**Position Paper on the development of the Fourth Action Plan of**

**the National Plan to Reduce Violence Against Women and their Children**

October 8, 2018

We thank you for the opportunity to make a submission to the consultation on the development of the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children. This Position Paper supplements and expands on AWAVA’s summary submission published on 21 September 2018.

**About Australian Women Against Violence Alliance**

Australian Women Against Violence Alliance (AWAVA) is one of the six National Women’s Alliances funded by the Australian Government to bring together women’s organisations and individuals across Australia to share information, identify issues and contribute to 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, and to amplify the work of its member organisations and Friends and Supporters. AWAVA’s members include organisations from every State and Territory in Australia, representing domestic and family violence services, sexual assault services, and women’s legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators, women in the sex industry and other groups. AWAVA's contract manager is the Women's Services Network (WESNET).

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# Introduction

The Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children is a milestone in the efforts to respond to violence against women in Australia. Being the last four-year plan of the 12-year timeframe, it represents a crucial opportunity for honest evaluation and thoughtful planning towards ongoing, consistent and well-resourced efforts to reduce and ultimately end violence against women.

This submission draws in part on the survey conducted by AWAVA in May-June 2018, which aimed to evaluate the progress achieved under the Third Action Plan and consult with a broad range of service providers, peak bodies and individuals across Australia on the development of the Fourth Action Plan. The full analysis of the survey findings is attached to this submission. In this introduction we provide only a brief overview of the survey findings in terms of evaluating the progress achieved to date.[[1]](#footnote-1)

Evaluating the progress achieved under the Third Action Plan and the National Plan generally, respondents identified three areas that have seen the least progress. They are national priority area 2) Relationships are respectful, 5) Justice responses are affective and 6) Perpetrators stop using their violence and are held to account.

Respondents also indicated that the Fourth Action Plan and any subsequent second National Plan should build on the progress achieved to date and sustain efforts in reducing violence against women. We understand that the Fourth Action Plan may need to focus on specific areas in order to achieve measurable outcomes. However, we believe that it should also lay a strong foundation for future efforts, ideally a second National Plan. Thus, priority areas outlined in this submission may be used to inform both the development of the Fourth Action Plan and future planning for the second National Plan.

The Fourth Action Plan background and evidence paper has put forward proposed priorities to be addressed. We commend the Department of Social Services (DSS) on the extensive list that covers a broad range of areas and continues much of the work already in progress. However, the priorities as articulated differ greatly in their level of specificity. For example, some priorities such as access to justice address large and complex systems whereas others such as addressing the impact of violence on children are quite targeted. For this reason, several of the priorities overlap in ways that might make it difficult to form logical specific actions building towards larger goals. We would therefore like to offer an alternative structure that policy-makers might find useful in conceptualising the priority areas for the Fourth Action Plan, and planning towards a second National Plan.

# Priority areas for the Fourth Action Plan

AWAVA has identified the following six priority areas that we believe should underpin the Fourth Action Plan and lay the foundation for a second National Plan. They are:

1. Approaches to end violence against women;
2. Addressing violence against diverse groups of women;
3. Addressing different types of violence against women;
4. Strengthening systems;
5. Strengthening services; and
6. Improving coordination and governance.

These priorities represent high-level and overarching areas of efforts to reduce violence against women. As shown in the mapping below, they accommodate the proposed priorities put forward by DSS at the opening of consultations and point to the gaps that require attention. These priority areas comprise a number of comprehensive / detailed measures outlined in the text of this submission.

Legend to the mapping:

* The first column represents DSS-identified priorities (in black) and gaps: issues not yet or not sufficiently addressed (in red). Ultimately together they represent the measures required to reduce and ultimately end violence against women.
* The second column represents AWAVA-identified priorities that serve as overarching objectives.
* The last column represents principles that should underpin the Fourth Action Plan.
* The dotted purple frame indicates the necessity of sufficient levels of funding and resourcing.

