

Submission on the Comprehensive National Review of implementation of Beijing Declaration and Platform for Action, February 2019

Section One: Priorities, achievements, challenges and setbacks

Q1. What have been the most important achievements, challenges and set-backs in progress towards gender equality and the empowerment of women over the past 5 years?

1. We are pleased to see a greater recognition of the urgency to respond to violence against women (VAW), and that it is translated into policy and government commitments through the National Plan to Reduce Violence Against Women and Their Children and COAG statements.ⁱ
2. While there has been much progress achieved responding to VAW, from an increased evidence base to better coordination across Australia, we would like to draw your attention to several critical issues impeding the progress towards achieving gender equality. It is important to recognise and operationalise the interconnectedness of measures to achieve gender equality with ensuring economic security, ending violence against women, combatting racism, homophobia, transphobia among others. With an absence of the gender lens in the government budgeting and policies, some measures while designed with specific goals in reality only exacerbate poverty, disempower and disadvantage women especially in situations of DFV. Examples include introduction of cashless debit cards, extended waiting periods for migrants, attempts to deduct unpaid fines from social security payments, replacement of the human rights framework with migration regime lens when working with survivors of human trafficking and sexual exploitation, and facilitation of further gender-based violence through the regime of indefinite offshore detention. Without transparent budgeting, a gender lens in policies and legislation, meaningful communities' engagement and co-design of policies with diverse groups of women, the progress towards gender equality is stalled.

Section Two: Progress across the 12 critical areas of concern

Q9. What actions has your country taken in the last five years to reduce/eradicate poverty among women and girls? and Q10. What actions has your country taken in the last five years to improve access to social protection for women and girls?

3. There needs to be a greater focus on the access to **social security** as an enabler for women and their children to re-establish their lives and gain financial independence after their experiences of domestic, family and/or sexual violence (DF&SV). **Access to government-funded services**, including crisis payments and emergency housing, to all victims/survivors of DF&SV needs to be expanded **irrespective of current visa status**, across all states and territories. **A gender lens in developing welfare policies** as well as more training and policy improvements are needed to ensure that victims/survivors are not disempowered, further marginalised, disadvantaged or put at further risk.
4. We are concerned that some of the proposals and current welfare policies have a negative impact on diverse groups of women in particular those experiencing violence. This includes **extended waiting periods for newly arrived migrants** that may disproportionately affect women, especially those experiencing DFV and a **new scheme of encouraging lawful behavior of income support recipients** designed to make compulsory deductions from the welfare payments of serial fine defaulters who have outstanding State and Territory court-imposed fines. This measure may disproportionately affect Aboriginal and Torres Strait Islander women and women with intellectual disability. We also reiterate the calls to abolish cashless debit cards as means to deliver social security payments. Receiving welfare support through **cashless debit cards** only may impact the ability of victims/survivors to leave violent relationships given there is no disposable cash. Cashless debit cards also have strong gendered and racial implications, especially for Aboriginal and Torres Strait Islander women.
5. Social security payments are very low and forcing people to live in poverty. We support the calls to **increase social security payments** (Newstart, parenting payments, youth payment) by \$75 a week.ⁱⁱ
6. We recommended an **overhaul of the ParentsNext employment program**. This program disproportionately targets women in particular single mothers entrenching in this way harmful gender stereotypes about domestic labor, care responsibilities and women's role. It also approaches mothers through the lens of unemployment rather than regarding caring labour and domestic work as work.ⁱⁱⁱ
7. We share the concerns that at present the **social security system is not responsive to the needs of women experiencing domestic and family violence**. The most recent report on the intersection between social security and experiences of family violence prepared by the National Social Security Rights Network (NSSR)^{iv} identified a number of obstacles victims/survivors are experiencing.

8. **Women on temporary visas experiencing violence** in many circumstances are not eligible for social security payments which often makes them ineligible for other services such as social housing. We call on the expanded eligibility for women on temporary visas experiencing violence in accessing social security.^v

Q13. In the last five years, which forms of violence against women and girls, and in which specific contexts or settings, have you prioritized for action?

