



The representative voice of crime victim services

**BRIEFING PAPER<sup>i</sup>**  
**for**  
**Ms Rashida Manjoo**  
**UN Special Rapporteur on Violence against Women**

**Canberra, AUSTRALIA**

**April 2012**



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## **AUSTRALIAN OVERVIEW**

- Victim Support Australia Inc is the national professional association which has developed a suite of policy frameworks designed to maximise cooperation and minimise variability.
- State-wide services in each State and Territory including both Government and Non-government and generally open access
- Rights promoting frameworks in each State and Territory with varying models of rights protection and compliance.
- Strategic partnerships with law enforcement and justice administration in each State and Territory
- Collaboration with specialist domestic violence, sexual assault and child abuse services in each State and Territory
- Victim support services assist women, men, youth and children affected by violence and a broad range of other crime types.
- Diverse service models across Australia but generally including access to recovery services, information and support, counselling, advocacy to access justice and rights, and access to financial assistance.

## **STATISTICAL OVERVIEW**

- Victim support services respond to over 40,000 people per year
- Approximately one third of cases involve family and domestic violence
- About 15-20% of cases involve a sexual offence
- Majority of people assisted are adult but approximately 10-20% are children and young people under 18 years
- The majority of people assisted are women although with a substantial minority being men
- The proportion of people assisted from Aboriginal and Torres Strait Islander backgrounds varies considerably from 2% to over 30% depending on area.



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## KEY ISSUES WITH REGARD TO VIOLENCE AGAINST WOMEN AND GIRLS

*Service Demand & Unmet Need* – services across the country struggle to keep up with the high volume and level of demand for services. One in four victims in Australia indicate they would have wanted help if offered it, yet less than 20% actually received help.<sup>1</sup>

*Universal access to support, rights protection and access to justice* – considerable effort has gone into expanding the availability of support and rights protection across the States and Territories. However, variability remains a significant issue both within and between jurisdictions. In terms of access to support, only 6% of victims in Australia report the offer of victim support post victimisation.<sup>2</sup> More needs to be done to consolidate referral partnerships & collaboration.

*Complexity and Longevity of Post Victimisation Issues & Recovery* – service models generally work well for women and girls with social and personal support and personal resilience. However, a significant proportion of women and girls need more diverse interventions and often over considerable periods of time. This is especially so for those who are engaged in legal proceedings. A further proportion of women and girls have complex needs arising from the interrelationship of disadvantage, discrimination, poverty, mental health, and multiple victimisation. Service models for on-going intervention and support, and for complex needs are lacking, as are the resources.

*Victimisation within Aboriginal & Torres Strait Islander communities* – remains very high and service models appear inadequate in reaching need.

*Advocacy Challenges* – advocacy in relation to victims' rights, their involvement in the criminal justice process (police, prosecution, courts, corrections), and access to legal protection and entitlements more generally is a specialist area with high and complex demands. There are insufficient resources to meet this area, inadequate (or non-existent) training and skills development, and variation in the legislative base. Advocacy includes both legal and non-legal forms.

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<sup>1</sup> *Criminal Victimisation in International Context: Key findings from the 2004-2005 ICVS and EU ICS (2007)*, pp.123-125.

<sup>2</sup> *Ibid.*, p.121.



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*Adequacy of Rights Protection* – Few women and girls know about their rights and fewer still know how to access them. Responses to breaches remain deeply contested and limited. Only one Australian jurisdiction has (limited) remedies for a breach of victims’ rights.

*Victim Standing and Representation* – significant advances in victim standing and representation have been made in international legal courts and tribunals, and continue to evolve in jurisdictions without adversarial justice systems. However, the issue remains deeply resisted in Australia.

*Human Rights Protection* – there has been limited engagement with issues of violence against women and girls by human rights lawyers and policy-makers especially in the area of protections in criminal proceedings. There is caution about the usefulness of human rights discourse and interventions given the historical priority given to the protection of the rights of accused persons.

*Emerging Crime Victimization Areas* – emerging crime areas affecting women and children include sex trafficking, sexual exploitation and cyber-crime. These challenge standard service delivery models and jurisdictional boundaries.

*Trans-border and Transnational Access* – emerging trans-border and transnational crime types, increased mobility across and within national borders, and mass atrocities all present very significant challenges to rights protections and service models across Australia and internationally. If law enforcement and prosecution is becoming increasingly internationalised, then so too should victims’ rights protection and support. There remains no federal legislation, rights protection or victim support at a federal level (except in human trafficking).

*International Instruments* – the UN Declaration of Basic Principles of Justice and Abuse of Power (1985) remains a landmark and a framework for jurisdictions. However, it needs to be reviewed in the light of advances made in related instruments such as CEDAW and CRoC. Critically, there is a need for the Declaration to be transformed into Convention status.

*Research & Evaluation* – investment in research and evaluation has grown over the past years but remains inadequate and inadequately disseminated. It remains unclear the extent to which research is employed in policy, program and law reform.



