**ZONTA INTERNATIONAL DISTRICT 22 - SUBMISSION TO PREMIER’S SPECIAL TASKFORCE ON DOMESTIC AND FAMILY VIOLENCE IN QUEENSLAND .**

**General Comments:**

It is regrettable that the findings of the Senate Finance and Public Administration References Committee into Domestic Violence in Australia will not be available before the due date for the report by the Premier's Taskforce.

Zonta District 22 strongly recommends that the reporting date for the Premier’s Taskforce be extended so that the Senate Committee's findings ( report due date extended to 2 March 2015 ) can be duly considered in harmonising approaches to dealing with the various social, economic, and health effects of domestic and family violence on women and children.

We assume that the Taskforce is aware of the submissions made to the Senate Committee by Queensland groups.

**TERMS OF REFERENCE ( TOR )**

**TOR 1. Early Intervention to identify those at greatest risk, to ensure action is taken to protect those at risk and to change behaviours of those who use violence.**

The primary cause of VAW is a lack of self control, lack of respect for another person. There is a need for society to address this issue and deal with perpetrators apart from through the legal system.

It starts with children- they need to understand that violence, bullying, and harassment is unacceptable. There is a major problem if children remain in a household where violence of one partner to another is the 'norm'.

The consequences of VAW are many:

- homelessness

-poverty/financial stress

-low self-esteem

-health problems

-inter-generational violence.

**Recommendations:**

**1. Programs which emphasise 'respect for others' should be delivered in primary schools as a mandatory element of the educational curricula. At secondary schools, the standards for prevention of sexual assault can be used as an extension of the respectful relationships education program.**

**The development of free apps which address bullying, sexual assault, and domestic and family violence would assist in getting messages to young people who are 'tech. savvy'.**

**2. That government advertising (federal/state/local) provides information about VAW at all major sporting venues especially so that it is likely to be seen as a consequence of TV coverage. Information on Domestic and Family violence should be available in all public buildings ( such as is done in council libraries) and in/on public transport.**

With respect to women and children who are in 'shelters', there needs to be adequate funding for necessary resources to ensure their safety, counselling, advisory support and essential needs ( such as clothing, personal items). The 'community' plays a role in providing some support but it needs to be co-ordinated, and there needs to be an awareness of what could be provided by the public including businesses, as well as professionals. ( Refer also to TOR 3).

**Recommendations**:

**3. Provide specialist assistance to women ( and children) displaced and who reside for a period in DV Shelters. Most who end up in such establishments have no family support or no close family support. Many transit refuges up to 5 times before deciding to leave a violent partner. Such centres require social workers, counsellors, and donations of clothing as most families leave the violent situation in the clothes they stand up in.**

**4. There needs to be dedicated, adequate funding for all services required to respond to women's and children's needs post any DV incident. This includes health, counselling, legal advice, housing/relocation, avoiding/exiting violent situations ( awareness raising), education.**

**5. That consideration be given to compiling a 'roster' of professionals ( counsellors, social workers, psychiatrists, doctors, educational guidance officers etc) who would provide pro bono sessions at domestic/family violence ( DFV ) shelters.**

We note that Women's Legal Service Qld already provides legal advice to women on a range of matters, but perhaps this service could also be accessed separately as an 'outsourced' service available to DFV shelters.

Homelessness, or the lack of ability of DFV survivors to remain in their own homes , is another critical issue with respect to 'prevention' of repeat occurrences of violence against women. Lack of affordable housing , especially for women with dependent children, is a major factor in women returning to/staying in their home where the abuse occurs.

**Recommendations:**

**6. Use research to ascertain why the 'exclusion orders' do not result in women being able to remain in their home. Some evidence is available which suggests that the problem is a lack of income/finance to sustain household expenses, including costs involved in accessing equity in a home via the legal system.**

**7. Priority should be given to DFV survivors when allocating public housing , whether by government or subsidiary agencies. Indeed, some housing 'stock' could be set aside in every suburb/location for such a purpose.**

Other causes of DFV include 'Honour' crimes , FGM, Forced Marriage and Trafficking of women and girls. Cultural practices are the 'trigger' for this form of violence against women and girls ( VAW) in Australia, with 'honour' crimes and female genital mutilation (FGM) the most heinous.

