recognised and addressed by those working in Queensland’s criminal justice system? What works? What needs to be improved?	In addition to vicarious trauma training, the Systems and Practice Review function (which is an internal review undertaken following the death or serious injury of a young person known to DCYJMA) has secured Social and Emotional Wellbeing specific funding, given the highly sensitive nature of information revision and the high risk of vicarious trauma. Staff are provided with opportunity and are encouraged to access support in addressing and managing risk associated with vicarious trauma through external providers.
<i>Protecting and promoting human rights</i>		
9	What are your experiences or observations about how the rights of women and girls who are involved in the criminal justice system as either victims-survivors of sexual violence or accused persons or offenders are protected and promoted? What works? What could be improved?	DCYJMA recognises the many girls and young women in youth detention have a history of complex trauma that strongly influences their day-to-day behaviour, developmental level and capacity to understand why appropriate behaviour is important. For Aboriginal and Torres Strait Islander girls and young women, inter-generational trauma, cultural and social issues and loss can compound this. Youth detention services operate on the basis that challenging behaviours represent adaptive responses to past traumatic experiences. Youth detention staff are trained to understand trauma, its impacts on behaviour and how best they can support girls and young women while they are in custody. Multi-disciplinary teams support this process through case work and tailored intervention plans.

<i>Resourcing, investment and value for money</i>		
11	What are the impacts and implications for women and girls who are accused persons or offenders if matters are delayed across the criminal justice system? What works? What needs to be improved?	Delays are problematic for all children and young people given their neuro-development and different perceptions of time – particularly in terms of linking consequences to behaviour. Delays in processing create instability in a young person’s life and remove the link between cause (the crime) and effect (court outcome) if convicted. This problem is exacerbated when young people do not understand the court process. Ideally responses (and supports) should be provided as close as possible in time to the offending behaviour. ¹¹
12	How can women and girls who are involved in the criminal justice system be better supported to reduce recidivism and benefit the community?	Gender specific programs, aimed at supporting the needs of young women and girls at risk of offending, support young women and girls through provision of specific, tailored service responses. Youth Justice employs specific gender responsive programs designed to meet the varied needs of young women and girls and continue to develop specific service responses to meet these varied needs.
<i>Appropriate governance and accountability mechanisms</i>		
14	How can service delivery be better integrated and coordinated to meet the needs of women and girls who are victims-survivors of sexual violence during their involvement in the criminal justice system? What works? What needs to be improved?	<p>Improvement</p> <ul style="list-style-type: none"> • Youth Justice can continue to improve communication, cooperation and service integration between service providers and facilitate wrap around services to support victim-survivors. • Child Safety provides foundational training courses about sexual abuse to enhance the wellbeing of children and young people. Youth Justice does not currently provide formal professional development to assist staff to support victim-survivors of sexual violence. • Research prepared by the Australian Institute of Criminology advises that education and training is provided to professional staff who are likely to encounter victim/survivors of sexual assault.¹² This training should assist staff to gain the knowledge and skills required to competently and confidently discuss matters relating to sexual violence and healthy relationships, and: <ul style="list-style-type: none"> – dispel rape myths about the nature of sexual assault and sexual offending; – remove taboos around open discussion of sexual assault as a way of dispelling the stigmatisation of victim/survivors and promoting awareness of the dangers of silencing victim/survivors; – build knowledge and skills to assist young people who disclose sexual assault; – identify rights to sexual autonomy and the signs of controlling behaviours in relationships; – build knowledge about sexual assault and its correlates, such as suicide or drug/alcohol use as self-medication.

¹¹ Legislative Council Legal and Social Issues Committee. (2018). [Inquiry into youth justice centres in Victoria: final report](#). Parliament of Victoria.

¹² Australian Institute of Criminology. (2005). [No longer silent: A study of women’s help-seeking decisions and service responses to sexual assault](#). A report prepared for the Australian Government’s Office for Women.

<p>19</p>	<p>What are your experiences or observations of victims of sexual violence making a complaint about how they have been treated by criminal justice agencies across the criminal justice system? How are complaints about the treatment of victims resolved? Options for consideration: - your experiences with complaints processes within these agencies - the benefits and disadvantages of establishing a conduct commission such as in New South Wales - the benefits and disadvantages of establishing an independent inspector of watch houses, prisons and detention centres in Queensland.</p>	<p>DCYJMA ensures that young people in youth detention and their advocates have access to a complaints management system that is accountable and transparent and is administered in a way that ensures they can have confidence in the system to be responsive to their concerns. The following information is readily available to young people and their advocates in a way that is tailored to their needs:</p> <ul style="list-style-type: none"> • where to complain • how to complain • what information is required when they complain • what assistance is available to assist them to make a complaint, and • how the complaint will be managed, including timeframes, updates and final advice. <p>A young person in youth detention can make a complaint or raise an issue or concern through many different avenues including:</p> <ul style="list-style-type: none"> • a youth detention centre directly about any matter relating to services provided in youth detention or decisions, actions or inactions that impacted them. • Queensland Police Service if they are the victim of an alleged criminal offence. • Office of the Public Guardian about anything they are concerned about. • the Queensland Ombudsman or the Queensland Human Rights Commission if the young person is unhappy with how their complaint was dealt with. <p>Depending on the nature of the complaint and who received it, matters can also be referred to and investigated by:</p> <ul style="list-style-type: none"> • Professional Standards Unit (internal) • Queensland Police Service • Crime and Corruption Commission • Other relevant oversight agencies as required <p>All complaints are assessed and actioned confidentially in an environment free of reprisal or retribution. The assessment process determines the most appropriate resolution process by considering the seriousness and complexity of the complaint, the wishes of the complainant and any public interest matters. Complainants are advised of a complaint referral or the outcomes of an investigation as soon as possible and are given information about internal and external appeal processes if they are dissatisfied with an outcome.</p> <p>DCYJMA provides quarterly harm, complaint and investigation reports to the Office of the Public Guardian in accordance with section 39 of the Youth Justice Regulation 2016.</p>
-----------	--	---

