

**Australian Women Against Violence Alliance
Submission to the Special Rapporteur on Violence against Women, its Causes and Consequences
27 January 2017**

Thank-you for the opportunity to contribute a submission to the Special Rapporteur on Violence against Women, its Causes and Consequences, in preparation of her country visit to Australia scheduled to take place from 13 to 24 February 2017.

About the Australian Women Against Violence Alliance (AWAVA)

AWAVA is one of the five National Women's Alliances (non-government) funded by the Australian Government to bring together women's organisations and individuals across Australia to share information, identify issues and their solutions. AWAVA's focus is on responding to and preventing violence against women and their children. AWAVA's role is to ensure that women's voices and particularly marginalised women's voices are heard by Government, amplifying the work of its member organisations and Friends and Supporters.

AWAVA works towards this by harnessing the expertise of its members, consisting of specialist women's services from the responding to violence against women sector, and working closely with government. Its members include organisations from every state and territory in Australia that represent organisations working on diverse issues including domestic and family violence, sexual assault, feminist pedagogy and young women.

Summary

Violence against women is one of the most extreme manifestations of gender inequality in society and a serious and pervasive human rights violation in Australia. It violates the rights to life, to equality, to liberty and security of person, to the highest standard attainable of physical and mental health, to just and favourable conditions of work and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment.¹

The Declaration on the Elimination of Violence against Women (CEDAW) makes clear that domestic, family and sexual violence are forms of gender-based violence that are most commonly perpetrated by males against females and is a cause and consequence of gender inequality and discrimination.² The evidence in Australia supports this and shows that on average one woman a week in this country is murdered by a current or former partner, one in four women (28%) have experienced physical and sexual violence and/or emotional abuse, one in four women (25%) have experienced emotional abuse and one in six women (17%) have experienced physical or sexual violence.³ Thousands more are

¹ CEDAW Committee General Comment No 19, para 7. See also: International Covenant on Civil and Political Rights (ICCPR) ratified by Australia on 13 August 1980, Articles 2, 3, 7 and 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Australia on 10 December 1975, Articles 3 and 10

² UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143)

³ Australian Bureau of Statistics (ABS), *Personal safety survey Australia 2012*, cat. no. 4906.0, ABS, Canberra, 2013, accessed 29 April 2014

injured or made to live in fear, and more than half a million women report that their children have seen or heard partner violence.⁴ The social, health and economic consequences of family, domestic and sexual violence are enormous, with costs to the Australian economy being estimated at \$13.6 billion in 2009 and expected to rise without appropriate action.⁵

AWAVA supports Australian Governments' efforts to end violence against women and gender inequality in Australia. However, we believe more needs to be done to achieve substantive equality for all women in Australia and there needs to be a holistic approach that recognises and challenges the entrenched, ongoing, intersectional and socially systemic problem of gender inequality and violence against women.

Overview of submission

Our submission will focus on the Australian Government's legislative, policy and program responses to violence against women as both a cause and a consequence of gender inequality. It will also highlight the precarious funding situation and constant uncertainty and insecurity facing the services that not only support and reaffirm women's and children's right to live a life free from violence, but also provide expert advice to legislation and policy reform processes and discussions that enable the environment in which gender equality can exist. This, in particular, continues to be a critical gap in the Government's otherwise positive approach to preventing and responding to violence against women.

Addressing violence against women as a cause and consequence of gender inequality and discrimination

At the national and sub-national level, Australian governments recognise violence against women as a cause and consequence of gender inequality and discrimination, which is characterised by unequal gender relations and control at an individual, community and institutional level. This inequality is also exacerbated by and intersects with other forms of marginalisation, discrimination and vulnerabilities and often has compounding impacts for, but not limited to, Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disability, gender diverse, trans* and intersex people, older women, younger and older women, children, women in regional, rural and remote areas, women asylum seekers, women in prison and women in institutional settings.⁶ It is therefore important that efforts to end violence against women are addressed in the broader context of gender inequality, discrimination and oppression and take an intersectional approach that addresses the root causes of gender inequality, which position women, LGBTIQ people, as well as non-heterosexual males, in unequal positions in society with less economic, social and political power.

As highlighted by women's organisations in response to Australia's report on the implementation of the recommendations of the 2015 Universal Periodic Review, further steps must be taken to:

⁴ Australian Bureau of Statistics (ABS), *Personal safety survey Australia 2012*, cat. no. 4906.0, ABS, Canberra, 2013, accessed 29 April 2014

⁵ KPMG (2009) *The Cost of Violence against Women and their Children*, prepared for the National Council to Reduce Violence Against Women and their Children
https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf

⁶ UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143);

decrease the gendered pay and superannuation gaps; removing barriers to workforce participation; addressing the unequal distribution of unpaid caring work; providing affordable and accessible childcare; increasing the participation of women in leadership roles; and providing greater protections for survivors of domestic violence to ensure they can access safe and affordable housing, opportunities for education and work related vocational training and maintain or obtain financial independence through work.

These points are supported by recommendations 1.1, 1.2 and 2.1 of the Council of Australian Governments (COAG) Advisory Panel on Reducing Violence against Women and their Children.

Women and LGBTIQ people should have full substantive equality in matters relating to marriage and family relations. Failure to provide such equality sends a strong message that only certain types of family relationship (based on gender and sexuality) are legitimate, thereby reinforcing gender inequality, gender-based and homophobic violence and prejudice.