 Honour crimes are those committed against women by males with familial or conjugal control over women, particularly women's sexual conduct. It is a domination of patriarchal views on women and girls who, *inter alia*, refuse an arranged marriage, seek a divorce, commit adultery, are victims of rape , or are simply 'alleged' to have done something to tarnish the family's reputation/'honour'. Forced suicide is an alternative in some cultures, as is dowry death and bride burning, breast ironing, female infanticide, forced abortion, forced pregnancy, forced prostitution, sexual slavery ( the latter two via trafficking), rape and violent attacks.

A number of deaths in Australia have been due to 'honour' crimes and practices.

Despite the Gillard government's actions to strengthen the legislation on FGM and its National Compact, and the Second Action Plan of the Abbott government, it will be some time before cultural practices such as FGM will be eliminated in Australia. Despite changing laws and some prosecutions, there still needs to be a change of attitudes amongst the cultures which seek to practice it in Australia.

Although this form of DFV is not specifically referred to in the Taskforce's 'brief', we feel that it is an important area which needs attention.

**Recommendations**:

**8. That civil society is informed of all cultural practices which are based on violence towards, and suppression of, women and girls.**

**9. That 'key agents' in the community, such as school teachers, community health workers/nurses/doctors, report suspected cases of FGM and/or inform relevant authorities of women/girls who are at risk. Help -lines linked to the police, women's legal services, and hospitals should be established, with public advertising displayed in/on all forms of public transport.**

The Australian government has protocols in place to prevent trafficking at its source and also to detect trafficking on entry/re-entry to Australia. In addition, the Australian Institute of Criminology ( AIC) has focussed on areas where trafficking might occur such as FIFO seasonal workers (in mining, agriculture, construction, hospitality), forced marriage, and domestic/sweatshop labour.

The 2013 amendments to the Criminal Code 1995 under the Slavery, Slavery-like Conditions and People Trafficking amendment covers these offences and amended the existing definitions to capture servile marriage as a condition similar to slavery ie. being sold, transferred or 'inherited' into marriage.

Child victims come within the definition of forced marriage. There have been a number of children who have been taken from Australia for forced/arranged marriage.

All sources of information on trafficking in Australia report that there is little reliable data about the nature and extent of human trafficking here. The broadest form of definition of trafficking includes forced/servile labour, domestic and sweatshop labour, forced marriage, illicit adoption, and harvesting of body organs. Trafficking occurs when a person/persons intentionally recruits, transfers, harbours another person through some form of deception, fraud, violence or coercion, for the purpose of exploitation.

**Recommendation:**

**10. That the Taskforce/Queensland Government recognises that the AIC should continue to be funded sufficiently to conduct/commission research which assists in correctly identifying domestic violence cases where trafficking has occurred.**

**TOR 2. Ensuring Queensland law and order responses including police, prosecutors, courts, provide an effective response to deter perpetrators from committing violence and holding them accountable.**

Australian research has found that DFV increases the risk of ill health and premature death for women aged 15-44 years more than any other risk factor. Further, DFV is the biggest single cause of homelessness in Australia among women and children.( FAHCSIA. Women, Domestic and Family Violence and Homelessness: A Synthesis Report).

All Zonta clubs in our District are, or have been, involved with DFV shelters and report a number of observations about perceived deficiencies in the law and order response area viz.

(a) weaknesses in the court order system as well as judgements made by Magistrates who can come from any area of the law and who do not , necessarily, have the experience or understanding of the devastating effects that DFV can cause; this can lead to weak sentences regarding the number of offences and breaches committed without regard to a just or significant sentence which relates to the extent of the assault/abuse;

(b) the weakness of the parole system in that diligent, far reaching and systematic monitoring of offenders on parole is not happening to the degree that it should to protect the lives of women and their families during such parole period;

(c) the quality of rehabilitation programs for perpetrators is inadequate; these appear to be general short-term anger management programs with no commitment to ascertain whether they are working and needs research to see if they are effective in bringing about significant behavioural change.