Part 2: Women and girls' experiences as victim-survivors		
Community understanding of sexual offending and barriers to reporting:		
Attitudes to consent including impacts of pornography		
25	Is the current approach in Queensland to the non-consensual sharing of intimate images striking the right balance between criminalising non-consensual behaviour and community education? (Please consider this in the context of young people)	<p>As part of the implementation of the <i>Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Act 2019</i>, the Queensland Government committed to promoting information about the non-consensual sharing of intimate images through strategic initiatives and internal and external communications such as:</p> <ul style="list-style-type: none"> • Safer Schoolies Initiative: <i>Be safe and Watch Your Mates</i> education campaign and social media posts • Sexual Violence Awareness Month: internal communications • Queensland Women's Strategy: community implementation plan • Queensland Violence Against Women Prevention Plan 2016-2022 • Queensland Youth Strategy.
Barriers to reporting sexual violence		
27	What factors do victims of sexual offences consider when deciding whether to report to police in Queensland?	<p>Many people from culturally and linguistically diverse (CALD) backgrounds will not disclose sexual offences from a general fear or mistrust of police and government more broadly. This mistrust may stem from negative experiences in their country of origin or previous interaction with police in Australia. There is also a general lack of trust amongst some communities and non-government support organisations that a report to police will result in any action.</p> <p>For some women from CALD backgrounds there may be a genuine concern around the interface of police and the child protection system. For many women, the fear that children can be taken away from the family or of being deported, if they are on a temporary visa, are real barriers to interacting with police. There may also be a fear of retribution from the perpetrator or his supports towards children or other family members. A report by ANROWS - The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system: Research report - ANROWS - Australia's National Research Organisation for Women's Safety, identified these and other factors as influencing women from CALD backgrounds seeking help from police.</p> <p>Being able to communicate with police may also be a factor for women from CALD backgrounds deciding whether to report sexual offences. Many women from refugee backgrounds, especially if they have not been in Australia very long, have limited English language proficiency and the stress associated with experiencing sexual violence as well as a formalised setting, such as a police station, can make it more difficult for women to communicate.</p> <p>Women from refugee backgrounds are often survivors of prior trauma, experiences of war or conflict, rape, sexual assault, or torture. These previous experiences will impact on their decision to report sexual violence.</p>

		<p>Different cultural experiences and a lack of understanding that sexual violence can be perpetrated within a relationship or that it is a criminal act, may also influence a decision to report to police or other services. Cultural norms may differ regarding a husband's entitlements and the duties of a wife and women's rights in general.</p> <p>Shame and stigma associated with sexual violence may cause some women to choose to protect and conceal the violence to uphold the family's status and reputation rather than be ostracised from the family. The 2017 National Community Attitudes towards Violence Against Women Survey found that up to one third (22-34 per cent) of people born in countries where English is not the main language attributed at least some responsibility for the violence to the victim. This was substantially higher than respondents born in countries where English is the main language (https://www.anrows.org.au/research-program/ncas/v). An updated survey was conducted in 2021 with results due later this year</p>
28	<p>What factors do victims consider when deciding whether to report to, or seek help from others, such as healthcare providers and other mainstream services?</p>	<p>Trust is an important consideration for any victim in deciding whether to report sexual violence. For women from CALD backgrounds, the GP is often a point of trust. For women from refugee backgrounds, they may also trust settlement service providers, such as Multicultural Australia, that are providing support and assistance with the settlement experience. Other sources they may seek help from include family and friends, religious or community leaders.</p> <p>However, as the ANROWS report identified above indicates, an initial negative response from informal sources will reduce the likelihood that the woman will seek any further help by formally reporting sexual violence (The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system: Research report - ANROWS - Australia's National Research Organisation for Women's Safety).</p> <p>For culturally diverse women, trauma, experiences of war or conflict, rape, sexual assault, torture etc., as well as certain cultural practices (i.e., Female Genital Mutilation) may have resulted in physical, mental and sexual health conditions. These additional health concerns may influence how they present to support services and impact how they are treated by the health system.</p> <p>Previous negative experiences dealing with mainstream services will also be a factor in deciding to report sexual violence, including whether a service engages interpreters, has culturally capable or diverse staff.</p> <p>For many culturally diverse women, there may be a limited understanding of the existence of services or their eligibility to access, as similar services may not exist in their country of origin.</p>
29	<p>What can be done to reduce the barriers to women and girls reporting sexual violence to police, and to other support services?</p>	<p>Better engagement of interpreter services by the police and other support services, including ensuring that when interpreters are engaged they have no connection with either party (victim or perpetrator) and ensuring accessibility in regional areas where certified interpreters may be limited.</p>