Scope of government action on violence against women

As mentioned, different forms of inequality intersect and all oppressions are intrinsically linked. It is therefore important that efforts to end violence against women take an intersectional approach that address the root causes of gender inequality and violence against all women.

While Australian governments have, over the years, expanded the diversity of women addressed in policies and programs that seek to advance gender equality and the elimination of violence, much more needs to be done to ensure that all forms of gender-based violence - including previously marginalised forms of violence - are addressed and that women and children, in all of their diversity, are included and addressed in efforts to end and prevent violence against women.

Despite significant advocacy, current actions to address violence against women in prison, violence against women and children asylum seekers and refugees, and violence against women with disability in institutional settings and through abuses such as forced sterilisation remain largely excluded or marginalised within governments' responses to violence against women. For example, within the National Plan to Reduce Violence against Women and their Children (hereafter 'the National Plan' – addressed below) there is no mention of violence against women in prison, nor of the violence perpetrated against asylum seekers within and by the immigration and offshore detention system. And while there is some limited recognition and research of the types of violence perpetrated against women with a disability in service settings and institutional settings, policies do not adequately respond to the range of perpetrators and settings identified through decades of advocacy and research by groups such as Women With Disabilities Australia on these issues.

Recommendations:

- Discussion for policy development should utilise clearer terminology that recognises the different range and forms of gender-based violence that exist, both within and external to domestic contexts. It should also make clear the issues of intersectionality and the unequal gender dynamics, relations and control that underpin this violence.
- Policy development should explicitly address the distinct needs and circumstances of Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disability, gender diverse, trans* and intersex people, older women, younger and older women, children, women in regional, rural and remote areas, women asylum seekers and refugees, women in the sex industry, women in prison and

women in institutional settings, and should provide meaningful opportunities for people in these groups to contribute to policy development.

Sexual Violence

Despite the increasing attention to violence against women, sexual violence, both within and outside of the context of domestic and family violence, has become less visible within the “violence against women agenda” and related developments in policy and practice. While the most recent Action Plan (the third such Action Plan) of the National Plan attempts to reverse this marginalisation, public debate and policy discussions continue to routinely address “domestic violence” as synonymous with “violence against women”, marginalising sexual violence as well as other forms and settings of violence discussed above.

Sexual violence occurs in a range of settings and types of relationship, among which are intimate partner and/or domestic partner relationships. A recent report from Sexual Assault Support Service (SASS Tasmania) estimates that 40-45% of women who experience physical abuse from an intimate partner are also forced into sexual activities by them, while 5-12% of women in Australia have sexual violence inflicted upon them by a partner within their lifetime.⁷ Women living with the effects of childhood sexual abuse are both more likely to be subjected to domestic violence and more likely to have sexual violence inflicted upon them by an intimate partner in later life.

Where sexual violence is perpetrated within a domestic violence relationship, it increases the likelihood that more severe physical violence, including lethal violence, is also inflicted. Victims/survivors of intimate partner sexual violence experience more negative impacts, such as decreased self-esteem and coping skills, compared with victim/survivors who have lived in family violence situations in which they did not have sexual violence inflicted upon them.⁸ Sexual violence as a form of domestic and family violence is therefore a significant issue and needs to be clearly identified and addressed within efforts to eliminate violence against women generally.

Across Australia, all legal definitions of family and domestic violence include sexual violence perpetrated by a partner. However, sexual violence within intimate partner relationships is still largely a hidden problem, with low levels of reporting, even where a victim/survivor discloses other forms of abuse. The SASS report points out that where intimate partner sexual abuse is reported, it is less likely to result in prosecutions and convictions than assault by a stranger.⁹ As a result, the different risks and needs of sexual violence survivors go unrecognised and are often overlooked and disregarded. For example, policies and programs and services and service providers often neglect to account and respond to these specific needs. All of these factors have especially negative effects for those subjected to sexual violence, particularly survivors/ victims of childhood abuse.

As such, sexual violence needs to become more visible and better understood in policy development processes. There also needs to be more awareness-raising to shift community attitudes about sexual violence in partner relationships and further work needs to be done to integrate understanding of sexual violence into domestic and family violence prevention and response, including access to justice. This would include training and encouraging domestic violence support workers to include questions about sexual violence when working with survivors of domestic violence.

As well as sexual violence as a form of domestic and family violence, there also needs to be much greater attention to sexual violence in relationships and settings that do not resemble traditional co-

⁷ Sexual Assault Support Service (SASS Tas), Brief – Intimate Partner Sexual Assault and Family Violence, 2015.

⁸ Sexual Assault Support Service (SASS Tas), Brief – Intimate Partner Sexual Assault and Family Violence, 2015.

⁹ Sexual Assault Support Service (SASS Tas), Brief – Intimate Partner Sexual Assault and Family Violence, 2015.

habiting domestic or partner relationships. These include (but are not limited to) sexual assault and harassment at universities and schools, sexual violence against women in the sex industry, sexual violence in immigration detention, sexual violence and abuse in the workplace, online sexual abuse including image-based sexual abuse and exploitation, and sexual violence perpetrated against people with disabilities by carers and others.

