



Ending violence against criminalised and incarcerated victim survivors and their children

Submission to the Consultation on the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)

14 August 2026



Acknowledgement

Flat Out acknowledges the people of the Kulin Nation, the traditional owners of the unceded land on which we live and work and pays respect to the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations to unravel the injustices imposed on First Nations people since colonisation.

This submission includes the names of Aboriginal people who have passed, with the permission of their families.

We acknowledge the courage and expertise of the women, trans and gender diverse people with lived experience of criminalisation and incarceration who have shaped and contributed to this submission and extend our solidarity to their struggle, for themselves and their children, to live free from violence, including state violence.



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Introduction

This submission draws on Flat Out's 38 years of practice and lived experience supporting criminalised and incarcerated victim survivors at the intersections of the prison, family violence, child protection and criminal legal systems.

Besides the first chapter on housing (in our long experience, the most critical measure needed to stop violence) the submission has a focus on the findings and recommendations of three reports released in the last 12 months, *Harm in the Name of Safety* (with RMIT University), *End Strip Searching in Australian Prisons* (with the Human Rights Law Centre and FIGJAM) and *Stigma, Discrimination and the Weaponisation of Survival* (FIGJAM with Melbourne University, Law and Advocacy Centre for Women and Elizabeth Morgan House).

There is clear and mounting evidence that special measures are required to end violence against this cohort of victim survivors and their children. This is a cohort alongside other marginalised communities for whom contact with police and the criminal legal system can lead quickly to re-criminalisation and incarceration. But police, courts and prisons are embedded in mainstream family violence (FV) responses at every level which makes them mostly unsafe and therefore inaccessible to the survivors we support.

In 2020 Australia's National Research Organisation for Women's Safety (ANROWS) released a Research Synthesis on *Women's Imprisonment and Domestic, Family, and Sexual Violence* which found, among other things, that women released from prison are 16 times more likely to die from violence than women of the same age in the general population.

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ANROWS recommended that:

- Services and legal responses must be developed to respond to the specific needs of this cohort and create clear pathways to support.
- Coordinated, wraparound services are necessary for women released from prison who are experiencing DFV and/or sexual violence.

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- Services for women released from prison who are experiencing DFV and/or sexual violence ***need to operate in ways that do not reinscribe criminality.***
- Women with lived experience of imprisonment and criminalisation should be included in service program governance, design and delivery.

Flat Out has been doing this work without any family violence service delivery funding for almost four decades. In 2026 we were finally granted two years federal Women's Safety Package funding sufficient to employ two specialist family violence workers for two years. We are hopeful that this is the beginning of establishing the measures that will be needed to end entrenched and intergenerational violence against criminalised and incarcerated victim survivors and their children.



About Flat Out

Vision

Community, care and connection instead of police, prisons and punishment.

Purpose

To support and advocate alongside women, trans and gender diverse people to get out and stay out of prison and live free from violence, including state violence.

Priorities

- *Service Delivery*
Flat Out delivers support and advocacy to support women, trans and gender diverse people to get out and stay out of prison and live free from violence, with services grounded in care, connection, and cultural safety.
- *Systemic Advocacy & Activism*
Flat Out leads and supports systemic change through public advocacy and activism that challenges processes of criminalisation and state violence, amplifying the voices of lived experience and resisting carceral expansion.
- *Organisational sustainability & Lived Experience*
Flat Out invests in its long-term sustainability by strengthening internal systems, securing independent funding, and building pathways for people with lived experience into leadership roles. Flat Out centres the expertise and leadership of women, trans and gender diverse people with lived experience of criminalisation and incarceration.
- *Partnerships & Community*
Flat Out builds strong, values-aligned partnerships to advance shared goals, expand decarceration practices, and grow a state-wide abolitionist movement

Flat Out was founded in 1988. Our frontline outreach programs specialise in securing and coordinating support including in housing, family violence, child protection, material aid, alcohol and other drugs, mental health, and disability. We partner with specialist community legal centres to provide integrated legal and social work support in criminal, family violence, family law and child protection.



Flat Out receives Victorian Government funding via the Department of Families, Fairness and Housing (DFFH) and the Department of Health (DH), and from non-government sources and donors.

Flat Out programs, projects and supported communities include:

Pre- and Post-release Outreach Support and Advocacy Program

Statewide outreach support and advocacy for women, trans and gender diverse people to get out and stay out of prison.

Beyond Survival: Family Violence & Policing Project

Response to police accountability issues, duty failures and harms related to family violence policing, and intervention into and prevention of criminalisation of victim-survivors.

Family Violence Justice Project

Building the capacity of the family violence sector to support criminalised, incarcerated and formerly incarcerated survivors. Research, policy and law reform and best practice models to bring urgent attention to the relationship between family violence and criminalisation. The project works in partnership with FIGJAM, 'Formerly Incarcerated Girls Justice Advocates Melbourne' a collective of survivors of family, interpersonal and state violence with lived experience of criminalisation and incarceration.

Beyond Bricks and Bars Trans Decarceration Project

Peer-led support and advocacy to trans and gender diverse people in prison, at risk of criminalisation and incarceration and those returning to their communities from prison.

Formerly Incarcerated Girls Justice Advocates Melbourne (FIGJAM Collective)

An independent collective of formerly incarcerated women, trans and gender diverse survivors of family and sexual violence initiated and supported by Flat Out. FIGJAM are building a community of lived experience advocates providing connection, support and stability to its members. FIGJAM use their voices and experiences to change community attitudes to formerly incarcerated survivors and push through barriers of stigma and discrimination.



Post-release Housing for Safer Transitions

Evidence

Criminalised women, trans and gender diverse people are spending more time in prison due to homelessness and lack of safe and affordable housing.

Whilst housing affordability is a problem that affects a wide section of the Australian population, several avoidable systemic factors exacerbate its effects for criminalised victim-survivors of gender-based violence.

The links between domestic, family and sexual violence, homelessness and criminalisation are now well established (ANROWS, 2020; Bartels et al., 2020). As ANROWS (2020) have highlighted, the provision of safe, stable and affordable housing is fundamental to addressing both family violence and criminalisation/imprisonment. Yet, whilst approximately 0.5% of the Australian population are homeless (AIHW, 2023), national data reveals that up to one third of women, trans and gender-diverse people entering prisons each year report experiencing homelessness or housing insecurity (AIHW, 2023; DJCS, 2019) and approximately 50% of them are discharged into short-term or emergency accommodation (AIHW, 2023).

Safe, stable and affordable housing is fundamental to addressing both family violence and criminalisation

The transition from prison back into the community is a crucial time in which people require support to establish a safe and secure place to live, from which other important health, safety and income security needs can be met. Yet the reality is that this transition period is marked by significant barriers and systemic failures that set people up to fail (Schwartz et al., 2020; Victorian Ombudsman, 2015). In particular, a lack of cross-sector coordination creates barriers to continuity of care and timely housing support for people transitioning out of custody (Duff et al., 2022). The consequences for women, trans and gender diverse victim-survivors are significant, including their ability to keep custody of their children, heal from



trauma, and remain safe from further gender-based violence (Law and Advocacy Centre for Women et al. 2025; Russell et al., 2022; Walker et al., 2019).

In Victoria, a succession of inquiries and inquests have identified clear systemic failures in the provision of housing for criminalised and imprisoned communities. The Victorian Parliamentary Inquiry into Victoria's Criminal Justice System (Parliament of Victoria, 2022) highlighted the importance of safe, secure and long-term accommodation for improving post-release outcomes (Finding 68); whilst the Victorian Parliamentary Inquiry into homelessness (Parliament of Victoria, 2021) highlighted the need to improve transitional housing support for people leaving custody (Recommendation 22), increase access to supported accommodation for people seeking bail (Recommendation 23), and to prevent people who are institutionalised from becoming homeless (Recommendation 24). Finally, the Victorian Parliamentary Inquiry into Children Affected by Parental Incarceration (Parliament of Victoria, 2022) found that the intersections between criminalisation/imprisonment and homelessness is also an intergenerational issue.

The recent Yoorook Justice Commission also heard evidence – including from Corrections Victoria – that securing safe housing for people leaving prison was a significant challenge, directly impacting a person's eligibility for bail or parole and disproportionately affecting First Nations people; particularly First Nations women (Yoorook Justice Commission, 2023).

Safe housing for people leaving prison directly impacts a person's eligibility for bail or parole, keeping people in prison longer and disproportionately affecting First Nations people; particularly First Nations women.

Yoorook Justice Commission, 2023

The real human cost of these systemic problems has been born out in recent coronial inquests into the deaths in custody of two First Nations women in Victoria. Together, the findings of these inquests demonstrate how homelessness and housing instability feature in institutional decisions at the front and back ends of people's periods of incarceration.

For example, in response to the death of Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman Veronica Nelson, the coroner described 2018 amendments to Victoria's *Bail Act* as a 'complete and unmitigated disaster' (McGregor, 2023, p132). The coroner found these amendments (which have since been repealed and then recently reinstated) increase the likelihood of remand for people experiencing social disadvantage including homelessness; are discriminatory towards First Nations people and disproportionately affect First Nations women (McGregor, 2023, see p134; Finding 14).

Similarly, the death of Yamatji, Noongar, Wongi and Pitjantjatjara woman Ms. Heather Calgaret occurred after she was denied parole due to a lack of suitable accommodation options and timely access to treatment programs (Gebert, 2025). Among a raft of systemic



failures and discrimination? in Ms Calgaret's care, the inquest heard evidence that the parole application process is often not completed in a timely manner, that the women's prison population has significantly less post-release accommodation options than the men's prison population, and that a lack of suitable accommodation was the most common reason for refusal of parole in Victoria (Gebert, 2025, see p124-160).

