Australia's campaign to
stop violence against women

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Submission to the Senate Standing Committee on Legal and Constitutional Affairs

Value of a justice reinvestment approach to criminal justice in Australia

White Ribbon Australia

March 2013

Submission to the Senate Standing Committee on Legal and Constitutional Affairs: *Value of a Justice Reinvestment approach to criminal Justice in Australia*.

White Ribbon Australia appreciates the opportunity to respond to the Senate Standing Committee into Legal and Constitutional Affairs *Value of a Justice Reinvestment approach to criminal justice in Australia*.

White Ribbon will address the following two terms of reference:

(d) the cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitative measures;

(f) the benefits of, and challenges to, implementing a justice reinvestment approach in Australia

Introduction

White Ribbon Australia is:

- working to prevent the most common and pervasive form of male violence – that towards women;
- the only unique national male-led violence prevention campaign in Australia; and
- part of a global movement that is now across 60 countries.

White Ribbon Australia recognises the far reaching influence deeply entrenched cultural attitudes and social structures can have on the perpetration of male violence against women. White Ribbon challenges men to help bring about positive change in the attitudes and behaviours that allow violence to occur and be accepted. This is done through awareness raising campaigns, community events, and primary prevention initiatives in schools, universities, workplaces, and sporting codes. Support for this activity comes through a mixture of community fundraising, and corporate and government funding.
Women also support and expand the Campaign through their communities and networks as White Ribbon Champions.

Achieving attitudinal and behavioural change towards violence takes time and requires a long term commitment to working within communities across Australia each and every day. White Ribbon Australia is a not for profit company that provides the governance structure for the national campaign and capacity to raise funds to support locally coordinated and specific community awareness and primary prevention activities and programs.

White Ribbon also gives expression to prevention strategies that are critical to deliver the objectives identified under the Council of Australian Governments' ratified *National Plan to Reduce Violence against Women and their Children 2010 – 2022 (The National Plan)*. [1]

[1] Council of Australian Governments (COAG), *National Plan to reduce violence against women and their children including the first three-year action plan,* COAG, Canberra, 2011, viewed 25 August 2011, http://fahcsia.gov.au/sa/women/progserv/violence/nationalplan/Documents/national_plan.pdf

White Ribbon endorses the extension of Justice Reinvestment as an evidence-based and fiscally efficient approach to reducing prison and crime rates in Australia. By definition and practice Justice Reinvestment encourages the diversion of a portion of Government prison funding into specific community based programs and services to reduce entry and re-entry into the Criminal justice system. This approach is based on evidence that a large number of offenders come from a relatively small number of disadvantaged communities.[2]

This submission seeks to encourage reinvestment practice and policy and to further diversify its application to encompass wider (national) initiatives. Justice reinvestment principles should not only consider locally based initiatives but also be applied to broader community primary prevention programs and campaigns that educate and influence wider social attitudes.

Through centrally coordinated and locally adaptable programs, White Ribbon aims to drive normative change in attitudes and behaviours that perpetuate violence against women. Justice Reinvestment involves investing towards whole communities rather than specifically identified groups or individuals.[3] White Ribbon supports this perspective and suggests that, for meaningful and long term reductions in violence to be achieved, a whole of community and Government approach must be pursued.

Violence Against Women in Australia

As outlined in *The National Plan* violence against women is a particular concern for the Australian Government and our society in general. The many forms of violence against women have extensive and long- lasting individual and social impacts.

- In Victoria intimate partner violence is the leading contributor of death, disability and illness in women aged 15 to 44 [4]
- Over one woman in Australia is killed every week as a result of domestic violence [5]
- Nearly two-thirds (57%) of Australian women report experiencing at least one incident of physical violence or sexual violence by a man over their lifetime, with 48% having experienced physical violence and 34% experiencing sexual violence. [6]

Violence against women also has a profound financial impact on the Australia economy. A KPMG study (2009) into the financial costs of violence against women estimated the cost at $13.6 Billion per year. If left unabated this figure is predicted to rise to $15.6 Billion by 2021-22.[7] This figure includes costs related to the criminal justice process including the imprisonment of offenders.