## Matrix of proposed priority areas by AWAVA

|  |  |  |  |
| --- | --- | --- | --- |
| Reducing violence against women and their children through prevention activities | **Approaches to end violence against women** |  | **√ Recognises gender inequality and other forms of oppression as the main driver of VAW**  **√ Recognising the role of specialist women’s services**  **√ Recognises diversity**  **√ Intersectional**  **√ Culturally competent**  **√ Inclusive**  **√ Sustainable**  **√ Ongoing**  **√ Transparent**  **√ Collaborative**  **√ Accounts for regional, rural and remote locality**  **√ Centres the voices of victims/survivors** |
|  |  |
| Addressing violence against Aboriginal and Torres Strait Islander women | **Addressing Violence against Diverse Groups of Women & Children** |
| Addressing violence against women from culturally and linguistically diverse communities |
| Addressing violence against women with disability |
| Addressing violence against people who identify as LGBTIQ+ |
| Addressing violence against specific age groups of women |
| Addressing the impact of violence on women living in financial hardship and/or poverty |
| Addressing violence against women the sex industry |
| Addressing the impact of violence on women in prisons |
| Responding to the impact of family and domestic violence on children |
|  |  |
| Addressing sexual harassment | **Addressing Different Types of Violence against Women** |
| Reducing sexual violence |
| Addressing technology-facilitated abuse |
| Linkages with efforts to address elder abuse |
| Responding to trafficking (incl. for sexual exploitation), forced marriage, dowry abuse, reproductive coercion, FGM, forced sterilisation of women with disability, and unnecessary medical procedures on intersex infants |
|  |  |
| Developing workforce capability | **Strengthening Systems** |
| Access to justice |
| Addressing the intersection of DFV and migration status |
| Responding to human trafficking and sexual exploitation |
| Welfare system improvements |
| Housing affordability and long-term housing options |
|  |  |
| Adequate crisis accommodation | **Strengthening Services** |
| Supporting the medium to long‑term safety, wellbeing and independence of women and their children |
| Mechanisms to ensure funding to specialist women’s services |
| Developing services’ capability |
|  |  |
| Coordinated response to addressing violence against diverse groups of women | **Improving Coordination and Governance** |
| Improved involvement of civil society |
| Transparent, independent and periodic monitoring and evaluation |
| **sufficient and long-term**  **FUNDING AND RESOURCING** | | | |

## Principles to underpin the efforts to reduce violence against women

We 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. Forms of violence such as forced marriage, dowry abuse, forced sterilisation of women with disability and others (see [Priority area 3](#_Responding_to_complex) of this submission) require more attention. It is essential that prevention, intervention and responses to **address violence against diverse group of women are co-designed with communities**. Support and access to services must not be obstructed by people’s migration status, ability, sexuality, ethnicity or the intent to press charges in some cases (e.g. forced marriage or human trafficking).

Ongoing work to **mainstream gender equality** and challenge patriarchy is required to end violence against women and their children. Our Watch’s Change the Story framework identified the four key gendered drivers that need to be challenged: the condoning of violence against women; men’s control of decision-making and limits to women’s independence; rigid gender roles and identities; and male peer relations that emphasise aggression and disrespect to women.

**An intersectional lens needs to be mainstreamed** throughout every priority area of efforts to reduce violence against women. Taking an intersectional lens means recognising how power and discrimination intersect and how different groups of people experience them differently. It means understanding that gender identity, race, sexuality, religion, ethnicity, age, disability, socio-economic status and others do not exist in isolation from each other but rather are intertwined and influence how we experience the social world and how it perceives us. These intersections become particularly acute in some areas such as access to justice, and subtler in others. Nevertheless, taking an intersectional lens means recognising that “gender is not experienced in the same way by everyone”.[[2]](#footnote-2) Thus, taking an intersectional approach to efforts to prevent and reduce violence against women requires identifying and dismantling systemic discrimination, reflecting on “our own relationships to power and privilege as bystanders, researchers, workers or advocates”[[3]](#footnote-3), and centring marginalised voices.

We need governments to work together to **support specialist women’s services to meet the challenges of maintaining good practice service models while responding to rising demand**.

Governments need to ensure that **adequate funding flows to specialist women’s service services** and where appropriate to generalist services that are competent in responding to the needs of women and their children facing violence (see [Priority area 5](#_Priority_area_5:) of this submission).

We need a concerted effort to improve **monitoring and evaluation**, especially:

* using evaluations of previous Action Plans to inform the next Action Plan
* a structured approach with published evaluation plans, consistency of data,
* involvement of victims/survivors and civil society
* an independent monitoring and evaluation body

We need **coordination and consultation** structures built into the plan, including coordination between governments, and mechanisms for consultation and communication with NGOs, service sectors and civil society.

Policy processes need to be better informed across government in terms of impact on gender equality and violence against women. Substantial **gender analysis needs to be undertaken to ensure that proposed policies do not create further obstacles for disadvantaged women to live free of violence,** particularly in the areas of finances and economics. For example, punitive welfare policies and practices of incarceration reinforce violence against women, and these factors should be taken into account when developing welfare and justice policies.

**Sufficient and long-term funding** and resourcing is required to ensure the sustainability of efforts to reduce violence against women.

## Priority area 1: Approaches to End Violence against Women

|  |  |
| --- | --- |
| Reducing violence against women and their children through prevention activities | **Approaches to end violence against women** |

#### Resourcing and commitment to prevention

Respondents to AWAVA’s survey identified that primary prevention activities were among the most visible elements of the Fourth Action Plan and were perceived as having made progress. However, many gaps were still identified, including the need for a more intersectional lens on prevention activities. Prevention of violence against women is a long-term project requiring ongoing resourcing and firm commitment over many decades.