**Recommendation:**

**11. That the taskforce investigates the deficiencies listed in (a), (b), and (c) above in conjunction with reviewing Family Law implications as suggested in TOR 5.**

The message sent in 'soft' sentencing is that DFV in all its forms ( physical - slaps, shoves, hits, punches, pushes, throwing down stairs/ across the room, kicking, twisting arms, chocking, being burnt or stabbed; sexual - rape. sexual assault with implements, being forced to watch or engage in pornography, forced prostitution, being made to have sex with friends of the perpetrator; psychological and emotional- includes a range of controlling behaviours such as control of finances, isolation from family and friends, continual humiliation, threats against children, being threatened with injury or death; family - refers to all violence as described above , between family members as well as violence between intimate partners; in the case of indigenous persons it includes kinship and marital relationships; elder - a general term describing harmful acts towards an elderly adult such as physical, sexual, emotional, psychological abuse as well as financial exploitation and neglect, including self-neglect; financial - a form of mistreatment and fraud in which someone forcibly controls another person's money or assets and includes stealing cash, not allowing a victim to take part in any financial decisions or preventing a victim from having a job) is NOT treated as seriously in sentencing as when it occurs between unrelated persons.

Domestic violence shelters report cases where men have pushed their partners out of windows, raped them, put cigarettes out on their bodies, strangled them to the point of unconsciousness and kicked them whilst pregnant, and have been charged with a breach of a Domestic Violence order and sentenced to probation to attend a DV program. All of the 'types' of DFV described above, offend the International Treaties listed in the covering letter to this submission.

Earlier this year Zonta District 22 advocated to the Police Minister that the outcomes of the Police Department’s ‘strategy to reduce domestic and family violence 2009-2014' would be useful for further thought about strategy development. ( Refer to Appendix 1). Unfortunately, the response did not answer our question, but simply listed all of the things done ( ie. inputs) under the four core areas. Perhaps the Taskforce could pursue this to establish what the outcomes were which would assist in tackling this problem- that is – what lessons were learned? What worked, and what didn’t work?

This example might also serve as a reminder that, in previous administrations where performance management/managing for outcomes was in place, there was a logical analysis of all of the stages of a program – inputs, processes/activities, outputs and outcomes – to see that the strategy was effective and that it met a policy's pre-set targets or outcomes.

**Recommendation:**

**12. That all strategies/plans adopted to address DFV be assessed under a performance management framework to ensure that the set objectives are achieved.**

**TOR 3. Educating and engaging Queenslanders to create a community that supports respectful relationships, practices positive attitudes and behaviours, and promotes a culture of non-violence.**

There is a need for Queensland’s strategies and plans to both complement, and extend, the federal and other state/territory strategies/plans lest there be differences between jurisdictions which can be exploited by perpetrators. There also needs to be a ‘co-ordinating’ mechanism to monitor the implementation of effort between levels of government, community organisations( such as Zonta), and specialist organisations and groups. Any such independent monitoring mechanism should adopt a human rights framework approach.

What is needed is adequate resourcing and timely implementation of strategies and the establishment of an independent monitoring mechanism, including the resourcing of civil society to assist with this process. Strong recommendations about each of these issues have been made by the various human rights treaty bodies as outlined in our letter. A wide-spread community problem needs a community-wide response.

The Federal Government’s Second Action Plan ( 2013-2016) -Moving Ahead also focuses on this strategy ( pp.3-4). National Priorities for Community Action are on p.5.

**Recommendation:**

**13. That the Queensland Taskforce should seek to ‘leverage’ off the federal plan with respect to community engagement.**

‘Our Watch’ ( which is the new name for the Foundation to Prevent Violence Against Women and their Children) is an independent non-profit organisation working to raise awareness and engage the community in action. It has 4 members- the Commonwealth, Victorian, Northern Territory and South Australian governments. Remaining states and territories have been invited to join. It is Chaired by Natasha Stott- Despoja AM. ‘Our Watch’ complements the work of the Australian National Research Organisation for Women’s Safety ( ANROWS), which produces evidence to support reduction of violence against women and children.

Successful policy development and strategies are reliant on credible data ( evidence base), so the Queensland Taskforce might consider providing access to data on ‘ Queensland’ evidence for DFV to these bodies if such an arrangement is not already in place.