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### **VSA NATIONAL POLICY FRAMEWORKS<sup>3</sup>**

The Association exists to advance the interests of people victimised by crime and encourage the development of support services throughout Australia, whilst striving towards a crime free society.

1. POSITION PAPER NO.1 (1997): Recommended Levels of Service for Jurisdictions
2. POSITION PAPER NO.2 (1998): Recommended Framework for Victim Support Services in Jurisdictions
3. POSITION PAPER NO.3 (1998): A Partnership with Police Services
4. POSITION PAPER NO.4 (1999): The Role of Volunteers in Victim Support
5. POSITION PAPER NO.5 (2002): Minimum Standards for Crime Victims' Services
6. POSITION PAPER NO.6 (2003): The Role of Crime Victims in the Criminal Justice System
7. POSITION PAPER NO.7 (2003): Restorative Justice and Victims of Crime
8. POSITION PAPER NO.8 (2006): Reconciliation and Engagement with Indigenous Australians

### **OBJECTIVES:-**

1. Encourage and assist development of consistent, high quality, equitable and accessible support services for people victimised by crime throughout Australia;
2. Promote the professional development & recognition of people working to assist & support victims of crime;
3. Promote the human and other rights and interests of people victimised by crime;
4. Promote legal and other reforms in the administration of justice that recognise the rights and interests of people victimised by crime;
5. Promote initiatives to improve responses to people victimised by crime;
6. Consult with and foster co-operation between victim support services throughout Australia, and

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<sup>3</sup> Non-mandatory



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7. Promote education and awareness, undertake, facilitate and encourage debate and research of issues that impact upon people victimised by crime.

**FUNCTIONS:-**

1. Act as the national association for member crime victim services in Australia;
2. Encourage and promote consistent and high quality standards in the delivery of services throughout Australia;
3. Make representations and submissions regarding law reform, policy, practice and services;
4. provide opportunities for the exchange of experience, information, resources and good practice across Australia;
5. Develop & maintain communication with members;
6. Develop partnerships with government, community, academic, professional and private sectors;
7. Encourage, promote and conduct research, evaluation, knowledge-generation and learning;
8. Publish and distribute reports, leaflets and other literature at a national and international level;
9. Promote public information and awareness of the issues and effects of crime on the victim, their families and the community;
10. Liaise, network and collaborate with organisations, professions, interest groups and others at a national and regional level to further the objectives of the Association, and
11. Do all other functions as necessary and appropriate to further the objectives of the Association.



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## KEY VSA JURISDICTIONAL CONTACTS IN AUSTRALIA

### NSW

#### [Victims Services](#)

Phone (02) 8688 5511

Toll Free 1800 633 063

Fax (02) 8688 9631

Email [vs@agd.nsw.gov.au](mailto:vs@agd.nsw.gov.au)

### NORTHERN TERRITORY

Victims of Crime NT

Phone (08) 8941 0995

Toll Free 1800 672 242

Fax (08) 8941 0459

[www.victimsofcrime.org.au](http://www.victimsofcrime.org.au)

### QUEENSLAND

Victim Assist Queensland

Department of Justice and Attorney-General

Phone: 1300 546 587

Website: [www.justice.qld.gov.au/justice-services/victims-of-crime/](http://www.justice.qld.gov.au/justice-services/victims-of-crime/)

Email: [victimslinkup@justice.qld.gov.au](mailto:victimslinkup@justice.qld.gov.au)

Victims Counselling and Support Services

Relationships Australia

Toll Free 1300 139 703

Fax (07) 3255 2922

Email [vcss@relateqld.asn.au](mailto:vcss@relateqld.asn.au)

[www.vcss.org.au](http://www.vcss.org.au)

### SOUTH AUSTRALIA

Victim Support Service Inc

Phone (08) 8231 5626

Toll Free 1800 182 368

Fax (08) 8231 5458



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Email [info@victimsa.org](mailto:info@victimsa.org)  
[www.victimsa.org](http://www.victimsa.org)

#### TASMANIA

Victims Assistance Unit  
Department of Justice  
Phone (03) 6233 5002  
Toll Free 1300 663 773  
Fax (03) 6233 4031  
Email [victims@justice.tas.gov.au](mailto:victims@justice.tas.gov.au)  
[www.justice.tas.gov.au](http://www.justice.tas.gov.au)

#### VICTORIA

Victim Support Agency  
Phone (03) 8684 6700  
Fax (03) 8684 6777  
[www.justice.vic.gov.au/victimsofcrime](http://www.justice.vic.gov.au/victimsofcrime)

#### WESTERN AUSTRALIA

Victim Support and Child Witness Services  
Phone (08) 9425 2850  
Fax (08) 9221 2533

#### AUSTRALIAN CAPITAL TERRITORY

Victim Support ACT  
Phone (02) 6205 2066  
Toll Free 1800 822 272  
Email [victimsupport@act.gov.au](mailto:victimsupport@act.gov.au)

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<sup>i</sup> The views expressed in this Briefing Paper do not necessarily reflect the views of individual members of Victim Support Australia, their governments or boards.