**We recommend:**

**1.1.** That governments and funding bodies at all levels 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, in line with governments’ commitments under the National Plan.

**1.2.** That the Australian Government provide greater financial and institutional support for Our Watch to lead implementation of Change the Story (the shared framework on primary prevention of violence against women and their children), the Line (a primary prevention behaviour change campaign for young people aged 12 to 20 years) and Changing the Picture (the national resources to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children).

**1.3.** That more support is provided to local communities to take effective action to reduce violence against women and their children and, including to schools and teachers to deliver age-appropriate and evidence-based respectful relationships education to all schoolchildren covering sexual violence and gender equality issues and a range of other relationship issues and tailored to vulnerable cohorts.

The Fourth Action Plan, and any future National Plan, can help to embed planning and funding models that create sustainable prevention capacity and the ability to build on progress already made, by

* investing in existing initiatives and maximising investment so far, especially in relation to national prevention campaigns which need more time and reinforcing messages to be effective; and
* moving away from ad hoc grants and projects funding to integrated and ongoing funding

Policy-makers are understandably keen to accelerate progress on prevention, in part to reduce demand on response services and lower the costs of meeting this demand. However, as Our Watch’s Counting on Change guide to prevention monitoring makes clear, demand for response services is expected to increase in the medium term as improvements to prevention infrastructure and programming raise community awareness, challenge violence condoning attitudes and encourage reporting of incidents.[[4]](#footnote-4) As a result, women experiencing violence will be more likely to seek help from formal services.

**We recommend:**

**1.4.** That the Australian Governmentexpand secure funding both for prevention and for response services, within a commitment to a comprehensive society-wide effort to end violence against women.

**1.5.** That the Australian Governmentcommit to comprehensive, secure and ongoing funding for prevention across jurisdictions as well as (not taken from) response service funding.

**1.6.** That the Australian Governmentallocate adequate additional funding to build upon and extend the ‘Stop it at the Start’ campaign, including bystander capacity-building, and to build in representations of diversity.

#### Intersectional and culturally-sensitive approaches to prevention

While gender inequality is now understood as the key driver of violence against women, it is increasingly clear that the experiences and impacts of this violence are not uniform but rather that this violence needs to be understood in the context of oppression and privilege arising from the intersection of race, impact of colonisation, class, sexual orientation and gender identity, ethnicity, nationality, religion, dis/ability and age. A key challenge is how to develop approaches to the primary prevention of violence against women that are attentive to all these dynamics.

“There has been greater emphasis on primary prevention advertising campaigns which is fantastic - i.e. Stop It At The Start advertising campaign - but minimal/ piecemeal approaches to practice on the ground. Additionally, the primary prevention advertising campaigns only focus on heteronormative, Western-Anglicised understandings of gender, relationships and power & control. A diverse and intersectional lens is vitally needed.” [R185][[5]](#footnote-5)

The 2016 Prevalent & Preventable conference jointly hosted by AWAVA and Our Watch focused on these questions of intersectionality, and considered whether prevention work allows space for ‘all women’s voices and experiences to be heard’:

*“At a practical level, it was suggested that this requires practitioners to allow adequate time and resourcing for genuine engagement.”*[[6]](#footnote-6)

Another strong message was that:

*“An inclusive approach included ensuring that any work with specific communities be conducted with the active involvement and ownership of that community, their representative organisations, and the appropriate community leaders, in order to appropriately identify the problems, discuss the issues, and develop solutions.”*

The Fourth Action Plan, and any future National Plan can support these approaches by building in greater capacity and resourcing to enable prevention programs to take concrete steps towards greater inclusivity and engagement. Additionally, it should embed intersectional and culturally-sensitive approaches through primary prevention initiatives. More work is required to shift community attitudes towards violence against women, mainstream gender equality and achieve change in societal attitudes.

“Ground up prevention through respectful relationships education and what is happening within the men’s sphere. The only way to prevent violence against women is to shift attitudes towards women as a whole”. [R268][[7]](#footnote-7)

**We recommend:**

**1.7.** That the Australian Governmentincrease funding 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 working in the sex industry, older women and young women.

#### Coordination and monitoring

There is currently no mechanism to coordinate primary prevention initiatives across Australia. A coordination body or network would create opportunities to draw on good practice, identify gaps and learn from other practitioners. There is also a need to track progress on the key drivers of violence against women at the population level, recognising the long-term, multi-faceted nature of primary prevention.

**We recommend:**

**1.8.** That the Australian Governmentinvest in the cross-jurisdictional coordination of primary prevention across Australia.