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[2] Calma, T. (2009) Aboriginal and Torres Strait Islander Commissioner: Social Justice Report 2009, Australian Human Rights Commission

[3] ANTaR (2011) Submission to the House of Representative Committee on Aboriginal and Torres Strait Islander Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system (January 2011), p.5

[4] VicHealth, 2004. *The Health Costs of Violence: Measuring the burden of disease caused by intimate partner violence. A summary of findings.* Melbourne: Victorian Health Promotion Foundation

[5] Chan, A and Payne, J. (2013). Homicide in Australia: 2008-2009 to 2009-2010 National Homicide Monitoring Program Annual Report. Australian Institute of Criminology, Canberra.

[6] J. Mouzos, and T. Makkai, (2004) *Women's Experiences of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey (IVAWS).* Canberra: Australian Institute of Criminology, Research and Public Policy Series, No. 56, 2004.

[7] National Council to Reduce Violence Against Women and their Children. (2009). Economic Costs of Violence against Women and their Children. Commonwealth Government of Australia, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, p.4.

In addition there has been a significant increase in domestic violence reporting and police response rates to family violence offences in all Australian States.[8] Although it is difficult to conclude whether the increase is reflective of increases in the incidence of violence, it is arguable that this increase in reporting will lead to further pressure on the prison system as increases in prosecution ensue.

Violence against women is a serious national problem and, while its insidious effects infiltrate all facets of society, some groups are affected more than others. For example, rates of family violence within indigenous communities are alarmingly high. The 2009 *Productivity Commission Report* demonstrated that indigenous people were hospitalised as a result of spouse or family violence at 34 times the rate of non-indigenous people. [9] Data from this report also showed that indigenous women are 45 times more likely than non-indigenous women to be victims of domestic violence. [10]

The Role of Primary Prevention in Crime Reduction

Primary prevention initiatives aim to address the very causes of crime with the goal of preventing crime before it occurs. Primary prevention efforts complement services targeted toward victims and perpetrators but do not replace or substitute them. Similarly to intervention and rehabilitative programs, primary prevention addresses the underlying factors that increase the likelihood of criminal behaviour. White Ribbon attempts to address deeply embedded negative social attitudes toward gender equality and respectful relationships that can manifest at an individual level in male violence against women.

White Ribbon advocates that funding needs to be reinvested to address this serious issue, not only into tertiary and victim services, but through locally based and community specific primary prevention programs that aim to create social conditions where violence against women is not condoned or tolerated.

White Ribbon supports that gender and gendered patterns of behaviour are socially constructed and therefore fluid and transformable. [11] Entrenched patterns of "normalised" behaviour that allow violence to occur can be challenged and changed.

Rather than addressing individual criminality, primary prevention recognises that social and community attitudes can shape criminal activity. White Ribbon as an advocate of primary prevention recognises that violence against women is more prevalent under social conditions that encourage gender inequality and male dominated gender roles. Although initiatives targeting substance abuse, community health and socio-economic independence and equality are essential for community development and crime reduction, reinvesting in long-term primary prevention initiatives can lead to tangible social change. Overtime this will reduce spending within the criminal justice system, as well as create indirect benefits within local communities.

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[8] Australian Parliament (2011) *Domestic Violence in Australia- an overview of the issue,* Nov 22 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia (viewed 12/03/2013)

[9] Australia's Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2009,* Chapter 4.11 Family and community violence at:http://www.pc.gov.au/gsp/reports/indigneous/keyindicators2009/ (viewed 10/03/2013)

[10] Cunneen, C. (2002) 'Preventing violence against women through programs that target men', 25 (1) University of New South Wales Law Journal 242, p. 242

[11] Dyson, S. (2011) *Primary Prevention of Violence Against Women: Good practice standards*, Breaking the Silence Workshop Presentation, 2011, slide 14.

