



WE ARE WOMXN'S SUBMISSION TO THE SENATE INQUIRY INTO PROTECTIONS AFFORDED TO VICTIMS AND SURVIVORS OF CHILD SEXUAL ABUSE AND VULNERABLE PERSONS IN COMMONWEALTH CRIMINAL PROCEEDINGS

EXECUTIVE SUMMARY

We Are Womxn, an evidence-based, trauma-informed educational organisation, advocates for comprehensive reforms to protect victims of child sexual abuse. Through our peer-to-peer approach, we empower young people with the knowledge and skills to lead safe lives. Recognising the urgent need for enhanced protections and support mechanisms within the criminal justice system, we propose reforms focused on trauma-informed practices and victim-survivor safety, aiming to foster a culture of empathy, support, and accountability.

ABOUT US

We Are Womxn is an evidence-based, trauma-informed educational organisation empowering young people across Western Australia. We are driven by young professionals who work to instil confidence, capacity, and bravery in other young people. Our peer-to-peer approach ensures young people can find their voice and speak openly about traditionally taboo topics, including sexuality and consent. Ultimately, we aim to equip young people with the knowledge, skills, and attitudes to:

- Be confident within themselves;
- Challenge stereotypes and stigmas; and
- Lead safe and healthy lives.

We Are Womxn is an organisation rooted in evidence-based, trauma-informed health promotion. We have taken matters into our own hands and delivered education to young women on consent, healthy relationships, and social media literacy. We refuse to let young people figure out these vital aspects of life on their own - where the consequence might be a traumatic event for one and the inside of a courtroom for the other. In Australia, 22 per cent of women and 6.1 per cent of men have experienced sexual assault. At We Are Womxn we believe that these confronting statistics can only change if we ensure every young person has access to quality education about sex, their bodies, and consent. By doing this, we empower all young people to have healthy, confident, and consensual relationships with themselves and others.

By extension of this belief, we further advocate for the protection of victims and survivors of sexual abuse ("victim-survivors"). The discourse, attitudes, and behaviour regarding sexual harassment and abuse will not change if victim-survivors are not appropriately supported after experiencing sexual violence and throughout their subsequent journey with the criminal justice system. In Australia, only 13 per cent of victim-survivors report their abuse. A range of barriers to reporting exist, including personal, cultural and social barriers, in addition to systemic barriers precipitated by the criminal justice system. Victim-survivors experience a range of physical, psychological, and social impacts following sexual violence, including adverse physical health outcomes and injuries, trauma, post-traumatic stress disorder, addiction, social isolation, and financial insecurity. Trauma-informed approaches help create safe environments within which victim-survivors may be able to manage these ongoing impacts, heal, and seek justice for the harms perpetrated against them.





In August 2023, The Australasian Institute of Judicial Administration (AIJA) published *Specialist Approaches to Managing Sexual Assault Proceedings: An Integrative Review*, which highlight 'barriers to reporting' and 're-traumatising features of the criminal legal process' as two critical issues in the management of sexual assault proceedings that call for specialist approaches. The publication identifies four general justice system requirements that embody the fundamental requirements for a trauma-informed approach:

1. Specialist, trauma-informed professionals;
2. Provision of information, communication;
3. Victim-survivor needs/safety; and
4. Reduced delays in the time to finalise proceedings.

INCREASED TRAUMA-INFORMED TRAINING FOR PROFESSIONALS

Building a justice system that victim-survivors feel safe to work within is crucial in fostering trust in these systems. It demands a comprehensive dismantling of the barriers that victim-survivors face when advocating for themselves and seeking justice for the harms perpetrated against them. This process necessitates the implementation of trauma-informed practices that prioritise the wellbeing of victim-survivors in all interactions with the criminal justice system. We Are Womxn believe that immediate steps must be taken to thoroughly review existing procedures, implement mandatory trauma-informed training for all officers, and cultivate a culture within the justice system that is defined by transparency, accountability, and the support of victim-survivors.

POLICE FORCE

Australia currently lacks trauma-informed training within the police force, which adversely impacts victims and survivors of sexual violence. The ability to understand and respond empathetically to survivors is not just a skill; it's the cornerstone of establishing trust. Police officers are commonly the first interaction that victim-survivors have with the criminal justice system when reporting incidences of sexual violence, thus play an integral role in creating a safe environment for these individuals and dictate their experience moving forward. Safe spaces for reporting must be meticulously crafted using a trauma-informed approach with the aim of creating spaces where victim-survivors encounter not only confidentiality but also transparent, empathetic responses from law enforcement. Police officers, irrespective of their rank or age, should be mandated to undergo comprehensive trauma-informed training. This ensures that officers are well-versed in the potential repercussions of trauma on survivors and can respond with the empathy and understanding needed to foster an environment that prioritises the well-being of those who have experienced trauma.

JUDGES AND MAGISTRATES

Trauma profoundly influences how survivors navigate legal proceedings and their resulting outcomes. Judicial officers work within a system that commonly dehumanises and re-traumatises victim-survivors by failing to use trauma-informed practice in their interactions throughout reporting and subsequent legal proceedings. Re-visiting traumatic events risks re-traumatising victim-survivors and may lead to disengagement and withdrawal from the justice system, robbing them of their right to justice. Individuals that work in these spaces at all levels should be equipped with the skills necessary to engage with victim-survivors in a way that fosters safe practice and encourages optimal, just outcomes. The introduction of trauma-informed training for judges and magistrates is a necessary step towards creating safe spaces for victim-survivors to seek justice. This training is not just beneficial but essential and should





be mandated. This comprehensive approach is vital for creating a society where survivors are met with understanding, support, and a commitment to their well-being across all facets of their interactions with institutional systems.