		<p>Improved cultural capability of police and support services' staff, including understanding the potential consequences experienced by women from some cultural backgrounds who choose to report sexual violence to Police, including being ostracised from their community. The Immigrant Women's Support Service includes a section on their website debunking myths about sexual violence, including some cultural stereotypes, and provides information in languages other than English.</p> <p>Enhanced awareness by first responders of cultural sensitivities and the use of interpreters when women and girls attempt to report sexual violence would assist in overcoming barriers to reporting of offences by women and girls from culturally diverse backgrounds.</p> <p>Options to increase cultural capability that could be explored include: increasing cultural diversity of first responders, utilising CALD service providers as part of initial response, and developing the cultural capability of first responders through close engagement of CALD service providers.</p> <p>Raise awareness of the Australian legal and service systems amongst new arrivals in culturally appropriate ways to improve understanding of sexual violence and where to report or seek assistance if needed. Language and cultural barriers may mean migrant women are unaware of Australian laws and lack the "system literacy" to navigate the legal, health and support services available to women experiencing sexual violence. The <i>Hearing her voice: report from the kitchen table conversations with culturally and linguistically diverse women on violence against women and their children</i> (Kitchen table conversations) from 2015 provides examples of innovative methods of communication that could be effective raising awareness.</p>
30	What can be done to make women and girls feel more confident that they will be believed by mainstream services and police when they report sexual violence?	<p>Work with CALD service providers and victim advocates to build trust with the QPS, which in some instances has been eroded due to a lack of cultural sensitivity and use of interpreters when women attempt to report sexual violence.</p> <p>Mainstream services could also do more to connect with CALD communities to promote their services, including developing partnerships with local settlement and multicultural services would also assist CALD clients to become familiar with the kinds of support available.</p>
31	What can be done to reduce the feelings of shame and the stigma that surrounds sexual violence in our community?	<p>For some communities there are strong cultural stigmas in relation to sexual assault and seeking support from a sexual assault support service. Sex outside of marriage, even where it is the result of force, is considered to bring shame upon the woman and upon her family. Women can be afraid to disclose sexual assault due the impact on their own reputation, on their family's standing in the community, and the resulting unwillingness of other community members to associate with them and intermarry with them (Kitchen table conversations).</p> <p>Co-designing awareness / anti-violence campaigns with culturally diverse communities could be more effective in changing community attitudes, including engaging survivors in the messaging.</p>

		Building the capacity of community and religious leaders to speak out against sexual violence and better equipping them to provide support to victims. Community and religious leaders can be a trusted source of information and advice for some people from CALD backgrounds. However, not all leaders are able to provide effective support either due to a lack of knowledge or due to their own attitudes towards women.
<i>Public reporting on sexual offending and domestic and family violence</i>		
32	Should there be a discretion for courts to allow the publication of the identity of a child convicted of rape or sexual assault with the victim's consent?	<p>When compared to adult offenders, the considerations applying to child offenders are more complex, and include the immaturity of the child, the greater likelihood (without publication) that a child will 'age out' of offending in the relatively near future, and the negative impact that publication may have on the child's rehabilitation.</p> <p>The <i>Youth Justice Act 1992</i> section 234 allows a sentencing court, in certain circumstances, to order that the identity of a child convicted of rape or sexual assault may be published. The victim's consent is not expressly required, but the court is required to consider the safety or wellbeing of a person other than the offender. If a victim opposed publication – for example, because the victim wanted the matter to remain private but the identity of the offender would likely identify the victim – then the victim (through the prosecutor) could make that submission to the court.</p> <p>A court may only allow publication in relation to the most serious offences.</p> <p>Although most rape and sexual assault offenders are male, females can still commit these offences, including as a party, and any provisions about publication apply equally to males and females.</p> <p>Research consistently show that most youth sex offending is opportunistic and has a very low rate of sexual reoffending.¹³ International evidence has demonstrated that, when applied to juveniles, sex offender registration and notification fail to improve community safety and impede the successful reintegration of the young offender into a conventional lifestyle.¹⁴</p>
<i>Victims experiences of reporting sexual violence to police in Queensland</i>		
37	What factors influence a victim of sexual violence to either pursue their complaint through the reporting and investigation stage of the criminal justice system or withdraw their complaint? How is this	See response to Question 27.

¹³ Caldwell, M. F. (2016). [Quantifying the decline in juvenile sexual recidivism rates](#). *Psychology, Public Policy, and Law*, 22,4, 414–426.

¹⁴ Letourneau, E. J., & Caldwell, M. F. (2013). [Expensive, harmful policies that don't work or how juvenile sexual offending is addressed in the U.S.](#) *International Journal of Behavioral Consultation and Therapy*, 8, 23–29.

	experience different for Aboriginal and Torres Strait Islander women and women from diverse groups?	
<i>Forensic examinations</i>		
42	What are your experiences or observations of victims of sexual violence accessing and using forensic health services in Queensland? What works well? What needs to be improved?	<p>Dependent on the age of the child or young person the experience may be very different. DCYJMA is able to provide anecdotal advice relevant to the experiences of children and young people disclosing sexual assault and accessing health services.</p> <p>Experiences/observations:</p> <p><i>Children/young people</i></p> <ul style="list-style-type: none"> • There have been examples of parents or guardians of children seeking forensic examinations when the child has identified they are not ready to undertake this level of examination which can cause distress and harm to the child. • At times the parent or guardian acting as a support person for the child or young person may have unrealistic expectations about what the forensic examination may provide in way of 'evidence'. Inconclusive evidence coming back from the examination can perpetuate the idea that the child or young person is lying or that they misinterpreted the situation, and can ultimately undermine a child or young person disclosing their experience. <p><i>Older young people</i></p> <ul style="list-style-type: none"> • For older young people who may be living independently or homeless, the fear of accessing health services or the understanding of the need for timely health service intervention can be barriers. • Evidence suggests that young people often do not disclose until well after the incident which impacts on the collection of forensic evidence. Once they do engage with a health service, the young person can feel like they have done the wrong thing by not disclosing sooner. <p>Opportunities for improvement:</p> <p>DCYJMA suggests the following could assist with supporting children, young people and families through this process:</p> <ul style="list-style-type: none"> • Increased availability of culturally safe forensic services and staff. • Providing an appropriate level of information regarding what a forensic examination is and the intended outcomes (including inconclusive evidence and what that means) to the appropriate parties, such as the child, young person and support person. This could include information about next steps and ongoing emotional support no matter the outcomes of the forensic examination. • Ensuring health service staff are aware of the complexities and barriers faced by young people regarding disclosures and accessing health services.

