

Australia's youth justice and incarceration system

An ANROWS submission to the
Legal and Constitutional Affairs
References Committee

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ANROWS

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ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

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We welcome the renewed inquiry and encourage the Committee to strengthen its response by examining the connections between domestic, family and sexual violence (DFSV), youth justice, and incarceration, and by applying evidence informed best practice in Australia. The multiple and complex intersections between DFSV and youth justice result in high rates of young victims-survivors in the system and the harmful impacts of incarceration on their safety and healing.

Growing evidence highlights the unique physical, developmental, social and emotional impacts of DFSV on children and young people. *The National Plan to End Violence Against Women and Children 2022-2032* (the National Plan) explicitly includes them as victim survivors in their own right. The Australian Government has recently committed to expanding child-specific recovery services (Plibersek, 2025). This recognition also supports alignment and integration across key policies such as *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031* (Safe & Supported) and *The National Agreement on Closing the Gap* (the National Agreement).

We would welcome the opportunity to work with the Committee to contribute and translate evidence to further strengthen the response.

Recommendations

Recommendation 1: Recognise the links between DFSV and youth justice and implement national standards that align with the National Plan, Safe & Supported and the National Agreement.

Supporting actions:

- Prioritise early intervention and healing responses that respond to children and young people's needs as victim-survivors and as people using, or at risk of using, violence.
- Support children and young people with lived experience of DFSV and youth justice to contribute to meaningful policy and practice solutions.
- Make trauma and DFSV-informed practice a minimum national standard in all youth justice responses, including those related to adolescent violence in the home (AVITH), young people's use of intimate partner violence and harmful sexual behaviours and sexual violence.
- Require routine, developmentally appropriate assessments of children and young people's experiences of trauma and adversity (including experiences of DFSV) on entry to the youth justice system, and at all other key decision points.
- Incorporate developmentally appropriate trauma and DFSV-informed therapeutic intervention and ongoing assessment across the youth justice system, including on exiting the system.

Recommendation 2: Require all youth justice strategies to demonstrate how they will reduce over-incarceration of First Nations young people by investing in community-designed diversion and healing.

Supporting actions:

- Embed Aboriginal and Torres Strait Islander leadership at all levels of policy, commissioning and program design, in line with self-determination.
- Fund and scale Aboriginal community controlled, healing oriented, non-carceral programs for young people using or experiencing violence.
- Adopt *Healing our children and young people* as a guiding framework for reforms affecting Aboriginal and Torres Strait Islander children, ensuring youth justice strategies are aligned with local healing strategies and community governance (Morgan et al., 2023a; Morgan et al., 2023b).

The links between DFSV and Youth Justice

Research consistently shows children who experience adversity (such as violence, parental incarceration or drug use) face higher rates of youth justice involvement, including incarceration, than their peers (Ogilvie et al., 2022; Thomsen et al., 2025).

Research shows DFV is the most prevalent adverse experience among boys who commit sexual offences, underscoring the connection between childhood DFV and earlier justice involvement, as well as more extensive offending histories (Ogilvie et al., 2022). Child sexual abuse (CSA) victimisation is also high among youth justice-involved child and young people, with the AIC reporting 1 in 12 have experienced CSA (18.7% for females and 5.0% for males) (Thomsen et al., 2025).

These patterns align with research on AVITH, which consistently finds high rates of child abuse among young people who use violence against family members, typically mothers and siblings (Fitz-Gibbon et al., 2022).

The links between DFSV and youth justice highlight both the opportunity and imperative to purposefully align youth justice reform with the National Plan. To reduce offending and incarceration, and to support the safety of young victim-survivors, systems must embed trauma- and violence-informed responses at every stage, from prevention and diversion to healing.

Prioritising preventative and healing approaches

Increase access to safety and healing

Young victim-survivors often face long delays in accessing safety and healing. A WA study shows children who have experienced DFV wait on average six years before receiving mental health care (Orr et al., 2022). This greatly increased risk of mental illness, substance use disorders and self-harm – the latter being 59% higher among children who have experienced DFV overall, and 67% higher among Aboriginal and Torres Strait Islander children who have experienced DFV (Orr et al., 2022; Leckning et al., 2020).

These delays are systemic failures that causes cumulative harm before youth-justice contact. Alongside investment in prevention, youth justice should focus on early detection and therapeutic support at the first point. Early, effective engagement with people using, or at risk of using violence reduces reoffending, decreases victim-survivor trauma and alleviates justice-system burdens, providing a strong social and economic case for sustained investment in healing programs (Chung et al., 2020).

Enable First Nations self-determination and healing

Mainstream systems often overlook Aboriginal and Torres Strait Islander law and culture, leading to responses that do not attend to intergenerational and colonial trauma (Blagg et al., 2020). In contrast, healing-focused responses use place-based approaches that address these layered traumas and empower communities through local governance (Morgan et al., 2023a; Morgan et al., 2023b). These programs provide effective alternatives to incarceration for First Nations young people who use or experience violence, yet their availability remains far too limited to meet the needs (Carlson et al., 2024).

The transformative potential of community-led programs is visible in examples like the Dardi Munwurro Journeys Program, which delivers youth-focused mentorship, empowering young men with healthy relationship skills and strengthening connections to culture (NTV, 2018).

Most participants (70%) valued the lessons in self-esteem, respect, trust, coping and help-seeking. The program connects youth-focused prevention with adult safety by building pathways to broader services, including a 16-week residential program for adult men who have used, or are at risk of using, family violence (NTV, 2018).

First Nations-led behavioural-change and healing programs strengthen individuals, families and communities by prioritising culturally-appropriate accountability over punitive measures (Carlson et al., 2024; Langton et al., 2020).

For these programs to succeed, governance and funding models must enable First Nations self-determination at all levels of policy, commissioning and program design (Morgan et al., 2023b).

DFSV-informed professional standards

The arrest, detention or imprisonment of a child should be used only as a last resort and for the shortest appropriate period of time (CRC, Article 37(b)).

If a child is incarcerated, staff supporting must strictly uphold the child's right to be treated with humanity and respect, and to have their individual needs met (Article 37(c)). This requires robust professional standards to protect children and young people from violence and deliver essential healing and therapeutic supports tailored to address the individual need of young victim-survivors of DFSV.

Professional standards must ensure children and young people are protected from sexual violence in custody, or other youth justice programs. Evidence of the scale of this issue is limited, but the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (2023) found serious breaches of children's rights, including:

- Sexual violence by staff: Extensive sexual abuse of children in Ashley Youth Detention Centre by staff, including coerced sexual acts, sexually abusive strip searches, and observation of children while showering or undressed.
- Harmful sexual behaviours between detainees: Longstanding awareness of peer-to-peer harmful sexual behaviours, coupled with systemic failures to protect children sexual abuse.
- Staff use of known harmful sexual behaviour for coercion: Instances where staff used knowledge of young people's harmful sexual behaviours and cell placements to threaten or control other children.

The Commission concluded that failures to prevent, detect and respond to sexual violence in detention constituted serious, ongoing breaches of children's safety and human rights.

The use of sexual violence, including coercive control, in detention directly replicates and compounds children's experiences of DFSV. Childhood sexual abuse places girls on a trajectory of heightened risk for subsequent sexual, domestic and physical violence (Townsend et al., 2022). Preventing sexual violence towards children and young people is an important part of reducing the prevalence of DFSV in Australia, including institutionalised sexual abuse.

Tailored therapeutic supports

Young victim-survivors need access to tailored DFSV-informed therapeutic supports to reduce the harms of incarceration and enable recovery.

Detention environments can reinforce trauma, with victim-survivors describing incarceration as “*a continuation of repeated physical abuse and chronic emotional stress previously experienced in their interpersonal relationships*” (Day et al., 2018, p. 42; see also, Jamieson, 2020; Pickens 2016; ANROWS, 2020).

Ongoing violence during childhood can normalise harmful behaviours and lead to coping such as emotional numbness, increasing the likelihood of using violence themselves and reducing feelings of guilt or remorse (Abram et al., 2004; Ford & Blaustein, 2013; Quinn et al., 2017). Without tailored therapeutic supports, these trauma responses can exacerbate risks of harm for young victim-survivors and others in custody, perpetuating cycles of harm.

Access to mental health services can have a meaningful impact on their long-term wellbeing and likelihood of re-offending (Akpanekpo et al., 2025). It is critical that mental health supports are DFSV-informed to ensure care is relevant and tailored to support safety, healing and, where appropriate, sustained behavioural change.

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Australia's National Research Organisation for Women's Safety Limited (ANROWS) is the country's independent, trusted voice for reliable and informed evidence on domestic, family and sexual violence.

ANROWS builds and disseminates the evidence to inform the [*National Plan to End Violence against Women and Children 2022–2032*](#).

Our work is underpinned by a commitment to producing high-quality, policy-relevant evidence to inform and influence practice, service delivery, and systems reform. Since our establishment, ANROWS has led, contributed to, or commissioned more than 150 research projects. We undertake targeted research both internally and in collaboration with academic institutions and sector partners.

Every aspect of our work is motivated by the right of women and children to live free from violence and in safe, equitable communities. We engage closely with victim-survivors, communities, service providers, governments and policymakers to ensure our work reflects the diversity of lived experience and supports collective responses to gender-based violence.

We recognise and amplify the strength, knowledge and resources that exist in Aboriginal and Torres Strait Islander communities. We are committed to building on what is already working in communities, for communities; being informed by a culturally safe and decolonised way of working; and being transparent and embracing humility in our commitment to strengthening our work with First Nations researchers.

ANROWS is a not-for-profit organisation jointly funded by the Commonwealth and state and territory governments. We are also commissioned and competitively tender for research and evaluation work.

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