INCREASED EDUCATION IN THE COMMUNITY

In alignment with recommendations outlined in Volume 6, *Making institutions child safe*, and Volume 10, *Children with harmful sexual behaviours* of the 2017 Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, We Are Womxn stands as an advocate for the transformative power of education. Both volumes highlight the importance of education as a preventative measure for sexual violence and child sexual abuse as primary and secondary prevention strategies as well as tertiary intervention strategies. The introduction of high-quality, age- and developmentally-appropriate sexuality and relationship education, particularly in schools but further in the wider community, will improve the capacity of children, young people, and community members to recognise and prevent harmful sexual behaviours and exploitation in themselves and those they interact with. This position is further supported by organisations such as UNESCO, who in a 2009 publication on sexuality education stated “school-based sex and relationships education is seen as vital for navigating these changes, safeguarding young people, and helping to combat child sexual abuse and exploitation”. By cultivating a culture of open dialogue and providing accurate information, the education system can wield a profound influence in dismantling harmful norms, empowering individuals, and proactively preventing sexual violence.

INCREASED SEXUAL CONSENT TRAINING WITHIN POLICE FORCE

The palpable fear of not being believed, coupled with the emotional toll exacted by legal proceedings, creates a formidable barrier to reporting of sexual violence. It's a stark reflection of the prevailing lack of understanding around consent, which further dissuades survivors from reporting. The deep-seated lack of trust that victim-survivors harbor toward the reporting system is entrenched in a history of disbelief, victim-blaming, and the insensitive handling of cases. Our approach should be centred on empathy, support, and a commitment to fostering an environment where survivors can come forward without enduring further trauma. The true measure of justice is not just in convictions but in the creation of a system that survivors can navigate with trust and dignity. To address this, we urgently need a paradigm shift in how sexual assault cases are approached and we believe that improved sexual consent education at all levels is the means to reach this goal. Our organisation aims to use education to promote a call to action; to reshape education, challenge societal norms, and stand up against the silent epidemic of violence. We hope to use our platform to amplify voices of victim-survivors, create safe environments for these individuals, and advocate for comprehensive consent education at all levels that both empowers individuals to safeguard their sexual wellbeing and advocate for their own rights, as well as ensure their safety when seeking reparation through the justice system. At We Are Womxn we believe that all members of the police force should have improved training on what is considered sexual abuse, and that this training should be rooted in the intent to believe young people when they approach the justice system with reports of sexual violence.

INCREASED SAFETY FOR VICTIM-SURVIVORS

Recommendations in Volume 7, *Improving intuitional responding and reporting*, and Volume 9, *Advocacy, support and therapeutic treatment services* of the 2017 Final Report of the Royal





Commission into Institutional Responses to Child Sexual Abuse emphasise the importance of victim-survivor safety following incidences of sexual violence. Volume 7 recommends mandatory reporting of child sexual abuse and emphasises the importance of introducing clear policies and guidelines to best manage complaints and ensure timely responses to incident reporting. These recommendations strengthen system responses to reports of sexual violence and ensure that victim-survivors are protected as they navigate first-contact reporting processes and supports them to increase their capacity for self-advocacy through subsequent proceedings. Further, Volume 9 highlights the importance of trauma-informed community support services for victim-survivors which address both the cultural and practical needs of these individuals. These services should be an integrated model of advocacy and support to improve the capacity of victim-survivors and ensure the best outcome for their personal needs throughout their interactions with the criminal justice system.

Victim/survivor-focused justice responses and reforms to criminal court practice (2014) identifies victim-survivor justice needs as:

- Receiving emotional support and counselling;
- Having a voice and being heard;
- Being believed;
- Having their version of events vindicated;
- Being informed about the status of their case;
- Being educated as to how the criminal justice system works, the reason for processes such as cross-examination what acquittals and convictions mean, and so forth;
- Avoiding having to constantly retell their story;
- Being able to give evidence remotely;
- Confronting their perpetrator in a public setting;
- Their perpetrator being brought to justice or being convicted; and
- Having closure and a sense of finality to their experience

The police investigation and court process wield a lasting and profound influence on a victim-survivor. In the immediate aftermath, heightened anxiety, stress, and the involuntary reliving of traumatic events characterise victim-survivors' engagement with the legal system. These processes can be emotionally draining and leave survivors with a profound sense of vulnerability and risk re-traumatisation. Over the long term, the repercussions extend to an erosion of trust in institutions, the exacerbation of mental health challenges, and difficulties in forging and sustaining healthy relationships on personal, interpersonal, and professional levels. Lack of support services, time delays and the lack of communication between reporting, charging of offenders, and the commencement of court proceedings further compromise the safety and wellbeing of victim-survivors and exacerbate the ongoing impacts of experiencing sexual violence. These inadequacies in system responses may cause victim-survivors to doubt the effectiveness and legitimacy of court proceedings, feel as if they are being denied access to justice, and experience re-traumatisation and ongoing psychological impacts. Victim-survivor safety and needs must be prioritised throughout these processes to minimise adverse outcomes for these individuals and ensure the delivery of justice.

CONCLUSION





In conclusion, We Are Womxn extends gratitude to this senate inquiry for considering our submission. Urgent action is needed to address systemic barriers and shortcomings in the protections afforded to victims of child sexual abuse. By prioritising trauma-informed practices, fostering trust, and enhancing education, we can pave the way for a justice system that truly serves and protects all individuals. Together, let us strive towards a future where every individual can live free from the fear of sexual violence and abuse. Thank you.

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