		<ul style="list-style-type: none"> Providing further education to police and other first responders regarding the complexities and barriers faced by children and young people in disclosing and accessing health services. Police and other first responders are often involved in the very early stages of disclosure or response to a sexual assault and can be pivotal in the decision-making process regarding when a victim/survivor should access forensic health services.
44	Do forensic health services in Queensland cater to the needs of women and girls from diverse backgrounds?	Some health professionals may not know how to respond to women from CALD backgrounds experiencing violence due to a desire to maintain cultural sensitivity and a fear of offending the women. Some health professionals may construe sexual violence within relationships as 'culturally normal' and therefore not want to impose their western concepts (http://www.iwss.org.au/wp-content/uploads/2013/12/42-Supporting-women.pdf).
Victims experiences of the Court process		
55	How are victims supported and their needs met during court processes for sexual offences? Should more be done and if so, what?	<p>Youth Justice staff may support victims where a sexual offence, originally dealt with through a Restorative Justice process, is returned to the Court. Support beyond this would be provided by other agencies.</p> <p>Victims are also referred to Victims Assist – DJAG</p> <p>Although not specific to sexual offences or victims, it is important to note that Youth Justice pre-court interviews include assessment of supports young people need, including use of interpreter for young people and families from diverse backgrounds.</p>
56	Are the needs of women and girls from diverse backgrounds being met in the court process for sexual offences? Should more be done and if so, what?	<p>See response to Questions 27 and 55.</p> <p>As outlined in the Queensland Multicultural Policy, Our story, our future, collection of information by relevant government agencies about customers' cultural background, is important and necessary to assist in understating the needs of women and girls from diverse backgrounds, particularly obtaining information about:</p> <ul style="list-style-type: none"> country of birth preferred language whether an interpreter is required. <p>Additionally, collecting data and reporting on interpreter use within courtrooms (similar to what is reported by Tasmania and South Australia, in the Report on Government Services) would assist identify gaps and needs.</p> <p>The Judicial Council on Cultural Diversity prepared a report entitled <i>The Path to Justice: Migrant and Refugee Women's Experience of the Courts</i> in 2016 (https://jccd.org.au/wp-content/uploads/2021/06/JCCD_Consultation_Report_-_Migrant_and_Refugee_Women.pdf). The report outlines the barriers experienced my women from CALD backgrounds accessing justice.</p>

<i>Alternative justice models</i>		
68	How could the use of restorative justice processes improve the experience of victims of sexual offences whilst holding those responsible accountable?	Youth Justice Restorative Justice Convenors work with victims of sexual offences to firstly link them into counselling and support services, with the aim of getting them ready for conference, or to try and repair harm in the case of choosing not to participate in the conference process. Restorative Justice convenors refer victims to departmentally funded services, such as Bravehearts, or other non-government organisations that assist victims of sexual violence.
Part 3: Women and girls' of the criminal justice system as accused persons and offenders		
<i>Drivers of women and girls contact with the criminal justice system</i>		
73	What are the drivers of women and girls' offending in Queensland?	<p>From Quadara et al 2020 relating to harmful sexual behaviour: while there was overall agreement that some form of "attachment trauma" (violence, abuse, neglect, maltreatment by significant caregivers) was present in the lives of the young people they saw, there was a sense that the forms of trauma differed by gender, with sexual abuse a particular point of differentiation between young men and young women.</p> <p>Quotes from practitioners in report: "Every single girl we've ever worked with has a significant history of harm towards them. So, for a vast majority it's significant sexual harm, but also physical, and neglect."</p> <p>"The risk factors for girls are very different to males. For girls, there's usually three global factors: trauma, mental health issues, or both. So, treatment for them is going to look a lot different from the boys that we work with. And for a lot of those girls, given the history of trauma, attachment difficulties, they do present with an attachment style that looks like early indicators of what would be understood as borderline personality disorder if they were] over 18." ¹⁵</p>
74	Why are women and girls offending at increased rates?	Research by the NSW Bureau of Crime Statistics and Research found that the number of females proceeded against by police increased substantially from 2000 to 2010. Trends in offending by juvenile females generally mirrored those of adult females, with the exception of shoplifting for which there was a significant rise in the number of juvenile female offenders proceeded against. This increase was explained as being due to tougher law enforcement rather than increased crime. This included increased scrutiny of offenders on bail and increased enforcement of liquor laws, which are two strategies police commonly employ to help control crime. The increase in women proceeded against for domestic violence offences is more likely to reflect increased public willingness to call police and/or tougher law enforcement than an increase in domestic violence. ¹⁶

¹⁵ Quadara, A., O'Brien, W., Ball, O., Douglas, W., & Vu, L. (2020). [Good practice in delivering and evaluating interventions for young people with harmful sexual behaviours](#). Australia's National Research Organisation for Women's Safety Limited (ANROWS).

¹⁶ Holmes, J. (2010). [Female offending: Has there been an increase?](#) NSW Crime and Justice Statistics Issues Paper No. 46. New South Wales, Australia: Bureau of Crime Statistics and Research.