Need for More Focus on Sexual violence

9. While the rates of sexual violence are high, it is widely recognised that there is **extensive under-reporting of sexual violence**. There have been some positive developments in the area of criminal justice,^{vi} yet challenges remain:
- 9.1. Reforms have not translated into significant change at an operational level and shortcomings of the system continue to undermine and restrict survivors/victims ability to access protection, redress and justice for these crimes.^{vii}
 - 9.2. Reporting rates remain low, attrition rates are high and low conviction rates persist.^{viii}
 - 9.3. Sexual violence remains subsumed under the definition of domestic and family violence, thus again contributing to the invisibility of the issue.
 - 9.4. Recommendations from major reports about sexual assaults in universities have not yet been implemented.^{ix}
 - 9.5. Sexual violence has been identified as one of the Third Action Plan priorities, but little progress has been made.

Other Forms of VAW

10. More work needs to be done to **increase awareness and improve responses to other forms of VAW** excluded from the focus on a conventional understanding of domestic and family violence, including trafficking and sexual exploitation, early and forced marriage, dowry abuse, and labour, domestic and sexual servitude. Manifestations of violence such as reproductive coercion, forced sterilisation of women with disability and medically unnecessary procedures on intersex infants and children need to be in scope of efforts to end violence against women.
11. Responses to these forms of violence needs to be co-designed with diverse communities and ensure access to services irrespective of the intention to press charges such as in the instances of forced marriage or trafficking.

Q14. What actions has your country prioritized in the last five years to address violence against women and girls?

12. We highlight the importance of the National Plan to Reduce Violence against Women and Their Children 2010-2022 (National Plan) as the major policy framework that has the potential to help achieve gender equality and end violence against women. It acts as the primary Australian policy on reducing sexual violence and DFV.
13. The National Plan has underpinned the development of flagship organisations such as 1800RESPECT (counselling and referral service), Our Watch (primary prevention), ANROWS (research) and DV Alert (training on DFV for frontline workers). The National Plan has laid the groundwork for primary prevention initiatives including Respectful Relationships programs in schools, and it is important that this work continues in a way that embeds gender equality principles within an intersectional approach. These initiatives must continue to be sufficiently resourced and continue beyond the first National Plan.
14. Among other developments we welcomed the establishment of the Australian Domestic and Family Violence Death Review Network,^x a comprehensive review of the family law system undertaken by the Australian Law Reform Commission^{xi} and a National Inquiry into Sexual Harassment at Australian Workplaces run by the Australian Human Rights Commission.^{xii}
15. However, challenges remain. This includes a **lack of adequate and sustainable funding** in particular for specialist women's services to meet the challenges of maintaining best practice service models while responding to rising demand. There is a **lack of consultative mechanism with civil society under the National Plan and a robust monitoring and evaluation mechanism must be in place** to allow for the impact of activities under the National Plan (and any future National Plan).

Q15. What strategies has your country used in the last five years to prevent violence against women and girls?

16. Primary prevention activities have been perceived as the most visible and ones that made progress.^{xiii} However, many gaps remain, including **the need for a more intersectional and culturally-sensitive lens on prevention activities**. Prevention of violence against women is a long-term project requiring ongoing resourcing and firm commitment over many decades.
17. Governments and funding bodies at all levels need to **provide greater financial and institutional support** to effective local and state based organisations and programs working in the area of violence prevention, including education about gender. There is a need to increase funding and support for community-led intersectional and culturally-sensitive prevention and early intervention initiatives in diverse communities including Aboriginal and Torres Strait Islander, LGBTIQ, culturally and

linguistically diverse, migrant and refugee communities and at-risk cohorts including women with disability, women in the sex industry, women in rural and regional areas, older women and young women.

18. There is currently **no mechanism to coordinate primary prevention initiatives** across Australia. A coordination body or network is needed to create opportunities to draw on good practice, identify gaps and learn from other practitioners.

Q16. What actions has your country taken in the last five years to prevent and respond to violence against women and girls facilitated by technology (online sexual harassment, online stalking, non-consensual sharing of intimate images)?

