

Ms Megan Mitchell
National Children's Commissioner
Australian Human Rights Commission

Dear Megan

Thank you for the opportunity to provide a submission into your examination of how children aged 0-17 years are affected by family and domestic violence.

I am very keen to support your efforts to ensure that the experiences and voices of children are an explicit focus in the broader national conversation currently underway. I am also supportive of the framing of this issue in relation to the United Nations Convention on the Rights of the Child and the absolute right of every child to live free from all forms of violence.

I note that you have considered relevant United Nations Reports, Australian Bureau of Statistics surveys and both the National Framework for Protecting Australia's Children 2009-20 and the National Plan to Reduce Violence Against Women and their Children 2010-2022 in developing questions to inform your work on the impact of domestic violence on children.

To inform this submission, my office has drawn on *Domestic and Family Violence - Briefing Paper No 5 /2015* by Christopher Angus of the NSW Parliamentary Research Service, together with some reports produced in the global context, which include information pertinent to the Australian context. Our input relates to work on public awareness and perceptions and on impacts and costs of violence against children. As you are aware, violence against children occurs in a variety of settings and violence against children that occurs in the home or a domestic setting is not confined to witnessing 'intimate partner' violence or violence against women.

I am very pleased that the findings from your examination will be the subject of the Children's Rights Report 2015. It is important and timely that the experiences of children impacted by violence be brought to the attention of the federal parliament and that children's experiences and pressing needs are given attention alongside the undoubted imperative to respond to the needs of women subjected to violence in the home. I hope that your report will be a starting point for discussion of the issues surrounding violence against children that occurs in the home.

Yours sincerely

Andrew Johnson
Advocate for Children and Young People

1 June 2015

No	<p>Note: ACYP input is provided for questions 1, 2, 3 and 5.</p> <p>Question</p>
1.	<p>What are the definitional issues in relation to domestic and family violence affecting children?</p> <p>Response</p> <p>Children experience violence in a variety of settings. The United Nations Secretary - General's Study on Violence Against Children addressed violence against children in their homes and families, schools, care and justice systems, communities and work environments. The Special Representative of the Secretary-General (SRSG) on Violence Against Children continues this focus in advocacy to prevent and eliminate all forms of violence against children.</p> <p>In Australia, there are ongoing debates about the types of relationships and behaviours that should be captured under definitions of domestic and family violence for the purpose of common understanding and for clarity under legislation. Violence against children within domestic and family settings (in the home) is widely acknowledged in discussion of the impact on children as witnesses to violence, usually against women, in these settings.</p> <p>In approaching the issue of domestic and family violence against children, it may be useful to adopt an approach that focuses on what happens to children in the home and family setting i.e. the type of violence children experience in the home, which can encompass sexual, physical and psychological violence (and in some instances harmful traditional practices) rather than focussing on children as an adjunct to adult considerations.</p> <p>The NSW Parliamentary Research Service briefing paper No 5/2015 <i>Domestic and Family Violence</i> by Christopher Angus notes that debate in Australia since the 1970s has seen domestic and family violence defined in a myriad of ways, with 'domestic' and 'family' violence often treated as separate but overlapping concepts. It notes a 2010 Joint Law Reform Commission Report that stated that there is no single nationally or internationally agreed definition of family violence.</p> <p>The Briefing Paper notes that domestic violence generally refers to violent, abusive or intimidating behaviour <i>within</i> an intimate relationship (sometimes expanded to include those who <i>have been in an</i> intimate relationship.) Family violence is commonly defined as occurring across a broader range of relationships, including spouse or partner abuse, child or partner abuse or neglect, parental abuse and sibling abuse and is sometimes used to capture abuse within Aboriginal and Torres Strait Islander communities because of the range of marital and kinship relationships in which violence can occur. The paper notes that the NSW <i>It Stops Here</i> Domestic and Family Violence Framework definition of 'intimate' captures non sexual intimate partnerships and 'family relationship' captures kinship ties in Aboriginal communities and people living together in residential care facilities.</p> <p>The paper outlines debate on a statutory definition of domestic violence for NSW, including the Joint Law Reform Commission recommendation that State and Territory family violence legislation should capture a definition of family violence that provides that 'family violence is violent or threatening behaviour that coerces or controls a family member to be fearful' and should include but not be limited to physical violence, sexual assault and other sexually</p>

