Save the Children

Take them seriously: Children's experiences of domestic and family violence

DEVELOPING THE NEXT NATIONAL PLAN TO REDUCE VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

Submission to Department of Social Services

20 August 2021

ACKNOWLEDGEMENT

Save the Children Australia acknowledges Aboriginal and Torres Strait Islander peoples as the traditional owners and custodians of the land on which we work. We pay our respect to their Elders past, present and emerging.

FURTHER INFORMATION

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About Save the Children

Save the Children aims to protect, promote and fulfil the rights of all children in Australia, as Australia's leading child rights organisation. We are guided by the United Nations Convention on the Rights of the Child and our extensive experience in translating child rights into practice across policy reform and service delivery.

Save the Children has worked in Australia for over 65 years, advocating for children's rights and delivering services for children and families in every State and Territory, including in many of Australia's most marginalised, disadvantaged and remote communities. Across our policy work, advocacy, research and services, we focus on upholding and realising children's rights and enhancing children's lives, especially those who most need support.

In 2020, our services directly reached over 19,000 children and adults in around 500 locations across Australia.[1] We support children and families in their communities through our integrated, place-based early childhood, family support, school engagement and youth services. This includes specialist intensive family support, domestic and family violence, youth justice, migrant settlement, emergency response and recovery, and child rights programming services.

In many cases, our services and programs are provided through long-standing partnerships with Aboriginal and Torres Strait Islander communities and community-controlled organisations, or working closely with local representatives and leaders within culturally and linguistically diverse communities.

Our experience in addressing domestic and family violence

Save the Children believes that domestic and family violence is one of the most pressing issues affecting children and their rights in Australia. Preventing and responding to domestic and family violence through our services across Australia is a core part of our work. This includes:

- community-based programs that work with communities and perpetrators to prevent violence and intervene where it occurs;
- specialist domestic and family violence services for women and children, including information and referral, crisis support, practical assistance, advocacy, counselling and support, as well as men's services;
- capability-building, support and training for service providers and others to embed child-centred trauma-informed practice within domestic and family violence services such as refuges and within other child-facing settings; and
- operating seven refuges across Queensland providing safety in confidential locations for women and their children escaping domestic and family violence, including culturally safe wrap-around supports for the individual needs of both women and their children, as well as a supported accommodation program in Ceduna, South Australia.

Appendix 1 provides a more complete snapshot of our relevant services and programs.

Save the Children's policy positions are strongly informed by our experience providing domestic and family violence services and supports. Our focus on children in turn entails an emphasis on supporting family functioning and protective parents of children where violence has occurred.

Our specific expertise is reflected in this submission, which focuses on children's experiences of domestic and family violence in their family and wider social contexts.

[1] This number was affected by COVID-19 and the restrictions that the pandemic required for face to face service delivery for large parts of 2020. For more detail about our Australian services, see: Save the Children, *2020 annual report*, available at https://www.savethechildren.org.au/getmedia/e8f5d074-b235-4388-93fb-d1dc7045fa81/Annual-Report-2020-print.aspx.

1. Executive summary

Children are the hidden victims of domestic and family violence.

While children's experiences of domestic and family violence are complex and varied, the harm done to them by such violence is clear. Domestic and family violence damages children's development, health, wellbeing, learning and behaviour by undermining the most fundamental foundations for a child's life, including their family, their relationships, their housing and their safety. Trauma is common, and commonly unrecognised. Without support, this harm can be enduring.

The individual harm to children over their lifetimes is huge. The wider social and economic harm is greater still. When the impact of the intergenerational transmission of violence is taken into account, the costs – of all kinds – are staggering.[2]

Yet, despite the evident need for a focus on children's experiences of domestic and family violence, children are all but invisible from policy-making, budgets, services, and public attention.

Children's absence from policy and service responses to domestic and family violence is a damaging blind spot. It is also avoidable.

What is needed is a focus on children in their own right. This does not mean disregarding the family context within which children live. In fact, exactly the opposite is true. To recognise and centre children's experiences of domestic and family violence in their own right, and prevent and respond to such violence and its effects, it is critical to recognise the experiences of adult victims/survivors (nearly always women) and focus strongly on perpetrator accountability and, given the gendered nature of domestic and family violence, male responsibility.

A child rights analysis highlights how Australian governments' responses to domestic and family violence to date have resulted in children's rights being systematically breached, the adverse effects on children, and the priorities to address these breaches and adverse effects. It also reinforces that data gaps are a barrier and should be addressed.

At all levels of the system, a greater focus on identifying domestic and family violence as experienced by children, and supporting children's individual needs, is required. This includes the provision of child-centred, trauma-informed therapeutic response services wherever they may be needed. Equally important is hearing the voices and experiences of children about domestic and family violence, so that they can participate meaningfully in policy-making, system-level and individual decisions that affect them. Children have a right to be heard and taken seriously about decisions that affect them and their families, and their participation makes for better decisions.

At the same time, Australian governments must close the yawning gaps between the domestic and family violence system and other systems. Children are falling through these gaps because policies and service systems are failing to integrate. Integration means putting children at the centre of all responses and actions that affect them. By contrast, the current disconnection between the

[2] Estimates vary significantly due to definitional differences and lack of good data about children's experiences of domestic and family violence. The annual economic cost of violence and abuse of all kinds against children and young people in Australia (not limited to domestic and family violence) has been conservatively estimated at $34.2 billion with a lifetime cost of $78.4 billion: Deloitte Access Economics, 2019, *The economic cost of violence against children and young people*, NSW Office of the Advocate for Children and Young People. The second generational impacts from violence against women and their children have been estimated to cost the Australian economy $333 million each year: KPMG, 2016, *The cost of violence against women and their children in Australia*, Final Report.

domestic and family violence, child protection, housing, family law and youth justice systems – to name just a few – results in children being invisible and the notion of their best interests being focused on, let alone met, remaining rhetorical at best.

Preventing and responding to domestic and family violence requires a genuine and nuanced focus on the contexts within which violence occurs and its underlying causes. This includes addressing and changing the underlying attitudes about gender – as embedded in every level of our society – that underpin domestic and family violence. It also includes understanding and focusing on the deep factors that are associated with violence in families and communities today, including entrenched poverty and socio-economic disadvantage, intergenerational trauma, and social exclusion and marginalisation.

In relation to Aboriginal and Torres Strait Islander families, this has particular significance. The violence experienced by children within many Aboriginal and Torres Strait Islander families and communities should be a matter of particular shame for Australian governments. It is one of the clearest manifestations of the continuing legacy of colonisation, dispossession, violence, trauma, racism and denial of rights that Aboriginal and Torres Strait Islander peoples have experienced and continue to experience today..

In this context, Save the Children's key recommendations are that the next National Plan to Reduce Violence against Women and their Children should:

1. **Recognise children's experiences of domestic and family violence in their own right**, including the specific, complex and often traumatic ways that children are affected by these experiences, at the point of crisis and throughout their childhoods and lifetimes.
2. **Ensure that all services that may have contact with children who have experienced domestic and family violence are appropriately skilled and resourced** to:
    (a) identify and understand the effects of this violence on children; and
    (b) work with children in ways that are trauma-informed and trauma-responsive, including being developmentally appropriate and culturally safe.

    This should include both specialist domestic and family violence services and all other services that may have contact with children.
3. **Ensure that children are heard about their experiences of domestic and family violence** and participate in policy-making, system-level and individual decisions affecting them in ways that are appropriate, meaningful and safe.
4. **Drive integration between child protection and domestic and family violence responses at the level of policy and practice**, together with the successor plan to the National Framework for Protecting Australia's Children 2009-2020, including by:
    (a) making a commitment that no child should be removed from their protective parent due to domestic and family violence;
    (b) focusing on perpetrator accountability and ensuring child protection processes and decision-making are informed by a domestic and family violence perspective;
    (c) enabling appropriate information-sharing and shared risk assessment between domestic and family violence and child protection services;
    (d) establishing differential responses and pathways for children experiencing domestic and family violence, including appropriate support and services for children and their protective parents outside of statutory child protection responses;

(e) strengthening child protection workforces' understanding of domestic and family violence in practice, as it exists in specific communities and cultural contexts, including increasing local representation in workforces; and

(f) monitoring and overseeing outcomes and actions that are shared between the next National Plan and other aligned frameworks, strategies and plans, especially the successor plan to the National Framework for Protecting Australia's Children 2009-2020.

5. **Ensure that no parent needs to choose between living in violence or becoming homeless with their child** by addressing the lack of appropriate housing for women and children who experience domestic and family violence.
6. **Establish a substantial and appropriately resourced inquiry into an alternative to the family courts for ensuring that children's best interests are paramount where there are concerns about their safety** due to domestic and family violence or other issues and disputes exist between parents about the child's living arrangements or other parenting responsibilities and matters.
7. **Ensure that children in contact with youth justice who have experienced domestic and family violence have their needs met**, to prevent the compounding harm caused by punitive and criminalising responses to these children.
8. **Fully recognise the importance of underlying causes including intergenerational and community trauma, racism, poverty and other socio-economic disadvantage, as well as societal attitudes on gender**, in efforts to prevent and respond to domestic and family violence.
9. **Give full weight to Aboriginal and Torres Strait Islander people's rights, including the right to self-determination, and recognise underlying causes of violence, including intergenerational and community trauma**, in all measures to prevent and respond to violence in Aboriginal and Torres Strait Islander families and communities.
10. **Improve the data about children and domestic and family violence**, including about children's experiences of violence and evidence of effective prevention, early intervention and trauma-informed responses to protect and support children.

The next National Plan should drive a far greater focus on children's experiences of domestic and family violence, commensurate to the significant harm that it is causing. It is time to focus squarely on the issue. For too long, children have been the invisible victims and survivors of violence in their families. The actions we recommend are the priorities for change.