In Zonta’s submission to the Beijing +20 review of the Platform for Action 12 Critical Areas of Concern, we made the following recommendation regarding community support re DFV:

**Recommendation:**

**14. Investigate ways in which donations of clothing, furniture, basic living needs (kitchen equipment, books, toys, curtains/blinds, rugs etc.) could be collected and distributed. Most welfare organisations ( St. Vinnies, Salvation Army ) operate on a basis of 'next in need' gets support. If local councils could offer some storage facilities for collection of these goods for women exiting shelters and moving to independent accommodation, then a number of service organisations as well as individuals in the area can 'channel' donations to that site.**

All Zonta clubs in District 22 support DV Refuges in their area, both in terms of financial donations and household items/clothing etc., but could do a lot more if such items, as mentioned above, can be stored for those women and children who decide not to return to violent perpetrators. At least they would have some comfort in knowing they do not have to start from scratch when renting unfurnished premises. The shelters themselves have no storage facilities on site which are large enough to accommodate furniture.

The 'Second Action Plan' 2013-16 recommends involving all governments and the wider community. Given the confidentiality that is necessary in relocating survivors of DV, it is not possible for the community to provide donations directly to recipients. Use of an 'approved' third party such as local councils for this specific purpose would assist greatly.

Zonta District 22 is currently trialling this idea with a local government council and community groups.

**TOR 4. Holistic, co-ordinated and timely responses to DFV, including building community confidence in the reporting and investigation of DFV, and ensuring those who are subject to such violence receive immediate and effective protection and support.**

Adequate resourcing is the key to satisfying the above requisites. Unfortunately, this has not been the case in Queensland with provision of financial resources to address DFV. Zonta District 22 raised such an issue when the current government cut funding to DFV refuges as a budget measure in 2013-14 - Appendix 2 refers.

There is insufficient low cost housing available for persons needing to escape such violence, and especially those with children; placement in a refuge is for a short time only.

Dedicated and adequate funding is needed for other response-based services such as women's health, counselling, legal services as well as focussing on programs which will address behavioural and cultural change for both victims and perpetrators ( not just information provision ) and is fundamental for success in achieving a reduction of violence.

What is apparent is that increased awareness about DFV, sexual assault and associated support services will, in itself, result in an increased demand for such services. This means that the government's desire to take action which is effective must be met by an increased budget allocation for all government agencies involved ( health, education, communities, justice ( courts), police, housing etc., as well as for an extension of temporary accommodation in refuges/safe houses run by non-profit organisations.

**Recommendations:**

**15. That production of a 'women's budget' , as an addition to the budget papers , would help the government to identify where budget cuts/program cuts had adverse effects on women generally as well as women who have 'special needs' eg. older women, women with disabilities, working women, women in poverty, women subjected to DFV etc.. It can, as a consequence of this analysis, allow the government to showcase where women have made 'gains' with respect to these same categories eg. funding for provision of $X additional refuges, an additional x$ for counselling, low cost housing .**

Government transparency about funding for key social issues is a necessary part of being accountable to its constituency.

**16. Encourage workplaces ( all businesses which employ staff) to have a policy on DFV, as well as provisions for assisting staff who have been subjected to DFV eg. additional leave with pay to attend court, counselling sessions etc. Employers should be alert to any staff using workplace equipment/facilities to commit DFV ( using work computer to send threatening emails, staff car to visit a 'relative' to subject them to any form of violence ) and have policies to deal with such situations.**

There needs to be more emphasis on businesses condemning DFV - they would become 'employers of choice' for women and men in the community.

Whilst anti-discrimination laws have been 'harmonised' to some extent across Australia, a check should be made that protection from discrimination on the grounds of being a victim/survivor of DFV is being upheld in Queensland. This is important because of some gaps in industrial and enterprise agreements re this matter and also because casual workers generally do not have access to paid leave. Research shows that victims/survivors of DFV are more likely to be employed on a casual basis and this leaves them, the most marginalised workers, without the same level of protection which is available to other workers.

**TOR 5. Ensure that strategies for protection from DFV in Queensland complement relevant systems and processes ( including within the family law jurisdiction) to provide just outcomes and maximise the safety of families.**

Zonta has no specific recommendations in relation to this Term of Reference other than our Recommendation 11 ( page 5). We would, though, refer you to the submission to the Senate Finance and Public Administration References Committee by the Hon. Diana Bryant AO, Chief Justice, Family Court of Australia ( Submission No. 147). We found this reference and attached documents to be most instructive in relation to the jurisdictions of the Family Court of Australia and the Federal Circuit Court in relation to DFV matters which can be pertinent to cases heard in both courts.