		<p>International research has found that countries with a narrower gender gap as measured by Global Gender Gap indexes of political empowerment were likely to have a higher female prosecution rate. Political empowerment was also significantly associated with female conviction rates.¹⁷</p>
75	<p>How are women and girls at risk of entering the criminal justice system currently supported to prevent them from offending? What is working well? What could be improved? What is working? What could be improved?</p>	<p>Young women and girls at risk of entering the criminal justice system may be required to participate in diversionary processes as ordered by Queensland Police or the Courts. Diversionary processes are facilitated by Youth Justice and the provision of support is consistent with the assessed risks and needs of the young person. This allows for the provision of gender responsive services aimed at supporting young women and girls to strengthen and leverage their support networks, whilst managing criminogenic factors that may place young women and girls at risk of entering the justice system in a formal capacity.</p> <p>The Risk/Needs/Responsivity (RNR) model is utilised to reduce reoffending, focusing on: matching service delivery to the level or risk; targeting criminogenic needs that predict offending; responding in line with individual needs such as age, gender and culture; and delivery of change-oriented programs (dosage).</p> <p>Youth Justice utilise Youth Level of Service/Case Management Inventory 2.0 (YLS/CMI 2.0), a standardised instrument with predictive validity for the purpose of assessing future risk, need and responsivity factors for young people who have offended and the subsequent formulation of an appropriate level of service response. YLS/CMI 2.0 takes into consideration a young person’s gender when determining total risk score, allowing for tailored gender responsive practice.</p> <p>The tool considers gender, allows for standardised risk assessment that limits professional bias and provides guidelines as to appropriate dosage of service delivery.</p> <p>Further focus on intervention planning for young women in line with their risk/needs assessment is required. The Youth Justice review of gender responsive programming outlined the need for a gender specific approach to young women to decrease reoffending, however there are no current gender specific guidelines as to the approach. A systemic approach to gender responsivity to meet the specific needs of girls and young women in contact with the criminal justice system and purposeful service provision is required.</p> <p>Programs GMO In 2016, Youth Justice initiated Girls... Moving On (GMO), a gender-informed program that uses a number of complimentary approaches. The program draws on Relational Theory, Motivational Interviewing and Cognitive Behavioural methods to enhance motivation, increase skill development and enhance personal resources.</p>

¹⁷ Chu DC, Heberton B, Toh A. (2021). [Gender Equality and Female Offending: Evidence From International Data Sources](#). International Journal of Offender Therapy and Comparative Criminology. 65(13-14):1496-1519.

		<p><u>BCT</u> Black Chicks Talking (BCT) is a Cultural program for Aboriginal and/or Torres Strait Islander girls that has been adapted to support cultural connections to community and identity and explore cultural histories through storytelling, yarning circles and adventure activities. BCT is generally a group-based program, however, can be delivered one-on-one and include female members of the young person's family. The program is delivered in community and detention.</p>
76	<p>What are the experiences of women and girls coming into contact with police as persons suspected of offending?</p>	<p>Increased data collection relating to people from culturally diverse backgrounds is imperative to understanding and analysing women and girls' experiences with the justice system.</p> <p>Lack of data being collected and reported in relation to the cultural background of girls and women hampers analysis. The following data collection regarding both victims and offenders would assist:</p> <ul style="list-style-type: none"> • country of birth • preferred language • whether an interpreter is required. <p>The importance of this type of data collection particularly by first response agencies is reflected in the <i>Queensland Multicultural Policy, Our story, our future</i>.</p> <p>Additionally Aboriginal and Torres Strait Islander women and girls can encounter racism and discrimination when encountering police.</p>
77	<p>Are women and girls being diverted from the criminal justice system? If so, what are their experiences? What works and what could be done better? Options to consider: - the introduction of out of court disposals in certain circumstances - the expansion of restorative justice conferencing - the introduction of an adult cautioning system - the introduction of penalty infringement notices for drug possession</p>	<p>Diversions options exist for young people alike and are designed to divert young people from formal engagement with the criminal justice system through the provision of practical and cultural support and varied education. The nature of the support provided is dependant upon the diversionary processes however all will focus on ensuring the young person has access to community supports and can identify personal risk factors associated with offending behaviour. Specific comments in relation to Aboriginal and Torres Strait Islander women and girls are outlined below.</p> <p><u>Out of court disposals in certain circumstances</u> Out of court disposals are a good way of reducing the overrepresentation of Aboriginal women and girls in the criminal justice system, however there would need to be an admission of guilt for this to happen.</p> <p><u>The expansion of restorative justice conferencing</u> The risk for offenders is a belief that if they admit to offences, they will get a more lenient outcome(s) through conferencing. There is a lack of an appeals process. However, the benefits include a lack of police intimidation and harassment.</p>

	<p>- other options What are the risks and benefits of these options ?</p>	<p><u>The introduction of an adult cautioning system.</u> The risk of an adult cautioning system is that the offender would need to admit guilt to be cautioned. Legal practitioners would not support any offender (or their client) admitting guilt.</p> <p>Firstly, if the adult offender admits guilt (to a minor offence) and they are cautioned, this could lead to a reduction in the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system. They can be diverted away from the criminal justice system.</p> <p>Secondly, if an adult offender is provided with appropriate support prior to, during and after the caution, this could reduce their offending behaviour and therefore reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system.</p> <p>Thirdly, a caution (for minor offences) could reduce the likelihood of low-level repeat offending and therefore reduce the risk of being incarcerated.</p> <p>Note: If the criminal age of responsibility is increased in Queensland, then this would reduce the incarceration rates of Aboriginal and Torres Strait Islander girls in the criminal justice system.</p> <p><u>Penalty infringement notices for drug possession</u> The introduction of on-the-spot (or mail) fines for drug possession could reduce the incarceration rates of Aboriginal and Torres Strait Islander women and girls, however this increases the financial burden on those women and girls who may already be experiencing financial stress. If the offender were to continue with low-level repeat offending, in the long term, this could increase their likelihood of incarceration.</p> <p>Testing would need to be carried out (on the spot) on the substance that an offender is carrying to appropriately fine the offender, where there is a (mix) cocktail of drugs on the offender.</p>
78	<p>What are women and girls' experiences of access to legal advice?</p>	<p>Conducting pre and post-court interviews with all young people are a procedural requirement of Youth Justice. Confirmation of legal representatives is conducted during the pre-court interviews, along with the discussions regarding Court procedures and protocols. Policy – Role of the court officer - at court Post-Court procedures (Role of the court officer - post court) requires that court outcomes are explained to a young person, including Order/bail conditions to support compliance.</p> <p>Youth Justice aims to ensure that young people are dealt with in a fair, just and culturally appropriate manner that allows them an opportunity.</p>