The *National Plan* outlined primary prevention as a key area in reducing violence against women in Australia. Furthermore it identified improving the evidence base around primary prevention as a focus for future initiatives and policy. **Primary Prevention initiatives and their development need to be an expressed focus of ongoing funding discussion and commitment, including through Justice Reinvestment initiatives.**

There is a growing body of evidence supporting the effectiveness of primary prevention initiatives including in the area of violence against women. [12] 'The factors that contribute to violent responses – whether they are factors of attitude and behaviour or related to larger social, economic, political and cultural conditions – can be changed. [13]

For example, primary prevention has been shown to be effective behavioural change in youth health and criminality. In particular, schools are important settings for preventing cultures of violence against women because they can promote respectful behaviours and attitudes. [14] This is particularly important from a primary prevention perspective as children (especially boys) who witness or are subjected to violence are more likely, as adults, to have violence-supportive attitudes and to perpetrate violence.

A series of US evaluations of violence prevention found that education delivered in schools and universities can have positive effects on participants' attitudes toward and participation in intimate partner violence. These programs have been shown to produce positive and lasting changes in attitudes and behaviours. [15]

Primary prevention initiatives compliment diversionary and rehabilitative measures by drawing on local networks and knowledge and promote local coordination, influence and delivery.

Violence Against Women and the Potential Role of Justice Reinvestment into Primary Prevention

The notion of Justice Reinvestment remains in its relative infancy. Despite this there have been a number of positive examples in the United States, for example where Justice Reinvestment initiatives have yielded a substantial reduction in prison populations and reductions in Government criminal justice spending. [16]

Although in Australia there are examples of effective intervention and rehabilitative programs that could fall under the Justice Reinvestment banner, little attention has been given to the potentially beneficial role of national and community based primary prevention programs and their place within a Justice Reinvestment framework. This again is despite Federal Government policy recognition that primary prevention is a key factor in reducing violence.

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[12] M. Flood and L. Fergus, (2009) *An Assault of Our Future,* White Ribbon Prevention Research Series No. 1, Sydney, p. 35.

[13] World Health Organization (2002) *World Report on Violence and Health*, World Health Organization, Geneva

[14] Flood, M. Fergus, L. & Heenan, M. (2009) Respectful relationships education: Violence prevention and respectful relationships education in Victorian secondary schools, VicHealth, Department of Education and Early Childhood Development.

[15] M. Flood and L. Fergus, *An Assault of Our Future,* White Ribbon Prevention Research Series No. 1, Sydney, 2009, p. 29-30.

[16] Gooda, M. (2010) *Justice reinvestment: a new strategy to address family violence.* National Family Violence Prevention Forum. Australia Human Rights Commission, 19 May, Mackay, QLD

The Victorian Department of Planning and Community Development report, The *Strong Culture, Strong Peoples, Strong Families: Toward a Safer Future for Indigenous Families and Communities: 10 year Plan,* cited the need for developing a strong evidence based prevention strategy for reducing Aboriginal family violence. Such strategies promote the need to intervene before violence has occurred and challenge the normalisation of violence in communities. [17]

Despite the lack of extensive evaluation and attention toward potential primary prevention programs within the Justice Reinvestment approach, there are successful examples of initiatives that have displayed the role of reducing crime and potentially reducing prison rates. Two examples are:

- *The CommUNITY Walk Against Domestic Violence*, organised in 2008 by the East Gippsland Family Violence Regional Action Group, aimed to increase awareness of violence against women in the Gippsland area. An independent evaluation found the event successful, citing that the walk contributed to greater awareness of family violence issues within the wider community and lead to greater willingness by the community to seek access to family services.

- The *Domestic Violence- It's Not our Game* primary prevention program, based in the rural community of Normanton in the Carpentaria region of QLD, saw a joint initiative between the Building Safer Communities Action Group and the local rugby league team. The program aimed to influence local attitudes around the acceptance of violence against women and reportedly resulted in a 55% decrease in prevalence of domestic violence in the area. The program also received the award for Overall winner of the 2008 National Crime and violence Prevention Award.

Primary prevention presents a unique opportunity to fund national and community focused initiatives that encourage community engagement to bring about positive social change. By focusing on the development of positive social attitudes around gender equality and respectful relationships White Ribbon, through primary prevention, mobilises communities to challenge the underlying attitudes that, when combined with individual pressures, lead to the high level of violence we see.