Despite some improvements over the life of the National Plan, its successive Action Plans still do not address in adequate detail these forms of violence.

The National Plan to Reduce Violence against Women and their Children

Australia's commitment to working towards gender equality and ending violence against women has most recently been embodied by the adoption of the National Plan to Reduce Violence Against Women and Their Children 2010-2022 (the National Plan), which acts as the primary national policy on reducing sexual, domestic and family violence.

The National Plan is an important document that aims to unify the Australian community towards a shared goal: ending violence against women and children. It also encourages often-disparate actors in the private, public and not-for-profit sectors to combine their efforts towards achieving this goal. The four Action Plans (each covering three years) under the National Plan are intended to build a set of defined and practical steps to respond to and prevent violence against women and their children. The Department of Social Services (DSS) "leads" on the implementation of the National Plan, although efforts to eliminate violence against women and children involve efforts taken across several Australian government departments, and include actions agreed by the State and Territory (sub-national) governments.

The Australian Government is to be commended for its support for and continuance of Australia's National Research Organisation for Women's Safety (ANROWS), Our Watch, the Personal Safety Survey (PSS) and the National Community Attitudes Survey (NCAS), all of which are key underpinnings of the long-term change to which the National Plan is intended to contribute. The Australian Government has also made positive steps in responding to increasing technology facilitated abuse, particularly through its support for WESNET, the e-safety Commission Office and various technology trials. We hope this support for redressing technology-facilitated abuse is sustained.

Despite positive steps, the implementation of the National Plan continues to be hindered by gaps between intent and practical implementation. These inconsistencies undermine the governments' commitments to gender equality and efforts to end violence against women. This is highlighted in the 2010 concluding observations of the Committee on the Elimination of Discrimination against Women, which states that steps must be taken to "adopt national legislation and adopt, implement and adequately fund as a matter of urgency the National Action Plan to Reduce Violence against Women and their Children including a mechanism for independent monitoring".¹⁰ Further details are provided below.

Consultation and engagement mechanism for civil society

The design and implementation of the National Plan has been continuously hindered by the lack of effective communication between governments and civil society, including inadequate mechanisms for civil society participation. From the initiation of the plan, civil society - including AWAVA and AWAVA's members - have expressed concerns about the National Plan's ability to ensure regular, equal and meaningful consultation and engagement with civil society. For example, in reference to

¹⁰ See CEDAW/C/AUS/CO/7/29, pg 5 <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-AUS-CO-7.pdf>

the National Plan Implementation Panel (NPIP), which was designed as a key forum to advise Ministers of emerging issues and inform the evaluation of the National Plan, and which included government and NGO representatives, the 2014 CEDAW shadow report stated:

[T]he National Plan Implementation Panel (NPIP) NGO representatives were initially required to sign confidentiality agreements significantly impacting on their ability to share information with civil society. While through their advocacy these confidentiality agreements were lifted, the Government has been very slow to release official summaries of these meetings.¹¹ Notably, there is no reference to NPIP in the Second Action Plan. The mechanisms for civil society engagement have not been finalized in the Second Action Plan. The First Action Plan also discussed the formation of Advisory Groups on which NGOs would be represented according to their expertise in primary prevention, service delivery, justice responses and building the evidence base. These Advisory Groups are yet to be established.

– 29.11, 2014 CEDAW Shadow Report

In addition, there were few opportunities for participation from civil society, including by key non-government organisations, in the development of the National Plan Evaluation Plan released in June 2014. While there was some consultation on the development of the Second Action Plan, submissions made regarding the development of the second Action Plan were not made public. In addition, civil society stakeholders were supportive of the NPIP's plan to convene advisory groups; however, these were absent in the Second Action Plan. Soon after this the NPIP was dissolved, which further limited the forums available for on-going and meaningful consultation and engagement with civil society.

During the Second Action Plan, the COAG Advisory Panel on Reducing Violence against Women and their Children was established. This was a significant step to support a number of proposed consultative mechanisms and forums. AWAVA's Chair Julie Oberin was a member of the Advisory Panel, in an individual capacity based on her extensive experience in advocacy and service provision. While civil society welcomed the COAG Advisory Panel and also the publishing of the COAG Advisory Panel's reports, it raised serious concerns regarding the transparency and inclusivity of the Panel. This is because the panel was tasked to report to the COAG only and were not allowed to provide public reports to civil society; they were required to sign confidentiality agreements to ensure this, which seriously impacted on their ability to share information with civil society.

These concerns were, once again, raised in the development of the Third Action Plan, which omitted a formal submission stage and provided only limited opportunities for mechanisms for civil society to provide feedback. This attenuated process restricted open and transparent participation, feedback and evaluation from the greater civil society. A number of roundtable consultations were hosted by DSS but attendance by invitation only and there was no public process to inform the broader civil society about the timing and location of these consultations and workshops, or about the content of the discussions that were taking place. Roundtable participants were asked not to take out, or share the documents they viewed within the consultations, limiting the ability of attendees to consult more broadly with their own constituents and networks. At the National Forum for Women and Girls with Disability in April 2016, concerns were raised about the cost of attending these consultations, particularly for those who live in rural and remote regions and have greater access needs. Throughout the process, AWAVA raised concerns about the limited consultation process and made practical suggestions for ways to improve it, including assisting DSS to broaden the diversity of consultations.