		Aboriginal and Torres Strait Islander women and girls will often engage with the local Aboriginal Legal Service, as this is their only option. Some Aboriginal and Torres Strait Islander women and girls do not have the resources to obtain the assistance of a private legal practitioner.
79	Are there any barriers to women and girls accessing good quality legal advice, support and services?	The legal and QPS jargon is a barrier to Aboriginal and Torres Strait Islander women and girls accessing good quality legal advice, support, and services.
80	How are women and girls who are involved in the criminal justice system supported and their needs met? What works? What could be done better in a cost effective way?	<p>See response to Question 56.</p> <p>Gender responsive youth justice services are delivered to ensure young women and girls have access to support tailored to their needs and assessed risks. Further analysis surrounding best practice in this space is underway to ensure Youth Justice practices are in line with best practice across Australian jurisdictions.</p> <p>From Quadara et al 2020 relating to strategies that practitioners use to address harmful sexual behaviour in both girls and boys.</p> <ul style="list-style-type: none"> Practitioners work with young people intensively to address harmful sexual behaviour. Over half of respondents (53%) said that they worked with young people for between 1–2 years; 60 percent said the treatment frequency was weekly, and another 29 percent saw clients fortnightly. The top three elements of effective intervention nominated were: <ol style="list-style-type: none"> tailoring the intervention to the needs of the individual (54% of respondents) working with the family system (44% of respondents) working eco-systemically, i.e. working with the young person in their familial, interpersonal and community systems (36%). All respondents said that they assessed the presence of trauma in the history of the young person either always (86%) or most of the time (14%).¹⁸
Sentencing women offenders		
82	How can government funded supports and services be better coordinated and delivered to meet the particular needs of women and girls in the criminal justice system as accused persons and offenders? What	<p>From Walsh and Fitzgerald 2020:</p> <ul style="list-style-type: none"> Women’s courts provide another example of courts that focus on mothers and their children and protecting the family unit. Women’s courts are currently being trialled at three sites in the United Kingdom and they already exist in several other jurisdictions including New York, Canada, Pakistan and South Africa. The rationale for these courts is that the circumstances of females’ offending are significantly different, for

¹⁸ Quadara, A., O’Brien, W., Ball, O., Douglas, W., & Vu, L. (2020). [Good practice in delivering and evaluating interventions for young people with harmful sexual behaviours](#). Australia’s National Research Organisation for Women’s Safety Limited (ANROWS).

	works? What needs to be improved?	<p>example they are more likely to have experienced trauma, more likely to be the primary carer of children, and more likely to have been influenced by others in their offending.</p> <ul style="list-style-type: none"> • Our quantitative data demonstrated that a higher proportion of girls than boys who come before the criminal courts in Beenleigh have a current child protection order or have been subject to one at some time in their lives. The association is even stronger for Indigenous girls. A different approach may be needed for this cohort. 'All-woman' courts in India employ only female mediators and decision-makers and rely on peer support provided by local women drawn from the same cultural groups as the women who appear. A similar approach could be taken by the Logan Community Justice Centre.¹⁹
<i>Women and girls' experience of incarceration/detention</i>		
83	What are women and girls experiences of pregnancy and birth in custody? What works well? What needs to be improved? –	<p>In its response to the letter from the Taskforce Chair dated 25 March 2022, DCYJMA provided information about the support DCYJMA provides to women and girls who are involved in the criminal justice system including those in custody to assist them to care safely for their children and to maintain meaningful relationships with their children while they are in custody.</p> <p>Previous information covered the services for young women in detention including health services, visits, pregnancy and nutrition support have already been provided in our previous response.</p>
84	What are women and girls' experiences of being held in custody or detention, including in watchhouses?	<p>The Anti-Discrimination Commission Queensland has consulted with current and former adult female prisoners, Queensland Corrective Services staff, non-government organisations working with the justice system, and advocates to inform the Women in Prison: 2019 report.²⁰ The report found that:</p> <ul style="list-style-type: none"> • The numbers of adult female prisoners had increased substantially in the past decade. • There were limited resources available in prisons for counselling and substance abuse programs. • Many women in prison have backgrounds involving complex trauma, with high levels of sexual abuse and substance problems compared to the general population but had little or no access to support for these issues inside prison. • There was a lack of available, appropriate, and affordable housing for women exiting prison. The limited supply of short-term transitional housing and longer-term accommodation impacted heavily on women trying to reintegrate into society and resulted in women being refused bail or parole. The lack of housing also be a contributing factor to women offending and reoffending. • The large numbers of women in prison for short sentences has resulted in overcrowding. • Prison disrupts parent-child relationships, alters the networks of familial support and places new burdens on government services such as schools and family support services.

¹⁹ Walsh, T. & Fitzgerald, R. (2020). [Logan Community Justice Centre: Community Consultation and Design Report](#). University of Queensland.

²⁰ Anti-Discrimination Commission Queensland. (2019). [Women In Prison 2019: A human rights consultation report](#).