	<p>abusive behaviour, economic abuse, emotional and psychological abuse , stalking, kidnapping or deprivation of liberty, damage to property irrespective of whether the victim owns the property, causing injury or death to an animal irrespective of whether the victim owns the animal and <i>behaviour by the person using violence that causes a child to be exposed to the effects of behaviour referred to above.</i></p> <p>In summary, in fulfilling our obligation to pursue freedom from violence for children in keeping with the Convention on the Rights of the Child (in support of and in parallel with women and women’s groups pursuing freedom from violence for women) it may be helpful to consider children’s experience of violence in the home in its own right and not only as it relates to witnessing or being part of domestic and family violence/intimate partner violence experienced by adults in the home. This would encapsulate a greater range of types of violence that can be experienced by children in the home, including but not limited to physical abuse and psychological abuse, sexual abuse and some traditional practices.</p>	
2.	<p>What do we know about the prevalence and incidence of family and domestic violence affecting children, including who is involved in family and domestic violence events?</p> <p>Response</p> <p>A Study by ODI for Child Fund Alliance <i>The costs and economic impact of violence against children</i> quotes 2006 research by UNICEF “that indicates that as many as 275 million children worldwide are exposed to violence at home, although reporting limitations mean that millions more may be affected.”</p> <p>A 2014 Study <i>Fearing Wrong – Why What Doesn’t Scare Us Should</i> conducted by Ipsos Reid for World Vision collected views of 11,000 people from 28 countries (including Australia) about violence against children to garner information on attitudes and perceptions to inform efforts to end violence against children.</p> <p>In the questionnaire, the forms of violence on which views of prevalence (among other questions) were sought, included physical abuse hard enough to injure a child, physical punishment not hard enough to injure a child, punishment that threatens or humiliates, failure to meet a child’s physical, psychological or developmental needs, punishment by isolation or degrading conditions of detention, traditional practices and sexual behaviours including forced sex. <i>(All of these forms of violence – abuse, neglect and exploitation - can occur in the home).</i></p> <p>Globally, among those surveyed 76% know of a child victim of violence and 30% know one personally. The study notes that in some cases, the attitudes and beliefs expressed closely reflect the realities of violence committed against children and in many cases do not. Australia is among a group of nations (Canada, Germany, Ireland , Japan, UK and US) where people are less likely to know of violence against children in their community and more likely to say the children know they are safe.</p> <p>24% of the Australians surveyed knew of family members, friends or neighbours who have been victims of violence against children. 80% of the Australians surveyed agreed with a statement that most violence against children goes unreported so it is hard for anyone to know the extent of the problem.</p> <p>[See question 5 below for suggestions about usefulness of this type of attitudinal research in tailoring of public policy approaches and educational campaigns targeting family and domestic violence.]</p> <p>Looking at the issue from the narrower point of view of the prevalence of intimate partner and sexual violence against women (and extrapolating the impact on children from this) the World Health Organisation (WHO) Fact Sheet no 239 Violence against women cites a WHO study based on data from 80 countries that found that globally 35% of women experienced either</p>	

	<p>physical and/or sexual intimate partner violence or non-partner sexual violence. Most of this violence is intimate partner violence. Worldwide 30% of all women who have been in a relationship have experienced physical and /or sexual violence by their intimate partner.</p> <p>WHO note that international studies reveal approximately 20% of women and 10% of women reveal being victims of sexual violence as children. In relation to who is involved , WHO list a number of factors that are associated with either perpetration or experience of violence or both:</p> <p>Factors found to be associated with intimate partner and sexual violence occur within individuals, families and communities and wider society. Some factors are associated with being a perpetrator of violence, some are associated with experiencing violence and some are associated with both.</p> <p>Risk factors for both intimate partner and sexual violence include:</p> <ul style="list-style-type: none"> • lower levels of education (perpetration of sexual violence and experience of sexual violence); • exposure to child maltreatment (perpetration and experience); • witnessing family violence (perpetration and experience); • antisocial personality disorder (perpetration); • harmful use of alcohol (perpetration and experience); • having multiple partners or suspected by their partners of infidelity (perpetration); and • attitudes that are accepting of violence and gender inequality (perpetration and experience). <p>Factors specifically associated with intimate partner violence include:</p> <ul style="list-style-type: none"> • past history of violence; • marital discord and dissatisfaction; • difficulties in communicating between partners. <p>Factors specifically associated with sexual violence perpetration include:</p> <ul style="list-style-type: none"> • beliefs in family honour and sexual purity; • ideologies of male sexual entitlement; and • weak legal sanctions for sexual violence. <p>The <i>NSW Parliamentary Research Service briefing paper No 5/2015</i> states that children are significantly affected by domestic and family violence whether or not this violence is directed at them, noting “</p> <ul style="list-style-type: none"> • the 2015 Special Taskforce on Domestic and Family Violence in Queensland estimate that over a million Australian children are affected by domestic and family violence; • a 2013-14 Australian Institute of Health and Welfare estimate that 33% of all homelessness services clients (84,774 adults and children) sought assistance as a result of family and domestic violence. 	
3.	<p>What are the impacts on children of family and domestic violence?</p> <p>Response</p> <p>The Study by ODI for Child Fund Alliance <i>The costs and economic impact of violence against children</i> estimates that the global economic impacts and costs resulting from the</p>	