**1.9.** That the Australian Government invest to measure the incremental change taking place that will allow for the goal of the National Plan to be met. Governments should commit to a national monitoring framework aligned with the National Plan and Change the story, [Counting on change: A guide to prevention monitoring](https://www.ourwatch.org.au/getattachment/2093134d-5470-43eb-a04f-2c4f8809efe4/OurWatch_TheGuide_Online.pdf.aspx?ext=.pdf), and fund an independent body to monitor progress against this framework.

## Priority area 2: Addressing Violence against Diverse Groups of Women & Children

|  |  |
| --- | --- |
| Addressing violence against women from Aboriginal and Torres Strait Islander communities | **Addressing Violence against Diverse Groups of Women & Children** |
| Addressing violence against women from culturally and linguistically diverse communities |
| Addressing violence against women with disability |
| Addressing violence against people who identify as LGBTIQ+ |
| Addressing violence against specific age groups of women |
| Addressing the impact of violence on women living in financial hardship and/or poverty |
| Addressing violence against women the sex industry |
| Addressing the impact of violence on women in prisons |
| Responding to the impact of family and domestic violence on children |

We recognise the need for and support tailored responses to addressing violence against diverse groups of women. We are pleased to see that the background paper for consultations on the Fourth Action Plan includes a focus on women from Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and women with disability. We also support the plans to address the impact of DFV on children who are witnessing and/or experiencing violence.

It is important to recognise that this priority area is intertwined with all other areas of this submission. Thus, we reiterate the importance of using an intersectional lens addressing violence against diverse group of women. Responses to AWAVA’s survey reaffirmed the need to ensure that efforts to end violence against diverse groups of women are responsive to their needs.

We are concerned by the omission of several other groups of such as LGBTIQ+ people, young women, older women, women in prisons and women in sex industry.

### Addressing violence against Aboriginal and Torres Strait Islander women

For Aboriginal and Torres Strait Islander communities, family violence exists within a complex social and interpersonal context. While a gender-sensitive approach gives some insight into the factors contributing to family violence and sexual violence against Aboriginal and Torres Strait Islander women, the high levels of violence in Aboriginal and Torres Strait Islander communities is inherently linked to the ongoing impacts of colonisation, including the continued dispossession from cultural lands, the breakdown of traditional social, cultural and legal institutions and the ongoing experiences of discrimination and marginalisation that results in significantly lower health, education and employment outcomes for Aboriginal and Torres Strait Islander people. The social and historical factors that are particularly pertinent for these communities include:

* The legacies and ongoing impact of colonisation including dispossession of land, dislocation from family and culture due to forced removal of children;
* Disintegration of traditional family roles, particularly for men, as people were removed from traditional lands and families were urbanised;
* Exclusion from the education system due to its lack of cultural relevance;
* Exclusion from the employment market;
* Criminalisation and incarceration;
* Housing stress; and
* Welfare dependency and poverty.

These factors increase the risk of Aboriginal and Torres Strait Islander women experiencing family violence and sexual violence. In addition to this, Aboriginal and Torres Strait Islander women’s experience of social and cultural marginalisation, racism, and lack of culturally sensitive services also act as barriers to accessing support services.

With the introduction of cashless debit cards, new barriers emerge for Aboriginal and Torres Strait Islander women in the context of family violence. Anecdotal evidence suggests that with no access to cash, women are not able to leave violent relationships and relocate. Relocation to some regions may also trigger extended waiting periods for receiving social support payments. We are also concerned by the punitive nature of the welfare system. We refer you to [Priority area 4](#_Welfare_System) of this submission.

A number of reforms are required to improve access to justice for Aboriginal and Torres Strait Islander women. We refer you to the joint AWAVA, National Aboriginal and Torres Strait Islander Women’s Alliance and Harmony Alliance Migrant and Refugee Women for Change submission to the ALRC’s comprehensive review of the family law system.[[8]](#footnote-8)

We refer you to [Priority area 3 of](#_Intersectional_and_diversity) this submission, which focuses on sexual violence. We also refer you to the Our Watch’s [Changing the Picture](https://www.ourwatch.org.au/What-We-Do/Prevention-of-violence-against-Aboriginal-and-Torr), a national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children.

Responses to violence against Aboriginal and Torres Strait Islander women need to be co-designed and community-led. Sufficient funding flowing to Aboriginal-owned and controlled organisations needs to be guaranteed. Mainstream services working with Aboriginal and Torres Strait Islander communities need to ensure that they are culturally competent.