Language used in this submission

Words matter, and the terminology used to describe violence and its effects is important. In this submission, Save the Children adopts the following approach:

- We generally refer to *domestic and family violence*. This includes intimate partner violence and other violence among people in a domestic situation. Importantly, it also includes violence within broader family, kinship and community contexts where relevant, including in Aboriginal and Torres Strait Islander cultures. We also recognise the highly gendered nature of domestic and family violence, with most violence being used by men against women, and its relationship and intersection with sexual violence.
- We refer to *children's experiences of domestic and family violence* and *children's exposure to domestic and family violence*, depending on the context. In doing so, in all cases we intend to refer to the many ways in which children encounter, respond to, and are affected by domestic and family violence, and to recognise that when violence occurs in a family, children are always affected and at risk of harm.
- We refer to *victims*, *survivors* and *victims/survivors* of domestic and family violence, depending on the context. We recognise the harm caused to those who have experienced domestic and family violence, as well as their resilience, agency and potential and actual empowerment. We also recognise the legitimacy and importance of people's own preferences about how they and their experiences are described.
- We refer to *protective parents* to mean parents who are providing for their children's wellbeing, safety and protection, generally in a context where domestic and family violence has been perpetrated by another parent.
- We define *children* as those aged up to 18. This accords with the United Nations Convention on the Rights of the Child, which enshrines the rights of all children.

2. Children are the hidden victims of domestic and family violence

One of the great challenges posed by domestic and family violence is the uncertainty about how pervasive it truly is. We know the problem to be enormous and that it continues to be under-reported, probably significantly so. The result is that the true scale and harm of domestic and family violence remains largely in the shadows, and efforts to prevent and respond to it remain insufficient and inadequately targeted to the damage it causes.

This is especially true for children. Domestic and family violence directly harms children, and when it exists, other abuse and neglect is likely.[3] The recent House of Representatives Standing Committee on Social Policy and Legal Affairs inquiry into family, domestic and sexual violence concluded that: 'Children are possibly the group most at risk from the direct and indirect effects of FDSV [family, domestic and sexual violence]'.[4] Yet the harm done to children by domestic and family violence is largely invisible in policy-making, government budgets, services and public attention.

As the National Children's Commissioner concluded in 2015: 'Children who live in homes characterised by violence are often the silent, forgotten, unintended, invisible victims.'[5] The Victorian Royal Commission into Family Violence echoed this conclusion, highlighting that children are often described as 'the "forgotten" or "silent" victims' and finding that 'children and young people experiencing family violence should be recognised as victims in their own right – and that their safety and wellbeing are paramount'.[6]

The next National Plan must address this oversight. It should place children at the centre of responses to domestic and family violence.

Many children experience domestic and family violence in Australia

Estimates of the number of children affected by domestic and family violence vary. They include:

- More than one million Australian children are affected by domestic and family violence.[7]
- One in three Australian children (and their mothers) experience domestic and family violence before the age of 10.[8]
- Nearly 70 per cent of women who have experienced violence from a previous partner and had children in their care when the violence occurred report that the children saw or heard the violence.[9]
- One in ten men and one in eight women witnessed physical assault being directed towards their mother by a partner before the age of 15.[10]

[3] Holt, S., Buckley, H. and Whelan, S., 2008, 'The impact of exposure to domestic violence on children and young people: A review of the literature', *Child Abuse & Neglect* 32: 797-810.
[4] House of Representatives Standing Committee on Social Policy and Legal Affairs, 2021, *Inquiry into family, domestic and sexual violence*, Parliament of the Commonwealth of Australia, Report tabled March 2021, p 170.
[5] Australian Human Rights Commission (AHRC), 2015, *Children's rights report 2015*, National Children's Commissioner, p 99.
[6] State of Victoria, 2016, *Royal Commission into Family Violence: Report and recommendations*, Volume II, pp 129, 142.
[7] Australian Domestic & Family Violence Clearinghouse, 2011, *The impact of domestic violence on children: A literature review*, pp 3-4.
[8] Brown, S. et al, 2020, 'Physical and mental health of women exposed to intimate partner violence in the 10 years after having their first child: An Australian prospective cohort study of first-time mothers' *BMJ*, doi:10.1136/bmjopen-2020-040891.
[9] Australian Bureau of Statistics (ABS), 2017, *Personal safety, Australia*, Reference period: 2016, ABS Cat. no. 4906.0.
[10] ABS, above n 9. Importantly, witnessing physical assault by a mother's partner is only one example of children's experiences of domestic and family violence.

Some children and families are disproportionately affected. For example, Aboriginal and Torres Strait Islander women and girls are hospitalised for non-fatal family violence-related assaults at over 30 times the rate for non-Indigenous females.[11]

Unfortunately, data about children's experiences of domestic and family violence is severely lacking – which should itself be addressed.[12] Nonetheless, it is clear by any measure that the scale of the problem is enormous.

Children experience domestic and family violence in complex and varied ways

Children's experiences of domestic and family violence are varied and individual. Distinctions are sometimes made between children 'witnessing' violence, being 'exposed to' violence and being the direct 'target' of violence and abuse. However, these distinctions fail to capture the many different and often all-pervasive ways in which domestic and family violence can shape children's experiences of their families, homes and lives.

Research highlights the complex, enduring and isolating nature of domestic and family violence as recurring themes in children's experiences.[13] This encompasses a wide range of ways in which children may experience and be affected by violence in their families, including:

- seeing or hearing violence against their parent or family member;
- being forced to watch such violence;
- fleeing or hiding from such violence;
- being forced to take part in conversations where a family member is criticised;
- being asked to 'tell tales' about one parent or family member to another;
- being blamed by a parent or family member for the violence, including by the parent who is committing the violence or by the target of the violence;
- being coached not to mention the violence to others outside the family;
- seeking to 'broker peace' between parents or other family members;
- seeking to prevent the violence, including intervening in physical attacks; and
- taking on significant caring and other responsibilities within the family.

An important and frequently overlooked aspect of children's experiences is that children are rarely passive witnesses to violence within their families.[14] For example, a recent study of children's and young people's own accounts notes that they reported that 'they adopted active roles to prevent, manage or respond to violence within their families',[15] including:

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[11] Productivity Commission, 2014, *Indigenous Disadvantage Report*, Commonwealth Government; AIHW, 2016, *Family violence prevention programs in Indigenous communities*, Resource sheet no. 37, Closing the Gap Clearinghouse.
[12] See section 9 of this submission.
[13] Noble-Carr, D., Moore, T. and McArthur, M., 2020, 'Children's experiences and needs in relation to domestic and family violence: Findings from a meta-synthesis', *Child & Family Social Work* 25: 182-91.
[14] Ibid, pp 187-9.
[15] Moore, T., et al, 2020, *Practice brief – Slow down and listen: Improving children's and young people's safety during periods of violence, separation and reunification*, Australian Centre for Child Protection, University of South Australia, p 3.

- monitoring their family's safety;
- pacifying violent family members;
- provoking violent family members, to move the focus of their parents' anger towards themselves and away from their mothers and siblings;
- protecting mothers and siblings; and
- caring for family victims of violence.[16]

This gives an indication of both the range of experiences that children may have of domestic and family violence and the agency that children commonly exercise in responding to that violence.

Domestic and family violence has significant harmful effects on children

There is now extensive evidence and a clear consensus about the effects of domestic and family violence on children.

1800RESPECT provides a helpful summary of many of these harmful effects:

> ***Behaviours*** *– they can act out, over-react, be hostile, impulsive, aggressive or defiant. They can also withdraw or run away. This can all be normal for children who have been traumatised by family or domestic violence. It does not mean the children have 'disorders'. Drug and alcohol use can be a problem with older children.*
>
> ***Development*** *– normal development can be impaired. They can look like they are regressing or acting younger than their age. This can be a subconscious way of trying to get to a state where they are safe and secure. It can also be a result of the harm to the brain's development caused by exposure to trauma.*
>
> ***Relationships*** *– they may avoid closeness and push people away. Children may also attach to peers or adults who may be unsafe for them, to try to develop an alternative secure base, if home feels insecure.*
>
> ***Emotions*** *– children often feel fearful, stressed, depressed, angry, anxious or ashamed. Emotional security is the foundation of healthy relationships later in life. This security can be damaged if attachment between the parent, guardian or primary carer and baby is disrupted by domestic violence.*
>
> ***Learning*** *– they may not be able to concentrate at school because they are constantly on the lookout for danger. This can be subconscious. Detentions, missed school and frequent changes of schools can also affect learning.*
>
> ***Cognitions*** *– children may have low self-esteem, and think negatively about themselves or people around them. (For example, they may think, 'everyone hates me'.)*
>
> ***Physical health*** *– a range of illnesses may be related to domestic and family violence. Headaches, stomach aches, stress reactions (for example rashes or immune system related*

[16] Ibid.

illnesses) and sleep disturbances (for example nightmares, insomnia or bedwetting) are common.[17]

These outcomes are worst for children in families with persistent violence.[18] In such families, it is common for children to report being in a state of hypervigilance,[19] which is harmful in itself.

Underpinning much of this is the *experience of trauma*. Research as well as the experience of child and family services and practitioners indicates that: 'Children exposed to domestic and family violence over a sustained period of time may experience trauma symptoms, including PTSD, resulting in psychosocial and sometimes physical responses that, if left untreated, can have longlasting effects on children's development, behaviour and wellbeing'.[20] Effects include depression, low self-esteem, anxiety, poor coping mechanisms, suicidal thoughts, eating disorders, self-harm, substance abuse and physical symptoms such as chronic pain.[21] Consistent with what is known about the effects of toxic stress and childhood adversity, poorer mental and physical health outcomes can persist throughout life.[22]

Domestic and family violence also has significant 'flow-through' effects on children. For example, domestic and family violence is the leading cause of *homelessness* for children in Australia.[23] The harmful consequences are clear.

Intergenerational transmission of violence is also significant. Childhood experience of domestic and family violence is linked with future perpetration,[24] associated with the complex trauma and cumulative harm that arises from such violence and its co-occurrence with other forms of abuse. This is vital context for preventing and responding to domestic and family violence and its effects on children, as well as a further reminder of the moral, economic and social necessity of doing so.

Taken as a whole, the enormous harm done by domestic and family violence to the many children who experience it is beyond argument. This is not to dismiss the significant resilience that children possess and draw upon. Nor is it to dismiss the substantial role that protective factors and appropriate, timely, child-centred support can play in addressing these impacts. But it is clear that a strong focus is needed on children in the next National Plan, lest they continue to bear this hidden damage, without support, into their own futures and that of Australian society as a whole.