Flat Out's practice insights

In recent years we have seen the challenges of securing safe accommodation substantially increase, with particularly detrimental outcomes for victim-survivors of both state and interpersonal violence.

Flat Out has extensive experience supporting criminalised victim-survivors to access safe and affordable housing upon release from prison – including those exiting prison on bail, parole or straight release.

Recent changes to bail laws in Victoria have introduced a presumption against bail, leading to a dramatic increase in remand rates. In line with the findings outlined in the evidence base, we frequently witness how women, trans and gender diverse people experiencing housing precarity are denied bail on the basis that their 'unsuitable accommodation' poses a risk to the community.

For those who are sentenced and exiting prison on parole or straight release, the housing and criminal legal systems are siloed and operate with limited cross-sectoral coordination or communication. At times, policies and procedures within these two systems even conflict with each other and compromise service provision.

Specific examples include:

- *Denial of bail due to 'unsuitable accommodation'*: Denial of bail due to 'unsuitable accommodation' such as that introduced in Victoria, effectively criminalises homelessness and housing exclusion. These provisions disproportionately remand women, trans and gender diverse people and First Nations people.
- *No dedicated housing policies* for women, trans and gender diverse people leaving custody, despite their specific experiences of gender-based violence, transphobia, criminalisation and poverty.
- *Denial of parole due to 'lack of suitable accommodation'*: The most common reason for a refusal of parole is a lack of suitable accommodation, with the Adult Parole



Board of Victoria reporting that this contributed to approximately 70% of parole denials in 2024-2025 (APB, 2025).

- *Parole–Housing “Catch-22s”:* Parole authorities often require proof of stable housing before approving release, while housing systems require a confirmed release date before an offer of housing can be made.
- *Income proof barriers:* Centrelink requires a person to be released from prison before they can access income support, while offers for public or social housing may be contingent on proof of income. This often requires a person to be released into homelessness before they can secure income support, and subsequently a housing offer.
- *Incompatible accommodation standards:* Parole authorities will not approve release to many forms of short-term or emergency accommodation such as hotels, rooming houses, caravan parks or emergency shelters; yet people leaving prison are frequently told by housing agencies that they must move through these options before being considered for long-term housing.
- *Structural discrimination and stigma:* Criminalisation, racism, gender-based violence and transphobia shape who is believed, who is prioritised for housing, and how people are treated when they seek support. First Nations women, trans and gender diverse people disproportionately experience both homelessness and criminalisation and are thus more likely to be denied bail due to ‘unsuitable accommodation.’
- *Lack of safe, suitable and affordable housing for victim-survivors of gender-based violence:* there remains a lack of adequate housing stock to meet demand; which in turn impacts workforce capacity and capability to engage in trauma-informed practice.

For victim-survivors of gender-based and family violence, these system failures can have life-threatening consequences.

In the context of these more punitive justice policies, women, trans and gender diverse people are thus more likely to be held on remand for offences that would not usually attract a prison sentence, kept in prison for longer than legally necessary, or released into homelessness.



It is also important to consider how these systemic barriers and discriminatory practices are occurring within a broader housing affordability crisis. Problems such as the diminishing availability and expense of rental accommodation have a more egregious impact on criminalised victim-survivors, who are frequently referred to emergency or transitional accommodation but are unable to secure ongoing, secure housing (Flanagan et al., 2019; Martin et al., 2021). In turn, this prevents or impedes their ability to care for and retain custody of children; to apply for income support through Centrelink; to meet eligibility requirements for the NDIS; or even to open a bank account – all of which require a valid address. For victim-survivors of gender-based and family violence, these system failures can have life-threatening consequences.

Finally, in Flat Out's experience, one of the key drivers of these systemic policy failures is the lack of accurate and appropriate data that capture the nature of housing precarity for incarcerated women, trans and gender diverse people. For example, despite a third of women, trans and gender diverse people entering prison reporting homelessness or housing insecurity (AIHW, 2023; DJCS, 2019), people in prison are not considered homeless because they are in prison.

Women, trans and gender diverse people are being released into homelessness before they can even be counted as having housing needs.

Recommendations - Housing

Priority Area 5 - Better system integration and workforce capability

In relation to Priority Area 5 of the Second Action Plan, there are a range of opportunities for better system integration and workforce capability that can improve housing outcomes for victim-survivors of violence exiting prison. These include:

1. More evidence and understanding of the specific systemic barriers and integration failures that prevent women, trans and gender diverse people from accessing safe housing when leaving prison;
2. Dedicated housing policies for women, trans and gender diverse people leaving prison that account for their specific needs and the impact of criminalisation on their access to housing and other supports;
3. Improved coordination between corrections, housing agencies and Centrelink to ensure that policies and procedures facilitating access to housing do not directly conflict with each other, and/or prevent timely release of victim-survivors into safe, accessible and affordable housing;



4. Greater transparency around how housing agencies make determinations in relation to criminalised victim-survivors' applications for housing, as well as transparency around how housing is allocated;
5. Improved workforce capability in housing agencies to deliver culturally safe, trauma-informed services for criminalised victim-survivors, including better understanding of prison/parole processes and how these impact on people's ability to access safe housing.

Safer Transitions Project

Flat Out and the University of Melbourne's collaborative research project, *Safer Transitions*, seeks to improve housing outcomes for women, trans and gender diverse people leaving prison by specifically addressing the system integration and workforce capability issues identified above.

The project focuses on the systemic failures across housing, corrections and income support systems that directly prolong incarceration and drive homelessness for women, trans and gender-diverse people in Victoria. Specifically, it aims to:

- Identify the specific policies, procedures and everyday practices across housing, corrections and income support systems that create housing barriers for women, trans and gender diverse people leaving prison in Victoria;
- Collaborate with women, trans and gender diverse people, frontline staff and policymakers to design practical policy and practice changes;
- Strengthen cross-sector collaboration between housing, community and corrections services; and
- Build stronger capacity within the housing service sector to increase access to safe, affordable and appropriate housing for women, trans and gender diverse people leaving prison, including those on parole, bail and straight release.

Safer Transitions combines lived expertise with detailed policy analysis and engagement to identify concrete, cross-system reforms. The project positions criminalised women, trans and gender-diverse people as co-designers of solutions, ensuring reforms reflect their realities by translating their insights into practical tools and advocacy strategies.

The project also aims to directly influence policy and practice by engaging with frontline staff and policymakers through a range of forums – including focus groups, an organisational survey, a policy roundtable, and targeted capacity-building workshops for the housing sector.

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Our anticipated outcomes include more responsive and inclusive housing support policies that address the specific needs of women, trans and gender diverse people leaving prison; less discriminatory practices amongst frontline staff supporting people exiting prison with housing needs; and more women, trans and gender diverse people obtaining safe and affordable housing upon their release from prison.

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Survivor-led and community-based family violence responses

Harm in the Name of Safety

This section of the submission is drawn from the *Harm in the Name of Safety* Report (**Appendix 1**), a collaboration between Flat Out's Beyond Survival Project and RMIT University (co-author Dr Peta Mailins). The report details the findings of the 'Policing and Family Violence' survey, which gathered practice-based observations of Victoria Police responses to family violence direct from frontline workers.

This survey was undertaken during 2020-21 to gather evidence related to how family violence is policed in Victoria. The findings are the first evidence base of this kind, drawn directly from frontline practice, and the number of respondents is the largest sample of practitioner feedback about family violence policing gathered to date. The survey explored the experiences and observations workers have of police responses to family violence, including how these responses supported or impacted survivors; what actions they took when police responses were harmful; whether they observed key policing issues or trends; what gaps and barriers they identified to effectively support people harmed by police; and if they had any recommendations for change.

225 frontline family violence workers, including specialist family violence workers, community lawyers and other community and support workers from a wide range of agencies across Victoria completed our survey, giving comprehensive responses and permission to publish their practice-based evidence.

The need for practice-based data

Victoria Police has been made central to the family violence service system in Victoria in recent decades, however public reporting about issues and harms related to family violence policing - including significant issues like police 'misidentification' of the predominant aggressor and police-perpetrated family violence - remains very limited, with significant hurdles to obtaining data directly from Victoria Police. Much of the information that has been made public about policing harms results from lengthy Freedom of Information request processes undertaken directly by survivors, journalists or community organisations.



This means that despite the central role of Victoria Police in the context of family violence, the community has limited access to data concerning harms enacted by police in the context of family violence, and the scale and prevalence of these harms.

Survivors and family violence support workers have significant lived and work experience that provides valuable anecdotal and practice-based evidence of issues and harms, as well as gaps in pathways and support services.

In turn, while thematic harms are clearly identified by even a small project like Beyond Survival, and mirrored in many discussions with other family violence service, The consolidation of a sector-wide evidence base outlining the nature and scale of police harms has been hindered by capacity challenges in the high-pressure context of family violence response work. There are also important privacy and confidentiality considerations that make data-sharing across services difficult. Given the special expertise of family violence practitioners, community lawyers and other frontline workers, the number of people they assist and the complexity of this work, they are an important yet often overlooked part of the evidence-base for evaluating the efficacy of family violence responses (Breckenridge & Hamer 2014).

To our knowledge, this survey of family violence workers on the issue of police responses to family violence is the largest of its kind undertaken in Australia.

However, most qualitative studies of family violence policing, including Ombudsman reports, either focus exclusively on police or victim-survivor perspectives, or draw on the perspectives of a comparatively small number of workers (generally fewer than 40).