**We recommend:**

**2.1.** We echo the position of the National Aboriginal and Torres Strait Islander Women Alliance (NATSIWA) on the need to have further cooperation between government, domestic and family violence agencies, sexual assault services, Aboriginal Community Controlled Organisations, social workers, universities and legal services.[[9]](#footnote-9)

**2.2.** The Australian Government should ensure adequate and sustainable funding for Aboriginal-owned and controlled organisations, Aboriginal Family Violence Prevention Legal Services, and the National Aboriginal and Torres Strait Islander Women Alliance.

**2.3.** In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government should undertake a substantial gender analysis to ensure that proposed policies do not create further obstacles for diverse groups of women to live the life free of violence.

**2.4.** Incorporate Our Watch’s Changing the Picture framework within primary prevention efforts to ensure that these are responsive to and take into account the experiences of Aboriginal and Torres Strait Islander women.

### Addressing violence against women from culturally and linguistically diverse backgrounds

Mainstream services working with women from culturally and linguistically diverse backgrounds need to ensure that service provision is culturally competent. More culturally appropriate community education is required. Responses to violence against women from culturally and linguistically diverse backgrounds need to be co-designed and community-led. The diversity and different circumstances of women from culturally and linguistically diverse backgrounds (e.g. women on temporary visas experiencing violence) needs to be properly addressed.

Access to interpreters and the quality of interpretation as well as the availability of various materials translated into different language also requires attention. Various reports[[10]](#footnote-10) have noted that female victims/survivors need to have a choice of having female interpreters in matters involving family violence. This choice needs to be presented explicitly to victims/survivors, rather than being ‘available on request’. In addition, staff responsible for booking an interpreter (in any settings, whether in a service or in courts) should ensure that they are booking a female interpreter for a female client to maximise safety. We refer you to the Judicial Council on Cultural Diversity recommended standards on the use of interpreters that can be adopted beyond the legal realm.[[11]](#footnote-11)

We are concerned that not all services have sufficient funding to provide free interpreters or have access to government-funded interpreter services. Anecdotal evidence obtained from our member organisations suggests that, for instance, sexual assault support services have to fund interpreters from their own limited budgets in order to provide counselling and other services.

We refer you to InTouch’s report into family violence in culturally and linguistically diverse communities, Barriers to the Justice System faced by CALD Women Experiencing Family Violence,[[12]](#footnote-12) that outlines a range of policy and practice reforms required to address the particular issues facing women from culturally and linguistically diverse backgrounds in relation to family violence and to increase their access to support services. These include ensuring that translation services are available for women who have a limited understanding of English, increasing cross-sector partnerships to ensure that women who do not have access to family violence services or legal services be referred to appropriate support systems, and addressing intersecting inequalities including the increased risk of housing stress for women from culturally and linguistically diverse backgrounds, their lower access to education and employment and higher risk of financial insecurity.[[13]](#footnote-13)

We also refer you to the [Priority area 3](#_Sexual_violence_against_1) of this submission looking into diverse experiences of sexual violence.

### Addressing violence against women with disability

Women with disability experience more severe violence more often than other women, are subjected to additional forms of violence because of their disability and encounter more barriers when they try to protect themselves and seek justice.[[14]](#footnote-14) Data on this area is lacking, but disability support services report that “women and girls with disabilities were 37.3% more likely than women and girls without disabilities to experience some form of intimate partner violence, with 19.7 percent reporting a history of unwanted sex compared to 8.2 percent of women and girls without disabilities.”[[15]](#footnote-15) Twenty-two per cent of women and girls with disabilities who had made contact with service provider respondents in 2012 identified as having been affected by violence.[[16]](#footnote-16)

The social marginalisation and discrimination that women with disabilities experience can be compounded, for some, by reduced mobility, which limits capacity to escape violent situations. As a result, women with disabilities are at risk of the same forms of violence that other women face but “also experience forms of violence that are particular to their situation of social disadvantage, cultural devaluation and increased dependency.”[[17]](#footnote-17)

It is important to recognise that perpetrators of violence against women with disability may use specific forms of violence such as:

* Denial of care or denial of assistance with essential activities of daily life;
* Destruction or withholding of adaptive equipment;
* Withholding food or medication;
* Limiting access to communication devices;
* Threats of institutionalisation;
* Threats to report to Community Services, meaning a fear of losing children;
* Manipulation of medication; and
* Forced sterilisation of women (see [Priority 3](#_Forced_sterilisation_of) of this submission)[[18]](#footnote-18).