Recommendation 1

The next National Plan should recognise children's experiences of domestic and family violence in their own right, including the specific, complex and often traumatic ways that children are affected by these experiences, at the point of crisis and throughout their childhoods and lifetimes.

[17] 1800RESPECT, *Domestic and family violence and children*, https://www.1800respect.org.au/violence-and-abuse/children-and-young-people/children-and-violence/impacts. See also Evans, S., Davies, C. and DiLillo, D., 2008, 'Exposure to domestic violence: A meta-analysis of child and adolescent outcomes', *Aggression and Violent Behavior* 13(2): 131-40.
[18] Kaspiew, R., et al, 2017, *Domestic and family violence and parenting: Mixed method insights into impact and support needs: Final report*, ANROWS Horizons 04/2017.
[19] See, eg, Moore et al, above n 15, p 4.
[20] Campo, M., 2016, *Children's exposure to domestic and family violence: Key issues and responses*, CFCA Paper No 36 of 2015, Australian Institute of Family Studies (AIFS), p 7.
[21] Ibid, pp 7-8.
[22] Nelson, C., et al, 2020, 'Adversity in childhood is linked to mental and physical health throughout life', *BMJ*, doi:10.1136/bmj.m3048.
[23] Campo, above n 20, p 5.
[24] Campo, above n 20, p 10.

3. Recognising the family context is integral to recognising children's experiences

Recognising children's experiences of domestic and family violence in their own right does not mean disregarding or downplaying the family context within which children live. On the contrary, to properly recognise children's experiences of domestic and family violence and take their experiences seriously, it is critical to recognise their family context. Only by recognising children's family contexts and how those contexts shape children's experiences can children's experiences be understood, recognised, centred and effectively responded to in their own right.

In this respect, two points are fundamental. In many ways, they are two sides of the same coin.

First, adult victims/survivors' experiences must be recognised. In relation to children, this means:

- recognising the insidious and harmful nature of domestic and family violence and coercive control, and the many ways it limits and erodes an adult victim/survivor's (nearly always a mother's) capacity to keep their child safe and look after their child's wellbeing;
- recognising the incredibly difficult decisions forced upon protective parents who are victims/survivors of domestic and family violence in seeking to look after their children's best interests, including whether to remain in their home or instead flee with their children – decisions made under extreme stress and often in circumstances where there is limited or no support available and it can understandably feel like there are only bad choices, or no real choices at all; and
- seeking to support and partner with the protective parent in order to support the best interests of the children who they are protecting.

Second, it is critical to focus on perpetrator accountability and, more broadly, gendered – which means overwhelmingly male – responsibility for domestic and family violence. In relation to children, this means:

- recognising and focusing on the harmful effects of perpetrators' actions on their families and on their children's development, and recalling that in nearly all circumstances it is ultimately the perpetrator's violence and not the actions of the victim/survivor that creates risks of harm to children;
- changing the social conditions and norms that excuse, enable and actively encourage domestic and family violence; and
- intervening with perpetrators where such interventions have a prospect of success, with the goal of having them take responsibility for their actions and changing their attitudes and behaviour, including so that a continued relationship and contact with their children and any continued relationship or contact with the victim/survivor is safe.

Additionally, as an aspect of the complexity of children's experiences of violence, it is important to recognise the difficulty that children may have in understanding and making sense of violence within their families, the ambivalence they may feel and display towards both parents, and the lack of control that children experience in such situations.

The implications of these fundamental points are described in the rest of this submission, as well as other important context – beyond the immediate family environment – for recognising and centring children's experiences of domestic and family violence.

4. Domestic and family violence is a pressing child rights issue

Children's experiences of domestic and family violence, and how this are addressed and responded to by governments, are a significant source of children's rights being infringed in Australia. These rights are enshrined in the United Nations Convention on the Rights of the Child and other key international human rights treaties and declarations such as the UN Declaration on the Rights of Indigenous Peoples. The relevance and value of a child rights perspective on domestic and family violence is two-fold.

First, children's rights, like human rights more broadly, provide a conceptual framework that can guide policies and other action aimed at children's wellbeing, as well as revealing the assumptions that underpin existing policy and service settings. In relation to domestic and family violence, a children's rights framework is particularly valuable because of the holistic and child-centred approach that it provides for analysing and improving children's developmental and wellbeing needs and outcomes.[25]

Second, and relatedly, a child rights analysis of the current situation relating to children's experience of domestic and family violence in Australia – including policy, service delivery and practice arrangements, and children's experiences and outcomes – highlights the importance of focusing on children's experiences of domestic and family violence in their own right. A child rights based approach provides a much needed corrective to the tendency to overlook children or treat them only as adjuncts to adults or passive objects of adult behaviour and decisions in relation to domestic and family violence. It also provides direction about what the priority actions by Australian governments should be to improve the situation.

Unsurprisingly given its complexity and inter-connectedness with other issues, domestic and family violence and governments' responses to it are relevant to a large number of rights held by children. These include:

- *Protection from violence, abuse and neglect*. Exposure to domestic and family violence directly infringes children's rights to protection, including the right to be safe and to grow in a healthy family environment. This also relates to the significant breaches of children's rights that systematically occur within Australia's child protection systems.[26] Importantly, the right to protection includes a right to be protected through necessary support for children and their families, as well as other forms of prevention.
- *Health*. Children's right to the highest attainable standard of health is seriously compromised by the wide and far-reaching effects of domestic and family violence on children's physical and mental health and wellbeing. The lack of child-focused services to support children who have experienced domestic and family violence is also a significant breach of children's right to access to services that adequately support their health.
- *Adequate standard of living*. Children have the right to a standard of living 'adequate for their physical, mental, spiritual, moral and social development'.[27] Without an adequate standard of living, children cannot access their other rights or develop to their potential. This is a very broad right, reflecting its fundamental importance. In the context of domestic and family violence in Australia, some of its clearest breaches arise from the lack of

[25] For discussion of the integral link between child rights and child development, see Save the Children and Child Wise, 2021, *Children's rights, wellbeing and protection: A new paradigm – Implementing the successor plan to the National Framework for Protecting Australia's Children*, Submission to Department of Social Services, 30 July 2021, pp 9-10.
[26] For more detail, see Save the Children and Child Wise, above n 25.
[27] Convention on the Rights of the Child, art 27(1).

adequate provision for children's material and housing needs when violence occurs in their family, including when the child's protective parent flees from violence with the child.

- *Recovery from neglect or abuse*. Children have a right to government support for their full recovery – physical, social and emotional – from neglect and abuse, including experience of domestic and family violence. This includes the ability to recover in an environment that fosters the child's health, self-respect and dignity. In Australia, governments are clearly not meeting this obligation, given the significant gaps in services and supports for children who have experienced domestic and family violence.[28]

In addition, in upholding those rights, governments should apply the four general principles that underpin the Convention on the Rights of the Child. Each of these is both a specific right in itself, and a general principle that guides the implementation of all other rights:

- *Non-discrimination*. This means that all children are equally entitled to protection and special measures need to be taken to ensure this for children facing inequality or marginalisation. This includes children who are living with violence in their families – particularly those who are also already at particular risk due to other complexities in their own or their families' circumstances.
- *Best interests of the child*. This means that the child's best interests should be a primary consideration in all decisions affecting them. It includes an obligation on governments to ensure that this is possible by supporting families to provide a safe and nurturing environment for their children.
- *Right to life, survival and development*. This means that all children should have the opportunity to develop to their potential, in a sense that is positive and builds on strengths as well as in being free from harm. It emphasises the importance of supportive environments for children and that families have responsibilities and duties towards children.
- *Respect for the views of the child*. This means that children have a right to participate in decisions affecting them, which includes in relation to their wellbeing and protection and in decisions affecting their families.[29]

It is clear that Australia's current approach to children and domestic and family violence is failing the test set by each of the general principles of children's rights.

Lastly, it is important to highlight the foundational importance of addressing *poverty* in order to realise children's rights. Inherent in children's right to development, protection and an adequate standard of living – to name just the most directly relevant – is a right to freedom from poverty.

[28] These rights can be found in articles 19 (protection from violence, abuse and neglect), 24 (health), 27 (adequate standard of living) and 39 (recovery from neglect or abuse) of the Convention on the Rights of the Child.

[29] The general principles can be found in articles 2 (non-discrimination), 3 (best interests of the child), 6 (life, survival and development) and 12 (respect for the views of the child) of the CRC. For useful discussions of the general principles and their application to children's protection and safety, see Bessell, S. and Gal, T., 2009, 'Forming partnerships: The human rights of children in need of care and protection', *International Journal of Children's Rights* 17: 283-98; Gal, T., 2011, *Child victims and restorative justice*, ch 2, pp 29-43.

> *Child poverty must be understood as the denial of the range of rights laid out in the CRC [Convention on the Rights of the Child] … Almost all of the articles in the CRC, either directly or indirectly, address the issue of poverty.*
>
> *– Yanghee Lee, then Chairperson of the UN Committee on the Rights of the Child*[30]

In Australia, poverty and domestic and family violence are strongly linked. While domestic and family violence exists across all socio-economic groups and can occur in any community, it can often be particularly found in families and communities experiencing material hardship and poverty, including intergenerationally. A child rights-based approach to domestic and family violence must take this context into account.

Concerns that Australia's approach to addressing domestic and family violence infringes children's rights have been raised before on many occasions, including by the National Children's Commissioner in 2015,[31] the Australian Child Rights Taskforce in 2018[32] and the United Nations Committee on the Rights of the Child in its most recent comprehensive reviews of Australia's child rights record in 2012 and 2019.[33] Recurring themes include an insufficient focus on preventing violence, the lack of support and services for children who have experienced violence, and inadequate data.

Over the past decade, Australian governments have made significant efforts and investments to address the grievous harms of domestic and family violence, including through the current National Plan. This is welcome and should continue, including with a long-term focus. However, to date, these efforts have had a significant blind spot in relation to children's interests and needs in their own right. A child rights based analysis points to both the key deficiencies and the priorities for addressing them that should be included if the next National Plan is to live up to its name and genuinely reduce violence against both women *and* their children.