The evidence from practitioners gathered in Harm in the Name of Safety research mirrored the trends in policing harms observed in the legal and support work provided by Beyond Survival. We note that this research heard exclusively from workers around Victoria, but it can be expected that many of the issues and harms detailed here will be replicated in other States and Territories. This practice-based data is essential to gathering an accurate picture of the impacts, issues and policing harms enacted in the context of family violence responses.



Trends in issues and harms in family violence policing

The vast majority of the 225 survey participants identified a wide range of issues and concerns with police responses to family violence in Victoria, and with the harmful impacts of family violence policing generally. Their detailed responses offer damning testimony about the nature of harmful and ineffective police responses to family violence, and the limited pathways for people impacted by this policing to seek satisfactory recourse.

The key intersecting trends in police harms identified by practitioners include:

1. police minimising or downplaying the violence and harm done to victim-survivors and increasing the risks of further harm
2. police extending the violence through collusion with people using violence, enabling of systems abuse, and the criminalisation and punishment of victim-survivors
3. police targeting and discriminating against Aboriginal and Torres Strait Islander people, migrant and other racialised communities, LGBTIQ+ communities, disabled people, sex workers, drug users and those who have been previously criminalised
4. police 'misidentifying', or wrongfully identifying, victim-survivors as perpetrators
5. police perpetrating family violence and institutionally protecting officers who abuse
6. police resisting feedback, avoiding accountability, and preventing access to justice and remedies for victim-survivors who are harmed by police.

Many workers also shared their visions for reimagining frontline responses to family violence – which ranged from suggestions for mitigating the harms of policing or improving police responses, through to decentring police from family violence responses, and extending the suite of options available to people experiencing family violence to include community-based and non-police alternatives.

The findings show that in many cases, rather than helping victim-survivors, police responses to family violence significantly disempower or sideline survivors' own risk assessments and autonomy, replicating the very power and control dynamics that underpin family violence, and increasing risk, harm and trauma. Further, that ineffective, problematic and harmful police responses to family violence are not isolated events but are a regular feature of interactions police have with victim-survivors.

The findings build and expand upon existing research literature that documents extensive problems in family violence policing, in policing practices and police institutional cultures



more broadly. When taken together, this research and the findings in this report show that there are deep, foundational, systemic and structural problems with police as an institution, including with police workplace culture and the ways that this culture manifests and is displayed in police responses to family violence. Of specific and foundational note are the cultural attributes of Victoria Police, documented in research literature into police cultures of misogyny and sexism, as well as homophobia and transphobia (VEOHRC) and described in practitioner evidence to the survey, that mirror the very drivers of family violence, including those detailed National Plan to End Violence Against Women and Children and ANROWS research. These are foundational problems, therefore, that cannot be remedied through limited reforms, such as better education or training, but instead demand a much more significant rethink of the existing and increasing reliance on police in responses to family violence, and that demonstrate a vital need for alternatives.

This report shows that victim-survivors urgently need alternative safety and support options outside of policing - pathways that do not replicate dynamics of control and domination but are instead survivor-led and community-led mechanisms that centre autonomy, safety and wellbeing.

Key Findings

1. Minimising violence and harm and increasing risk

Frontline family violence workers documented many examples of Victoria Police responses to family violence that downplay or minimise the violence and harm victim-survivors are experiencing and, in doing so, not only fail to offer effective support, but also increase the risks of further harm.

Many described extensive failures by Victoria Police to take family violence seriously, particularly men's family violence against women. This includes examples of police: taking too long to respond to incidents; not doing welfare checks when needed; losing evidence; taking insufficient interest in investigating cases; failing to or refusing to take statements; failing to impose intervention orders when needed; not following up on Intervention Order breaches; not communicating clearly with victim-survivors about matters directly affecting safety; using minimising or dismissive language; engaging in victim-blaming and shaming;



invalidating victim-survivor experiences; failing to do adequate risk assessments; failing to refer victim-survivors to support services; inadequately considering the needs of children and young people; and failing to take effective actions to keep victim-survivors safe.

Many also describe Victoria Police as displaying a widespread lack of understanding of family violence, particularly of the gendered drivers of violence, the nature of coercive control, the ways victim-survivors respond to and resist violence, and the increased risks faced when trying to seek help or leave.

Evidence given about police lack of understanding of, and failure to respond to family violence and coercive control includes police: dismissing or ignoring non-physical or coercive forms of violence; failing to take into account the histories and contexts of violence; and failing to recognise when DARVO (Deny, Attack and Reverse Victim and Offender) tactics are being mobilised by people who are using violence.

The detail and specificity of the examples quoted in the report point to core issues with family violence policing, where police responses display a lack of nuanced understanding of family violence and coercive control, and are ineffective and/or harmful. Practitioners detail how police minimisation of family violence significantly increases risks for victim-survivors, who not only face the psychological harm of having experiences of violence invalidated but are also left without material interventions and practical supports to improve safety.

It is also clear from worker responses that police family violence response failures are significant, prevalent and patterned. For example, more than two-thirds (69%, 156) of surveyed workers agreed they had witnessed “duty failures or substandard response from police”, and when given a range of examples of police duties under the code of practice and asked how often police responses had been appropriate or adequate, only one quarter to one third of participants selected ‘mostly’, with the vast majority of participants selecting ‘sometimes’, ‘rarely’ or ‘never’.

This data indicates widespread differences between policy and practice, along with foundational problems in family violence understanding and response that manifest in every-day practice failures and contribute to multiple harms. Given the level of risk facing those who are experiencing family violence, these failures are extremely dangerous and can be best described as what [REDACTED] calls potentially “lethal indifference” and inaction on the part of police (Carrick, 2012).



2. Collusion, enabling and systems abuse

Family violence workers in Victoria also detailed the ways in which police responses serve to actively extend the abuse and victimisation of people experiencing family violence.

Without prompting, nearly two thirds (65%, 143) of participants reported having witnessed police practices which in some way operate to extend the abuse of, or harm to, victim-survivors, including by: criminalising victim-survivors (32%, 71); colluding with or extending the tactics of the person using violence (including police processes weaponised as systems abuse) (12%, 28); or otherwise increasing victim-survivor experiences of harm or risk (48%, 109). This included examples, given without prompting, of police criminalising victim-survivors by deploying existing warrants or issuing new charges (3%, 6); wrongfully identifying victim-survivors as perpetrators of family violence (31%, 69); taking the side of the person using violence because they seemed more calm or more charming (8%, 19); and enabling police processes or responses to be weaponised by people using violence in the abuse of victim-survivors (3%, 7).

Worker narratives make clear that police collusion with people using violence, and the weaponisation of police powers against people experiencing violence, have significant violent and cascading impacts, including on victim-survivor movements, access to housing, and capacity to care for children effectively, including the ability to make effective custody claims. They demonstrate how police family violence responses are – in many cases - not merely ineffective, but can function to actively exacerbate and extend the violence and cause further harm to victim-survivors. This significantly problematises the central role police have been allocated in the family violence response system, and the increased integration of family violence services with police.

3. Targeted, biased and discriminatory policing

The frontline workers in this study detail widespread and routine police discrimination toward women and targeted and marginalised groups including Aboriginal and Torres Strait Islander people, People of Colour, LGBTIQ+ communities, young people, people from marginalised culturally and linguistically diverse communities; people with mental illness/es, neurodivergence and other disabilities; people using drugs; sex workers; and people who have been previously criminalised.



Many participants (22%, 49) proactively identified police discrimination toward targeted and marginalised communities as a key problem they have observed. When later prompted regarding specific forms of police discrimination or bias they may have encountered, nearly all participants (90%, 202) selected at least one form of discrimination, indicating that police targeting, discrimination and bias are regular and widespread occurrences in family violence policing.

The shocking examples of bias detailed in the report by participants indicate that police are engaging in sexist and misogynistic comments, attitudes and behaviours and using racist, sexist, ableist, homophobic, and ageist assumptions in deciding who they will respond to, take seriously and trust, and who they will ignore, arrest or criminalise.

Many workers detailed specific concerns relating to police not using interpreters where needed, describing the significant negative implications of this for victim-survivors. Others raised concerns about police biases against young people in family violence cases, where they take the side of parents/carers who are abusing young people and misidentify young people as perpetrators.

The distressing examples given throughout the report have clear negative implications for the well-being of already marginalised victim-survivors, for whom police responses frequently occasion further discrimination and the compounding of harm, rather than supportive interventions to reduce risk and build safety.

4. Misidentification: Wrongful identification of victim survivors as perpetrators

The patterned problem of police wrongfully identifying victim-survivors of family violence as perpetrators is an issue of significant concern to frontline family violence workers in Victoria, who detail widespread, regular and repeated cases of police incorrectly and inaccurately assessing the victim-survivor as the predominant aggressor in family violence cases.

Wrongful identification was the most common issue raised spontaneously by participants, with nearly one third (31%, 69) of participants mentioning



'misidentification' or wrongful identification as a key issue in family violence policing.

When later directly prompted, a massive 83% (186) of participants said they had encountered situations where the person experiencing family violence has been wrongly identified by police as the perpetrator, while just 15% (33) disagreed. And of the 83% who had encountered it, approximately two thirds (64%, 120; or 53% of all survey participants) said they had seen it happen five or more times over the last five years, and more than half of those (64; and 28% of all survey participants) said they had seen it happen more than ten times in the past five years.