While various civil society actors, including AWAVA, provided informal submissions to the Department of Social Services and/or attended consultations, there has been no process of feedback aggregation

¹¹ See AWAVA (2014) *Submission to the Senate Inquiry into Domestic Violence in Australia*, p12.

and government response to show how submissions and consultations might have been utilised in the development of the Third Action Plan.

The Third Action Plan highlights that the National, State and Territory Ministers responsible for women's safety portfolios ('Women's Safety Ministers') are responsible for overseeing implementation of the Third Action Plan and will lead whole-of-government involvement.¹² Women's Safety Ministers will also drive the development of the Fourth Action Plan. The creation of an Implementation Executive Group (ImpEG), comprising senior public servants working in relevant departments, is supposed to support Women's Safety Ministers by driving the Third Action Plan's day-to-day implementation. The ImpEG is also supposed to "contribute to reporting and evaluation of the Third Action Plan" and "drive community engagement". AWAVA has requested that further information be provided publicly about the timing, topics and outcomes of ImpEG meetings, for example written communiqués, but DSS has indicated that this is unlikely. Collaborative implementation of the Third Action Plan (and indeed of the National Plan) requires a consultative and/or oversight body that includes civil society. The ImpEG is clearly not a substitute for such a consultative mechanism.

The Third Action Plan includes a commitment to establishing Working Groups to address five specific areas (workforce strategies, housing and homelessness, Aboriginal and Torres Strait Islander communities, sexual violence, and children and parenting). Non-government organisations are intended to be represented on the Working Groups, but no progress has yet been made on their formation. Given previous problems with consultation and representation, AWAVA is concerned about how inclusive and visible these Working Groups will be, particularly for marginalised people. Further information is also needed about systems for meaningful, ongoing interaction between the ImpEG, the Working Groups and civil society. Unless these systems are explicitly designed and resourced to be robust and open, this will severely undermine civil society's ability to participate in and inform all levels of decision-making and translate on-the-ground knowledge and expertise to policy-makers.

AWAVA therefore urges the Australian Government to adopt UPR recommendation 76 and recommendation 29.12 of the 2014 CEDAW Shadow Report, which recommends improved communication by government with civil society and greater consultation, participation and collaboration in the development, implementation, monitoring and evaluation of implementation plans by the prevention of violence against women sector and those whose lives and rights will be affected.

AWAVA also recommends that improved communication by Government with civil society should ensure transparency and inclusivity, including representatives of Aboriginal and Torres Strait Islander women, CALD women, women with disability, young women, mature age women, women in prison, women from regional, rural and remote areas and LGBTIQ people, domestic, family and sexual violence services and specialists, other women's services, academics, practising lawyers and/or women's legal specialists.

Furthermore, AWAVA recommends that the Department of Social Services and the Office for Women:

- Utilise submissions to inform the development of all initiatives under the National Plan. These should be publically available;
- Publically release meeting communiqués as soon as practicable after each meeting of the Implementation Executive Group and;

¹² See the Third Action Plan: <https://www.dss.gov.au/women/programs-services/reducing-violence/third-action-plan>

- Publically release information regarding when and where consultations are taking place and the agenda of each of these consultations.

Independent monitoring and evaluation mechanism

Currently there is no independent mechanism to effectively operationalise the Evaluation Plan of the National Plan, and monitor and/or evaluate the implementation and impact of activities, or assess gaps and performance to support efforts to improve results in the future. AWAVA has expressed concern regarding the Evaluation Plan's ability, in its current state, to ensure that reporting and decision-making is transparent and meeting the needs of women and children affected by violence.

The Evaluation Plan, which was released in June 2014, represented an important development and includes a number of evaluation activities. However, the lack of broader consultation and feedback in relation to the draft Evaluation Plan has resulted in the Evaluation Plan lacking necessary detail in a number of respects. For example: the National Plan has promised results however the government has provided very little in terms of statistical benchmarks, systems of measurement, timelines, financial obligations or baseline to reference success. The omission of such details limits the Government's ability to monitor whether the Plan is appropriately resourced or if efforts under the plan are meeting relevant outcomes and targets.

Further, the Evaluation Plan suggests that all stakeholders would participate in the evaluation process, contribute to each report and that the report would be made publicly available. It also refers to Annual Progress Reporting as a key monitoring, accountability and communication activity under the National Plan. However, as previously mentioned, civil society submissions made during the development of the Second Action Plan were not made public and there was no submission phase during the development of the Third Action Plan, which has significantly limited opportunities for open and transparent feedback and evaluations from the greater civil society. This has also led to a lack of timely publication and delivery of initiatives under the National Plan. In some circumstances, crucial evaluation documents have not been released even after strong advocacy, such as the evaluation of the Second Action Plan, which was supposed to inform the Third Action Plan, but has still not been released. The Evaluation Plan needs discussions, reporting and decision-making to be transparent, accountable and consultative, with on-going provisions for the incorporation of civil society, experts, victim/survivors and peak bodies in this process.