At the same time, barriers specific to women with disability needs to be recognised and dismantled. These include:

* Fear being institutionalised in a nursing home or rehabilitation centre;
* Fear of loss of self-autonomy;
* Not recognising their experience as abuse;
* Blaming themselves for the abuse;
* Having no other options;
* Not trusting agencies to respond effectively;
* Fear of losing their independence; and
* Fear of losing their children.[[19]](#footnote-19)

Women with disabilities who live in rural and remote communities and have less access to services, information and education are particularly at risk of domestic violence as well as other forms of gender-based violence. Aboriginal and Torres Strait Islander people are 2.2 more likely than other people in Australia to live with a disability, which compounds the Aboriginal and Torres Strait Islander women’s risk of being subjected to domestic violence.[[20]](#footnote-20)

To address violence against women with disability an emphasis on more competent and responsive services is required, as well as consultation and coordination with organisations that are led by women with disability.

We also refer you to the [Priority area 3](#_Sexual_violence_against_2) of this submission addressing sexual violence against women with disability.

**We recommend:**

**2.5.** That the Australian Government establish a Royal Commission into violence against people with disability.

**2.6.** That the Australian Government funds and implement ‘Stop the Violence’ project.[[21]](#footnote-21)

**2.7.** That, in order to address access to justice concerns affecting people with disability, ‘all Australian jurisdictions, in partnership with people with disability, develop and implement Disability Justice Strategies that identify and address barriers to justice for people with disability and that are in line with the recommendations from the Australian Human Rights Commission’s report, Equal Before the Law: Towards Disability Justice Strategies.’[[22]](#footnote-22)

### Addressing violence against people who identify as LGBTIQ+

While there is still little research available, dynamics of family violence in LGBTIQ+ communities are similar to one in heterosexual relationships. It is also widely accepted that experiences of DFV in LGBTIQ+ communities are compounded by specific manifestations of violence such as using someone’s intersex status, sexuality, gender, gender expression, transgender or HIV status against them, including by threatening to ‘out’ someone to their family, friends, community or workplace.

In addition, there are systemic barriers that exist on the systems and service levels, such as confidentiality and lack of appropriate language to discuss abuse in LGBTIQ+ communities/relationships and a lack of mainstream services that address the needs of LGBTIQ+ people, such as safe housing services for male victims, supports for female perpetrators, transgender and intersex inclusive services.[[23]](#footnote-23) There is also a fear of lack of understanding, minimisation and/or discrimination from police and service providers and concern about differing legal rights over children and assets.

Young LGBTIQ+ people are at higher risk of homelessness than their peers: Victorian research suggests that same sex attracted young people are disproportionately more likely to be homeless than opposite attracted young people.[[24]](#footnote-24) Young people are also experiencing high rates of verbal and physical homophobic and transphobic abuse in schools and community. [[25]](#footnote-25)For older LGBTIQ+ people, there may be a heightened risk of homophobic-related family violence, particularly as they become more dependant or frail.

Taking an intersectional approach, we are able to recognise that LGBTIQ+ people are not a homogenous group, but that people who identify as LGBTIQ+ can also be Aboriginal or Torres Strait Islander, come from a culturally and linguistically diverse or religious background, be living in regional, rural or remote areas, and/or have disability. All of this may either put LGBTIQ+ people at greater risk of family violence or reduce the likelihood of being able to access support services.

It is important to recognise that it is impossible to achieve gender equality without ending homophobia, biphobia and transphobia. Challenging conventional gender distinctions is an essential part of the movement towards gender equality.[[26]](#footnote-26) Primary prevention activities needs to be inclusive of sexual and gender diversity and ensure that efforts to eliminate violence against women are addressing entrenched heteronormativity and rigid gender roles. We strongly urge that people who identify as LGBTIQ+ be included as one of the diverse cohorts in the plan.

We also refer you to the [Priority area 3](#_Sexual_violence_against_3) of this submission looking into experiences of sexual violence.

**We recommend:**

**2.8.** That the Australian Governmentprovide sustainable and adequate funding to LGBTIQ+-controlled services and the development of LGBTIQ+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.

**2.9.** Ensure that mainstream services are trained to adopt inclusive practices and provide appropriate support.

**2.10.** That the Australian Governmentinvest in more research about domestic and family violence and sexual assault in the LGBTIQ+ community[[27]](#footnote-27).

### Addressing violence against specific age groups of women

#### Addressing violence against young women

Young women are another group that require intersectional and age-sensitive responses. For young women there are needs in terms of education (especially respectful relationships), better service responses (both improving VAW understanding/competence in youth services and more specific services for young women in VAW service sector), actions to respond to sexual harassment and sexual assault both on and beyond university grounds (see [Priority area 3](#_Priority_area_3:) of this submission), as well as actions to address technology-facilitated abuse and dating violence.

It is also important to recognise the diversity of circumstances, particularly regarding migration status. International students are not eligible to access family violence provisions and relevant welfare support in situations of family violence. They have difficulty accessing refuges/shelters, as for safety reasons many refuges may require residents to discontinue studies or work while staying there. Discontinuation of studies will mean breach of the student visa and may result in deportation. Additionally, there are issues around the accessibility of health services, and in particular, pregnancy-related health services including abortion and maternity care, for international students in Australia. Given the high rates of sexual violence on university campuses and the increased vulnerability of international students to violence, the access to information, services and justice must be unobstructed by migration rules.

We also refer you to [Priority 1](#_Priority_area_1:), Approaches to ending violence against women, and [Priority 3](#_Addressing_sexual_violence_1), addressing sexual violence.

**We recommend:**

**2.11.** That sector development for services working in the area of domestic and family violence include steps to make services more responsive to the needs of young women.

#### Addressing violence against older women

Respondents to AWAVA’s survey identified older women as one of the groups who are increasingly understood as being at risk of violence. There are a number of intertwined issues for older women such as economic insecurity, domestic and family violence, homelessness and elder abuse. For older women financial or other dependency on the perpetrator may create barriers to identification and disclosure of violence as well as seeking help.

This existing evidence on the prevalence of violence against older women includes the following:

* In a Canadian study of coroners’ files of homicide of individuals aged 65 or older, 89% of victims were female, and of these, 93% were current or former spouses of male perpetrators.[[28]](#footnote-28)
* In an analysis of data from the Medical Examiner’s Office of homicides of women aged 50 and older in New York City from 1990 to 1997, Brownell and Berman[[29]](#footnote-29) found that 90% of the perpetrators were male, and husbands and boyfriends represented 26% of perpetrators.
* Two studies found that between 48% and 72% of abused older women do not report intimate partner violence to the justice system.[[30]](#footnote-30)
* In one study, only 3% of older women were ever asked by a health care provider about physical or sexual violence by an intimate partner.[[31]](#footnote-31) These researchers also found that 84% of the respondents said they would have liked to talk to a health care provider about intimate partner violence.

The most recent efforts to reduce violence against older women have been done through the development of the National Plan on Elder Abuse.[[32]](#footnote-32) AWAVA believes that efforts to end elder abuse should recognise gender drivers of violence as well as efforts to end violence against women needs to adopt approaches attentive to age and intersectional experiences.

**We recommend:**

**2.12.** That the Fourth Action Plan ensures that violence against older women in their diversity is addressed.

**2.13.** That the National Plan to Reduce Violence Against Women and their Children establishes strong linkages to the forthcoming National Plan on Elder Abuse.

### Addressing the impact of violence on women living in financial hardship or poverty

Poverty is gendered and single mothers are over-represented among people living in poverty.[[33]](#footnote-33) In 2016, 13.8% of all women in Australia were living in poverty, compared with 12.8% of men.[[34]](#footnote-34) Women’s higher rate of poverty results from poorer employment opportunities, women’s over-representation in lower level positions, the gendered wage gap, women’s increased likelihood of performing unpaid caring roles and as a result women’s lower financial security in retirement.[[35]](#footnote-35) The most recent HILDA survey in 2017 found that single women over 60 were the household type most likely to be living in poverty.[[36]](#footnote-36)

A current gender pay gap of 14.6 per cent[[37]](#footnote-37) (even without other factors such as interruptions to paid employment) would result in women having less superannuation when they retire. In 2013-14, the median super balance for a woman in the 55-64 age group was $80,000 compared to $150,000 for men. This represents a super gender gap of 47%.[[38]](#footnote-38) As a result, women are more likely to experience poverty in their retirement years and be far more reliant on the Age Pension.[[39]](#footnote-39)

The experiences of family violence are intertwined with economic insecurity. There is evidence suggesting that not having an income or welfare support prevents women from leaving violent relationships.[[40]](#footnote-40) The Australian Council of Trade Unions estimates that leaving a violent relationship takes on average $18,000 and 141 hours.[[41]](#footnote-41) This includes the cost of relocation, medical and counselling bills, increased transportation costs due to moving house or loss of access to a car, as well as loss of earnings.

Victims/survivors may also experience financial hardship post separation, including through the high costs of family proceedings (if any involved), unfair property settlements that fails to account for the impact of family violence on the ability to contribute to the joint income, as well as through the perpetrator’s systems abuse manifested in hiding assets.[[42]](#footnote-42) Good Shepherd suggests that it takes women an average of six years to financially recover post separation.[[43]](#footnote-43)

Additionally, family violence is the single biggest driver of homelessness in Australia[[44]](#footnote-44) and the number of older women experiencing homelessness is increasing.[[45]](#footnote-45)

In this sense, it is essential that both the Fourth Action Plan and the National Plan include women who are living in financial hardship and/or poverty and are experiencing violence as one of the cohorts. Violence against women cannot be addressed without addressing reinforcing factors and barriers in the broader socio-economic background. We also refer you to the [Priority 4](#_Welfare_System) of this submission addressing the role of the welfare system in supporting victims/survivors. Lastly, we reiterate our position that paid DFV leave necessary to ensure women experiencing violence can maintain continuous employment.

