

# Department of Forensic Medicine

## In Collaboration with the Victorian Institute of Forensic Medicine

Monash University's Department of Forensic Medicine (DFM), co-located with the Victorian Institute of Forensic Medicine (VIFM), welcomes the opportunity to make a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into the rights of women and children.

The section in this submission on the Global Research Initiative on Forensic Medicine and Human Rights (GRIFM) should be read in conjunction with the submission by Eleos Justice. Our joint work will contribute to the upcoming report on femicide/femicide by Dr Morris Tidball-Binz, the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.

## 1. INTRODUCTION

### ORGANISATIONAL OVERVIEW

The VIFM is an independent statutory authority governed by the *Victorian Institute of Forensic Medicine Act 1985*. It is part of the Justice portfolio of the Victorian Government. It also operates as Monash University's Department of Forensic Medicine (DFM).

The DFM has for the past 25 years delivered the nation's only Master of Forensic Medicine (MFM) program. The MFM qualification is the academic pathway into the specialty field of Clinical Forensic Medicine in Australia. The curriculum covers sexual and physical violence perpetrated against women and children and a range of topics that underpin clinical work in this field such as ethics, medico-legal reporting and courts processes.

As a combined entity, VIFM and DFM are internationally recognised as a national and global provider of forensic medical and scientific services, teaching and research. Research and teaching activities are predominately carried out through the DFM. The Director of the VIFM, Prof. Noel Woodford, holds the Chair of Forensic Medicine at Monash University, and so the VIFM and DFM operate in close collaboration to improve service delivery and enhance research in forensic medicine and science. Our combined teaching and research encompass all aspects of forensic practice including medico-legal death investigation, clinical forensic medicine (investigation of interpersonal violence including sexual violence and torture), toxicology, disaster victim identification and human rights violations.

The VIFM is based at the Coronial Services Centre located in Southbank, Melbourne, which also houses the Coroners Court of Victoria. The VIFM operates at the intersection of medicine and law. The VIFM is not funded by the Victorian Government for research, teaching, or for international services and this work must be externally supported. Funding for research led activities relies on, and is limited by, income received by the DFM for University teaching.

The VIFM is divided into two operational divisions; Forensic Medical and Scientific Services, and Academic Programs.



## VIFM FORENSIC MEDICAL AND SCIENTIFIC SERVICES

The VIFM undertakes the medical investigation of all reported deaths in the State of Victoria and employs a staff of 300 across a range of specialties, including forensic pathology, clinical forensic medicine, forensic radiology, forensic odontology, forensic anthropology, forensic toxicology and molecular biology (DNA).

The VIFM also provides a frontline response to victims of interpersonal violence, including sexual violence, providing medical examinations and support for a diverse cohort of patients. Trauma-informed principles underlie clinical care, using a strengths-based, culturally safe and human-rights based approach. VIFM physicians also provide expert opinions on questions involving interpersonal violence and appear as expert witnesses in court, presenting evidence in relation to violent crime against the person.

## ACADEMIC PROGRAMS (VIFM/DFM SYNERGY)

The Academic Programs Division is the academic arm of the VIFM, including the DFM, and is responsible for teaching and research activities.

DFM activities are integrated into the fabric of the VIFM, drawing on the deep expertise of forensic experts for both research and teaching. This connection between academia and clinical practice – within the context of the Victorian Public Service and the university environment – is a synergistic relationship that benefits from the significant advantages of being embedded in both government (justice) and the university (health).

At a practical level, this means that the research and teaching undertaken by the department of Forensic Medicine supports and informs the VIFM's clinical and scientific service delivery. This academic input underpins the VIFM's credibility in the courts and in the justice and healthcare systems. Through this work the VIFM and DFM inform advances in public health safety, and the law. Through its practice-based research DFM has developed expertise in patterns of family violence in diverse cultural groups, technology facilitated assault, drug and alcohol-facilitated sexual assault, grooming and coercive behaviours.

## INTERNATIONAL PROGRAMS

VIFM and DFM have made significant contributions in the field of recognition, interventions and prevention of violence against women and children on the international stage.

VIFM and DFM have extensive International networks and through these provide forensic medical and scientific teaching and conduct forensic research in resource poor contexts. Our teaching and research encompass all aspects of forensic practice from medico-legal death investigation to clinical forensic medicine, to human rights violations. We have provided teaching on responding to sexual violence for doctors, NGOs, police and the judiciary in the Pacific, Middle East and Africa. This work has at times included forensic medical service design and monitoring.

The VIFM has more than three decades of experience in international forensic medical capacity development, disaster victim identification response and consulting work in the Pacific, South East Asia, South Asia, the Middle East, Africa and Europe. This work has been undertaken on behalf of the International Committee of the Red Cross (ICRC); the World Health Organisation (WHO); United Nations Office on Drugs and Crime (UNODC); International Criminal Court (ICC), ASEAN Secretariat; Amnesty International and the Australian Government (DFAT requests to deploy for disaster victim identification and aid-funded development projects).

Globally the VIFM is one of very few institutions which provides highly sought after postgraduate forensic medical fellowships for doctors from around the world.

## 2. CURRENT AND PAST ACTIVITIES

### INTERNATIONAL CAPACITY BUILDING ENGAGEMENT

**Samoa.** Funded by the AFP this included training of police, judiciary and health care workers in the identification and management of victims of violence- physical and sexual.

**Malaysia, Hong Kong, New Zealand, India, Sri Lanka, Uganda & Jordan.** Teaching medical practitioners and law enforcement agency personnel in the fields of child and adult sexual abuse health. Funded variously by DFAT, AFP, various UN agencies and national governments.

**Palestinian Territories.** For the last 10 years there has been an ongoing program in developing services to children and adult victims of sexual violence. The overarching theme of the program is to build the capacity of the criminal justice system and improve governance structures as a component of the rule of law. This program that has been fully funded by the Canadian Government and implemented by the UNODC in partnership with the Palestinian Ministries of Justice and the Interior.

Specific activities over these years have included:

- **Training in forensic medicine** to two cohorts of medical practitioners and nurses from multiple centres in Westbank. Training for medical practitioners has occurred on a formal (specialist qualification) basis in Jordan and a less formal process within West Bank. Further training has also been provided by placement of the practitioners at major centres in the United Kingdom and Australia.
- **Production of training manuals** and standard clinical practice guidelines.
- **Facility development.** Planning and construction of specific facilities for victims of gender-based violence in Bethlehem, Ramallah, Hebron and Nablus.
- **Education programs** for police, lawyers and judicial officers; investigation and management of sexual assault cases, victim sensitivity
- **Administrative activities.** Unifying procedures across the criminal justice system, incorporating gender into health, social and judicial programs and activities.

### SEXUAL VIOLENCE RESPONSE: NATIONAL TRAINING FOR FRONTLINE WORKERS (DSS FUNDED UNTIL JULY 2027)

Since 2020 the DFM in a consortium partnership with VIFM has developed and delivered national VET and medical college-accredited training on identifying and responding to sexual violence to frontline workers and medical professionals. This Department of Social Services- funded program is an initiative under the *National Plan to Reduce Violence Against Women and their Children 2010-2022*. The curriculum is based on research into national and international best practice, extensive consultation with clinical forensic practitioners, vulnerable community representatives and sexual violence response organisations.

The training is trauma informed and covers the individual and community impacts of sexual violence; drivers; risk factors; prevalence; indicators, barriers to disclosure; perpetrator behaviours; at-risk groups; the role of police; the justice system and psycho-social services. The Vocational Education and Training (VET) two-unit curriculum is delivered nationally to frontline workers by RMIT.

The three-unit training program for doctors and nurses is delivered on-line by the Monash Department of Forensic Medicine, with two interactive sessions with clinical experts. It includes specialised content on patient and practitioner safety, ethics, history taking, medical care, consent for a physical examination; forensic principles; documentation and referrals. The medical units are accredited with four medical colleges including the RACGP; ACEM; ACRRM and ACN (Nursing). Over the period of the pilot program approximately 500 healthcare workers, and 500 frontline community workers have taken part.



## **GLOBAL RESEARCH INITIATIVE ON FORENSIC MEDICINE AND HUMAN RIGHTS (GRIFM) – FOR THE UN SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY, AND ARBITRARY EXECUTIONS.**

The Global Research Initiative on Forensic Medicine and Human Rights (GRIFM) was established by the DFM in 2021 to support the United Nations Special Rapporteur on Extra-judicial, Arbitrary or Summary Executions. The GRIFM team has contributed to two reports presented recently to the UN General Assembly and Human Rights Commission and is continuing to research international deaths in custody and femicide. The Team is collaborating with the Human Rights Institute at the Columbia Law School in New York on an international femicide report.

The research performed on behalf of the UN SR is currently funded through DFM teaching income. No external source of funding has yet been forthcoming. This hampers the ability to undertake the research required in a timely manner.

Several VIFM frontline forensic specialists contributed to the initial work program which entailed investigating and reporting on the global status of Medico-Legal Death Investigation Systems (MLDI). Early results indicate that MLDI systems globally are extremely variable in terms of operations, governance, independence, capacity, facilities, and education of practitioners. It is clear from our research that for many countries, the systems for forensic examination of victims, and presentation of evidence in court in the interest of justice, are deeply flawed and in need of reform in order to safeguard the human rights of victims, particularly women and children.

The relevant UN reports and documents are attached to this submission.

Current activity is centred around developing international UN sponsored recommendations for improved forensic medical assessment of Deaths in Custody, and for the investigation of, and the prevention of, suspected Femicide.

## **VIFM REVIEW OF THE AUSTRALIAN COUNCIL FOR INTERNATIONAL DEVELOPMENT (ACFID) IN THE PREVENTION OF SEXUAL MISCONDUCT.**

In 2018 the VIFM was commissioned to undertake an independent review to improve the practice and response of member organisations of the Australian Council for International Development (ACFID) in the prevention of sexual misconduct. This review followed reports in the United Kingdom of sexual misconduct in the international aid and development sector. The ACFID commissioned the independent review for its 124 members to better understand the state of practice and identify areas for improvement.

The VIFM review team examined regulation and compliance with ACFID's Code of Conduct; the culture of reporting issues of sexual misconduct; and the capability and organisational culture of ACFID's members in relation to sexual misconduct.

The Review covered sexual misconduct between ACFID's members and beneficiaries, ACFID's members and service delivery partners, and within ACFID's membership between staff. It included survey and data collection from ACFID's members, face-to-face interviews and focus groups with ACFID member organisations; and a critical analysis of ACFID and DFAT's reporting and accreditation systems in relation to sexual misconduct. The VIFM Report and its recommendations were accepted for implementation by ACFID in November 2018.

### 3. CLOSING STATEMENT

The knowledge and experience within VIFM and DFM, gained over 30 years of effective service delivery in response to violence against women and children, engaging deeply in both national and international settings, provides key opportunities for engagement with international organisations to improve the effectiveness of forensic medical investigation systems.

Proficient, trauma-informed medical care is vital to ensure that victims of sexual violence feel safe and empowered to disclose and report the crimes perpetrated against them.

A greater focus on the proper investigation of crimes against women and their children would result in better care for women and children who experience violence and better justice outcomes. There is a link between perpetrators being held accountable and the reduction of gender-based crimes.

Capacity development for forensic investigation systems is vital if nations are to provide victims of abuse with supported, culturally appropriate, and rights based forensic medical investigations close to the time the crime was committed.

Properly functioning, independent, and effective medico legal investigation systems underpins the foundations of reliable criminal justice systems. We know that there are many countries lacking this key service for the justice system, particularly in our own region of South East Asia and the Pacific.

### 4. RECOMMENDATIONS (PERTAINING TO THE COMMITTEE'S TERMS OF REFERENCE)

- a. understanding the treatment of women and children internationally and the impact of this treatment on their human rights

The development of research programs focussed on understanding the grave shortcomings in forensic medical and scientific investigation globally, including the impact on justice outcomes for crimes against women and children, capacity and resources to do the work appropriately, cultural issues in forensic systems, and education and training of practitioners. This includes the conduct of epidemiological studies, concerning the engagement of women and children with forensic investigation systems, designed to deliver key recommendations for improvement.

- b. the adequacy of support services, including legal services, available to affected women and children

Engagement with, and support for, frontline worker community organisations who engage most closely with women and children.

Education focussing on how forensic medical services can assist victims and their families to improve reporting, referrals for recovery and justice outcomes.

Work needs to be done to ensure that the results of those investigations can be admitted into Courts of Law as expert evidence, ensuring victims receive the justice they deserve, and perpetrators are held accountable for their crimes.

- c. any related matters

Education in responding to crimes against women and children, similar to our national training program developed and funded by DSS, should be delivered to an international audience. The programs will include how forensic medical services can assist victims and their families and will educate participants on developing and utilising pathways for reporting, referral, and support.

In addition, one of the greatest issues faced in forensic investigation of these crimes is the lack of accessible data, for both research and justice. We believe that there is opportunity to greatly enhance data collection for violent crimes, particularly in resource poor jurisdictions. There now exists the technology to use devices such as smart phones at the community level to gather crime and forensic data and to be able to upload this securely and anonymously. Having access to this data would enable greater understanding of the extent and types of violent crimes in different contexts and would provide evidence to enact meaningful change in processes and provide reliable evidence for the administration of justice.



## CONTRIBUTORS:

**Professor Noel Woodford** is the Director of the VIFM and holds the Chair of Forensic Medicine at Monash University.

**Professor Richard Based** has led the Academic Programs Division as the VIFM Deputy Director (Academic Programs) since his appointment in April 2017 and as the Head of Department of the DFM. As such, Professor Based is responsible for the operation of the DFM and its diverse research, teaching and international activities.

**Professor Emeritus Stephen Cordner** was the first Director of the VIFM from 1986 – 2014 and is now a senior researcher within the GRIFM team. Stephen is also deeply engaged at an international level with multiple forensic medical and science organisations, the ICRC and the UN.

**Associate Professor Bebe Loff** is an international human rights lawyer with a strong academic background. Bebe is the Director of the Michael Kirby Centre for International Human Rights and is the lead researcher for our work with Prof Morris Tidball-Binz within the GRIFM research unit.

**Dr Maaïke Moller** is a forensic physician with interests in the sexual and reproductive health of women at a clinical and population level.

**Dr Elizabeth Manning** manages the VIFM International Programs activities and is lead administrator for the DSS funded sexual violence response national training program.

## PRIMARY CONTACT:

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