[30] Lee, Y., 2009, 'Child rights and child well-being', Paper delivered at OECD World Forum, Busan, Korea, 2009, available at https://www.oecd.org/site/progresskorea/44137252.pdf, pp 6-7.
[31] AHRC, above n 5, ch 4.
[32] Australian Child Rights Taskforce, 2018, *The children's report: Australia's NGO coalition report to the United Nations Committee on the Rights of the Child*, pp 23-6.
[33] Committee on the Rights of the Child, 2012, *Concluding observations on the fourth periodic report of Australia*, CRC/C/AUS/CO/4, [46]-[48]; Committee on the Rights of the Child, 2019, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6, [29]-[30].

5. Children who experience domestic and family violence are not supported

Children's experiences of domestic and family violence should be recognised and addressed in their own right. This should, of course, include directly addressing the effects of violence on children. It is plainly insufficient to treat children only as adjuncts to adults in responding to violence within families.[34]

The need to focus on children who have experienced domestic and family violence in their own right is clear to those who work with these children, and has increasingly been highlighted by independent inquiries and research.[35] It has also been emphasised by children and young people themselves.[36] Yet the impact of domestic and family violence on children continues to be dramatically under-recognised in policy, programs and practice.[37]

One important consequence of children being overlooked is that, at every point where children could be supported and their needs better met in the face of domestic and family violence, there is a systematic tendency for services to either completely miss or fail to deal adequately with the violence.

Informed by research and practice, the STACY for Children project has put this clearly:

> *It is clear from the evidence … that DFV-informed work with children is still in its infancy. Challenges to integrate adult-focused practice with children and their needs, and to recognise child safety and wellbeing as being tied to that of the non-offending parent, are felt particularly in adult focused services, but also across sectors, in child protection and family services, DFV services and the [alcohol and other drugs and mental health] sectors. … children were discussed as a motivating factor to engage violent fathers, or in relation to removal from the family home. They were less often seen as individuals with agency who were victims/survivors of DFV themselves and had their own expertise about factors contributing to their own safety and wellbeing.*
>
> *…*
>
> *Children are continuously lost from view in the different parts of the service system, particularly, but not only, in adult-focused services.*[38]

Because domestic and family violence is so significant and widespread, any service or setting that may have contact with children needs to have an awareness of domestic and family violence and the ability to identify and screen for it. This includes:

- general or universal services and settings, whether child-focused or otherwise, such as schools and other educational settings and general health services, and including early childhood education and care and maternal and child health services;

[34] See sections 2 to 4 of this submission.
[35] See, eg, State of Victoria, above n 6, Volume II, chapter 10; Humphreys, C., et al, 2020, *Safe & Together Addressing ComplexitY for Children (STACY for Children)*, Research Report.
[36] See, eg, Moore et al, above n 15.
[37] Australian Institute of Health and Welfare (AIHW), 2018, *Family, domestic and sexual violence in Australia 2018*, Cat. no. FDV 2.
[38] Humphreys et al, above n 35, pp 12, 14.

- predominantly adult-focused services in sectors where domestic and family violence is likely to be encountered but is not the primary focus, including police, corrections, mental health, alcohol and other drugs, homelessness and disability services;
- youth justice services;
- family law system actors;
- specialist family support services and statutory child protection services; and
- specialist domestic and family violence services, including refuge and other accommodation services.

In relation to child protection and domestic and family violence services, ANROWS has put the situation plainly: 'There is a service gap in addressing the impact of DFV on children. Historically, CP [child protection] and DFV sector agencies have treated DFV as a problem between adults only. This has meant that vulnerable families have been left unsupported in trying to address the effects on children'.[39]

All agencies and service providers that may have contact with children who have experienced domestic and family violence should adopt domestic and family violence-informed approaches that include seeing children as unique victims/survivors with specific and individual needs for support.

These services should also be appropriately skilled and resourced to understand the effects of this violence on children and work with children in trauma-informed and trauma-responsive ways. This entails adopting a child-centred approach that is developmentally appropriate and culturally safe for the child.[40] It does not always involve treating trauma, but it requires being attuned to the possibility of trauma and working in ways that are sensitive and responsive to it.

A trauma-informed and trauma-responsive approach:

- helps to understand the child's perspective and experiences;
- helps to understand the impacts of domestic and family violence on the child and their parent;
- helps to contextualise a child's behaviour in response to trauma and stress;
- helps with hearing children's voices in ways that are safe, appropriate and meaningful (see section 6 of this submission); and
- by supporting children early and appropriately, can reduce the likelihood that children will engage in violence themselves, as children and later in life as adults.

Important gaps that should be addressed as a priority through the next National Plan are the serious lack of child-centred trauma-informed therapeutic response services, and mental health services, for children experiencing domestic and family violence.[41] These services are crucial to supporting children and can include focuses on preventing trauma and supporting recovery from

[39] ANROWS, 2018, *Research summary: The impacts of domestic and family violence on children*, 2nd ed, ANROWS Insights 11/2018, p 3. See section 7 of this submission for more detail.
[40] Winkworth, G., 2006, *Principles of child centred practice: Timely, developmentally appropriate, participatory and collaborative*, Institute of Child Protection Studies, available at https://www.acu.edu.au/-/media/feature/pagecontent/richtext/about-acu/institutes-academies-and-centres/icps/_docs/child_centred_report_final.pdf?la=en&hash=0B4643FDCC8AD0BAE6C4701EB3A9264E.
[41] Campo, M., et al, 2014, *Children affected by domestic and family violence: A review of domestic and family violence prevention, early intervention and response services*, AIFS, pp 53-4, 65; AHRC, above n 5, pp 134-7; Humphreys et al, above n 38, p 14.

trauma where it is present. They should be focused on children's needs, but may often include joint work with a child and their mother, aiming to ensure children feel safe and supported by their protective parent, as well as feeling safe in their environment and connected to other adults, while regaining a sense of control and stability in their lives.

In practice, these services will often be most effective when provided together with other services aimed at women and families who have experienced domestic and family violence. They are important in both specialist domestic and family violence service settings – such as refuges – and other settings that may have contact with children experiencing domestic and family violence.

Recommendation 2

The next National Plan should ensure that all services that may have contact with children who have experienced domestic and family violence are appropriately skilled and resourced to:

(a) identify and understand the effects of this violence on children; and

(b) work with children in ways that are trauma-informed and trauma-responsive, including being developmentally appropriate and culturally safe.

This should include both specialist domestic and family violence services and all other services that may have contact with children.

6. Children who experience domestic and family violence are not heard

A key insight of a child rights-based approach is that the best way to ensure children are safe, able to develop healthily, and have their best interests realised is to uphold their rights. This includes rights directly relating to protection, rights relating to provision of services and supports,[42] and rights relating to participation in decisions.

This means that children must be supported to exercise genuine agency, including having their voices heard and their participation and involvement enabled, in all decisions affecting them.

A holistic approach that supports children's voices and participation is especially important for children in vulnerable situations,[43] including in decisions affecting their safety, care and protection. This is directly relevant to decisions relating to domestic and family violence.

Children's right to participate extends to decisions at all levels – in policy-making, at a systemic level, and in decisions directly affecting individual children and their families.

The purpose of children's participation in decision-making

Children's participation in decisions affecting them has significant benefits in all contexts, for the children themselves and for the quality and effectiveness of the decisions being made.

In relation to decisions about children's wellbeing, safety, care and protection, children's participation has particular importance – as a right, for its intrinsic value for children's wellbeing, and as a contributor to more effective and successful services and interventions.[44] Again, this is obviously of particular relevance in decisions relating to domestic and family violence.[45]

Children's participation in these decisions aligns with a public health model for addressing violence, as it strongly supports prevention of harm. It directly enhances children's wellbeing and resilience through the increased sense of efficacy and confidence that arises from being genuinely involved in decisions – which itself is part of a healthy process of development – and enables specific risks to safety to be identified by children and acted upon.[46]

Children's participatory rights are also the foundation for realising their other rights. All children's rights, as enshrined in the Convention on the Rights of the Child, are underpinned by four principles, including the right to participation.[47] Each of the other principles – the child's best interests, the right to non-discrimination, and the right to full development – are themselves underpinned by the child's right to participate. Only when children's participation is substantive and meaningful can their best interests be met, non-discrimination guaranteed, and their full development enabled so that all of their rights are fully realised.[48]

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[42] See section 5 of this submission.
[43] The rights in the Convention on the Rights of the Child are often categorised in this way – as rights of protection, provision and participation.
[44] Skauge, B., Storhaug, A. and Marthinsen, E., 2021, 'The what, why and how of child participation – A review of the conceptualization of "child participation" in child welfare', *Social Sciences* 10: 54, pp 8-12.
[45] Commission for Children and Young People, 2016, *Neither seen nor heard: Inquiry into issues of family violence in child deaths*, Victorian Government, pp 50-2.
[46] Commonwealth Government, 2017, *Final report of the Royal Commission into Institutional Responses to Child Sexual Abuse*, Vol 2, pp 200-4, Vol 6, pp 157-64 and Vol 13, pp 151-8 & 216-22.
[47] See section 4 of this submission.
[48] See generally: UN Committee on the Rights of the Child, *General Comment No. 12: The right of the child to be heard*, CRC/C/GC/12, 1 July 2009.

Principles for meaningful children's participation

The underlying principles for meaningful children's participation in decisions affecting them have been comprehensively laid out by the United Nations Committee on the Rights of the Child.

In summary, these principles require that all processes in which a child or children are heard and participate must be: transparent and informative; voluntary; respectful; relevant; child-friendly; inclusive; supported by training; safe and sensitive to risk; and accountable.[49]

Detailed and authoritative guidance is available to assist with implementing these principles in practice, including from the Committee itself and from Save the Children, built on a foundation of what children have shared with adults over many years.[50] Appendix 2 to this submission provides more detail.

The next National Plan should incorporate, apply and implement these principles across all decisions affecting children's wellbeing, safety, care and protection relating to domestic and family violence.

Children's involvement in developing the next National Plan

Children should be meaningfully involved in the development of the next National Plan. It is important that this includes children with lived experience of domestic and family violence and reflecting a diversity of circumstances and experiences, including by age.

This should specifically include children who are known to face particular challenges in relation to domestic and family violence, including, among others, Aboriginal and Torres Strait Islander children, children with culturally and linguistically diverse backgrounds, children receiving child protection services and in out-of-home care, children whose families are engaged with the family law system, and children in contact with youth justice.

Engagement with these children should at all times be safe – including culturally safe – and undertaken in a way that prioritises their best interests.

Save the Children notes the process undertaken by the National Children's Commissioner in 2021 to engage with children across Australia to enable their views and experiences to inform implementation of the successor plan to the National Framework for Protecting Australia's Children 2009-2020. This may provide one possible model for engaging with children in the development of the next National Plan, although we highlight the importance of this engagement being substantial and appropriately resourced, starting early in the process and being followed through as the plan is developed, in order to create genuine accountability to children for taking their views seriously.

We urge all Australian governments to engage meaningfully with children in developing the next National Plan, take seriously what children report, and act in accordance with what they hear.

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[49] Committee on the Rights of the Child, *General Comment No. 12: The right of the child to be heard*, CRC/C/GC/12, 1 July 2009, [133]-[134].
[50] Save the Children, 2021, *The nine basic requirements for meaningful and ethical children's participation*, available at https://resourcecentre.savethechildren.net/node/19385/pdf/basic_requirements-english-final.pdf.

Children's participation in decisions relating to domestic and family violence that affect them

The next National Plan has a real opportunity to drive change by meaningfully embedding children's participation in all decisions relating to domestic and family violence that affect them, including their wellbeing, safety, care and protection.

This includes system-level decisions about policy-making and implementation as well as decisions made by governments, agencies, service providers and individual system actors that affect them individually in their families and communities. In all these contexts, children should be supported to meaningfully engage as active participants and decision-makers in ways that are consistent with their best interests.

The experience of domestic and family violence can bring uncertainty and a sense of powerlessness for children. Children have a different perception and understanding of being safe and feeling safe to that of adults.[51] Adults may also make incorrect assumptions about how and to whom children wish to communicate.

Children need to have confidence that if they do speak up, they will be believed and supported and what happens next will be discussed with them in age-appropriate, understandable ways. They also need to have confidence that what they say will not be disclosed to parents in ways that fail to recognise the complexity of the child's situation or fail to respect the importance of the child's relationship with their parents and the attachment between the child and each parent.

Accordingly, the system itself must facilitates a range of appropriate ways for children to participate in all decisions and processes relating to domestic and family violence that affect them. Such approaches must take into account age, ability, language and culture, and must be trauma-informed and trauma-responsive. An appropriate approach to engaging an adolescent child will be very different from one that is appropriate for younger children. These approaches should enable children to be heard without requiring them to speak where they do not wish to. This can include:[52]

- Creating arrangements for children to be part of the governance and oversight of the next National Plan, to ensure their perspectives are present throughout, including in monitoring progress towards the objectives of the next National Plan, and in being involved at every stage of evaluation of the plan and the programs and activities undertaken as part of the plan. An overarching aim should be creating accountability to children for all activities under the next National Plan that affect children.
- Enabling children's meaningful participation in measures aimed at primary and secondary prevention of domestic and family violence, including in policy-making and service design and encompassing children's perspectives on both problems and solutions. Children bring particularly importance knowledge and perspectives in this respect, such as about what approaches are likely to be effective in primary prevention educative programs and initiatives in schools.
- Expanding the research and evidence base relating to children's experiences of domestic and family violence, with a focus on meaningful children's participation in this research.[53]

[51] See, eg, Moore et al, above n 15, p 7.
[52] For further discussion of a number of these actions, including the evidence base supporting them, see Kosher, H. and Ben-Arieh, A., 2020, 'Children's participation: A new role for children in the field of child maltreatment', *Child Abuse & Neglect* 110.
[53] Noble-Carr, Moore and McArthur, above n 13, pp 188-9.

- Developing shared language and definitions with children about domestic and family violence, in ways which genuinely reflect children's different understandings of safety, harm, and risk and protective factors in their own contexts, and acting on this through changes such as improved identification and assessment tools and processes.
- Developing age-appropriate, accessible ways of ensuring children of all ages are clear about their rights and opportunities for participation when engaging with specialist domestic and family violence services and other services that they may come into contact with, including understanding what is at stake, how their participation will affect them and their families, and how they will be kept safe when participating.
- Facilitating children's access to culturally safe, independent advocacy to support them in being heard and accessing their rights.
- Establishing the policy framework, operating environment, culture and capacity for services engaged with domestic and family violence to meaningfully engage with children. In practice, this means that staff and practitioners involved in services that may have contact with children experiencing domestic and family violence have the appropriate training, capacity, tools and resources to engage with children effectively and enable their views to be heard and taken seriously.
- Ensuring that children feel listened to, respected and taken seriously in decision-making by practitioners, including by checking with children how they would like this to occur and whether they believe it is occurring.
- Empowering protective parents as active participants in engaging with supports and services, engaging them in decision-making and ensuring they have access to culturally safe advocacy. It is relevant that families sometimes raise concerns about the lack of consultation with children about decisions affecting their lives.[54]

Recommendation 3

The next National Plan should ensure that children are heard about their experiences of domestic and family violence and participate in policy-making, system-level and individual decisions affecting them in ways that are appropriate, meaningful and safe.

[54] Humphreys et al, above n 35, pp 36-8.

7. Children are falling through the gaps with other systems

Part of the complexity of domestic and family violence and the difficulty in responding to it arises from its many intersections with other policy frameworks and service systems. In this section, we outline some key issues and associated priorities for the National Plan.

(a) Child protection

Australia's child wellbeing, safety and protection systems are failing Australia's children. Despite effort over many years, rates of substantiated neglect and abuse, children in out-of-home care, and over-representation of Aboriginal and Torres Strait Islander children in out-of-home care all continue to rise.[55] The evidence is undeniable: the current system is fundamentally broken.

At the heart of this failure is Australian governments' narrow focus on statutory child protection services and interventions – a focus that has persisted despite widespread recognition that a paradigm change is needed. Deeply embedded assumptions about children's inherent vulnerability and lack of capacity to influence their own lives are doing immense harm. Policy portfolios, national strategies and frameworks, and service systems continue to operate largely in isolation from each other, despite efforts at the margins to better integrate them. The result is that approaches are driven by existing ways of doing things and silos between responses and services, rather than by children's needs.

What is needed instead is a genuinely child rights-based approach to children and their wellbeing. This would entail a public health model for promoting children's wellbeing and preventing harm and a focus on enhancing children's agency and participation in all decisions about them. It would also require governments to meet their responsibilities to ensure the conditions are in place for children to have a safe home environment (including supporting families to meet their children's needs) and ensure that children and their best interests are at the centre of all systems affecting them.[56]

The next National Plan provides a rare opportunity to achieve these aims, in its own right and by being fully integrated with the successor plan to the expiring National Framework for Protecting Australia's Children 2009-2020 to jointly provide a coordinating framework to drive integration between the child protection and domestic and family violence systems.

Exposure to domestic and family violence is a form of child maltreatment in its own right.[57] It also commonly co-occurs within families with other forms of abuse and neglect.[58] Yet domestic and family violence is very poorly handled by child protection systems. Tellingly, there is evidence that decisions made by child protection systems about whether to investigate or place a child in out-of-home care are only minimally affected by whether the child has experienced domestic and family violence, and that even when domestic and family violence is the focus of a child protection report,

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[55] Comparison between 2007-08 data, which was the most recent available when the National Framework for Protecting Australia's Children 2009-2020 was established, and 2019-20 data, which is the most recent currently available: Australian Institute of Health and Welfare (AIHW), 2021, *Child protection Australia 2019-20*, Child welfare series no. 74. cat. no. CWS 78. Accurate comparisons over time are difficult, given the lack of robust and comparable child protection data across Australia, and differences in policies and approaches to child protection matters across jurisdictions and over time. Nonetheless, on the best available data, substantiation, out-of-home care, and Aboriginal and Torres Strait Islander over-representation rates all appear to have worsened, in some cases significantly, over time. See also the findings of PwC's evaluation of the National Framework: PwC Australia, 2020, *Evaluation of the National Framework for Protecting Australia's Children 2009-2020*, p iv.

[56] For more detail, see Save the Children and Child Wise, above n 25.

[57] AIFS, 2018, *What is child abuse and neglect?*, CFCA Resource Sheet, September 2018.

[58] Holt, Buckley and Whelan, above n 3.

it is poorly addressed.[59] There is clearly neither the culture nor the capability across child protection systems to deal appropriately with domestic and family violence.

All too often, this has dire consequences for protective parents – nearly always women – and their children. These parents are placed in the impossible position of trying to keep their child safe while navigating the complex and harmful dynamics of domestic and family violence and the conflicting requirements of child protection systems.

Most problematically, child protection systems are strongly oriented towards holding parents responsible for their children's safety. In practice, in families where domestic and family violence occurs, it is protective parents – who are also the adult victims/survivors of that violence, and nearly always women – who are held responsible in this way and often blamed when a child's welfare suffers because of the violence.

Where child protection systems deem that the parent is not doing enough to keep their child safe and protected – for example, by remaining with the child in a home where violence is occurring, or alternatively by fleeing the home but then being unable to provide for the child's material, emotional and other needs – intervention is common, including the threat of removal of the child from their protective parent's care.

No child should lose their protective parent due to domestic and family violence. Yet this is exactly what child protection systems are causing.

In seeking to protect children from harm and promote their wellbeing, there needs to be a systemic shift in focus from the actions of the adult victim/survivor of violence – which often includes blaming them for failing to protect their child from the consequences of that violence – to those of the perpetrator of violence. What the Victorian Commission for Children and Young People has called 'the invisibility of perpetrators'[60] in child protection systems cannot continue.

A focus on the perpetrator directs attention to the source of risk of harm to the child within the family, and focusing on the impact of the perpetrator's actions directs attention to how children are affected by domestic and family violence.[61] In turn, this can support efforts to hold the perpetrator – rather than the victim/survivor – responsible for their actions and how they have affected their family and their children.