AWAVA supports UPR Recommendations 76 and 80, which were accepted by the Australian Government, and urges the Government to "commit to the implementation of an independent monitoring and evaluation mechanism and the resourcing of civil society to participate in this. Also, an independent monitoring body should include the following elements:

- time specific and measurable indicators and targets
- an institutional multi-sectoral mechanism to monitor implementation;
- meaningful participation of civil society and other stakeholders;
- evaluation of practice and system;
- accountable reporting procedures.¹³ "

Funding and ensure accountability and transparency

There is a lack of understanding amongst civil society about the level of National Plan funding. While we acknowledge and welcome the Women's Safety Package announced last September, further investment is required to enable the effective implementation of the National Plan and the prevention of violence against women. The Australian Government should ensure that key initiatives

¹³ UN Women. 2012. Handbook for National Action Plans on Violence against Women
<http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf>

under the plan are sufficiently and sustainably funded and adequate funding is provided for quality prevention, early intervention and ongoing specialist response and support initiatives and monitoring and evaluation of these initiatives.

- Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regard to specialist support services.
- Adequately resource all initiatives under the National Action Plan, ensuring funds can be tracked and monitored.
- Appropriately monitor, evaluate and track funding in the Evaluation Plan and provide appropriate funding for this.

Given the importance of the National Plan in operationalising the Australian Government's commitments to end violence against women and children, the points below on funding insecurity also have implications for the National Plan and represent critical gaps in the National Plan and Government's approach to preventing and responding to violence against women.

1800RESPECT

1800RESPECT is the National Sexual Assault, Domestic and Family Violence Counselling Service for people living in Australia and is a key initiative of the National Plan. 1800RESPECT is contracted through Medibank Health Solutions which until recently sub-contracted the whole of its call centre counselling work to Rape & Domestic Violence Services Australia. A recent evaluation of 1800RESPECT has resulted in the implementation of the "First Response" triage model and the establishment of an Implementation Clinical Advisory Group (ICAG) to guide the development of the triage function. AWAVA continues to raise our members' questions and concerns about changes to 1800RESPECT and to share information and opportunities to comment. In part as a result of our advocacy, the state-based specialist women's domestic violence hotline services are now represented on the ICAG. We will continue to communicate with 1800RESPECT in order to better understand the changes to the services and to advocate for collaboration with other women's services.

Enabling environment undermined by funding insecurity and loss of political support for services

Australian Governments have an obligation to protect, promote, and fulfill the rights of women and children, including providing good quality, available, accessible and acceptable support services to women and children who have had violence inflicted upon them.^{14,15} As efforts continue to raise community awareness and condemnation of domestic and family violence and sexual violence, demand for support services has also continued to increase. Yet, despite the importance and increasing need for specialist women's services, a number of changes in government at Federal, State and Territory level have resulted in ongoing insecurity or a loss of funding and political support for specialist women's services, which has undermined the capacity of the support services that directly respond to women and children affected by violence to meet the increasing demand for their

¹⁴ A recent legal ruling has established that failure to provide access to immediate protection (in this case where a victim could not access a shelter and had no legal or other avenues to create safety) will mean a state is in violation of the United Nations Convention on the Elimination of all Forms of Violence against Women. See AT v Hungary - CEDAW Committee Recommendation No. 19 para 24 (r) (iii); Beijing Platform Strategic Objective D1 para 125 (a), echoed by the Secretary General at p80 of his report; CEDAW Committee Decision 2005 Communication No.2/2003. <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/CEDAW%20Decision%20on%20AT%20vs%20Hungary%20English.pdf>

¹⁵ Commission on the Status of Women, 57th session (2013) Agreed Conclusions on the elimination and prevention of all forms of violence against women. E/CN.6/2013/11 <http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/57/csw57-agreedconclusions-a4-en.pdf?v=1&d=20140917T100700> clause A(c).

services. This is particularly true for specialist women's services, including specialist women's legal services.

Specialist women's services

AWAVA's policy brief on [The role of specialist women's services in Australia's response to violence against women and their children](#) (April 2016) outlines the importance of specialist women's services in responding to violence against women and children and achieving gender equality. It also highlights that a much larger investment of funding is required to genuinely address service needs and strengthen prevention efforts. The comments made in this brief are relevant to this submission and we ask that they be considered.

In 2012, the UN Special Rapporteur on violence against women, Ms Rashida Manjoo, observed that The disconnection between government plans, programs and projects aimed at preventing, addressing and reducing violence against women and the needs of women 'on the ground' is a manifestation of: ... a lack of dedicated, sustainable resources and funding models for both preventative and response based services (which recognise the long-term, protracted nature of the crisis rather than short-term, quick-fix approaches)

For example, front-line services are partially funded by various Australian Government departments, and many are delivered under contract with State and Territory Governments, who utilise a range of different approaches. Domestic Violence NSW reports that the majority of specialist domestic and family violence services receive funding from multiple sources and have to manage multiple, small resource allocations just to offer core best practice services to clients. For example, specialist women's services, which are at the heart of developing and delivering best-practice responses, are drastically underfunded despite increasing demand for their services. Currently, most domestic and family violence services rely on short-term homelessness funding or are juggling other small, short-term project-based funding streams that do not account for the breadth of their complex and indispensable long-term work. Further, homelessness service funding through the National Partnership of Affordable Housing (NPAH), which is a key source of funding for domestic and family violence services from the federal level, was due to end in June 2015 and again in June 2017. While this funding has now been renewed for another year, with the intention that it be reviewed during this time, the short-term and insecure nature of this funding has led to ongoing uncertainty and anxiety for services, which ultimately undermines service providers' ability to accurately plan and upscale their work and devote resources to meet increasing demand. It also means services need to devote limited resources to advocacy about funding.