**We recommend:**

**2.14.** That the Fourth Action Plan and the National Plan address the needs of women who are living in financial hardship and/or poverty and are experiencing violence as one of the priority cohorts.

### Addressing violence against women in the sex industry

Women in the sex industry are at risk of family violence, sexual violence and other forms of gender-based violence. They experience additional barriers to seeking help when they are subjected to family violence because of entrenched, persistent stigma and discrimination.[[46]](#footnote-46) Temporary visas status also increases vulnerability of women. Additionally, homelessness and lack of affordable housing is a pressing concern.[[47]](#footnote-47) Their experiences of violence sometimes also relate to other crimes such as human trafficking and sexual exploitation. Most violence against women in the sex industry is a manifestation of gender inequality.

An international literature review concluded that the lifetime prevalence of gender-based and workplace violence against women in the sex industry ranged from 45% to 75% and over the past year, 32% to 55%.[[48]](#footnote-48) Other studies confirm this high prevalence.[[49]](#footnote-49) Data and evidence in Australia is very limited.

There are also growing instances of technology facilitated abuse against women in sex industry. Project Respect, a member of AWAVA’s Advisory group, states that women are reporting instances of clients filming them without permission. Women who have been trafficked also experience technology-facilitated abuse at the hands of traffickers who are using their recordings in a threatening manner, “with the aim of building control over the woman as part of their enslavement”.[[50]](#footnote-50) We refer you to the full text of the submission prepared by Project Respect in response to the Senate inquiry on ‘revenge porn’ for more information.[[51]](#footnote-51)

We also refer to the [Priority 3](#_Addressing_sexual_violence) of this submission for the discussion of experiences of sexual violence by women in the sex industry.

**We recommend:**

**2.15.** That the National Plan recognises women in the sex industry as a high-risk group and specific cohort.

**2.16.** That the Australian Government identifies and resources strategies to eliminate family, sexual and other gender-based violence against women who are in the sex industry, including in prevention, early intervention and crisis responses.

**2.17.** That domestic and family violence system services and other relevant services undertake training and build their capacity to work with women who are in the sex industry experiencing violence.

**2.18.** That research be undertaken into the prevalence and response to violence against women in the sex industry.

**2.19.** That the Australian Government takes all measures to remove barriers for women in the sex industry to access justice that is free from stigmatisation and discrimination and is delinked from the criminal proceedings.

### Addressing the impact of violence on women in prisons

The most recent research (by Day et al, 2018) indicates that “many women in prison have experienced intimate partner violence”.[[52]](#footnote-52) Women in prison are widely considered to be at particular risk of ongoing victimisation following release from custody.[[53]](#footnote-53) Upon release, they are likely to experience a number of barriers accessing services.

We support the recommendations and findings of the above-mentioned research report, namely:

* women in prison are a particularly vulnerable group who are likely to be at a high risk of ongoing victimisation;
* significant barriers exist that prevent women in prison from accessing IPV support services while in prison and post-release;
* current service models are unresponsive to the specific needs of women in prison and post-release;
* a specialised approach for women in prison is needed based on their particular social and individual circumstances;
* the development of culturally specific support services is required for women in prison who identify as Aboriginal and/or Torres Strait Islander; and
* women with lived experience of incarceration should be part of the service framework in the community sector at all levels of program governance, design and delivery.[[54]](#footnote-54)

It is essential to address the fact that Aboriginal and Torres Strait Island communities are overrepresented in the prison system with women comprising 30% and men 24% of the total prison population[[55]](#footnote-55) and constitute the fastest growing prison population. Research indicates the generally petty nature of most offending. The most frequent offences committed by Aboriginal and Torres Strait Islander women are found to be fine default, drunkenness, or offensive language.[[56]](#footnote-56) Larger numbers of Aboriginal and Torres Strait Islander women are coming into prison as a result of high rates of family violence, high levels of unemployment, poverty and homelessness. [[57]](#footnote-57)

Family violence intersects with other areas of legal need such as homelessness, child protection and credit issues.[[58]](#footnote-58) For example, family violence is a leading cause of child removal for Aboriginal and Torres Strait Islander children.[[59]](#footnote-59) It is also a factor that leads to women having greater interaction with the criminal justice system, contributing to high rates of Aboriginal and Torres Strait Islander women imprisoned.[[60]](#footnote-60)

The removal of children is also a major issue. Children of prisoners face a high chance of ending up in foster care and experiencing isolation, disruption, dislocation, poverty and even physical and sexual abuse. