



Webinar Snapshot

Creating a Justice System that services the needs of victims and survivors.

In this important conversation, Dr Leanne Beagley, CEO of the National Centre, spoke with Malika Reese, Dr Jodi Death, Hanina Rind and Renee Handsaker about the challenges victims and survivors face engaging with the Criminal Justice System.

From diverse perspectives of research, lived experience, cultural wisdom and practice knowledge, the panel explored what a justice system would look like if it was designed to serve the needs of victims and survivors.

Here is some of what we learned.

What does justice mean for victims and survivors?

- **Telling their story:** having a safe space to share their experience.
- **Being believed:** trust that their story is taken seriously.
- **Accountability:** holding perpetrators responsible.
- **Prevention:** ensuring others are not harmed.
- **Moving forward:** the ability to heal and move on with their lives.

Most victims and survivors are motivated to reduce child sexual abuse and keep the community safe. Victims and survivors want perpetrators to stop the behaviour so that other children are not harmed.



Malika Elizabeth Reese,
Member of the National Centre
Survivor-led Adult College

“I just needed him to not be able to do this again.”

What are the barriers to justice for victims and survivors?

The Criminal Justice System, across all levels, does not meet the needs of most victims and survivors. Those that do engage with the system often find the process traumatising.

Some of the challenges include:

A lack of support before, during, and after the court and trial process

The absence of support compounds the trauma experienced by victims and survivors, deepening feelings of isolation and vulnerability. This can lead some to withdraw from the legal process altogether. The experience can have a significant and lasting impact on a person's recovery and healing.

"There is no one place to go where there are people who are trauma informed and who can support survivors, and who can help you navigate the very complex, very cold, and very fraught system."

Malika Elizabeth Reese

A lack of information for victims and survivors about what to expect

There are no clear ethical guidelines on how much or what information best helps victims and survivors to make an informed decision about whether to engage in the justice system, and what lies ahead if victims and survivors do.

Access to the right information is crucial for victims and survivors to fully understand what to expect and what support is available through the process.



Dr Jodi Death,
Associate Professor,
School of Justice, Queensland
University of Technology

"How we prepare victims and survivors varies widely based on the support available. The services to support victims and survivors are underfunded, especially in regional areas."

A lack of cultural safety for First Nations victims and survivors

There are multiple systemic barriers, biases and cultural insensitivities in how the Criminal Justice System currently operates.

First Nations peoples often feel disrespected, misunderstood, unsupported and culturally unsafe. The system fails to consider the unique cultural needs of First Nations peoples and the historical and ongoing injustices experienced.



Hanina Rind,
Lawyer and Member
of the National Centre
First Nations College

"When a family member is the perpetrator, disclosure becomes an issue that could mean the perpetrator could potentially die in jail."

Those with a responsibility in the system **are not trauma informed**

Victims and survivors consistently report a lack of understanding, knowledge and skills about trauma and trauma informed practice by those with key roles and responsibilities in the system.

For example, police interviews prioritise impartiality and objectivity. This experience can feel cold and indifferent for victims and survivors, which hinders their ability to provide detailed testimony crucial for justice.

“The first time I went to the police, it felt so cold that I dropped the whole case.”

Malika Elizabeth Reese

A lack of **alternative pathways**

A lack of appropriate options and pathways for victims and survivors undermines their empowerment to make informed choices about the best justice option that can meet their preferred outcome.

Legal authorities and prosecutors make decisions about a person’s case that can leave the victim and survivor with little control or agency over the process.



Renee Handsaker,
Practice Lead, Open Circle,
Centre for Innovative Justice,
RMIT University.

“Sometimes victims and survivors are funnelled into the Criminal Justice System because that’s the only version of response that is on offer.”

How can the Criminal Justice System be improved?

“It’s about empowering victims and survivors throughout the process.”

Renee Handsaker

Law reform is critical to improve outcomes and experiences for victims and survivors in the justice system. Even if the legal outcome is not as expected or sought, a more trauma informed judicial system would allow victims and survivors to still feel seen, heard, and respected throughout the process.

“We need to realise that this is **not a justice system**, but a legal system.”

Dr Jodi Death

What would an improved or re-imagined system look like:

More funding for holistic support services

In some communities, there are long wait lists to access support services. The types of support currently offered view all victims and survivors as the same with the same needs. What works for one person may not work for another.

Some victims and survivors need a web of support that offers multiple types of support from different sources. This may include online counselling forums, support groups, a coordinated network of friends and or a creative outlet to carry people through the process.

Options such as **victim advocates, judge only trials and specialised courts**

Specialised avenues equipped with judges, lawyers, and juries trained in handling cases of child sexual abuse would allow tailored and trauma informed systems and processes built into the foundations. This would include addressing constraints like billable hours that restrict the amount of time lawyers can spend with victims and survivors.

A specialised court would prioritise the needs of victims and survivors by integrating the necessary processes, skills and expertise throughout the system, across all points.

A trauma informed system

All those with a responsibility in the justice system need to be trauma informed, from police to prosecutors to defence counsel and judges. Trauma informed training must be mandatory so all stakeholders can recognise the signs of trauma and respond sensitively to victims and survivors to avoid re-traumatisation.

A trauma informed system includes changes to policies, procedures and practices that are adapted to reflect trauma informed principles, such as empathy, empowerment and cultural humility.

Restorative approaches that expand the notion of justice

A restorative pathway should sit alongside the Criminal Justice System as an alternative pathway to justice that prioritises healing.

Key aspects of restorative justice include the following:

- **Victim and survivor Centric:** focusing on what justice means to victims and survivors and what is feasible.
- **Inclusive and flexible:** allowing victims and survivors to set the pace.
- **Safe and thoughtful:** ensuring no further harm is done. Holds the perpetrator accountable: includes ways to engage with the perpetrator.

Restorative Justice practices have been embedded into First Nations' cultures for thousands of years. There is a growing recognition of the value of incorporating these practices into the Criminal Justice System.

First Nations' peoples need access to restorative pathways that are culturally sensitive and safe, including:

- **Community Driven:** engaging communities to determine best practices.
- **Culturally grounded:** respecting the cultural expertise of Aboriginal people.
- **Healing Focus:** healing occurs in the community.
- **Non-violent approach:** holds the perpetrator accountable.

"Restorative justice focuses on addressing the harm caused and the needs that arise from child sexual abuse."

Renee Handsaker

What are the obstacles to implementing a restorative approach?

There have been recommendations for changes to the Criminal Justice System for child sexual abuse victims and survivors since the 1990s.

While governments acknowledge the benefits of a restorative justice approach for child sexual abuse cases, they hesitate to invest for several reasons, one of which is a prevailing community attitude that demands a 'tough on crime' approach.

Educating the public about the challenges faced by victims and survivors within the Criminal Justice System can help shift attitudes toward more supportive and victim and survivor centred approaches to justice.

[Click here to access a recording of our Creating a Justice System that Services the Needs of Victims and Survivors In Conversation Webinar](#)