A focus on perpetrator accountability is a crucial step in better integrating child protection and domestic and family violence services and putting children at the centre of responses that affect them. Importantly, this should be accompanied by more services for perpetrators of violence, including in primary and secondary prevention, aiming to educate and rehabilitate perpetrators in order to enable children to safely maintain contact and relationships with them where this is in children's best interests, in ways which are accountable to children and to adult survivors of violence. It is also important to ensure that workers have the understanding and skill to recognise that children often have ambivalent feelings about their parents, including perpetrators of violence, and to work with children in an effective way where these feelings exist.

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[59] Humphreys, C. and Healey, L, 2017, *PAThways and Research in Collaborative Inter-Agency practice: Collaborative work across the child protection and specialist domestic and family violence interface: The PATRICIA Project: Final report*, ANROWS Horizons 03/2017, p 12.
[60] Commission for Children and Young People, above n 45, p 10.
[61] Healey, L., et al, 2018, *Invisible Practices: Intervention with fathers who use violence*, ANROWS Research Report 04/2018.

Save the Children supports the policy recommendations developed through the PATRICIA project and its focus on the relationship between specialist domestic and family violence services and statutory child protection organisations. Key themes in those recommendations include:

- enabling appropriate information-sharing and shared risk assessment between domestic and family violence and child protection services;
- focusing on perpetrator accountability and bringing a domestic and family violence-informed perspective to child protection processes and decision-making; and
- establishing differential responses and pathways for children experiencing domestic and family violence, including ensuring appropriate support and services for children and their protective parents outside of statutory child protection responses.[62]

Save the Children also highlights the value of the Safe & Together model, which can support child protection practitioners and systems to operate with an awareness of domestic and family violence and to respond appropriately to such violence. The model emphasises working with fathers who use violence to focus on the impact of their behaviour on their families, while seeking to keep the child safe and together with their protective parent. This can be powerful in shifting child protection systems' emphasis from holding mothers responsible for protecting their children to holding perpetrators accountable for the risk and harm to their children created by their behaviour, including by seeing this as harmful parenting behaviour with damaging effects on family functioning and child development.[63]

These recommendations all require a significant investment in resourcing and training child protection workforces to understand domestic and family violence in practice and to act on this understanding, including through establishing the organisational and practice elements needed to enable this. Importantly, just as child protection systems and practitioners need to improve significantly in assessing risk in ways that are not culturally biased and take into account family, community and cultural contexts, so too will this cultural lens be critical in better responding to domestic and family violence in specific communities and contexts. Developing a culturally informed and culturally safe capability will require significant effort, including investment in increasing local community and cultural representation in child protection workforces.

To achieve all of the above, the next National Plan should be fully aligned and integrated with the successor plan to the National Framework for Protecting Australia's Children 2009-2020. Together, these two national plans should provide a coordinating framework that drives integration between child protection and domestic and family violence systems, with the shared goal of upholding children's rights and placing children at the centre of all responses, services and decisions that affect their wellbeing and safety.

[62] Humphreys and Healey, above n 59.
[63] Safe & Together Institute, https://safeandtogetherinstitute.com/; Healey et al, above n 61; Humphreys et al, above n 35.

Recommendation 4

The next National Plan should drive integration between child protection and domestic and family violence responses at the level of policy and practice, together with the successor plan to the National Framework for Protecting Australia's Children 2009-2020, including by:

(a) making a commitment that no child should be removed from their protective parent due to domestic and family violence;

(b) focusing on perpetrator accountability and ensuring child protection processes and decision-making are informed by a domestic and family violence perspective;

(c) enabling appropriate information-sharing and shared risk assessment between domestic and family violence and child protection services;

(d) establishing differential responses and pathways for children experiencing domestic and family violence, including appropriate support and services for children and their protective parents outside of statutory child protection responses;

(e) strengthening child protection workforces' understanding of domestic and family violence in practice, as it exists in specific communities and cultural contexts, including increasing local representation in workforces; and

(f) monitoring and overseeing outcomes and actions that are shared between the next National Plan and other aligned frameworks, strategies and plans, especially the successor plan to the National Framework for Protecting Australia's Children 2009-2020.

(b) Housing

Every child should have a safe and secure place to live. Stable and safe housing is vital for children and is a fundamental precondition for them to develop healthily and learn.

This basic right should not be impaired by domestic and family violence. Yet the current system operates to effectively trap many children who experience violence in their families between two appalling choices – either remaining in an unsafe home with a violent perpetrator, or leaving the home to seek suitable alternative accommodation which is rarely to be found. In practice, of course, this is often a choice forced on mothers who, acting as protective parents, must decide between two evils in seeking to protect their children and themselves.

The harm that can be caused to children who remain in an environment where violence is occurring is evident, but the situation may be little better for many children who leave, whether with a protective parent or on their own. The lack of accommodation and the housing insecurity faced by women and children who leave their homes due to domestic and family violence has been highlighted repeatedly.[64] This is an urgent problem.

There is insufficient refuge and crisis accommodation, insufficient transitional housing and insufficient long-term housing for victims/survivors of domestic and family violence. Those who are able to access refuge and crisis accommodation often find themselves staying far longer than is

[64] Special Taskforce on Domestic and Family Violence in Queensland, 2015, *Not now, not ever: Putting an end to domestic and family violence in Queensland*; State of Victoria, above n 6, Volume II, chapter 9; ANROWS, 2019, *Domestic and family violence, housing insecurity and homelessness: Research synthesis*, 2nd ed, ANROWS Insights, 07/2019.

desirable. No child should grow up in refuge. At all stages, the accommodation that is available is often grossly unsuitable, and typically makes no provision for children's needs and the trauma they are likely to have experienced. Meanwhile, domestic and family violence is the leading cause of child homelessness in Australia,[65] a stark fact that reflects how thoroughly children and women are being failed.

This already dire situation is made worse by child protection systems. A woman who remains in her home with her child and a perpetrator of domestic and family violence risks being assessed as failing to provide a safe environment for her child. Yet if she leaves to protect her child and herself, there is every chance that she will be unable to access suitable housing and will become subject to child protection intervention and that her child may be removed for that reason. The situation is made worse by the financial hardship that many women face when experiencing domestic and family violence – which is, for many, exacerbated by leaving.

To meet the needs of children who have experienced domestic and family violence, it is crucial that appropriate and affordable refuge and crisis, transitional and longer-term accommodation be available for them and their protective parent. These accommodation settings must be fit for purpose to meet children's needs, as well as their parents', including through the availability of child-centred, therapeutic, trauma-informed support specifically for children.

Save the Children also highlights two other important issues relating to housing.

First, greater focus is needed on supporting adult victims/survivors of violence and their children to remain safely in their homes, which entails better arrangements for perpetrators to be accommodated elsewhere. While this is an issue across the spectrum where domestic and family violence occurs, it has particular implications in remote communities, where perpetrators commonly have nowhere to go even if they wish to or if intervention occurs.

Second, it is common for older boys – typically boys aged over 12 or over 15 – to be denied accommodation in refuges and crisis accommodation with their mothers. This prevailing practice needs to be looked at seriously, as it is currently putting these highly vulnerable and often traumatised children at further risk at a time when they most need the support of their protective parent, with significant implications for these children's rights and wellbeing.

Recommendation 5

The next National Plan should ensure that no parent needs to choose between living in violence or becoming homeless with their child by addressing the lack of appropriate housing for women and children who experience domestic and family violence.

(c) Family law

The *Family Law Act 1975* explicitly states that children's best interests must be paramount in court proceedings and when making orders.[66] Yet the family law system is clearly failing to achieve this.

[65] Campo, above n 20, p 5.
[66] For example, section 60CA in making parenting orders or section 67V in making a recovery order.

The inability of the family law system to adequately deal with domestic and family violence and child protection concerns has been well documented.[67] As long ago as 2002, the Family Law Council said: 'There is no greater problem in family law today than the problems of adequately addressing child protection concerns in proceedings under the *Family Law Act*'.[68] Nearly 20 years on, despite many subsequent reviews and multiple rounds of legislative reforms, this remains true.

Most parenting matters heard by family courts involve allegations of family violence and child abuse.[69] Yet the family law system is not equipped to identify, assess or address serious risks to children's safety, or to recognise or respond to domestic and family violence. It was not established for those purposes, and it has showed an inability to meet them. The family law system does not have capacity to determine the truth about allegations of violence and abuse, even where evidence of such behaviour is available. It is poor at discerning risk to children and, relatedly, poor at determining the truth where there are competing claims about such risks. It does not hear children's voices or enable them to participate meaningfully in decisions that affect them profoundly and more than anyone else. It has a long-standing and pronounced tendency to mandate contact between children and perpetrators of violence, in circumstances where this is directly contrary to children's best interests and their safety.[70]

Realistically, it may be beyond the scope of the next National Plan to immediately establish the root and branch reform needed to create an alternative system that is fit for purpose. However, the National Plan can and should include the establishment of a substantial and appropriately resourced inquiry into an alternative to the family courts for ensuring that children's best interests are paramount where there are concerns about their safety and disputes exist between parents about the child's living arrangements or other parenting responsibilities and matters. This should be undertaken by independent experts with expertise across children's rights, child safety, child protection systems, domestic and family violence, and the family law system. The inquiry should engage in wide public consultation and should have an explicit mandate to consider and recommend major structural reforms.

This inquiry should not aim to repeat the work of past reviews and reports, which have consistently highlighted the deficiencies of the current family law system – deficiencies which have not been addressed through multiple rounds of reform. Instead, it should take the next logical step and seriously examine the best alternative to the family courts to protect children's best interests, and what it would take for this alternative to be fully equipped to identify, assess and make appropriate decisions relating to risks to children's safety from domestic and family violence and other abuse and neglect.

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[67] See, eg, Family Law Council, 2002, *Family law and child protection*, Final report, Commonwealth Government, p 15; Chisholm, R., 2009, *Family courts violence review*; Family Law Council, 2015, *Families with complex needs and the intersection of the family law and child protection systems*, Interim report – June 2015 (Terms 1 & 2), chs 1, 2 and 7; House of Representatives Standing Committee on Social Policy and Legal Affairs, 2017, *A better family law system to support and protect those affected by family violence*, Commonwealth Parliament, ch 6; Australian Law Reform Commission, 2019, *Family law for the future – An inquiry into the family law system*, Final report, ch 5; Megan Mitchell, 2020, Transcript of evidence given to Joint Select Committee on Australia's Family Law System, 14 February 2020, Commonwealth Parliament, pp 25-32, available at https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Family_Law_System/FamilyLaw/Public_Hearings.

[68] Family Law Council, 2002, above n 67, p 15.

[69] Family Law Council, 2015, above n 67, pp 4, 96.

[70] See above n 67.

Recommendation 6

The next National Plan should establish a substantial and appropriately resourced inquiry into an alternative to the family courts for ensuring that children's best interests are paramount where there are concerns about their safety due to domestic and family violence or other issues and disputes exist between parents about the child's living arrangements or other parenting responsibilities and matters.

(d) Youth justice

A large proportion of children in contact with youth justice have experienced domestic and family violence. Unfortunately, exact rates are unknown due to poor data and the lack of systemic attention to the relevance of children's experiences of violence in their families (and other abuse and neglect) when it comes to engaging with children who are into contact with youth justice. However, there is good evidence about the significant crossover between children who have received child protection services and those who receive youth justice services, with child protection contact typically coming first.[71] It can safely be presumed that many of those 'crossover' children have experienced domestic and family violence, and that there are many others in contact with youth justice who have experienced domestic and family violence without entering the statutory child protection system.

In some cases, children's contact with youth justice comes as a result of violence they have committed against family members – that is, where the child has both experienced domestic and family violence as a victim/survivor and engaged in such violence themselves. This is not a niche issue. In NSW, for example, around 40 per cent of assaults committed by juveniles are domestic and family violence-related.[72] Moreover, domestic and family violence by children is likely to be highly under-reported.[73]

In these cases, it is particularly important to not adopt a 'criminalising' or 'perpetrator' response to the child. Children engaging in harmful behaviours – including violence against family members – should be supported to change their behaviour and take responsibility for their actions. Seeking to achieve this through punitive and stigmatising approaches is counterproductive, and can be particularly harmful and ineffective when applied to children with unmet needs and trauma arising from their own experience of domestic and family violence.

Instead, the focus should be on therapeutic, trauma-informed and community-based responses aimed at meeting children's needs while re-establishing trusting relationships with adults and connecting them to supports and helping them identify and achieve their goals, which may relate to learning, employment and other matters.

[71] Baidawi, S. and Sheehan, R., 2019, *'Crossover kids': Offending by child protection-involved youth*, Trends & issues in crime and criminal justice, No. 582, December 2019, Australian Institute of Criminology; AIHW, 2020, *Young people under youth justice supervision and in child protection 2018-19*, Data linkage series no. 26, Cat. no. CSI 28; Sentencing Advisory Council, 2019-2020, *Crossover kids in the youth justice system*, three reports and factsheet, available at https://www.sentencingcouncil.vic.gov.au/current-projects-projects-progress/crossover-kids-youth-justice-system.

[72] NSW Government, 2019, *Domestic and family violence: Youth justice strategy 2019-2011*, Department of Communities & Justice, p 11.

[73] State of Victoria, above n 6, Volume IV, p 152.

Recommendation 7

Ensure that children in contact with youth justice who have experienced domestic and family violence have their needs met, to prevent the compounding harm caused by punitive and criminalising responses to these children.

8. Preventing and responding to domestic and family violence requires a focus on context and underlying causes

Domestic and family violence is a complex phenomenon. Preventing and responding to it requires careful attention to its underlying causes, as well as the specific contexts within which it occurs – cultural and otherwise.

Most obviously, this includes the gendered nature of domestic and family violence – the underlying attitudes and assumptions about gender that enable, excuse and in many cases encourage men's violence against women, and the way these are deeply embedded in Australian society, including our laws, policies, institutions, cultures, and public and private behaviours.

It also includes the many other intersecting sources of complexity and disadvantage experienced by families and across communities that are associated with domestic and family violence, including poverty, racism, historical and present-day community and individual-level trauma, social exclusion and marginalisation.

There can be no doubt that primary prevention strategies such as education and training programs to change societal attitudes on gender and violence are crucial to addressing domestic and family violence. Schools are particularly important, both as settings that need to be domestic and family violence-informed themselves,[74] and as sites for education. This should include education for children of all sexual orientations and gender identities and expressions, and include different – but mutually reinforcing – education focuses for boys and girls. However, such strategies can only succeed if they are attentive to the factors that are particularly relevant to why and how violence manifests in particular contexts and communities, and to what will be effective in preventing such violence and responding to it when it occurs.

These considerations have particular significance for some communities and groups.

Aboriginal and Torres Strait Islander children and communities

It is a horrifying fact that rates of domestic and family violence are far higher within Aboriginal and Torres Strait Islander families and communities than among others in Australia.[75]

Save the Children strongly believes, informed by what has been shared with us and what we have learned over decades of working in partnership with many Aboriginal and Torres Strait Islander communities, that family violence is not a part of Aboriginal or Torres Strait Islander cultures. Domestic and family violence is not part of traditional cultures and heritages, it is not a norm for Aboriginal and Torres Strait Islander peoples today, and its significant presence in some Aboriginal and Torres Strait Islander communities should not be tacitly normalised in any way.

The underlying causes of family violence in Aboriginal and Torres Strait Islander communities are inextricable from the intergenerational and continuing trauma of colonisation and dispossession, along with the historical legacy and present-day continuation of institutional racism. There is an

[74] Humphreys et al, above n 35, p 39.
[75] AIHW, 2006, *Family violence among Aboriginal and Torres Strait Islander peoples*, Cat. no. IHW 17; AHRC, above n 5, pp 157-8; Olsen, A. and Lovett, R., 2016, *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper*, ANROWS Landscapes, 02/21016, p 16.

extraordinary and brutal constellation of related and cumulative factors contributing to the context in which family violence occurs today. These include:

- the loss and separation of Aboriginal and Torres Strait Islander peoples from their lands, cultures and kinships practices;
- the long and unforgivable history of removal of children from their families – a practice which continues, in a different form, through current child protection systems, in which Aboriginal and Torres Strait Islander children are hugely over-represented in out-of-home care; and
- the manifestations of these and other underlying causes in Aboriginal and Torres Strait Islander peoples' lower educational and employment opportunities and outcomes, poorer health, over-incarceration, widespread poverty, and harm caused by alcohol and other drug dependency in Aboriginal and Torres Strait Islander communities – which themselves have become causes of, and contributors to, violence.

Save the Children believes that effective prevention and responses to family violence within Aboriginal and Torres Strait Islander families and communities is only possible when Aboriginal and Torres Strait Islander people's rights are fully upheld, including the right to self-determination, and when the context and underlying causes, such as those set out above, are fully taken into account.

This includes ensuring that all responses to family violence – across prevention, early intervention and tertiary response – are culturally safe and led by or with Aboriginal and Torres Strait Islander organisations and communities. This must be about much more than individual programs or interventions, and rather requires truly community-led and community-owned approaches that reflect community-identified local priorities and needs and a holistic understanding of what will be appropriate and effective in context.

There is also a pressing need to strengthen child protection and other workforces' understanding of domestic and family violence in practice, as it exists in the specific communities and cultural contexts where they are working and making decisions about children and families. One way this can be done is by including increasing local representation in workforces. This includes:

- developing an understanding of what coercive control looks like, and how ideas of culture and family responsibilities can be manipulated by perpetrators in practice – for example, through assertion of obligations to provide housing in already overcrowded and unsafe settings, or through control exercised even after women leave, especially in remote communities;
- addressing cultural barriers to women accessing information and services and even seeing themselves as victims of family violence who have a right – with their children – to safety; and
- alleviating women's concerns that their children will be removed if they report family violence to authorities, whether this is police or child protection – which requires taking steps to ensure that those concerns will not be well founded.[76]

[76] See Langton, M., et al, 2020, *Improving family violence legal and support services for Aboriginal and Torres Strait Islander women*, ANROWS, Research report, Issue 25/2020.

Effective prevention and response also requires addressing the underlying drivers of family violence in communities, including remote communities, such as prevailing attitudes that 'this is just how it is' and the sense of hopelessness that can arise when people feel worthless and children (boys and girls) are unable to see any future for themselves.

For these attitudes to change, members of communities must have a sense of hope – that change is possible, and that their own futures hold opportunity. This should include – in different ways – children, victims/survivors of violence, perpetrators of violence, and all community members.

It should be multi-dimensional, including the creation of employment and other opportunities, empowerment of women and children who have experienced violence, and community-based education highlighting more positive pathways and role models for perpetrators and those at risk of engaging in violence.

It should also include recognition of the effects of having experienced violence themselves on those who then commit violence. As noted above, a supportive and trauma-informed rather than punitive or criminalising response is important, especially for children and young people engaging in violence.

Other children who are over-represented or particularly vulnerable

Other groups of children who are likely to be over-represented among those experiencing domestic and family violence or particularly vulnerable to violence include:

- children from culturally and linguistically diverse backgrounds, including those who are recent humanitarian migrants;
- children with disability;
- children who identify as lesbian, gay, bisexual, transgender/gender diverse, intersex, queer and/or asexual;
- children living in regional and remote locations; and
- children experiencing socio-economic disadvantage of any kind, including those experiencing poverty.

Preventing and responding to domestic and family violence experienced by each of these groups of children requires attention to their specific context and circumstances, and should be informed by perspectives from children who have relevant lived experience.

Recommendation 8

The next National Plan should fully recognise the importance of underlying causes including intergenerational and community trauma, racism, poverty and other socio-economic disadvantage, as well as societal attitudes on gender, in efforts to prevent and respond to domestic and family violence.

Recommendation 9

The next National Plan should give full weight to Aboriginal and Torres Strait Islander people's rights, including the right to self-determination, and recognise underlying causes of violence, including intergenerational and community trauma, in all measures to prevent and respond to violence in Aboriginal and Torres Strait Islander families and communities.