Australian Human Rights Commission – Children and Domestic and Family Violence

	<p>consequences of physical, psychological and sexual violence against children can be as high as \$7 trillion.</p> <p>A Child Fund Alliance Report <i>Free from Violence and Exploitation: Violence and Exploitation against children in the post 2015 sustainable development agenda</i> notes very significant long term health impacts of violence against children as well as [broader] economic costs. It notes that “Children who survive violence are also at risk of developing serious health issues. It has been proven that violence in early childhood causes stress that is associated with disruption in early brain development, and that can impair the development of the nervous and immune systems. Toxic stress response in children’s bodies and brains can lead to greater susceptibility to stress-related physical illnesses –i.e. cardiovascular disease, hypertension and diabetes–, as well as mental health problems.”</p> <p>The Report goes onto say that what happens to people during their childhood can have major effects thirty, forty and even fifty years later. The health effects of being subjected to violence during childhood go beyond death and injury, and include major impairments to the victim’s mental and physical health and development during adulthood.</p> <p>It notes that the World Health Organisation has also argued that “exposure to violence during childhood is associated with risk factors and risk-taking behaviours later in life –such as alcohol and drug abuse, depression, obesity, smoking, and unintended pregnancy. These risk factors and behaviours, in their turn, can result in some of the principal causes of death, disease and disability, including cancer, heart disease, sexually transmitted diseases and suicide.”</p> <p>Beyond these impacts on health outcomes, violence against children entails broader economic costs, including those of hospitalization, psychological treatment, child welfare, and longer-term healthcare.</p>
4.	<p>What are the outcomes for children engaging with services, programs and support?</p> <p>Response</p>
5.	<p>What are the outcomes for children of public policy approaches and educational campaigns targeting family and domestic violence?</p> <p>Response</p> <p>The World Health Organisation’s proposal for addressing violence in general and violence against children in particular is to adopt a public health approach comprising four key steps:</p> <ul style="list-style-type: none"> • uncovering as much basic knowledge as possible and systematically collecting data about all the aspects of violence; • conducting research on the causes, consequences, costs and prevention of violence; • monitoring and evaluating interventions to prevent violence, based on the information gathered; and • implementing, in a range of settings, interventions that appear promising, widely disseminating information and determining the cost-effectiveness of programmes. <p>In designing interventions, attitudinal studies such as the 2014 Study <i>Fearing Wrong – Why What Doesn’t Scare Us Should</i>, can be very helpful in gathering information about the extent of accurate knowledge about the problem, gaps between attitudes and perceptions and reality and beliefs about who can and should fix the problem. In relation to Australia, the study found that 72% of the Australians surveyed identified government as responsible for child protection but 50% felt that governments are unwilling to take action. 83% felt that addressing violence against children required collaboration between governments, non-profits and religious communities.</p> <p>Education and public awareness campaigns are often proposed as a first step in driving</p>

Australian Human Rights Commission – Children and Domestic and Family Violence

	<p>necessary attitudinal changes to underpin prevention strategies.</p> <p>A May 2013 study by Fenton for the Bernard van Leer Foundation <i>Communicating about Violence in the Lives of Young Children - Research Findings , Messaging and the Media</i> project is an excellent example of an action research based project “to assist in mobilizing greater, more sustained public and political engagement for the prevention of violence in young children’s lives by raising the visibility of the issue through compelling, urgent, evidence-based, tested and actionable narrative for why preventing violence in young children’s lives matters, and the potential for preventing violence before it begins.”</p> <p>The project activity included developing presentations, supporting writing of op-eds , interviewing “influencers” to determine knowledge and what could move them to action and conducting thorough media analysis to track reach and effectiveness of specific messaging in the mainstream and social media and making recommendations about what works.</p> <p>Clearly, this kind of approach would need to be tailored to the context of a particular culture/country.</p>	
6.	What are the surveillance and data gaps/needs in relation to children affected by family and domestic violence?	
7.	Any other comments?	