**Recommendation:**

**17. As a general recommendation , we would suggest that the area of family law, along with the qualities/experiences of judges and magistrates making determinations on DFV issues, be examined by an expert committee which includes representatives from key NGO bodies such as Women's Legal Service, ATSI Women's Legal Service, DFV agencies such as Queensland DV Network, Queensland Indigenous Family Violence Legal Service, Federation of Ethnic Communities Councils of Australia, Women With Disabilities, as well as from all levels of the legal profession. The Police Department and Children's Commissioner may also have information relevant to the task of coming up with complementary systems and processes within a family law framework.**

**TOR 6(a). Defining the scope of violence, assault and abuse to be addressed in DFV...**

**Recommendation:**

**18. As with TOR 2, the Taskforce needs to align definitions of DFV used in Queensland with all other States and Territories, as well as with the Family Law Act ( as amended). Having different definitions or 'scope' is confusing when trying to achieve a reduction in 'offences' or incidents.**

**TOR 6(b).... and whether it would be appropriate for such a strategy to focus on particular or defined sections of the community in order to have the most effect.**

**Recommendation:**

**19. Zonta District 22 recommends that segmentation of the community is advised, as there would be different plans, strategies and interventions appropriate to each segment.**

**Suggested segments would be:**

**- women with dependent children and no immediate family support**

**-older women/elder abuse**

**- women with disabilities**

**- culturally and linguistically diverse women**

**- indigenous women.**

Australia was required to review, in its 2012 mid-term CEDAW Review, specific strategies to address violence against ATSI women. CEDAW also noted the inadequacy of Australia's National Plan in protecting women and children from violence.

Another concern is the criminalisation of ATSI women victims/survivors of violence as a result of their engagement in the judicial process. Fear of incarceration for outstanding fines and/or warrants if they report DFV to police is a disincentive to do so. Some have been prosecuted for retracting their statements relating to assaults and this reveals a lack of understanding for their reasons for doing so.

A similar situation is faced by some CALD women where their lives are at risk if they attempt to flee a violent situation. Honour killings can ensue if they are unsuccessful in a prosecution action or if they attempt to escape themselves from a DFV situation.

**Zonta District 22 and DFV**

The aims and objectives of our organisation, Zonta International , are contained in the letter attached to this submission.

Zonta District 22 contributions by each club in our District in addressing DFV are far too many to detail here as the submission is restricted to 10 pages, but we will forward a composite list of actions to the Taskforce Chairman at a later date.

What we can report is that every club in our District has, for a number of years, given significant financial, in-kind and hands-on support to assist those women and children who have been subjected to DFV.

 Financial support includes provision of educational resources about DFV/ bullying for instruction to young men and women, boys and girls ; provision of basic household needs for women setting up in independent accommodation; building of safe houses/refuges; counselling; educational opportunities; women’s health seminars; mobile phones; phone cards; self-defence courses; personal development courses; refurbishment of court rooms/facilities for DFV victims; refurbishment of DFV shelters; printing information/safety cards re DFV/sexual assault; auspicing funding for CEO Challenge program to get businesses to engage with DFV.

Hands – on support includes care packs ( pamper packs); emergency packs; rape crisis underwear packs; general toiletries for DFV refuges; clothing, toys, books, games; Christmas hampers; court attendance support; sexual assault workshops; equipment for those moving to independent accommodation ( cleaning, linen/manchester, all kitchen needs).

Community engagement includes producing a calendar from a DV art competition among school children and providing said calendars to community groups, schools; DV poster projects/competitions in schools; celebration of White Ribbon Day, International Women’s Day, Reclaim the Night to highlight the incidence of violence against women; Zontians serve on committees and boards of DV NGOs; display of banners at sporting grounds re domestic violence; Zonta Says No banners and walks.

It is estimated that each club in the District would contribute, on average, $2000-$3000 per year in financial contributions and another $$1000-$1500 per year in hands-on and community support to DFV activities/awareness. With 43 clubs, that amounts to an annual contribution of between $129,000 and $193,000 for DFV- something we are proud to do and wish that we could do more.