

# All I want is a life free from violence

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In 2015 the National Children's Commissioner conducted a national investigation into the impact of family and domestic violence on children.

The United Nations Convention on the Rights of the Child requires Australia to use a child rights-based approach to address family and domestic violence so that:

- vulnerable and marginalised groups of children are protected
- the best interests of children are prioritised
- the views of children are respected
- prevention measures consider the impact of family and domestic violence in terms of children's development.

The Commissioner's investigation involved a series of experts roundtables, individual consultations and a submissions process.

This document provides a summary of the key findings and recommendations from the national investigation. Chapter 4 of the Children's Rights Report 2015 contains the full results.



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# New data about children's experiences

New data based on the ABS 2012 Personal Safety Survey estimates the number of adult men and women whose first incident of physical or sexual abuse as a child before the age of 15 years was perpetrated by a family member.

It is estimated that **1 in every 12** people first experienced **physical abuse as a child** before the age of 15 years perpetrated by a family member.

It is estimated that **1 in every 28** people first experienced **sexual abuse as a child** before the age of 15 years perpetrated by a family member.

**N**ew data was sourced for the Commissioner's national investigation to help build a picture of how children are affected - as witnesses, bystanders and victims. Some of the key findings are presented below.

## ABS Recorded Crime – Victims data between 2010 and 2013 about the number of police recorded child victims of physical assault and sexual assault in a residential location aged 0 to 17 years

There were 14,048 police recorded child victims of physical assault by a family member in New South Wales, South Australia, the Northern Territory and the Australian Capital Territory.

There were 12,073 police recorded child victims of sexual assault by a family member in New South Wales, Victoria, Queensland, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory.

## ABS 2012 Personal Safety Survey estimated data about the number of adults who first experienced physical abuse and sexual abuse when they were aged 0 to 14 years

It was estimated there were 839,400 adult women and 596,400 adult men who first experienced physical abuse by a family member as a child aged between 0 to 14 years.

It was estimated there were 515,200 adult women and 97,800 adult men who first experienced sexual abuse by a family member as a child aged between 0 to 14 years.

## National Centre for Longitudinal Data research summaries

Approximately 6% of mothers participating in the Longitudinal Study of Australian Children reported that they had been afraid of their current partners.

Remoteness was the single biggest predictor of partner violence in the Longitudinal Study of Indigenous Children.

## Kids Helpline data about the number of contacts received from children aged 5 to 17 years between January 2012 and December 2014 where family or domestic violence was raised as the main concern or as a second significant concern

Of the 999 contacts where the main or secondary concern raised was family or domestic violence, 34% were from children aged 10 to 13 years.

The largest proportion of the 999 contacts (40%) were in relation to exposure to violence between parents, or between a parent and a partner or ex-partner.

# A number of key findings and recommendations emerged

Inconsistent terminology and definitions across state and territory jurisdictions in relation to children affected by family and domestic violence reduces the comprehensiveness of data collection.

Under the National Plan to Reduce Violence against Women and their Children, the Australian Bureau of Statistics (ABS) is working to implement a national data collection and reporting framework.

This framework uses behaviour-based definitions of family, domestic or sexual violence to capture cohesive national data about 'family and domestic violence'. This approach is promising but much work remains to be done to achieve behaviour-based definitions that are fully inclusive of all children, including those at particular risk.

## RECOMMENDATION 3

The Annual Progress Reports of the National Plan to Reduce Violence against Women and their Children should detail how all jurisdictions are working towards implementing the Australian Bureau of Statistics National Data Collection and Reporting Framework.

## RECOMMENDATION 4

Data about a child's experience as a victim of family and domestic violence should be recorded as a separate entry in the Australian Bureau of Statistics National Data Collection and Reporting Framework, and not just part of an adult entry.

## RECOMMENDATION 5

Data about lesbian, gay, bisexual, transgender and intersex status should be recorded in the Australian Bureau of Statistics National Data Collection and Reporting Framework.

## RECOMMENDATION 6

The Annual Progress Reports of the National Plan to Reduce Violence against Women and their Children should detail how the Australian Bureau of Statistics Personal Safety Survey is working towards surveying adequate sampling sizes across vulnerable groups.

