

Submission to the *Statutory Review of the Charter of Rights for Victims of Crime (ACT)*

June 2025

Acknowledgement of Country

Women's Health Matters acknowledges Aboriginal and Torres Strait Islander peoples as the traditional custodians of the land on which we live and work. We recognise these cultures as among the oldest living cultures in human history and pay our respects to Elders past and present. We acknowledge the history of dispossession and its ongoing impact on Aboriginal and Torres Strait Islander communities. We particularly recognise the strength, resilience, and wisdom of Aboriginal and Torres Strait Islander women, and honour their continuing connection and contribution to Country, community, and culture. We are committed to walking alongside Aboriginal and Torres Strait Islander peoples in our shared journey toward health equity and justice. This land always was, and always will be, Aboriginal land.

About Women's Health Matters

Women's Health Matters is an independent, non-partisan organisation that works to improve the health and wellbeing of all women in the ACT and surrounding region. We seek to improve access to health information and enhance knowledge and understanding about the determinants of health and illness among anyone who identifies as a woman.

We advocate on behalf of all ACT women, especially those experiencing disadvantage and vulnerability. We want women to feel in control of and understand the determinants of their own health and wellbeing. We do this through health promotion and by providing evidence-based social research, policy development and advocacy services to governments, the corporate sector, policy makers, service providers and peak bodies.

Our submission

Women's Health Matters (WHM) supports and welcomes the Statutory Review of the Charter of Rights of Victims of Crime. This review provides a timely opportunity for WHM to advocate to the ACT Government to continue enacting their commitment to centring people with lived and living experience of Domestic, Family, and Sexual Violence (DFSV) in their work (ACT Government 2021). Our submission is informed by preliminary findings from our Victim Survivor Voice pilot project, and our Survey of Women's Health in the ACT, as well as drawing on recommendations and findings from a variety of reports and reviews. Our recommendations are supported by findings from the Sexual Assault (Police) Review Report (2024, p. 4) in which it was stated:

"We acknowledge that no meaningful solutions to improve responses to sexual violence can be made without victim survivors."

Recommendations

Utilise an existing mechanism to ensure ongoing victim survivor engagement to guarantee that Victim's Rights are being upheld under the Charter. This recommendation relates to Divisions 3A.3, 3A.4, 3A.5, 3A.6 and 3A.7, and to questions 9, 16, and 18 of the discussion paper:

9. Are there any gaps or limitations in the information justice agencies are required to provide to victims? If so, what are they and how can they be addressed?

16. Have you had concerns with the way that a justice agency engaged with you, as a victim of crime? Were you aware of the avenues for making a complaint or raising a concern? Were you satisfied with the resolution of your matter?

18. Are there changes needed to the Charter or other legislation to enhance victim recognition or experiences?

Recommendation 1 of *Listen, take action to prevent, believe and heal* (2021) was that the ACT Government establish and appropriately resource an ongoing structured consultation program with victim survivors to continue to drive and inform change in the prevention of and response to sexual violence in the ACT.

In the 2022-23 Budget, the ACT Government committed \$1.4 million over four years to establish a structured Victim Survivor Consultation Program to ensure the voices and experiences of victim survivors remain central to sexual violence reforms.

Subsequently, WHM was funded by the ACT Government Office of Domestic, Family and Sexual Violence to establish and pilot the Victim Survivor Voice project, a peer-led community listening program open to people over the age of 18 who have lived or living experience of domestic, family, and/or sexual violence and live in the ACT and surrounding regions. Sisters in Spirit Aboriginal Corporation have been funded to partner with WHM to uplift the voices of Aboriginal and Torres Strait Islander women.

The implementation of an independent and trusted mechanism to discuss individual experiences provides the opportunity to:

- Maintain continuous, meaningful engagement with victim survivors during all stages of policy development and implementation.
- Recognise and value lived and living expertise.
- Embed survivor voices in system reform.
- Bring resolution to their experiences with the justice system.
- Critically review harmful aspects of the system.

The focus of the pilot phase of the Victim Survivor Voice is ongoing engagement with adult victim survivors in the ACT community to inform:

- Development of an ACT Domestic, Family and Sexual Violence Strategy,
- Improving community understanding and responses to coercive control, and
- Improving support for people with disability experiencing domestic, family, and sexual violence.

While this submission is informed by preliminary findings from victim survivor consultation on these matters, the Victim Survivor Voice was not developed for the purpose of this Review, but it is a uniquely relevant and valuable source of information. WHM welcomes investment in this mechanism to help inform the ongoing efforts to ensure victims' rights are being upheld outside of the internal review system.

Explore the formal recognition of children and young people as victims of crime in their own right. This recommendation relates to 3A.3, and in response to questions 18 and 19 of the discussion paper:

18. Are there changes needed to the Charter or other legislation to enhance victim recognition or experiences? If you consider that inclusion of additional rights in the Human Rights Act 2004 would be desirable, what limitation in the recognition or protection of rights afforded by the Charter or other areas of the law would this overcome? If additional rights were to be included in the Human Rights Act, what should these be?

19. How might the inclusion of additional standalone victims' rights in the Human Rights Act 2004 impact the accountability of justice agencies in meeting their obligations to victims?

Preliminary Victim Survivor Voice insights highlight the importance of recognising and supporting children and young people as victim survivors of domestic, family, and sexual violence within ACT services and systems.

According to *Listen. Take Action to Prevent, Believe and Heal* (2021), children under the age of 15 represent 42% of recorded sexual assault victims, and police-recorded sexual assault rates for children are nearly double those of adults. In 2014-2015, nearly 2.1 million women and men were estimated to have witnessed violence towards their mother by a partner before the age of 15 (Australian Bureau of Statistics, 2023; Victorian Government, 2023). This data demonstrated a clear link between a child's experience and ongoing trauma, and the increased likelihood of future offending and victimisation. These experiences have lifelong impacts and signal the urgency of early, targeted interventions.

This recommendation encourages the ACT Government to consult around a child and youth specific response system and implement changes to the legislation or charter as appropriate. Accountability of justice agencies in meeting their obligations would be dependent on findings but are likely to relate to the timely and effective care for young victim survivors.

Explore and expand options for alternative and culturally safe ways to report crimes and access support. This recommendation relates to 3A.3, 3A.6, the Charter's Accountability Framework and questions 4, 5, and 6 of the discussion paper:

4. Has the Charter been effective in delivering positive outcomes for victims?

5. How can awareness of the Charter be improved for both victims and agencies?

6. How could the Charter be made more accessible and clearer for victims?

It is recommended that the ACT Government address systemic barriers by introducing alternative, culturally safe ways to report crimes and access assistance from victims' services, particularly for Aboriginal and Torres Strait Islander peoples, people living in the ACT on temporary visas, and culturally and racially marginalised communities.

Preliminary Victim Survivor Voice insights indicate that many victims of crime choose not to report to police due to fears of not being believed, misidentification as perpetrators, criminalisation, discrimination, or concern about criminalising family members or having reports used against them by government agencies (i.e. as grounds for child removal).

It is recommended that the following considerations are explored:

- Reviewing and removing systemic barriers that force victim survivors into formal justice pathways in order to access support services.
- Investing in research to better understand how and when restorative justice can be effective for victim survivors.
- Piloting survivor informed restorative justice models that prioritise safety, consent, and support; and
- Commission further research into restorative justice as a healing process for victim survivors has been limited, initial findings suggest that while outcomes are mixed - some survivors report increased understanding of the impact of violence without achieving full peace of mind - many still felt that justice was served and would recommend the process to others (Loff et al, 2019).

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