The Victorian Government has committed to implementing the recommendations of the Royal Commission on Family Violence¹⁶, and the Queensland Government has adopted the recommendations of the *Not Now, Not Ever* report¹⁷, both of which include important reforms to strengthen the position of specialist women's services. The Council of Australian Governments (COAG) has indicated in-principle support for joint actions recommended by the Advisory Panel on Reducing Violence against Women and their Children, which include measures to improve service provision.¹⁸ However, the complexity and variation of the Australian federal system make it a challenging task to strengthen service provision across the country as a whole. Unless this task is defined and undertaken, however, it will certainly not be achieved. This was further highlighted in the 2010 concluding observations of the Committee on the Elimination of Discrimination against Women, which states that further steps must be taken by the state to "develop strategies to prevent

¹⁶ Victorian Royal Commission on Family Violence Final Report (2016) <http://www.rcfv.com.au/>

¹⁷ Special Taskforce on Domestic and Family Violence in Queensland (2015) *'Not Now, Not Ever' – Putting an End to Domestic and Family Violence in Queensland* <https://www.qld.gov.au/community/getting-support-health-social-issue/dfv-read-report-recommendation/index.html>

¹⁸ COAG Communique, 1 April 2016, <https://www.coag.gov.au/node/537#6>

homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate ongoing accommodation and integrated support.”¹⁹

In addition, procurement trends and service reforms in various areas continue to unintentionally undermine front-line services, particularly women’s specialist services. In NSW, competitive tendering under the Going Home Staying Home homelessness sector reforms (2012–2014) led to the loss of specialist domestic and family violence services and specialist workers, including the transfer of government-owned properties originally allocated specifically to domestic and family violence support to other homelessness services. This reform occurred in the context of growing demand and ongoing uncertainty about Australian Government homelessness funding, although in November 2015 the NSW Government announced that all currently funded specialist and mainstream homelessness services will have their funding extended to 2020. Competitive tendering meant that services were pitted against each other and long-standing connections and partnerships built over many years were damaged or destroyed. Services continue to report feeling disconnected from other referral agencies and in some areas specialist women’s services continue to identify issues within service partnerships and a lack of understanding from partners about the specialist nature of working with women and families impacted by violence and trauma.

Ultimately this impacts negatively on women and children who are seeking support. The NSW government maintains that all women’s refuges “owned by” the NSW Government continue to operate (“ownership” here referring to the property at which the service is provided)²⁰, but advocacy group SOS Women’s Services estimates that 75% of women’s refuges have been transferred to larger charities, and pressure on all homelessness services means that much of the important early intervention and prevention work that was undertaken by smaller specialists is now unable to be delivered. Specialist and mainstream NSW domestic and family violence services contracted to work with victims/survivors report being at capacity most, if not all, of the time. This often leaves women and their families stranded without access to safety and the specialist best practice supports delivered by a competent and knowledgeable service.²¹

A key underlying factor that further impacts on the capacity of NSW services to meet demand is a growing lack of affordable housing and an increase in the number of homeless women, men and families. Women and children often simply have nowhere to go. Specialist and mainstream crisis and refuge services are often full and the NSW Government has increased its use of motels for temporary accommodation when women need to leave their home in crisis and seek safety. Domestic Violence NSW and other advocates maintain that all women and their families should be able to access culturally safe services that meet their needs and that outreach support delivered to clients in temporary accommodation in motels is not a safe alternative.²²

The recent NSW experience is an example of the need for better recognition and protection of the work of specialist women’s services and a nuanced understanding of the support that victim-survivors require when escaping domestic and family violence. The Australian Government should lead this

¹⁹ See CEDAW/C/AUS/CO/7/29, pg 5 <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-AUS-CO-7.pdf>

²⁰ NSW Department of Family and Community Services (2015), ‘Women’s Refuges – The Facts’ http://www.housing.nsw.gov.au/_data/assets/pdf_file/0020/324821/SHS-Women-s-Refuges-The-Facts.pdf

²¹ Hill, J. and Cohen, H. ‘How funding changes in NSW locked women out of domestic violence refuges’, *The Guardian*, 9 March 2015, <http://www.theguardian.com/society/2015/mar/09/no-place-to-hide-how-women-are-being-locked-out-of-domestic-violence-refuges>

²² See AWAVA’s policy brief on the [The role of specialist women’s services in Australia’s response to violence against women and their children](http://awava.org.au/wp-content/uploads/2016/01/AWAVASpecialistWomensServicesPolicyBrief2016-1.pdf), April 2016 <http://awava.org.au/wp-content/uploads/2016/01/AWAVASpecialistWomensServicesPolicyBrief2016-1.pdf>

work, through the National Plan, funding strategies and an inter-governmental commitment to eliminating violence against women.

Women's legal services

Currently, Australian community legal centres (CLCs), including women's legal services face significant Australian Government funding cuts while at the same time having to respond to a growing demand for their services. Much of the demand for CLC services is related to family violence, with the two largest areas of CLC work being family violence-related. In particular, women's legal services provide services almost exclusively to family violence victim survivors, in the areas of domestic and family violence law, family law, children's matters and victims of crime compensation. Given the high demand for CLC services, in 2014 it was reported that CLCs turned away close to 160,000 due to resource constraints.