These extraordinary statistics, alongside detailed worker narratives illustrating the prevalence of wrongful identification, the commonality of its patterns and biases, and the reluctance of police to change course, seriously undermine the proposition that 'misidentification' is in fact a police 'mistake'. The accounts given by workers suggest that wrongful identification by Victoria police is instead a product of deep cultural, structural, institutional biases against women – particularly Aboriginal women and migrant or CALD women – and other marginalised and targeted groups: the very people also most targeted by family violence.

Worker narratives provide a picture of a policing response that seems determined to rationalise men's violence, support people using violence who are men, and criminalise women, while being intransigently disinclined to fix incorrect assessments, no matter what the evidence before them suggests.

The examples given by workers demonstrate a pattern of misogyny and gender-bias in police responses to family violence, linked to a fundamental disregard of the gendered power dynamics that underpin family violence. They also show how many of the policing problems earlier documented in this study all play a role in wrongful identification, including: failure to take statements from women; failure to take separate statements from each person; failure to provide an interpreter; failure to investigate the histories and contexts of the violence; failure to take non-physical forms of violence seriously; and failure to take young people seriously as potential victims of family violence.

Concerningly, many participants in this study also gave accounts of police being reluctant to change course, or investigate further, after being notified of likely misidentification, even when presented with substantial evidence.



It is clear that addressing the problem of wrongful identification requires far more fundamental change than increased police education and training or other policing reforms.

The pervasiveness, persistence and intransigence of incorrect identification of the predominant aggressor [misidentification] detailed by workers in Victoria is particularly concerning, considering the many varied and often cascading and compounding negative consequences for people experiencing violence. This includes criminalisation, employment impacts, consequences for family law and other related matters, access to or removal of children, children being left or placed with inappropriate or dangerous people, and loss of housing, as well as trauma and significant mental health impacts, including suicidal ideation caused by the distress. It also impacts access to much-needed support services, and severely diminishes the capacity for victim-survivors to keep themselves safe.

The scale of wrongful identification by police documented by family violence workers, the specific cohorts of victim-survivors making up the majority of those being 'misidentified', and the reluctance of police to change course in the face of evidence, indicates that rather than a policing 'mistake', this practice is driven by, and in turn makes visible, systemic bias, discrimination and racial profiling by Victoria police. It is clear then that addressing the problem of wrongful identification requires far more fundamental change than increased police education and training or other policing reforms.

5. Police perpetrated family violence and institutional protection

The direct perpetration of family violence by police was also identified by many workers as a significant issue in police family violence responses in Victoria. When prompted, more than half (51%, 114) of the workers in this study said that they had encountered situations where the person using violence was a police officer, with more than three quarters of those participants (76%, 88; or 39% of all survey participants) having encountered it more than once, and almost one quarter of those (23%, 26; or 12% of all participants) having encountered it five or more times.

Victorian frontline workers note that the family violence used by police officers tends to be more coercive, manipulative, covert and nuanced because police perpetrators know the system and how to get away with violence effectively, and that there are increased risks for victim-survivors because police perpetrators can, and do, use their work role, including their



capacity to criminalise the people they target, as well as their access to surveillance equipment, databases and weapons, to threaten and enact additional violence.

Workers raised specific concerns about: police perpetrators enlisting other police to perpetrate or extend the violence; police collusion with and protection of officers who abuse; police disbelieving or discrediting victim-survivors of police-perpetrated family violence or treating survivors as liars; a lack of independent support options for victim-survivors when the perpetrator is a police officer or employee; and the fact that police perpetrators of family violence are still working in the police force, including in roles policing family violence.

Many participants (39%, 44 or 20% of all participants) reported cases where fear of this collusion was negatively affecting: victim-survivors' willingness to report abuse, pursue an FVIO or report FVIO breaches; the likelihood of victim-survivors being forced to travel long distances to report the abuse to a far-away station or to move far away and/or change identity to escape the violence; victim-survivor distrust of other agencies that work with, or cooperate closely with, police; and victim-survivor experiences of fear, hopelessness, isolation and exhaustion.

police perpetrators can, and do, use their work role, including their capacity to criminalise the people they target, as well as their access to surveillance equipment, databases and weapons, to threaten and enact additional violence

The extent and impact of the police-perpetrated family violence described by workers in this report directly challenges the notion of police representing safety in the context of family violence, and demands an urgent re-consideration of the powers, resources and social licence extended to police as family violence first responders and across their role in investigations and the Family Violence Intervention Order system.

6. Police resistance to feedback and avoidance of accountability

Many family violence workers in Victoria raised concerns about police feedback and accountability processes, and the difficulties workers face when seeking to address policing issues, improve practices or to hold police accountable.



Half of the survey participants (50%, 113) noted having attempted to take some action previously, and the overwhelming majority of those that had tried (80%, 90) expressed some sort of frustration with these efforts.

When asked specifically if workers have identified gaps in support for victim-survivors who experience issues with family violence policing, three quarters (75%, 168) of participants answered “yes”, with only 11% (24) selecting “no”.

Police feedback and accountability problems described by workers include: a lack of clarity around processes for raising concerns; the lack of appropriate processes; a lack of consistency in police responses; police responding defensively or putting up resistance to feedback; a lack of long-term changes or improvements; a lack of sector capacity to provide support with complaints; the large power imbalances between police and complainants (including between police and service providers); the added barriers to lodging a complaint faced by marginalised victim-survivors (including Aboriginal and Torres Strait Islander, CALD, LGBTIQ+, neurodivergent people, people with mental health issues, and disabled people more generally); the lack of victim-survivor awareness around rights and possible mechanisms for complaint; the added trauma faced by victim-survivors when police ignore complaints; clients being reluctant to make complaints due to exhaustion, trauma, fear of retaliation or lack of support in future; examples of police actually making things worse for clients after complaints were made; and the need to maintain good working relationships with police for the benefit of their clients.

Some workers noted that due to the power imbalance and a fear of police retaliation or poor support in the future, many clients do not consent to a complaint being made, while others said that they have given up all together on raising issues with police due to a sense that it is a waste of time, disempowering, time consuming inherently biased, futile, and/or too risky. Many also raised concerns about the lack of alternative police accountability mechanisms and the limited family violence support options outside of policing that are made available to people experiencing issues with family violence police responses in Victoria.

Reimagining family violence responses: A call for change

In addition to their clear identification of systemic problems associated with Victorian family violence policing, many family violence workers shared a range of practical ideas geared towards both prevention of, and better response to, the family violence policing issues they have encountered in their work. These ideas ranged from reforming and improving policing practices, to building and investing in alternatives outside of policing.



Suggestions for reforming and improving policing practices, including ideas for enhanced training, improved police processes, and overhauling police culture, were proposed by around half of the participants (54%, 122). Given that police reforms have so far been the dominant response of governments and policing agencies whenever policing practice issues are brought to light, it is not surprising so many workers highlight police reforms as part of the answer. However, the extent and scale of deeply entrenched problems documented in this report raise serious questions about the ability of such reforms to solve any of these problems.

It is for this reason that many workers (18%, 40) called instead for investments that enhance or build alternatives to policing in response to family violence. These suggestions include: decentring and divesting from police in family violence responses and investing in alternative services and approaches; establishing and/or adequately resourcing independent and community-controlled specialist safety and crisis support options that de-centre police; creating independent police complaints and accountability processes; training family violence workers on how to best raise complaints and advocate for clients; training lawyers and court staff on how to identify and manage common police errors and biases; and funding specialised legal representation to assist workers and clients in resolving problems or making complaints.

Many noted the inherently problematic power dynamics related to police involvement in family violence responses, the need to manage risk and safety plan outside and around police responses, and the work already taking place outside of policing to support those experiencing family violence.

Many articulated a need to radically rethink how family violence is responded to in Victoria, including by de-centring police and investing in community-based services and supports

Some also pointed to the need to move away from an event-specific, binary victim/perpetrator approach to family violence responses, to instead develop a wholistic 'all of family' approach to responding to violence, that addresses the safety, housing and other primary support needs of all who are involved, maximises survivor agency, and focuses on developing effective long term strategies that reduce risk and harm for everyone.

Many articulated a need to radically rethink how family violence is responded to in Victoria, including by de-centring police both as frontline responders and within broader family



violence support system responses, and investing in community-based services and supports grounded in principles of transformative justice, safety and accountability.

Conclusion: Reduce policing harms and strengthen alternative survivor-led, community-based family violence responses

The findings of this report show that rather than supporting victim-survivors and enhancing safety and autonomy, too often the policing of family violence significantly increases risk, harm and trauma. Ineffective, problematic and harmful police responses to family violence are not isolated events but are occurring in many interactions police have with victim-survivors. Overall, the vast majority of family violence workers in this study gave accounts of, or raised concerns about police responses in some way criminalising, harming or otherwise adding to the risk to and disempowerment of victim-survivors. The widespread harms enacted through the centring of policing in family violence responses, and the ways that these harms replicate the very power and control dynamics of abuse, form another layer of risk and violence that is being perpetrated against both survivors and workers. Worker accounts make plain that the policing of family violence often entails harm enacted in the name of 'safety', where the very power and control dynamics and dominator cultures that drive family violence are not challenged, but instead frequently replicated and extended, to the detriment of victim-survivors.

The evidence in the report therefore fundamentally challenges the notion that police can or should be considered a site of safety for people experiencing family violence and provides clear insight into the fundamental dissonance in positing policing as a solution or response to family violence. Our findings, particularly when read alongside the existing evidence and literature base, show that there are deep foundational, cultural and structural problems with police as an institution. These are not problems that can be remedied simply through better education or training, or increased service sector collaboration with police. A much more substantial move away from the centring of, and reliance upon, police in responding to family violence is required.