The negative outcomes of family and domestic violence on children are well recognised and documented. However, factors that mitigate the impacts of family and domestic violence and promote resilience are less well understood.

Differences in outcomes and impacts for children in different populations highlight the need for more in-depth research on the factors and interventions that enhance children's resilience and ability to cope with experiences of family and domestic violence.

Efforts to understand children's experiences are complicated by the difficulties of isolating the impacts of family and domestic violence from other detrimental factors, such as poverty, parental substance abuse, family dysfunction, mental ill-health and experiences of discrimination and marginalisation.

The effects of family and domestic violence manifest differently depending on the developmental stages of the children affected.

# Key findings and recommendations

## RECOMMENDATION 7

Support for the Australian Longitudinal Study on Women's Health (ALSWH) project by the Australian Government Department of Health is extended after 30 June 2016 and support for the Mothers and their Children's Health (MatCH) project by the Australian Government Department of Health is also extended after its National Health and Medical Research Council grant expires in 2017.

## RECOMMENDATION 8

Support for the 'Improving the developmental outcomes of Northern Territory children: a data linkage study to inform policy and practice in health, family services and education' currently being conducted in the Northern Territory by Menzies School of Health Research is provided by the Australian Government Department of Social Services after its National Health and Medical Research Council grant expires in 2017.

Overall, there is no coherent public policy approach to children affected by family and domestic violence. This results in uncoordinated and poorly directed responses to children who experience family and domestic violence.

Children's experiences of family and domestic violence are typically described as 'witnessing violence', 'being exposed to violence', and 'being directly abused in the context of family and domestic violence'.

These three categories have traditionally been treated as separate entities. However, witnessing and exposure to family and domestic violence are increasingly being recognised as forms of abuse that can be reported to child protection authorities.

Child protection systems have not been designed to consider the co-existence of an adult victim and child victims, often leading to removal rather than a cohesive family-centred approach.

In the main, children receive support in the context of the needs of the parent escaping family and domestic violence, rather than in response to their specific therapeutic needs.

## RECOMMENDATION 9

The Council of Australian Governments prioritise the development of a child-focused policy framework for responses to family and domestic violence.

During the examination a number of concerns were raised about the capacity of the family law system to deal with family and domestic violence involving children.

Key concerns raised during the examination included:

- lack of understanding and inappropriate responses to family and domestic violence by those working in the family law system
- conflicts between the right of parental contact and the rights and best interests of the child
- court decisions which do not yet fully reflect the amendments to the Family Law Act 1975 (Cth) in 2012
- inappropriate use of mediation for some families.

# Key findings and recommendations

In this context, the Australian Institute of Family Studies recently completed a project evaluating the 2012 amendments to the Family Law Act 1975 (Cth). Similarly, the Family Law Council is undertaking a review of the intersection of family law and child protection systems, and ways of improving assistance to families with complex needs.

The Family Court of Australia provides special case management in those cases where a child has experienced 'serious physical abuse or sexual abuse' (the Magellan Program).

Given the known impact of all types of family and domestic violence on children, and the complexity of cases that now present to the Family Court and the Federal Circuit Court, consideration should be given to expanding the Magellan Program to incorporate the broader definitions of family violence and abuse as reflected in the 2012 amendments.

## RECOMMENDATION 10

A review of the criteria for entry into the Magellan program should be undertaken by the Family Court of Australia or another appropriate entity.

**G**aps in the data undermine our ability to understand the full impact of family and domestic violence on children and build a national picture about these children.

There is only limited breakdown on the age of child victims of physical assault and sexual assault, although this may improve with the provision of the dates of birth of victims in the next cycle of data collection by the ABS.

There is no ABS 2012 Personal Safety Survey data about people's experiences of childhood abuse between the age of 15 and 17 years.

There is limited data about offenders and perpetrators due to discrepancies in definitions and the coding of data across jurisdictions, which may improve with the adoption of the ABS National Data Collection and Reporting Framework.