Yet the Australian Government intends to cut funding to CLCs by 30 per cent commencing on 1 July 2017, which will reduce funding by \$34.83 million between July 2017 and June 2020; and reduce service capacity by a third.²³ The National Association of Community Legal Centres (NACLC) further states that CLC funding through the National Partnership Agreement for Legal Assistance (NPA), under the Attorney General Portfolio Budget papers, has not received any additional funding to address growing demand. Aboriginal and Torres Strait Islander Legal Services have also had cuts to their funding. These cuts amount to over \$6 million.²⁴ While there have been some new funding commitments to these services in the last few months, the new commitments do not match the impending cuts or the further investment that is required to meet the needs of women and children subjected to violence. As such, this will lead to reduction in services provided.

Services such as the Women's Legal Centre ACT and Region are finding that the precarious funding situation is creating daily uncertainty for women's legal services already as they struggle to maintain sustainable services in the face of this funding crisis. Furthermore, the restrictions in the NPA outlines conditions limiting the use of funding to direct service provision, which can operate as a gag clause and certainly community legal centres have become increasingly anxious about participation in public conversations about policy and social issues for fear of falling foul of these. All of these factors reduce the ability of specialist services to provide expert advice to legislation and policy reform.

An intended and predictable effect of public discussion is to encourage victims/survivors to come forward and seek help. This increase in demand will only intensify with the national campaign to change attitudes towards women and girls that commenced in 2016. It is expected that demand for services will increase as more women and families identify violence and seek support. The implicit commitment is that help will be there. Governments that are vocal in condemning violence, as they should be, also have a serious responsibility to ensure adequate services exist appropriate to geographic location and cultural diversity.

Recommendations: That the Australian Government, in cooperation with the State and Territory governments

- Substantially increase funding to key areas including specialist domestic and family violence support services, domestic violence outreach services, women's refuges, sexual assault services, women's legal services, specialist women's court support services, community-controlled Aboriginal and Torres Strait Islander services and community based specialists

²³ For an analysis, see

http://www.naclc.org.au/cb_pages/news/MediaReleaseBudgetcutstolegalassistanceserviceshitvulnerablehardes t.php

²⁴ For analysis see [http://www.natsils.org.au/portals/natsils/MEDIA%20RELEASE%20-%20post-budget%20-%20030516%20\(002\).pdf?ver=2016-05-04-102339-127](http://www.natsils.org.au/portals/natsils/MEDIA%20RELEASE%20-%20post-budget%20-%20030516%20(002).pdf?ver=2016-05-04-102339-127)

working with LGBTIQ communities, women with disability and culturally and linguistically diverse communities

- Create a dedicated and recurrent funding stream through partnership with the states and territories that supports the breadth of work specialist women and children's family violence services do to respond to family violence, which is not adequately resourced or measured by homelessness funding
- Increased, committed and ongoing Commonwealth Government funding for the National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH), including indexation, which provide vital funding for specialist women's services in the family and domestic violence sector;
- Strengthen the reporting and monitoring mechanism of the NPAH. Include the improvement of housing options for women escaping violence as a performance indicator for the agreement;
- Ensure specialist services demonstrating expertise in the diverse housing needs and experiences of women are adequately funded under the NPAH
- Commit to a whole of government approach to reducing violence against women and their children, which articulates the roles and responsibilities of the relevant Australian Government portfolios in addressing this issue. This would be supported by a budget planning and reporting framework to publicly account for the money allocated to preventing and responding to violence against women across all Australian Government departments
- Initiate a consultative process to determine full costing for the range of services needed to effectively respond to violence against women and children, to inform the development of the 2017-18 budget.

In relation to Women's Legal Services that the Australian Government:

- Reverse the national funding cuts to Community Legal Centres (CLCs) under the National Partnership Agreement;
- Immediately inject \$200 million per year into the legal assistance sector, consistent with the recommendation made by the Productivity Commission, including at a minimum \$14.4m per year to Community Legal Centres and appropriate amount amounts for Family Violence Prevention Legal Services, Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions²⁵;
- Commit to developing a process for determining sustainable long-term funding contributions to the legal assistance sector.

Access to Justice for women and children affected by violence

The legal system is often a crucial part of women's and children's journey out of violence. But despite having a national outcome in the National Plan to improve outcomes for women and children survivors of violence within the justice system, we are concerned that this is not being adequately prioritised and translated into practice. In August, AWAVA released a policy brief on "[Access to justice for women and children living with or at risk of violence](#)". This paper draws on existing literature and community sector knowledge - including the expertise of AWAVA's members - to highlight some of barriers and shortcomings of the legal system for women and children experiencing violence. It also foregrounds some of the efforts needed to enable the environment necessary for access to justice to exist and many steps that could be undertaken to improve legal system's responsiveness and establish stronger safeguards for women and children experiencing and at risk of experiencing

²⁵ See recc 21.4 of the Productivity Commission : <http://www.pc.gov.au/inquiries/completed/access-justice/report/access-justice-overview.pdf>

violence. The comments made in this brief are relevant to this submission and we ask that they be considered. We also recommend the implementation of Women’s Legal Services Australia’s [Safety First in Family Law Five Step Road Map](#).²⁶

Greater commitment to embed gender equality in all government processes and policies

Government policies and processes are not gender-neutral; rather, they are influenced by social structures and inequalities. To help address the inequalities that drive violence against women, there must be greater commitment to embed gender equality in all government policies and processes. Rigorous gender budget analysis and other systems should be established to examine the gendered impacts of policies and processes and funding allocations on women and men. These should also include clear measures to address the underlying causes of violence against women. Australia’s world-first shared national framework for the primary prevention of violence against women, [Change the Story](#), is a solid basis for the development of such measures. Gendered experiences such as, but not limited to, caring responsibilities, economic insecurity and homelessness, should be taken into account in assessing policy processes. For example, the Federal budget should explain the impact of the planned cuts and expenditure on women. All data must be at a minimum gender-disaggregated so we know what is happening to women, and we need equal representation in government, business and our communities.

Increased funding and support for The Office for Women

The Office for Women, which is based within the Department of Prime Minister and Cabinet (PM&C), is the central mechanism to ensure that gender equality and women’s issues are taken into consideration in policy and program development and implementation. While the Australian Government has increased commitment to gender equality and reducing violence against women, the Budget does not provide any substantial new funding for the Office for Women. In addition, forward estimates show a decrease in budget allocations in 2017-18 and 2018-19 from 2016-17.²⁷

In order to practically meet Australia’s increased commitments to gender equality and to reduce violence against women and children, the Office for Women needs to be adequately resourced and appropriately strengthened. In the context of an intensifying backlash against women’s rights, a strong women’s policy machinery is more important than ever.

Recommendations:

- Increase and sustain funding for the Office for Women so it can further support and strengthen the Government’s commitments to gender equality and ending VAW.
- Reintroduce the Women’s Budget Statement in a rigorous form enabling it to assess the implications of the budget for women and men, and to highlight policy measures and initiatives that address gender inequality
- Adequate, indexed and secure funding for the National Women’s Alliances.

Gender focal points across all ministries and government agencies

The issues of violence and gender equality are crosscutting, complex and multi-faceted. Appropriate and holistic approaches require cooperation and support from all government agencies. They also

²⁶ See: <https://safetyinfamilylaw.org.au/the-solutions/>

²⁷ The Office for Women was allocated \$3.6 million for 2015–16, only slightly more than the \$3.5million it was allocated in 2014–15 and less than the actual spend for 2014–15 of \$3.8 million. While forward estimates show a small increase for 2016-17 to just under 3.65 Million this is again estimated to decrease from this in the 2017-18 and 2018-19. Australian Government, Portfolio budget statements 2015–16: budget related paper no. 1.14: Prime Minister and Cabinet, p. 30; Australian Government, Portfolio budget statements 2014–15: budget related paper no. 1.14: Prime Minister and Cabinet, p. 30;

need specialised staff that can understand the nature and dynamics of violence against women and gender inequality so as to recognise and apply effective strategies within policy development processes. In 2012, the UN Special Rapporteur on violence against women, Ms Rashida Manjoo's highlighted the Australian Government's need for central gender focal points to address violence against women and ensure cross-departmental and integrated development of programs.²⁸ Further, UNWomen highlights that a gender perspective, which focuses on substantive equality and intersectionality, needs to be integrated at all levels of planning, policy-making, and implementation of government activities.²⁹

While we welcome the commitments made under the National Action Plan on Women, Peace and Security 2012–2018, which seek to integrate gender into Australia's national and international peace and security efforts, these commitments need to be extended across all government agencies. This will help embed gender equality across government and will also help to stop the structural inequalities that drive or exacerbate the violence against women from "falling through the cracks" during policy development processes. An example of gender inequality "falling through the cracks" in this way was a recent Senate Committee inquiry into a Family Law amendment Bill (2015) which, as noted in the Senate Committee's report, neglected to address the implications of the Bill for Australia's obligations under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which is critical to Australia's progress on gender equality and the elimination of violence against women.³⁰

- Recommendation: Implement and adequately resource gender (and/or human rights) focal points in all government agencies.

Fulfilling our commitments to the Global Goals

Australia is committed to working towards gender equality and ending violence against women. At an international level, Australia has signed and ratified the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the optional Protocol to CEDAW, the Convention on the Rights of the Child, and the UN Security Council Resolutions addressing Women, Peace and Security. It has also confirmed commitment to the Beijing platform and the Sustainable Development Goals, which not only denounce violence but calls for international and national measures to work towards gender equality and provide better protection, responses and support services to all women and children's experiences and threats of violence.³¹

While these steps demonstrate that the Australian Government is committed to working towards gender equality we need further consideration as to how Australia might be held accountable for these commitments.

- Recommendation: Ensure the availability of sufficient gender disaggregated and gender responsive and transformative data, including by adequately funding the Australian Bureau of Statistics to collect, analyse and disseminate relevant data.

²⁸ Committee on the Elimination of Discrimination against Women, Concluding Observations on Australia, 46th Session, UN Doc CEDAW/C/AUS/CO/7 (30 July 2010).

²⁹ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I, para. 38 and annex II, para. 229.

³⁰ See:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Family_Law_Bill/Report/b02

³¹ UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143); United Nations Security Council Resolutions 1325, 1820, 1888, 1889 and 1960