19. The **focus on addressing technology-facilitated violence against women (TFVAW)** has increased and moved beyond image-based abuse to encompass other forms of violence such as online sexual harassment, technology-facilitated sexual assault and coercion,^{xiv} sexual exploitation, broadcasting sexual assaults online, stalking, installing hidden applications to track woman's location^{xv} or to obtain access to her email or messages and cyberbullying.
20. With some of the progress achieved in this area, there is a **need for a consistent and uniform legislation** adequately responding to the nature of crime and impact it has, especially in aggravated cases. Legislative changes must be preceded by consultation with a broad range of stakeholders including victims/survivors.
21. More work needs to be done in the area of **attitudinal change and awareness raising** to ensure early identification and appropriate responses to TFVAW. **Training and resources are required** for police, magistrates and lawyers. There is also a need to review and improve existing investigation techniques and models.
22. It is imperative to ensure adequate and sustainable **funding to organisations working in the women's service sector** for continuing service provision, training and resource development for responses to TFVAW.
23. It is important to **recognise the diversity of needs for victims/survivors** when responding to TFVAW. For example, the needs of women who are experiencing technology-facilitated abuse in the context of domestic violence will differ from those of young people in different contexts, so responses and access to justice should be appropriate.

Q18. Has your country taken any action in the last five years specifically tailored to address violence against specific groups of women facing multiple forms of discrimination?

Intersectional Approaches to Addressing Violence Against Diverse Groups of Women

24. While there has been some progress made to address violence against specific groups of women facing multiple forms of discrimination in particular Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse background and women with disability, these efforts tend to treat diverse groups in isolation, without applying an intersectional analysis and without meaningful community consultation and co-design of policies and response.
25. There is a **need to properly address the diversity of women in Australia**, recognising the multiple and interacting forms of marginalisation as well as the different kinds of resources that people can draw on in building communities free of violence. An intersectional lens needs to be mainstreamed throughout every priority area of efforts to reduce violence against women. It is essential that prevention, intervention and responses to address violence against diverse group of women are co-designed with communities. We are concerned by the frequent omission of several other groups such as LGBTIQ+ people, young women, older women, women on temporary visas, women in prisons and women in the sex industry in the efforts to reduce VAW.

Intersection of family violence and migration status

26. The situations **of women on temporary visas experiencing violence are increasingly of concern**. While family violence provisions exist in the migration regulations to assist a limited number of temporary visa holders to obtain permanent residence after their relationships broke down due to DFV, there are significant limitations of the process. As the new report *Path to Nowhere* highlights that the intersection of temporary migration status and violence represents a national crisis which requires immediate law and policy reform by the Australian and State and Territory governments.^{xvi} AWAVA and others have called for changes in the migration system in relation to family violence, expansion of social security eligibility regardless of one's migration status and increased funding for specialist family violence services.

Violence against asylum-seeking women

27. There has been little progress with the resettlement of refugees held in the offshore processing centres on Manus and Nauru. The protracted situation for women and girls currently on Nauru creates further **risks of sexual and gender-based violence**.

There is no access to appropriate sexual and reproductive healthcare (abortions are criminalised in Nauru). Asylum-seeking women and girls remain under the risk of sexual and gender-based violence while in detention.

28. Onshore immigration detention also has a negative impact on women and girls. Currently, there is no limit on the length of time in detention (with serious impacts on mental health of people in detention); there is no legislation against detaining children; and the current detention monitoring system is not transparent. None of the recommendations of the monitoring bodies are binding. In addition, none of the recommendations to close offshore immigration detention have been fulfilled.^{xvii}
29. Omission and lack of response to violence against women on temporary visas and women seeking asylum goes against a SDG commitment of leaving no one behind. Addressing violence against women must be seen through a human rights lens and not as a migration issue.