## RECOMMENDATION 11

The Australian Bureau of Statistics Personal Safety Survey should extend its collection of information from men and women aged 18 years and over about their experiences of abuse from the ages of 0-15 years to the ages of 0-17 years.

## RECOMMENDATION 12

The Australian Bureau of Statistics prioritise working with state and territory jurisdictions to achieve national consistency in the coding of offender relationships to child victims.

# Key findings and recommendations

There is a clear need for early intervention, especially in the period from conception to early childhood, to prevent domestic violence and provide better support and education for new and would be parents.

Pregnancy is widely recognised as a high risk time for family violence. Despite this, no jurisdiction currently collects information on family violence as part of its Perinatal Data Collection. Some jurisdictions routinely screen women for family and domestic violence, while others screen on a case by case basis. The need for early intervention was also reinforced by the data provided by the ABS and Kids Helpline, which showed that younger children were predominately the victims of violence.

Aboriginal and Torres Strait Islander children are overrepresented in the context of family and domestic violence, including as victims of physical and sexual assault.

The need for a spectrum of primary, secondary and tertiary interventions to overcome disadvantages faced by Aboriginal and Torres Strait Islander children and families was raised throughout the investigation.

The Third Action Plan of the National Framework for Protecting Australia's Children includes a cross-cutting strategy to address the needs of Aboriginal and Torres Strait Islander children and families dealing with complex issues, including family and domestic violence, focusing on early intervention.

The Indigenous Health Equity Unit at the University of Melbourne has established a Scientific Committee to progress a research agenda on the impact of a First 1000 Days approach to family and domestic violence interventions to support Aboriginal and Torres Strait Islander children and families. The results of this work will provide a strong basis from which to guide intervention in the early years.

## RECOMMENDATION 13

Options for data collection on screening for family and domestic violence during pregnancy through the National Perinatal Data Collection are progressed by the Australian Institute of Health and Welfare.

## RECOMMENDATION 14

The Australian Government Department of Social Services support the work of Professor Arabena and the Indigenous Health Equity Unit at the University of Melbourne to progress the early intervention research agenda under the First 1000 Days initiative.

Sibling violence, and family and domestic violence experienced by female children aged 15 to 17 years emerged as particular areas where targeted research is needed.

Siblings account for a sizeable proportion of physical assault and sexual assault offenders in those jurisdictions with available data. For example, in NSW in 2010-13, 13.41% of Indigenous child victims and 11.65% of non-Indigenous child victims of physical assault reported the offender was their sibling. For sexual assault, these proportions were 6.47% of Indigenous child victims and 5.84% of non-Indigenous child victims.

The extent and impact of sibling violence is an area requiring further research.

# Key findings and recommendations

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Female children aged 15 -17 accounted for a significant proportion of child victims who reported the offender was their partner. For example, in NSW in 2010-13, 84.07% of Indigenous and 87.15% of non-Indigenous female child victims of physical assault aged 15-17 reported the offender was their partner. For sexual assault, these proportions were 45.34% of Indigenous and 49.68% of non-Indigenous female child victims aged 15-17.

Research into educational programs targeted at children and young people to prevent violence is required to better meet the needs of and understand the situation of female teenagers experiencing violence.

## RECOMMENDATION 15

The next ANROWS (Australia's National Research Organisation for Women's Safety) Research Program should include research into sibling violence.

## RECOMMENDATION 16

The next ANROWS (Australia's National Research Organisation for Women's Safety) Research Program should include research into female children aged 15 to 17 years affected by family and domestic violence.

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Clearly much remains to be done to make sure that children aged 0 to 17 years can live free from family and domestic violence.

While the evidence-base about the harmful effects of family and domestic violence on children's wellbeing is growing, much less is known about the variability in impact and the effectiveness of interventions.

The definitional and data issues are complex. As a nation, however, we must be able to consistently identify those children affected by family and domestic violence. Where children are identified, more information must be recorded and collected.

Comprehensive data about children is required to improve our understanding about the prevalence and impact of family and domestic violence on children at the national level. As a first step, the ABS National Data Collection and Reporting Framework should be used by all jurisdictions.



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