		<ul style="list-style-type: none"> • Many women, particularly those on remand, had not received timely legal assistance, and sometimes the legal services they are provided with were inadequate. • Even before entering prison, many Aboriginal and Torres Strait Islander women are trapped in a cycle of disadvantage that may include poverty, domestic violence, homelessness, unemployment, poor health, and lack of educational opportunity. • Female Indigenous prisoners were more likely than female non-Indigenous prisoners to be subjected to segregation and seclusion. <p>The report recommended that Aboriginal and Torres Strait Islander women receive more support in prison to: prevent the risk of self-harm; assist with transition to community and to access safe environments; access education and training; assist with gaining access and custody of children.</p>
85	How are women and girls who are pregnant or have children with them in custody supported?	<p>In its response to the letter from the Taskforce Chair dated 25 March 2022, DCYJMA provided information about the support DCYJMA provides to women and girls who are involved in the criminal justice system including those in custody to assist them to care safely for their children and to maintain meaningful relationships with their children while they are in custody.</p> <p>Previous information covered the services for young women in detention including health services, visits, pregnancy and nutrition support have already been provided in our previous response.</p> <p>Regarding women who are pregnant, whether the pregnant woman or girl is in custody or not, if there is a reasonable suspicion from a child protection perspective that an unborn child may require protection after their birth, the department will conduct an investigation and assessment, to assess the child's protection needs.</p> <p>If an assessment is made that the unborn child is in need of protection after they are born, DCYJMA will offer the pregnant woman (or girl) a support service case. The purpose of the support service case is to decrease the child protection risks and the likelihood of the child being in need of protection after birth. It is not intended to interfere with the pregnant woman's rights or liberties.</p> <p>A support service case can only be opened with the pregnant woman or girl's consent. If a pregnant woman does not consent to a support service case, or withdraws her consent, a decision is made at the time of the child's birth about whether to record a new notification and re-assess the child's need for protection, or whether a child protection order is required (in this case, a referral is made to the Director of Child Protection Litigation).</p>
86	8What are the experiences in custody or detention of women and girls who are mothers? What works? What needs to be improved?	See response to question 85.

87	How do women and girls maintain relationships with family while incarcerated in Queensland? What is working well? What could be improved?	The youth detention operational policy : visits to young people states that: <ul style="list-style-type: none"> • The department promotes and supports a young person’s right to receive visits from their parents, guardians, family members, Elders, kin, community members, peers and other persons of significance in the young person’s life. • The department recognises that positive family, peer and community relationships are critical to a young person’s successful transition back into their community. • Youth detention centres actively support Aboriginal and Torres Strait Islander young people to strengthen their relationships with their families and communities. Elders and respected community members will be proactively engaged to support young people and promote their sense of cultural identity and belonging. • Youth detention centres work with young people and their support networks to facilitate appropriate visits and contact via other means (such as phone calls and Skype). • The Cultural Unit provides kinship mapping and other engagement activities that promote positive support networks for Aboriginal and Torres Strait Islander young people.
89	What is the experience of women and girls from diverse backgrounds who are incarcerated in Queensland? What works well? What needs to be improved?	In 2006 the then Anti-Discrimination Commission Queensland released a report entitled <i>Women in Prison</i> (https://www.qhrc.qld.gov.au/data/assets/pdf_file/0018/5148/WIP_report.pdf). The report identified that at 30 June 1999, approximately 10 per cent of women prisoners in Queensland were not born in Australia and for many English was not their first language, which affected their understanding and ability to negotiate prison regimes. The report identified that prisoners from CALD backgrounds were frequently ignored in the design, administration and daily routines of the prison system. The report provided several recommendations to improve the experience of prisoners from CALD backgrounds relating to: <ul style="list-style-type: none"> • Access to interpreting services for prisoners who are not confident in English when being processed, discussions involving their case management, health or other significant issues. • Ensuring programs are accessible to prisoners from CALD backgrounds. • Access to literature and reading material in other languages. • Ensuring prisoners dietary requirements are catered for. • Accommodating prisoners’ religious observations as much as possible. • Mandatory anti-discrimination training for corrective services staff. <p>It is likely that the number of women prisoners not born in Australia has increased since this time. As of 30 June 2017, the Australian Bureau of Statistics reported that overseas born prisoners (male and female) accounted for 12% (1,002 prisoners) of the Queensland adult prisoner population, with the largest proportion having been born in New Zealand (374 prisoners, or 37% of overseas prisoners). Anecdotally, Multicultural Affairs is aware that Maori and Pasifika communities have identified increasing numbers of adults and young people involved in both the youth justice and adult prison systems and the number of African young people in youth detention continues</p>

		<p>to rise. Maori and Pasifika community leaders have commented on the growing numbers of requests for assistance from police and prisons to provide cultural support, increasing stress within those communities.</p> <p>In 2019, the Anti-Discrimination Commission Queensland released a follow-up report, <i>Women in Prison 2019 – A human rights consultation report</i> (https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0003/17139/2019.03.05-Women-In-Prison-2019-final-report-small.pdf). This report noted that most women prisoners in Queensland were either born in Australia or New Zealand but that the women’s prison population was very diverse both religiously and culturally. The report also found that QCS had policies in place to guide staff in providing culturally appropriate support to women prisoners including access to an interpreter, meeting dietary requirements and receiving visits from religious leaders and other requirements to meet religious observances. However, the report did not make any commentary regarding whether these policies were implemented within prisons.</p> <p>The report did note several concerns identified during the consultations:</p> <ul style="list-style-type: none"> • Prisoners on parole not being permitted to visit their Buddhist temple. • Chinese prisoners not permitted to converse with each other in Mandarin. <p>The response to question 76 is relevant to this question.</p> <p>The ANROWS report, <i>The Forgotten Victims: Prisoner experience of victimisation and engagement with the criminal justice system.</i>, identified mental health support as being a significant need for women in prison. This is especially true for women from refugee backgrounds who are likely to have a history of trauma relating to their refugee experience. Imprisonment is likely to exacerbate mental health issues and retraumatise these women.</p>
90	What is the experience of women and girls in maintaining personal hygiene and adequate clothing in custody? What works well? What needs to be improved?	
91	What is the experience of women and girls who are searched in custody or detention in Queensland? What works well? What needs to be improved?	<p>Fully unclothed searches, or strip searches, are prohibited in youth detention centres. This prohibition has been in place since recommendations from the Forde Inquiry 1999. Instead, partially clothed searches are utilised when deemed absolutely necessary.</p> <p>Partially clothed searches are conducted in a way to ensure there is no touching of the young person, and searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa).</p>