9. Data is severely lacking

Australia lacks anything like an accurate picture of the scale and nature of the problem of children's experience of domestic and family violence. As the Australian Institute of Health and Welfare has highlighted, in relation to children's experiences of domestic and family violence, 'there is no, or limited, data … including attitudes, prevalence, severity, frequency, impacts and outcomes of these forms of violence'.[77] Concerns about the paucity of Australian data relating to violence affecting children have been raised by many others, including the UN Committee on the Rights of the Child, which has highlighted the importance of good data collection, analysis and dissemination to ensuring that children's rights are realised and their needs met in the face of violence.[78]

The lack of data about children's experiences of domestic and family violence is a major problem. We know that children are highly exposed to the harmful effects of such violence, but we lack the data to understand their experiences or its effects. In turn, this is a major barrier to understanding how best to prevent and respond to domestic and family violence and its effects on children.

One practical step would be requiring specialist domestic and family violence services to collect data, through a nationally consistent approach to be developed, about children with whom they have contact. This could include numbers of children as well as data about the children's characteristics and their specific experiences of domestic and family violence. While this would be far from providing a complete picture, it would be a valuable addition to our currently limited knowledge.

There is also a need for better evidence about what responses – in terms of programs, interventions and practices – are effective in supporting children who are experiencing domestic and family violence, to build on existing evidence about the effectiveness of trauma-informed therapeutic responses and other effective approaches.[79]

Recommendation 10

The next National Plan should improve the data about children and domestic and family violence, including about children's experiences of violence and evidence of effective prevention, early intervention and trauma-informed responses to protect and support children.

[77] AIHW, above n 37, p xii.
[78] See Committee on the Rights of the Child, 2012, above n 33, [21]-[22], [48](b)(iii); Committee on the Rights of the Child, 2019, above n 33, [11], [30].
[79] Campo et al, above n 41; Campo, above n 20, pp 15-16; AHRC, above n 5, pp 134-7.

10. Conclusion

Domestic and family violence is, in many ways, unique in the pervasive nature of the damage it causes and the difficulty it creates in identifying and addressing that damage. This has contributed to the long-standing deficiencies in Australia's approach and system for preventing and responding to such violence. For no one has this been more acute than children.

Australian governments' collective failure to date – in the context of a large and overdue increased focus on domestic and family violence over the past decade – to adequately address children's experiences of domestic and family violence has been identified not only by child rights focused organisations such as Save the Children, but also by research and practitioners as highlighted throughout this submission.

It has also been highlighted by the broader domestic and family violence sector. For example, in an open letter to Federal and State Ministers responsible for women's safety and domestic and family violence, a group of 22 specialist organisations have recommended that the next National Plan recognise children and young people as victims in their own rights:

> *Significant research has shown the long-term impacts on children and young people who have experienced (including witnessing) family violence, yet they are seldom seen as individuals and victims in their own right. There is a need for child-centred interventions. Children and young people must be, as a starting point, acknowledged and listened to so the support system can support their recovery. Unique supports are required to respond to child victim survivors. Practical, strengths-based interventions that enable and build the capacity of children and young people to connect with and participate in their communities are necessary; along with therapeutic interventions.*[80]

The next National Plan provides the opportunity to rectify these omissions. Save the Children welcomes the continuing ambition of all Australian governments to work together to prevent and reduce violence against women and their children. To achieve this goal, now is the time to ensure that children, and their specific experiences of domestic and family violence, are a genuine focus of attention in their own right.

[80] Joint open letter to National Federation Reform Council Taskforce on Women's Safety, July 2021, available at https://ntv.org.au/wp-content/uploads/2021/07/Public_Joint-Letter-to-Womens-Safety-Ministers-1.pdf.

Appendix 1: Save the Children's domestic and family violence services

Service	Overview	Location
Prevention and early intervention		
Place-based family violence prevention	The community-based Children's Wellbeing Collective and the Children's Wellbeing Initiative – East Gippsland identified the need for a focus on family violence prevention in the region, leading to a place-based project focused on community empowerment and building community capacity in relation preventing and addressing family violence. The project has been underway for several years in various forms.	Victoria
Strength2Strength	Addresses violence towards culturally and linguistically diverse woman and children in the Gosnells region using a three-tiered, community-led approach to challenging and reframing attitudes towards gender-based violence.	Western Australia
Youth services and support	Child and youth-centred services operating in communities to meet local needs and support education, with a focus on older children.	Multiple States and Territories
Integrated early childhood development and family support interventions	Integrated, community-based services supporting children and families experiencing marginalisation and disadvantage, with a focus on younger children, and including identifying domestic and family violence risks and incidence and referrals to safe and trusted services.	National
Family support and Intensive Family Support services	Case management and other support for families, including intensive support for families at risk of entering the statutory child protection system. Save the Children's family support services are domestic and family violence-informed and responsive.	National
Specialist services		
Specialist domestic and family violence services	Free and confidential service for people in the Mt Isa and Gulf communities who are affected by domestic and family violence. The service supports women, children, family members and others affected by violence. The goal is to support any adult or child to reach a stage where they are safe and free from fear of domestic and family violence through provision of services including information and referral, crisis support, practical assistance, advocacy, and counselling and emotional support. This includes men's services.	Queensland

Service	Overview	Location
Accommodation		
Supported accommodation	Supported accommodation program in Ceduna is a 24-hour staffed accommodation service that provides a safe place for expecting and new mothers and their families, and gives them access to the support and services they need during this time.	South Australia
Domestic and family violence refuges (x 7)	Save the Children operates seven domestic and family violence refuges which provide unit-style accommodation for women and their children. They are each set in confidential locations and staffed with skilled parent support workers and child support workers who ensure the individual needs and rights of children and women are supported.	Queensland
Capability-building, support and training		
Everyday Positive Play	Suite of services that, when combined, aim to provide service providers, agencies, practitioners and caregivers with the capability to embed child-centred trauma-informed practice within domestic and family violence services and other child-facing settings. Tailored interventions combine consultation, training on evidenced practice, practical tools and implementation support to ensure fidelity to the practice framework and quality and sustainability of outcomes.	Multiple States and Territories

Appendix 2: Requirements for meaningful children's participation

Basic requirements for meaningful and ethical children's participation

The United Nations Committee on the Rights of the Child has outlined nine basic requirements for meaningful and ethical children's participation:

If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event. Experience since the Convention on the Rights of the Child was adopted in 1989 has led to a broad consensus on the basic requirements which have to be reached for effective, ethical and meaningful implementation of article 12 [the right of the child to be heard and taken seriously]. …

All processes in which a child or children are heard and participate, must be:

(a) Transparent and informative – children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight, and how this participation will take place, its scope, purpose and potential impact;

(b) Voluntary – children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage;

(c) Respectful – children's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children's participation, for instance, in their contributions to the family, school, culture and the work environment. They also need an understanding of the socioeconomic, environmental and cultural context of children's lives. Persons and organizations working for and with children should also respect children's views with regard to participation in public events;

(d) Relevant – the issues on which children have the right to express their views must be of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. In addition, space needs to be created to enable children to highlight and address the issues they themselves identify as relevant and important;

(e) Child-friendly – environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities;

(f) Inclusive – participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalized children, including both girls and boys, to be involved … Children are not a homogenous group and participation needs to provide for equality of opportunity for all, without discrimination on any grounds. Programmes also need to ensure that they are culturally sensitive to children from all communities;

(g) Supported by training – adults need preparation, skills and support to facilitate children's participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities. Children themselves can be involved as trainers and facilitators on how to promote effective participation; they require capacity-building to strengthen their skills in, for example, effective participation awareness of their rights, and training in organizing meetings, raising funds, dealing with the media, public speaking and advocacy;

(h) *Safe and sensitive to risk – in certain situations, expression of views may involve risks. Adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child protection strategy which recognizes the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed. Investment in working with families and communities is important in order to build understanding of the value and implications of participation, and to minimize the risks to which children may otherwise be exposed;*

(i) *Accountable – a commitment to follow-up and evaluation is essential. For example, in any research or consultative process, children must be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. Wherever appropriate, children should be given the opportunity to participate in follow-up processes or activities. Monitoring and evaluation of children's participation needs to be undertaken, where possible, with children themselves.*

Source: All italicised text directly quoted from Committee on the Rights of the Child, *General Comment No. 12: The right of the child to be heard*, UN Doc CRC/C/GC/12, 1 July 2009, [133]-[134]. The Committee's comments are an authoritative statement of how children's right to be heard should be interpreted.

Implementing the basic requirements

Save the Children has developed a detailed guide to applying and implementing the nine basic requirements in practice. The guide describes each of the nine basic requirements in plain English and gives practical and concrete examples of what they look like when applied.

For example, the first requirement is that processes be 'transparent and informative'.

The guide briefly describes this requirement:

> *The first requirement means that children clearly understand their right to express their views and that they will be heard and valued. Children know why they are involved in a given project/programme/activity, what their participation will help to achieve and the types of decisions and plans that their participation will influence. Children have access to useful information and resources to help them understand the project, programme, organisation(s), key terminology and the processes/activities with which they will be involved. Specifically, children understand what they are being asked to do, what will happen with the information they share and who will have access to the information. Children understand they can freely ask questions, seek clarification, raise concerns and/or express ideas and recommendations.*

The guide then explains what the requirement means in practice:

- *Opportunities and limitations are clearly defined with children*
- *Children's roles and responsibilities are clearly defined*
- *Children understand how they/their community/their projects/their peers might benefit from the activity*
- *Child-friendly information is provided in appropriate and accessible languages/formats*
- *Child-friendly information is provided in a timely manner*
- *Children clearly understand the relevant policies and procedures to ensure their meaningful participation*
- *Children's views will influence, shape and inform decisions/plans in a timely manner*
- *Facilitators are honest and open with children*
- *Facilitators do not steer or manipulate children*

- *Children are free to ask questions and know how to get more information, if they wish*
- *Facilitators adapt and respond to unexpected changes/challenges and explore options with children*
- *Problem solving is undertaken together with children*

Source: Save the Children, 2021, *The nine basic requirements for meaningful and ethical children's participation*, available at https://resourcecentre.savethechildren.net/node/19385/pdf/basic_requirements-english-final.pdf.