Worker accounts make plain that the policing of family violence often entails harm enacted in the name of 'safety', where the very power and control dynamics and dominator cultures that drive family violence are not challenged, but replicated and extended



The report notes practice examples of effective community-led interventions to violence that do not rely on police are already in operation. On this continent, where intersecting interpersonal and state-based gender violence continues to target Aboriginal and Torres Strait Islander People and Communities, there are numerous First Nations-led examples of non-carceral community-based response to family violence. Alternative pathways for reporting violence, which have already been found useful in supporting a sense of self-determination and autonomy for victim-survivors of sexual assault, could also play a role in family violence responses. Overseas models, including community first responder programs, also offer salient lessons in building community-based response to violence. These international examples of successful community-led first response systems that involve mobile teams skilled in de-escalation and crisis response, offer important practice approaches for consideration and application here in Victoria. These initiatives, whether operating outside of state funding models, or in jurisdictions that have more formally redirected resources from policing to community-based responses and/or invested in alternative first responder programs (The Marshall Project, 2024), provide vital practice examples of responses to violence that are not reliant on policing. They demonstrate that alternative, non-police first responder models, often called-for by impacted communities and grassroots activists, are indeed very possible.

Understanding how different community-based first responder models and other interventions respond to intimate partner or family violence, including their principles, practice approaches and potential applications, must form part of the crucial re-imagining of responses to violence here in Victoria. This will help guide the important and much-needed work of building community-led pathways that address and constrain the harms of policing, while developing alternative options to better support people experiencing violence. As the National Justice Project's (2025) recent position paper on alternative first responders suggests, implementing and supporting such initiatives here will be a vital mechanism for intervening into violence and crisis, and supporting people towards safety without police intervention.



Recommendations – Family Violence Alternative Responders

1. Build alternative family violence first responder initiatives, including allocating funding for research and establishing a Family Violence Alternative Responders pilot program.
2. Invest in community-based family violence responses, including strengthening existing community-led services, funding new community-led services, and investing in affordable housing.
3. Build and strengthen community-based and non-carceral violence prevention, early intervention and accountability initiatives, including community-based violence prevention and education programs, early intervention programs, non-carceral accountability pathways, behaviour change programs, peer-led support groups and culturally specific healing and support programs.
4. Take immediate action to restrain and address the harms of police-perpetrated family violence, including removing all firearms and other weapons from officers reported for family violence, preventing family violence response roles, preventing information about the victim-survivor or family members being shared, implementing independent family violence risk assessment, implementing rigorous background checks, suspending paid administrative leave, and establishing an independent system to track police-perpetrated family violence.
5. Abolish self-investigative police complaints processes.
6. Mandate public reporting of data on family violence policing harms, including data on police-perpetrated family violence, data on wrongful identification ('misidentification'), data on complaints about family violence policing and their outcomes, and data on Victoria Police costs related to defending and/or settling legal claims related to family violence policing harms.
7. Adequately resource services addressing police harms.
8. Establish a community-led truth-telling inquiry.



Ending Strip Searching in Australian Prisons

What is a strip search?

Strip searching must be understood as sexual violence and a form of state-perpetrated sexual assault. The *Ending Strip Searching in Australian Prisons* report documents lived-experience accounts describing strip searches as akin to rape, sexual abuse and the re-enactment of previous violence. It identifies that people in prison are frequently victim-survivors of sexual violence, family violence and childhood abuse, meaning strip searching can re-traumatise and re-victimise people who have already experienced sexual and gender-based violence.

Reducing and ultimately ending strip searching is therefore critical to protecting survivors from further violence. The practice removes bodily autonomy, dignity and control, while placing people in an extreme power imbalance with state authorities. The report identifies strip searching as an act of sexual violence under threat of consequence, and warns that its routine use legitimises the control and humiliation that underpin gender-based violence.

Importantly, this violence is not necessary for safety. Strip searches are routinely conducted but rarely uncover dangerous items, while less invasive alternatives already exist and have reduced strip searching in some prisons.

Protecting survivors means stopping the state from reproducing the very violence we are asking survivors to recover from.

To illustrate what a strip search may involve, the September 2025 policy governing strip searches in adult prisons in Queensland provides for strip searches to be performed by at least two prison guards. During the strip search, the guards can require the partially naked person to hold their arms in the air, spread their legs and bend forward. The guards can also require the person to run their fingers through their hair; to submit to inspection of their mouth and ears; and to raise each foot and wiggle their toes. If the person subjected to the strip search is menstruating or breastfeeding, they are required to remove and dispose of their sanitary pad or breast pads, provided that new pads are available at the location where the search takes place.



Like many women in prison, I'm a survivor of child sexual abuse. Being strip searched by guards is an abuse of power that is deeply harmful and retraumatising. From my first reception into custody—being strip searched, then forced to shower while being watched by guards—I was sent into

a spiral about what other harms I'd face in prison. Previously, while being transferred between police stations, I was in secure custody the whole time, yet strip searched multiple times in one night. Strip searching isn't something you ever get used to; it takes you back to all these past abuses. Yet the prison system treats you as an offender, not as a victim of what it puts you through, and offers no support. [REDACTED], FIGJAM

It's not just undressing; it's bending over and squatting — it's humiliating. [REDACTED], FIGJAM

They're sexually abusing us by strip searching us – making us do all sorts of poses. It's really degrading and humiliating. [REDACTED], FIGJAM

In certain circumstances, if a person refuses to be subjected to a strip search, prison guards can secure approval to use force on them., or place them in solitary confinement and take away other 'privileges'.

Despite the degrading nature of strip searching, in many jurisdictions the practice is authorised by law in a wide range of circumstances, including for the “security or good order of the prison or prisoners”.

Even though prison guards often have state-sanctioned authority to make people in prison perform humiliating and degrading actions like bending, spreading and wiggling while partially naked, people in prison are at risk of being subjected to other, humiliating practices during strip searches which exceed even this broad authority. For example, in 2023, the Queensland Human Rights Commission documented evidence of women in prison being stripped entirely naked, asked to squat and “walk like a crab”; “lift [their] fat up”; “put [their] legs up and cough”; “spread [their] cheeks”; and “jump around in a circle”.



Less invasive alternatives to strip searching

Nobody can give an answer as to why strip searching needs to be done. In this day and age, there are less invasive scanners that do the job. There isn't any empathy for what it feels like when you're strip searched. If there was, everyone would know and accept that there is no reason to put anyone through a strip search.

— [REDACTED], FIGJAM

Where absolutely necessary and as a last resort, there are less intrusive alternatives to strip searching, like scanners similar to those used at airports and public buildings across the country.

As required by international human rights law, and as recommended by a multitude of bodies including the Western Australian Office of the Inspector of Custodial Services,¹²⁰ the NSW Inspector of Custodial Services and the Royal Commission into Institutional Responses to Child Sexual Abuse, alternatives to strip searching must be introduced. At this point, it is difficult to understand why some prisons still lack scanning technologies. Prisons that have scaled back the use of strip searches have not seen a corresponding rise in the entry of contraband.

A number of scanners are already available in prisons across the country and have reduced unnecessary prison strip searches. The Australian Law Reform Commission recently noted that this should inform the expanded use of body scanners across all jurisdictions.

In South Australia, following the installation of body scanning technology at the Kurlana Tapa youth prison in August 2020, the South Australian Department of Human Services reported in response to information requests by the Human Rights Law Centre that no strip searches were recorded in the seven-month periods between October 2020 to April 2021 and October 2021 to April 2022 at Kurlana Tapa. This is in contrast



to 676 recorded strip searches conducted on children at Kurlana Tapa in the six-month period between June 2018 and November 2018, prior to the installation of the scanners.

Similarly, since the introduction of two scanners at the ACT's adult prison in 2023, it has been reported that the number of strip searches has reduced from over 4,000 in 2020–21 to 580 in 2024.

Scanning technology and other less invasive searches are also unnecessary where there are other control measures in prisons. For example, the QHRC Review found that **saliva swab testing is an effective and less invasive alternative to urine drugs testing**, which is preceded by mandatory strip searches and thus drives high strip search rates in Queensland women's prisons. Since saliva swab testing eliminates the risk of sample tampering, less invasive alternatives like body scanners or other searches become unnecessary.

Methodology

The End Strip Searching report is based on:

- Contributions from formerly incarcerated people and members of the FIGJAM collective of formerly incarcerated women, trans and gender diverse people. Where people opted not to remain anonymous, their contributions are attributed.
- A literature review, focusing on the use of strip searching in prisons in Australia.
- Information obtained via a series of freedom of information requests made by the Human Rights Law Centre to the agencies responsible for the operation of adult and youth prisons in each Australian state and territory (see Supplementary Paper).

The Human Rights Law Centre made requests for information in two phases. The first, building on the 2017 Total Control report, sought:

- updated data on strip searches in women's prisons in Victoria and data on strip searches in women's prisons in other Australian jurisdictions; and
- data on strip searches in youth prisons in Australian jurisdictions.



The data obtained in this first phase generally indicated that people in prison were subjected to excessive strip searching, mostly as a matter of routine or blanket practice, rather than based on any reasonable suspicion that a person was concealing contraband. Only a fraction of strip searches identified dangerous contraband.

As the initial data covered varying time periods and focused only on women's and youth prisons, the Human Rights Law Centre conducted a second phase of requests to obtain information on strip searches across prisons in all Australian jurisdictions over a consistent time frame.

In the second phase, for the seven-month period between 1 October 2021 and 30 April 2022, the following information was sought for youth, women's and men's prisons in all Australian jurisdictions:

- the number of strip searches conducted;
- the reasons for the searches;
- the number of items of contraband found as a result of the searches;
- the nature of those items;
- the gender of the people subjected to the searches and whether they were Aboriginal and/or Torres Strait Islander;
- whether the people subjected to the searches were children or adults; and
- the prison where each search took place.

The data obtained in this second phase tended to confirm that people in prison continue to be subjected to excessive rates of 'routine' strip searching, with only a fraction of strip searches identifying dangerous contraband.

During both phases, the Human Rights Law Centre experienced significant challenges in obtaining this information. In some jurisdictions, they were unable to obtain any of the information sought. In other jurisdictions, they had to negotiate and narrow the scope of requests after facing significant resistance from agencies on the basis that collating the relevant records would amount to an 'unreasonable diversion of resources.'

Further limitations of the data obtained – including the risk of poor, incomplete or false recording of strip searches by prison guards – are detailed in the Supplementary Paper.

I am an older woman and a lot of the women I connected with in prison were older women. Most of the women were survivors of family violence



and sexual assaults, whether as children or as adults. Strip searching is deeply traumatic and triggering, and it sets people back to go into prison and be strip searched repeatedly.

Strip searching is especially invasive for older women and for people from cultures where norms of bodily privacy and modesty are strongly held – exposing your body feels shameful. It makes you feel so inhuman, and the screws don't look at you as a person or empathise with the impact strip searches have on you, particularly the first time you go through it and you've not experienced anything like it before.

[REDACTED], FIGJAM

Key Findings

1. There is no evidence of any relationship between strip searching and contraband detection.

Data covering varying periods in 2021–2022 shows that, in some cases, zero items are identified despite hundreds of strip searches. For example, in Victoria in the month of April 2022, 221 recorded strip searches were conducted on women at the Dame Phyllis Frost Centre with zero items found. Similarly, in Tasmania over three months during 2022, women in prison were subjected to at least 817 strip searches with no items recorded as being found.

2. People in prison experience strip searches as acts of sexual assault and coercive control.

For decades, lived experience advocates have asserted that strip searches are state-perpetrated sexual violence. The testimonies of formerly incarcerated women, trans and gender diverse people as set out in this report confirm how deeply traumatising strip searches are, particularly for the many people locked away in prison who are victim survivors of sexual violence, family violence and child abuse.



3. The ends do not justify the means: strip searches are conducted routinely but rarely uncover dangerous items.

Based on data covering varying periods in 2021-2022, it is estimated that, on average, adults in prison across six Australian jurisdictions were subjected to more than 15,000 strip searches each month, with strip searches most commonly conducted for routine reasons. Rarely any items found were dangerous, with items including stationery, personal care products, jewellery, food and basic clothing.

4. Less invasive alternatives expose strip searching as unnecessary.

A number of body scanners are already available in prisons across Australia and have reduced unnecessary prison strip searches. For example, in South Australia, following the installation of scanners at Kurlana Tapa youth prison, the practice of strip searching children has reportedly ceased. Recent reporting on the introduction of body scanning technology in Australian Capital Territory (ACT) adult prisons also indicates that this has significantly reduced the rate at which people are being subjected to strip searches.

5. People in prison are routinely having their human rights breached by strip searches.

International human rights standards are clear that adults should only be subjected to strip searches when 'absolutely necessary'. The availability of less invasive alternatives means that it should never be 'absolutely necessary' to subject people in prisons to the cruel and degrading practice. The ongoing use of strip searches calls into question prison authorities' compliance with international human rights standards.

6. Children are being forced to strip in front of adult prison guards.

In most Australian jurisdictions, children as young as ten are incarcerated and can be subjected to strip searching. Based on data covering varying periods in 2021-2022, it is estimated that, on average, children were subjected to more than 300 strip searches each month in prisons across seven Australian jurisdictions. In the month of April 2022 alone, 127 strip searches were conducted on children at two New South Wales (NSW) youth prisons. Only three searches identified items.



7. The harms of strip searching compound the mass incarceration of Aboriginal and Torres Strait Islander peoples.

Although disaggregated data is limited, in the ACT, Aboriginal and/or Torres Strait Islander adults were disproportionately subjected to strip searches, with Aboriginal and/or Torres Strait Islander women reportedly subjected to nearly half of all strip searches of women in 2024. Similarly, in Queensland, over a seven-month period during 2020-2021, over half of the nearly 700 recorded strip searches at three youth prisons were conducted on Aboriginal and/or Torres Strait Islander children

8. There is a crisis of secrecy in prisons.

Prison authorities are not transparently recording the number of strip searches, or the reasons for them, increasing the risk of abuse thriving behind bars. In Western Australia, recent data requests were denied on the basis that no central register of prison strip searches exists. In most other jurisdictions, strip search records that were maintained were often challenging to interpret because of incomplete and/or unclear recordkeeping.

International Human Rights obligations

Strip searching limits the rights of people in prison to freedom from torture and cruel, inhuman and degrading treatment or punishment; humane treatment when deprived of their liberty; privacy; equality; and the protection of families and children.

These rights are protected in international human rights treaties to which Australia is a party, including the *International Covenant on Civil and Political Rights*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, and the *Convention on the Elimination of All Forms of Discrimination Against Women*. They are also protected under domestic human rights laws in the ACT, Victoria and Queensland.

Pursuant to international human rights law, strip searches can constitute ill treatment when conducted in a disproportionate, humiliating or discriminatory manner. When conducted for a prohibited purpose or for any discriminatory reason and leading to severe pain or suffering, strip searches amount to torture.

United Nations minimum standards provide further guidance on the treatment of people in prison. The Nelson Mandela Rules require that intrusive searches, including strip searches, should be undertaken only if 'absolutely necessary', with prison administrations encouraged



to develop and use appropriate alternatives to intrusive searches. Strip searches should not be used to harass, intimidate or unnecessarily intrude on privacy, and records should be kept of the searches, the reason for the searches, who conducted them, and the results of the search.

The *Bangkok Rules on the treatment of women in prison* additionally require women's personal histories, including experiences of trauma, abuse, or violence, to be taken into account in any rehabilitation and reintegration efforts.⁹⁰ These rules also require alternative screening methods, such as scans, to be developed to replace strip searches, in order to avoid the harmful impacts they cause.

"The availability of less invasive alternatives to strip searching means that it should not be 'necessary' to subject people in prisons to the cruel and degrading practice. Ongoing use of strip searching therefore calls into question government compliance with international human rights standards."— [REDACTED], **Associate Legal Director at the Human Rights Law Centre**

Recommendations – Stop Strip Searching

1. Ban strip searching

All state and territory governments must ban strip searches in prisons by law.

2. Regulate alternatives to strip searching

With strip searches banned, all state and territory governments must enact law reform to prescribe that the use of scanners and other alternative search methods only ever be used as a last resort in cases of absolute necessity, after less intrusive alternatives have already been exhausted and there remain objectively reasonable grounds to believe that a person is carrying specified, dangerous contraband. The use of any alternative search method or scanning technology should be subject to individual risk assessment and relevant human rights considerations.

3. Improve access to justice for people in prison

All state and territory governments must:

Flat Out Submission to Consultation on the Second Action Plan (National Plan to End Violence against Women and Children 2022–2032)



- A. Establish accessible and legally enforceable Human Rights Acts incorporating Australia's international human rights commitments. In the ACT, Victoria and Queensland, where human rights laws have already been enacted, these laws must be strengthened to provide effective remedy for people seeking accountability for mistreatment in prison and harm caused by mistreatment.
- B. Establish and adequately resource independent legal and advocacy services for people in prison, including existing Aboriginal Legal Services for Aboriginal and Torres Strait Islander peoples in prison, to reduce impunity for mistreatment in prison.
- C. Enact law reform to mandate the recording of searches of people in prison; the reasons for searches; results of searches, including any items identified; the age, gender, race and/or ethnicity of the person subjected to searches; who conducted the searches and the prison at which they took place. This information should be published quarterly, at minimum, while protecting the identities of those subjected to searches.

4. Independently monitor prisons – implement OPCAT

To monitor and prevent the mistreatment of people in prison, all Australian governments must urgently implement Australia's overdue obligations pursuant to the United Nations' anti-torture protocol, the *Optional Protocol to the Convention Against Torture* (OPCAT), including by establishing and adequately resourcing independent bodies to conduct regular and unannounced inspections of all places of detention, including prisons.

5. Support people and communities, not prisons

Rather than opening new and expanding current prisons, all state and territory governments must address the country's mass imprisonment crisis and build up the community supports required to divert people away from prisons.



Support for Women and their Children at the Intersection of Child Protection and Criminal Legal Systems

When women experience family and sexual violence, particularly women who have also experienced criminalisation, poverty, trauma or housing insecurity, seeking support can come with enormous risks.

Instead of recognising these circumstances as consequences of violence and disadvantage, systems can reframe women's survival strategies as risks. The *Stigma, Discrimination and the Weaponisation of Survival* report found that women's experiences of family violence, trauma, substance use and housing insecurity were often treated as evidence against their capacity to parent, rather than reasons to provide greater support.

This is particularly devastating when Child Protection responds to a woman's experience of violence by removing her children. Women described being blamed and punished for not being able to leave an abusive relationship or secure housing, despite these being systemic barriers rather than parental failures.

The consequences extend far beyond one family. The report identifies a pattern where involvement with Child Protection as a child can increase later exposure to criminalisation and Child Protection involvement as a mother, creating an intergenerational cycle of state intervention, separation and trauma.

If we want to end violence, we cannot respond to survivors by creating another source of violence. Protecting children must also mean protecting their mothers, keeping families together wherever safely possible, and investing in support rather than surveillance, punishment and separation

Women with lived experience report overwhelmingly that they receive little support for their own needs, including support to navigate the child protection system or have contact or reconnect with their children. They often do not know what their legal rights are in relation to the child protection system, and they are not meaningfully included in decision-making and court processes.



Instead, in these crucial junctures in court or other proceedings relating to the care and welfare of their children, their voices are not heard and they can be misrepresented including in official documents.

The treatment of women by the child protection and criminal legal systems, and by those individuals that represent them, are often shaped by gender, racial and socio-economic bias. Overall, these systems that claim to offer ‘protection’ or ‘justice’ often fail to support women, and their children, in meaningful ways.

Instead, women’s stories demonstrate how the state’s responses to women in crisis, especially those facing disadvantage, are underpinned by surveillance, disbelief and exclusion, rather than care or support.

But what also emerges from women’s stories is their strength, care for others and a better vision for the future. The women we learned from in this study identified a range of shifts that were needed to make current systems more humane and less harmful – community-based and solution-focused responses that address underlying needs and provide holistic, wrap-around supports. They emphasised the importance of lived expertise and peer support in understanding what is needed and providing effective, person-centred support to women at the system intersection. There is also a need for criminalised women to have more support in their contact with Child Protection – for example, from independent advocates who walk alongside them – and to maintain a relationship with their children. These shifts are important for both women and children, especially children and young people who may be placed in residential out-of-home care. In this way, women’s stories provide invaluable insight into the harms and the barriers they faced, as well as providing the solutions and ways forward.

The project findings and data demonstrate that fundamental changes are needed to transform how the child protection and criminal legal systems intersect and how they can better respond to women’s and families’ needs.

“there can be umpteen amount of violence that’s in place, but somehow, it’s up to the mother to be able to provide that protection over the child and to stop the violence from occurring where it’s completely out of your control and it’s, you know, at the hands of the person that’s using the violence.”

“for some stupid reason, society is like, no, mothers hold all of the responsibility and receive none of the support.” (RT-FM2)



Emerging from the practice experience of community organisations supporting women at this intersection and their drive to understand women's experiences better, this project has brought together community organisations, academic researchers and lived experience experts and collectives. The project reveals the value of such collaborative work to address systemic injustice.

Legal practice can support women experiencing the system intersection by working with lived experience advocates and trusted community service providers to ensure systems are held accountable and legal and other services reflect the holistic, person-centred support women need.

Findings

1. There are concerning trends in project data

Project data suggests that: many women, and their children, experience the system intersection; and there are concerning trends in available data that need further examination.

2. Women at the system intersection have significant unmet support needs, but they receive an unsupportive, blaming and punitive response

Women at the system intersection have significant unmet support needs, relating to alcohol and drug use, family violence, mental health challenges and family violence. The child protection system reframes these support needs as risks (or protective concerns). As a result, women receive a punitive and stigmatising response that treats both their own and their children's support needs as matters of individual responsibility and compliance.

3. Child protection and criminal legal system interventions cause further serious harms, increasing risks to women and their children and causing long-term psychological and emotional harm

System interventions lead to enduring stigma and surveillance due to system records and information sharing. There is no accountability for these system harms.



4. Women at the system intersection experience a lack of access to legal information and legal representation

Women themselves have to work out what rights they have in relation to Child Protection and where they can turn for support. They face life-altering decisions and consequences without adequate information and support. They experience a lack of power and agency in their contact with the child protection and criminal legal systems.

5. Women at the system intersection are not included in decision-making nor are they able to have their voices heard

Women's perspectives are not always included in decision-making and official documents. They feel silenced and misrepresented in official records, with no 'right of reply'.

6. For women who have been in prison, more support is needed to have contact with and reunify with their children

Women in prison face multiple barriers to connecting and reconnecting with their children, while in custody and on release. There is no-one responsible for ensuring that women and children at the system intersection can maintain contact during parental incarceration. Women need parenting and material support (such as housing) to successfully reunify with their children on release from prison.

7. Women have to navigate multiple, conflicting systems themselves without support

The child protection and criminal legal systems work in siloed, and sometimes conflicting, ways. When they do work together, women felt that they colluded against them in a punitive way. Support was invaluable, but often random and due to the efforts of one person or worker.

8. Racial, gender-based and socio-economic bias shape the nature and practice of the child protection and criminal legal systems

Women at the system intersection can experience racial discrimination and gendered double standards (for example, that hold mothers responsible for situations of family



violence). Economic advantage also makes it easier for some people to access the support they need and avoid Child Protection intervention.

9. The women that we spoke with demonstrated immense strength, resilience, love and care for their children and others

They spoke of trying to make the best decisions they could at hard times and reach out for support. They are committed to working towards change and to ensuring solidarity and peer support for women and families at the system intersection.

10. Immediate and substantive change to the child protection and criminal legal systems is needed

When they were asked, ‘what a better outcome would have looked like and what supports were needed for this?’, interviewees identified a range of important shifts and initiatives that shaped our project recommendations.

Key shifts identified:

- Build up a range of alternative, community-based supports for women and their families and subsequently remove police and child protection practitioners as first responders;
- Invest resources in responding to the underlying needs that affect women’s involvement with the child protection system and criminal legal system and their ability to reunify with their children, including access to safe and affordable housing;
- Non-judgemental, strengths-based and solution-focused responses to women, families and their needs, including alcohol and drug use;
- Early intervention by holistic, wrap-around support focused on keeping families together;
- Humanistic or humanised support that treats people like they matter;
- Learning from and prioritising lived expertise and peer support.

Specific initiatives identified:

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- Independent advocates who work with women from their first contact with Child Protection;
- Better support to maintain relationships while in prison, including free phone calls, visiting supports and co-located Child Protection staff;
- Funding to meet the needs of community organisations that women at the intersection turn to and trust.

Recommendations

1. Improve data collection

Better data collection is needed on the extent and nature of women's experiences of the system intersection. Future data collection initiatives and research should specifically examine in more detail: the over-representation of Aboriginal and Torres Strait Islander women at the system intersection; whether children of women at the system intersection may be placed in out-of-home care at a younger age than other Victorian children; and the overlap between women's own experiences of out-of-home care as children and their later contact with the child protection and criminal legal systems as mothers.

2. Fund community organisation

Fund, according to demand, the trusted community-based organisations that women at the system intersection turn to for help, to ensure they can provide the services needed.

3. Housing, Housing, Housing

Access to safe and affordable housing must be prioritised and funded to ensure women can keep their children safe and reunify with them after separation.

4. Fund and prioritise community-based and needs-based support

Prioritise and fund according to demand community-based, early intervention and wrap-around supports for women and their families that address their unmet support needs, particularly in relation to:



- alcohol and drug use;
- family violence;
- mental health challenges; and
- housing,

thereby removing the involvement of the child protection and criminal legal systems from women and children's lives.

5. Social and cultural training

Better early training for all workers and organisations who have contact with women and their families at the system intersection to understand:

- the underlying reasons and unmet support needs that have resulted in women coming into contact with the criminal legal and child protection systems
- how to respond in a non-judgemental, solution-focused, humane, family-centred and strengths-based way.

This training should:

- include lived expertise insights and participants;
- be required for people working in Child Protection, Corrections and Parole, community service providers, family and criminal lawyers and support services that engage with criminalised women (such as those assisting people with alcohol and drug use, mental health challenges, housing insecurity, and family violence);
- include Aboriginal and Torres Strait Islander expertise and lived experience;
- occur early in their education or training.

6. Broader societal change

Investigate and develop recommendations in relation to enabling changes in broader societal attitudes and approaches to women at the system intersection and the discrimination and bias they currently face.



7. Independent advocates

Link in women with independent advocates who work with them from their first contact with Child Protection to understand their rights and legal processes and walk alongside them during the process – extending a model similar to the important support provided by Grandmothers Against Removal to Aboriginal women and their families.

8. End discrimination on the basis of criminal record

Further investigate and develop recommendations to address the harm and bias in service provision experienced by women at the system intersection due to criminal records, or due to permanent, partial and incorrect state records, and because of information sharing and publicly available information sources (such as various internet sources and social media platforms).

9. Better supports to enable women to maintain relationships with families while in prison

As recognised by the Victorian parliamentary inquiry into children affected by parental incarceration, this necessarily includes:

- free, untimed phone calls;
- greater support for children to visit their parents – including funding support, obligations on and support for carers to facilitate visits, and support that is independent from both systems to facilitate visits;
- a Child Protection worker or workers in prison (see, for example, the successfully evaluated New South Wales co-located caseworker program).

10. Lived expertise and peer support

Learn from, prioritise and adequately fund lived expertise leadership and peer support models in advocacy, practice, policy development and training.

11. Fund and evolve legal services to support women at the intersection

Provide dedicated funding to community legal centres and advocacy organisations to support women navigating both the child protection and criminal legal systems, including:



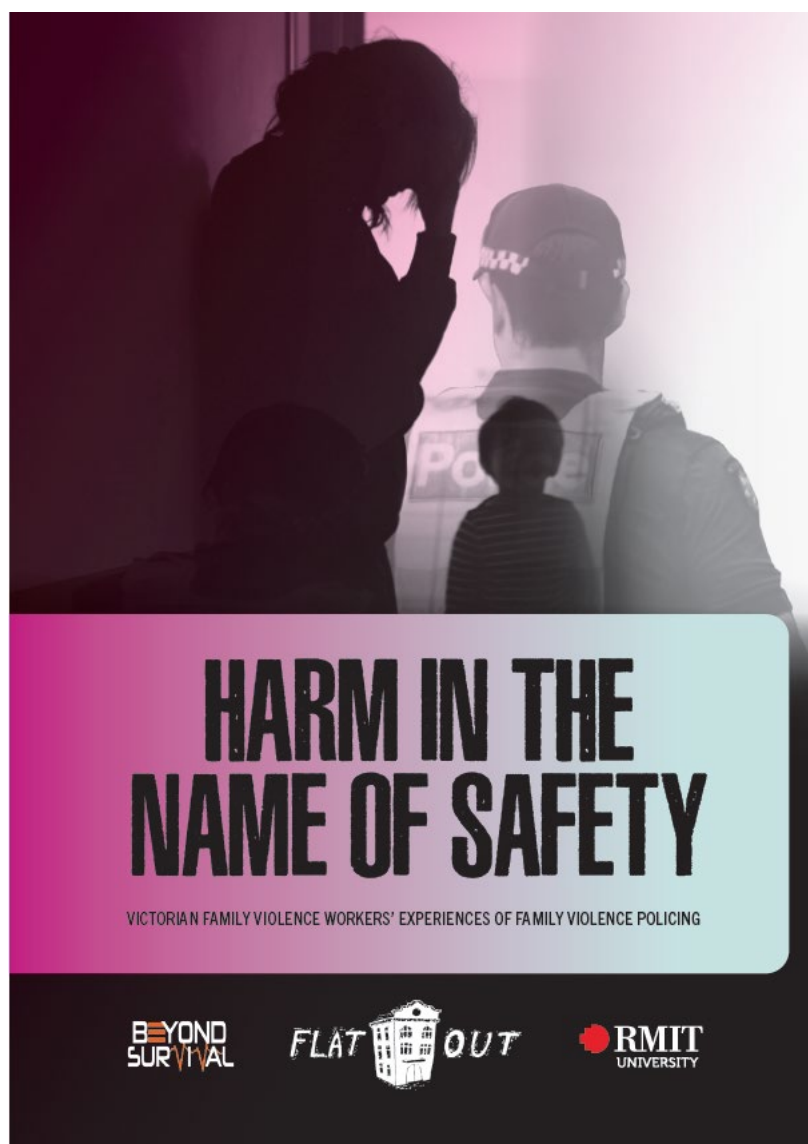
- representation in child protection matters, including decision reviews and reunification support;
- strategic litigation and complaints under the Charter of Human Rights and Responsibilities Act 2006 (Vic) and anti-discrimination legislation;
- advocacy to address structural discrimination and harm;
- person- and family-centred legal practice that embeds lived expertise and trauma-informed approaches;
- greater use of rights-based legal strategies and collaboration with trusted community organisations.

Legal services must be resourced to evolve their practice and play an active role in the various systemic changes called for by women.



Appendix 1: Harm In the Name of Safety

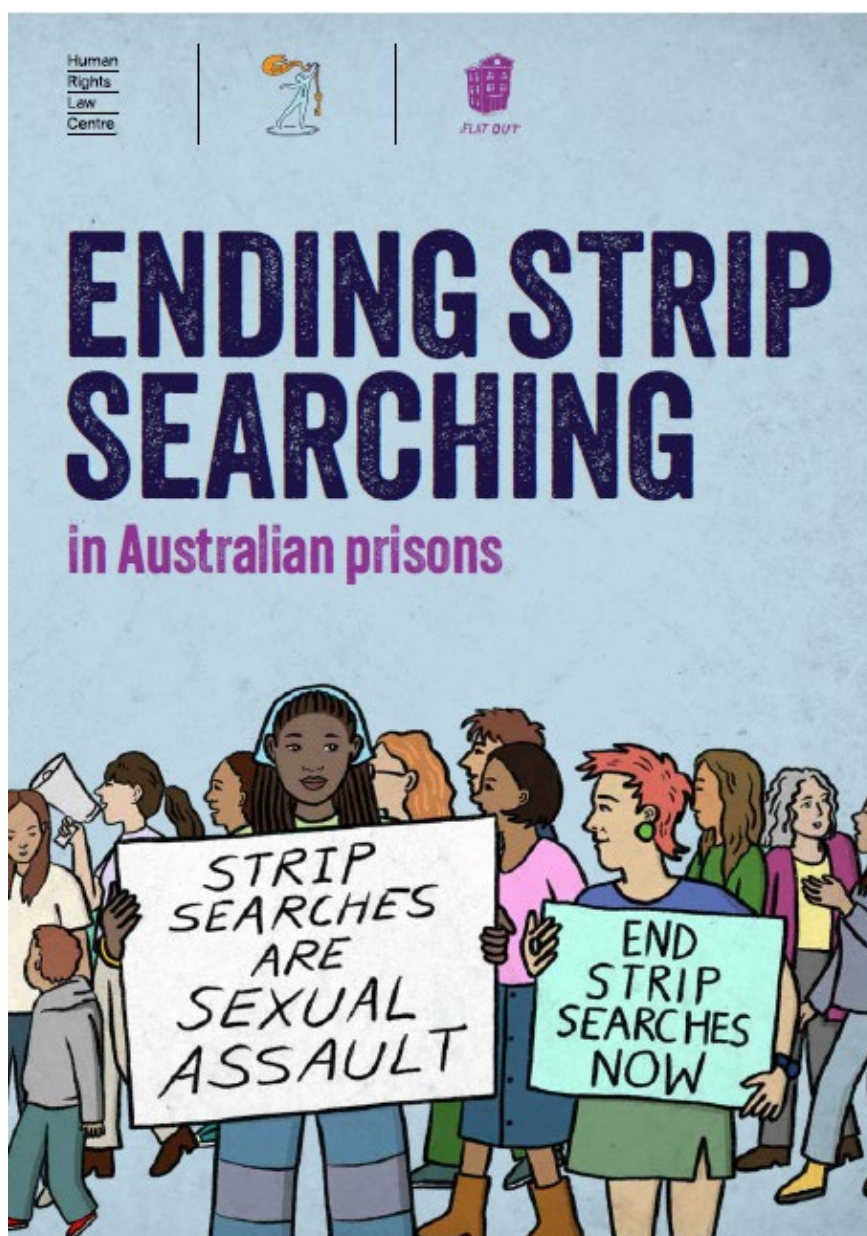
Victorian Family Violence Workers' Experiences of Family Violence Policing



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Appendix 2: Ending Strip Searching in Australian Prisons

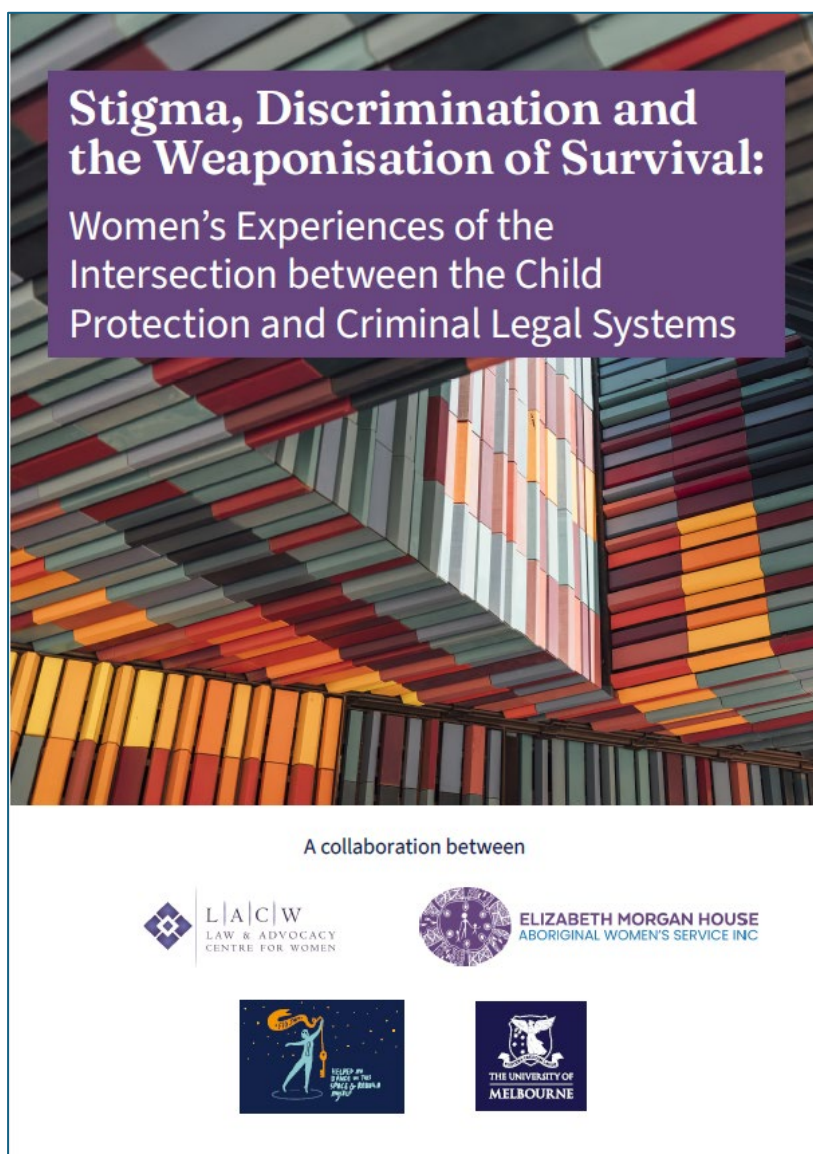


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Appendix 3: Stigma, Discrimination and the Weaponisation of Survival

Women's Experiences of the Intersection between the Child Protection and Criminal Legal Systems



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