

Criminal Code (Defence of Dwellings and Other Premises - Castle Law) Amendment Bill 2024

Submission No: 63
Submitted by: Soroptimist International of Brisbane Inc
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



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**Submission to the Queensland Government Inquiry
on the *Criminal Code (Defence of Dwellings and Other Premises—
Castle Law) Amendment Bill 2024*
from Seroptimist International of Brisbane Inc**

OVERVIEW AND INTRODUCTION

- **Seroptimist International of Brisbane Inc** (SI Brisbane) is grateful for the opportunity to contribute to the development of the ***Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024***. We recognise the importance of legislation that aims to protect individuals within their homes. However, it is crucial to ensure that such legislation considers the intersecting gender dynamics, unique vulnerabilities and safety concerns of women and girls.
- Our membership base consists of business, community, and professional women who advocate for all women and girls. As part of the global advocacy organisation, **Seroptimist International (SI)**, our network of around 66,000 members in 118 countries works at local, national, and international levels to **educate, empower and enable** opportunities for all women and girls. Over a century ago, SI established a women's organisation that proliferated throughout the globe. Our purpose is similar to the **Sustainable Development Goal SDG5 for gender equality**.
- Seroptimist International is committed to end all forms of violence which affect women and girls disproportionately. Gender-based violence occurs in the family, in the general community, and through actions perpetrated or condoned by the State. Whatever form it takes, gender-based violence is deeply rooted in historical inequalities, power imbalances, and gender-based discrimination. Gender-based violence is a violation of human rights and affects the ability of all women and girls to reach their full potential and participate in society.

- As well, Soroptimist International continues to call attention to the fact that, despite reports dating back two decades calling for reform, gender-based discrimination in the criminal justice system continues to disproportionately affect all women and girls. This discrimination creates significant obstacles to achieving access to quality justice for all women and girls, whether they are victims, witnesses, alleged offenders, or prisoners.
- As an organisation deeply committed to the protection and empowerment of all women and girls in our community, we advocate for legislative reforms that safeguard their rights and ensure their safety. Our stance aligns with key international human rights instruments such as the UN Charter for Human Rights and the Convention on the Elimination of Discrimination Against Women (CEDAW), allied conventions and treaties, as well as relevant Australian and Queensland policies and legislation.
- This submission outlines the issues and offers specific recommendations to ensure the legislation protects all Queenslanders, particularly vulnerable women and girls.

KEY ISSUES IMPACTING WOMEN AND GIRLS

While the bill seeks to enhance legal protections for individuals defending their homes, it is imperative to consider its potential impact on women and girls, particularly those facing domestic violence and other forms of gender-based violence. The following issues impact on the safety and security of women, specifically those who are in vulnerable positions. Such vulnerabilities are as indicated:

1. **Safety Concerns and Domestic Violence.** Women and girls often face specific safety risks, including domestic violence and sexual assault, within their homes. Expanding the circumstances in which lethal force can be used against intruders may inadvertently increase these risks. Abusive partners could potentially misuse this legislation to justify violence under the pretext of self-defence.
2. **Potential for Misuse.** The broadening of self-defence laws may lead to disproportionate legal scrutiny of women who defend themselves against abusive partners. There is a risk that women who take defensive actions resulting in severe harm or death to an abuser might face greater legal challenges under the expanded self-defence provisions.
3. **Impact on Vulnerable Groups of Women.** Marginalised women, including Indigenous women, culturally and linguistically diverse women, older women, women with disabilities, and LGBTIQ+ women, are disproportionately affected by violence and may face greater barriers in accessing legal protections and support services. It is crucial to consider these vulnerabilities to ensure they are not further marginalised or placed at increased risk.
4. **Implications for Sexual Assault Survivors.** For survivors of sexual assault, the prospect of using lethal force against an intruder may evoke traumatic experiences and exacerbate feelings of fear and vulnerability. Comprehensive support services and trauma-informed approaches are needed to ensure survivors feel safe and empowered to seek help.
5. **Prevention of Gender-Based Violence.** Efforts to prevent violence against women and girls should prioritise comprehensive strategies addressing the root causes of violence, including attitudes and behaviours that perpetuate gender inequality and power imbalances.

OUR RECOMMENDATIONS

1. Incorporate Gender-Sensitive Safeguards

- Amend the legislation to include explicit protections for women experiencing domestic violence. Ensure that abusers cannot misuse the expanded self-defence provisions.
- Implement a clear framework for assessing self-defence claims in the context of intimate partner violence to protect survivors who defend themselves against abusers.

2. Trauma-Informed and Survivor-Led Training for Law Enforcement and Legal Professionals

- Develop and mandate trauma-informed and survivor-led training programs for police officers, judges, and lawyers to ensure they can appropriately manage cases involving domestic violence and sexual assault.
- Include training modules on understanding the psychological impact of trauma and the dynamics of power and control in abusive relationships and draw from relevant knowledge and lived experiences of survivors.

3. Public Awareness and Education Campaigns

- Launch statewide campaigns to raise awareness about the new legislation, emphasising non-violent conflict resolution and the importance of seeking help in abusive situations.
- Partner with community organisations to ensure these campaigns reach diverse populations, including Indigenous communities, culturally and linguistically diverse communities, and support groups who need access to critical information.

4. Strengthen Support Services for Survivors

- Increase funding for domestic violence shelters, counselling services, and legal aid to ensure survivors have access to comprehensive support.
- Expand access to emergency housing and financial assistance for women fleeing violent situations.

5. Data Collection and Research

- Establish robust data collection mechanisms to monitor the impact of the legislation on women and girls. This includes tracking incidents of domestic violence, self-defence claims, and outcomes for survivors.
- Collaborate with academic institutions and research organisations to conduct longitudinal studies on the effects of the legislation.

6. Community Consultation and Engagement

- Engage with women's advocacy groups, survivor networks, and other stakeholders to gather input and ensure the legislation meets the needs of those most affected.
- Facilitate regular forums and workshops to discuss the implementation and impact of the legislation, allowing for continuous feedback and improvement.

CONCLUSION

The proposed **Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024** has significant implications for the safety and well-being of women and girls in Queensland, specifically vulnerable women and girls. By integrating gender-sensitive safeguards, providing trauma-informed and survivor-led training, enhancing public awareness, and strengthening support services, we can ensure that the legislation protects all Queenslanders while addressing the unique challenges faced by women and girls.

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