ⁱ 2018 Statement from the Delegates at the Council of Australian Governments Summit on Reducing Violence Against Women <https://www.coag.gov.au/sites/default/files/communique/statement-delegates-coag-summit-reducing-violence-women.pdf>

ⁱⁱ ACOSS https://www.acoss.org.au/media-releases/?media_release=from-kerry-to-derryn-bob-to-bandt-entire-lower-house-crossbench-and-key-senate-crossbenchers-support-increase-to-newstart; Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018 https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bid=s1144; Deloitte Access Economic (2018) for ACOSS, Analysis of the impact for raising benefit rates, available online at: <https://www.acoss.org.au/wp-content/uploads/2018/09/DAE-Analysis-of-the-impact-of-raising-benefit-rates-FINAL-4-September-...-1.pdf>

ⁱⁱⁱ Workplace Gender Equality Agency, Unpaid care work and the labour market. Insight paper. Available at <https://www.wgea.gov.au/sites/default/files/australian-unpaid-care-work-and-the-labour-market.pdf>

^{iv} National Social Security Rights Network (2018) How well does Australia's social security system support victims of family and domestic violence? http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf

^v National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children. Available at https://awava.org.au/2018/12/11/research/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1547089841.3421640396118164062500

^{vi} Clark, H. (2010) 'What is the criminal justice system willing to offer?' Understanding sexual assault victim/survivors' criminal justice needs', *Family Matters* 58, pp. 28–37; Daly, K (2011) 'Conventional and innovative justice responses to sexual violence', *ACSSA Issues* 12, [Australian Centre for the Study of Sexual Assault] <https://aifs.gov.au/publications/conventional-and-innovative-justice-responses-sexual-violence>

^{vii} Australian Law Reform Commission [ALRC] (2010) *Family Violence – A National Legal Response* (ALRC Report 114) <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-report-114>

^{viii} Daly, K. and Bouhours, B. (2010) 'Rape and Attrition in Legal Process: A Comparative Analysis of five countries', *Crime and Justice* 39(1), pp. 565–650.

^{ix} Australian Human Rights Commission 2017. Change the course: National report on sexual assault and sexual harassment at Australian universities https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf; See also Australian Human Rights Centre, University of New South Wales (Sydney) 2017. On Safe Ground: Strengthening Australian university responses to sexual assault and harassment A good practice guide for Australian universities https://humanrights.unsw.edu.au/sites/default/files/inline-files/AHR0002_On_Safe_Ground_Good_Practice_Guide_online.pdf; End Rape Australia (2018) The Red Zone. An investigation into sexual violence in Australian university residential colleges, <https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/5a95cf99e4966ba2c2a64ca5/1519767581881/The+Red+Zone+Report+2018>

^x Australian Domestic and Family Violence Death Review Network (2018) Data Report. http://www.coronerscourt.vic.gov.au/resources/e7964843-7985-4a25-8abd-5060c26edc4d/website+version+-+adfvdrn_data_report_2018_.pdf

^{xi} Australian Law Reform Commission <https://www.alrc.gov.au/inquiries/family-law-system>

^{xii} Australian Human Rights Commission <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/national-inquiry-sexual-harassment-australian-workplaces>

^{xiii} AWAVA (2018) Consulting on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children. Summary of Survey Results. https://awava.org.au/2018/09/03/research-and-reports/awava-fourth-action-plan-survey-report?doing_wp_cron=1548892288.0566730499267578125000

^{xiv} Anastasia Powell & Nicola Henry (2016): Policing technology-facilitated sexual violence against adult victims: police and service sector perspectives, *Policing and Society*, DOI:10.1080/10439463.2016.1154964

^{xv} See <http://www.smartsafe.org.au/disturbing-new-trend-domestic-violence-offenders-use-car-tracking>

^{xvi} National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children. Available at https://awava.org.au/2018/12/11/research/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1547089841.3421640396118164062500

^{xvii} Committee on the Elimination of Racial Discrimination (2017) Concluding observations on the eighteenth to twentieth periodic reports of Australia; Dubravka Šimonović, 'End of Mission Statement' (27 February 2017) <http://un.org.au/files/2017/02/Endof-mission-statement-by-Dubravka-Simonovic-draftfinal-.docx>; Francois Crepeau, UN Human Rights Council, Report of the Special Rapporteur on the Human Rights of Migrants on his Mission to Australia and the Regional Processing Centres in Nauru, UN Doc A/HRC/35/25/Add.3 (24 April 2017) 2.; Mutuma Ruteere, Special Rapporteur, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on his Mission to Australia, UN Doc A/HRC/35/41/Add.2 (9 June 2017).