Challenges and benefits of Justice Reinvestment in Australia

Despite the growing evidence around primary intervention initiatives the availability and success of such initiatives remains hindered and/or dependent on the availability of long-term funding and policy commitment by all levels of Government. It has been noted that prevention education in Australia is poorly funded. [18] Furthermore, despite Indigenous people and rural and remote communities being greatly over-represented in the prison system and Indigenous women suffering higher levels of family

[17] Success Works (2011) Literature Review prepared to inform the development of an Indigenous Family Violence Primary Prevention Framework. Prepared for Department of Human Services, Victoria, June.

[18] Carmody, M, 2009. 'Conceptualising the prevention of sexual assault and the role of education,' *Australian Institute of Family Studies, Issue No. 10*

violence, a Vichealth study in 2007 identified that there were few examples of primary prevention strategies that target Aboriginal communities and, of those that existed, few had been evaluated. [19]

Justice Reinvestment presents an important opportunity for Government criminal justice policy to reflect on and address the underlying causes and social influences upon crime, including in relation to male violence against women. In order to achieve a significant reduction in violence against women we require a whole of government and community approach to fully engage stakeholder expertise and experience.

Justice Reinvestment requiring a bipartisan approach to crime needs to be adopted. It can be argued that in order to fully adopt 'evidence-based' policies bipartisan criminal justice policy is a key pre-condition.[20] Lack of funding and current criminal justice policy restricts the likelihood that successful programs will be funded on a long-term basis. This must be addressed as part of a whole of Government approach to prevention and Justice Reinvestment.

Within a primary prevention framework reinvestment of government funding can be justified through:

- Ability to adapt and apply broader notions and principles of social change through local communities and networks; and
- Primary prevention initiatives can be employed in harmony with tertiary and rehabilitative to target individual, social and community influences on violence and other crime.

Violence against women is a prevalent and persistent issue that impacts all areas of society. It results in significant pressure on the criminal justice system and places increasing demand on government resources.

Recommendation

White Ribbon endorses the extension of Justice Reinvestment as an evidence-based and fiscally efficient approach to reducing prison and crime rates in Australia. This submission seeks to encourage reinvestment practice and policy and to diversify its application to encompass wider (national) initiatives. Justice reinvestment principles should not only consider locally based initiatives but also be applied to broader community primary prevention programs and campaigns that educate and influence wider social attitudes around violence against women in Australia.

Increasing commitment to primary prevention both from a policy and funding perspective allows the extension of and support for programs and initiatives that assist in transforming deeply imbedded ideals that allow violence to occur. As evidence suggests, community and individual behaviours and attitudes that contribute to violence can be altered overtime. Through long term commitment this social shift will lead to decreased levels of violence against women and reduce prison rates and criminal justice spending.

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[19] VicHealth, 2007. Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria, Carlton, Victorian Health Promotion Association.

[20] Schwartz, M. Brown, D. & Bosely, L. 2012. The Promise of justice reinvestment, June 6, < http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2078715 > (Viewed 12/03/2013)

Long term funding needs to be reinvested to address this serious issue, not only into tertiary and victim services, but through locally based and community specific primary prevention programs that aim to create social conditions and cultures behaviour where violence against women is not condoned or tolerated.

Justice Reinvestment presents a unique and invaluable important opportunity for Government criminal justice policy to reflect on and address the underlying causes and social influences upon crime, including in relation to male violence against women. In order to achieve a significant reduction in violence against women we require a whole of government and community approach to fully engage stakeholder expertise and experience.

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9. Australia's Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2009,* Chapter 4.11 Family and community violence at:http://www.pc.gov.au/gsp/reports/indigneous/keyindicators2009/ (viewed 10/03/2013)

10.Cunneen, C. (2002) 'Preventing violence against women through programs that target men', 25 (1) University of New South Wales Law Journal 242, p. 242

11. Dyson, S. (2011) *Primary Prevention of Violence Against Women: Good practice standards*, Breaking the Silence Workshop Presentation, 2011, slide 14.

12. M. Flood and L. Fergus, (2009) *An Assault of Our Future,* White Ribbon Prevention Research Series No. 1, Sydney, p. 35.

13. World Health Organization (2002) *World Report on Violence and Health*, World Health Organization, Geneva.

14.Flood, M. Fergus, L. & Heenan, M. (2009) Respectful relationships education: Violence prevention and respectful relationships education in Victorian secondary schools, VicHealth, Department of Education and Early Childhood Development.

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