		<p>All searches of young people are governed by strict legislative provisions to ensure the safety and wellbeing of young people, staff, visitors and the security of the centre. Any search of a young person is conducted as quickly as reasonably possible, by a staff member of the same sex, with regard to their dignity, privacy and trauma history. Transgender and/or intersex young people can nominate the sex of the staff member who searches them.</p> <p>In line with other youth justice and custodial jurisdictions, DCYJMA is actively exploring other contraband detection technology solutions to further minimise the use of partially clothed searches.</p>
93	<p>What are your experiences or observations of women and girls in custody or detention accessing education? What works? What needs to be improved?</p>	<p>DCYJMA ensures that all young people in youth detention are provided with opportunities for rehabilitation through daily routine and program delivery.</p> <p>Youth Education and Training Centres operate in youth detention centres through the Department of Education. All young people in youth detention are offered and engaged in, educational and vocational learning and programs. Education and training programs and services are provided to young people in youth detention centres 5 days a week, for 48 weeks of the year.</p> <p>DCYJMA also works with other education providers such as the Queensland Pathway College with flexi and alternate education providers to strengthen young people’s pathway options through education and training. To maximise continuity of service, young people are actively supported to reengage with education and training in the community upon their release from detention.</p>
94	<p>What are your experiences or observations about how women and girls in custody or detention are supported to remain connected to culture? What works well? What could be improved?</p>	<p>See response to Question 89.</p>
95	<p>What are your experiences or observations about women and girls’ access to health and wellbeing services and supports while they are in custody or detention? What works well? What needs to be improved?</p>	<p>Correspondence from DCYJMA to the Taskforce dated 4 April 2022 includes details of health and wellbeing services and supports to girls in detention.</p>

<i>Women's experience of reintegration into the community</i>		
97	What are your experiences or observations of women and girls' access to safe and stable accommodation after being released from custody or detention? What works well? What needs to be improved?	<p>During recent System and Practice Review discussions, staff identified homelessness having been the main concern for a young woman subject to review, following her release from youth detention. Domestic and family violence was a contributing factor to her homelessness, with lack of availability of appropriate services in addressing the risk.</p> <p>Aboriginal and Torres Strait Islander women and girls who are being released from detention can find themselves homeless, or when they return to their home, they are faced with domestic violence, where there are DVOs in place against one partner or both which can lead to homelessness for Aboriginal and Torres Strait Islander women and girls. In turn, this can lead to further substance abuse, hopelessness and or homelessness.</p>
98	What are your experiences or observations of women's access to parole?	<p>Cultural considerations are recognised by the parole board when making decisions regarding parole for Aboriginal and Torres Strait Islander women and girls.</p> <p>However, once released on parole, Aboriginal and Torres Strait Islander women and girls can have difficulty accessing parole and meeting with the parole officer within 24-48 hours of being release due to a lack of financial resources.</p> <p>For example, parole appointments and reporting requirements can clash with sorry business and travel to and from funerals i.e., Brisbane to Cherbourg. Non-attendance at funerals, can have a detrimental impact on the parolee, family and community and can cause further distress to an already stressful situation. This can cause community unrest if cultural protocols are not met.</p>
99	What are your experiences or observations of women and girls support to maintain or re-establish their connection to culture when they are released from custody or detention?	<p>Young women and girls have access to culturally safe and appropriate services both Government funded and through community. Youth Justice case planning ensures young women and girls receive a culturally safe case plan, which includes a focus on connection to culture and kin and the provision of gender responsive programs and services.</p> <p>When Aboriginal and Torres Strait Islander women and girls are released from detention and reconnect with their family, they are also reconnecting with their culture. If an Aboriginal and Torres Strait Islander woman or girl does not have any contact with their family and community, they are less likely to have a connection to their culture. An example of this would be when a woman and or girl is released from detention in Brisbane, however their family is from outside of Brisbane i.e., Cairns or they are from another state/territory. The lack of family/community connection can lead to a lack of connection to culture.</p>
100	What is the experience of women and girls from diverse backgrounds on transitioning	<p>The experience of Aboriginal and Torres Strait Islander women and girls transitioning back into the community after they are released depends on what family and community support is available to them.</p>

	<p>back into the community after incarceration?</p>	<p>Transition to community toolkits from other jurisdictions highlight that if young people are not engaged within the first 30 days after release, their chances of reoffending are higher. The toolkits suggest the following:²¹</p> <ul style="list-style-type: none"> • Young people should be active participants in designing and implementing their transition plan. This may require them to enrol in school, attend school, engage with mentors or prosocial peers, participate in community service, participate in counselling, attend substance abuse classes, actively seek employment, maintain employment, or engage in whatever ways the transition plan outlines. The plan may need to be adjusted as different circumstances or barriers arise during aftercare, but the underlying goals and objectives should remain intact. • Facility-Centred Activities: establish a transition team, create and revise a transition plan with post release engagement activities such as school, monitor and track progress. • Family-Centred Activities: it is essential that every effort be made to support and involve the family (or guardian). Families may continue to need assistance, other than counselling, during reintegration. The transition team can provide information and resources for things such as parenting classes, transportation, and housing. • Community/Systems-Centred Activities: Build awareness of community providers and stakeholders of best practice in transition and reintegration and the transition needs of young people through professional development. Increase community stakeholder input in the Transition Plan. Share fiscal, personnel, and other resources and expertise that may then increase system efficiency and effectiveness.
--	---	--

²¹ Clark, H. G., Mathur, S., Brock, L., O'Cummings, M., & Milligan, D. (2016). [Transition toolkit 3.0: Meeting the educational needs of youth exposed to the juvenile justice system](#). National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC).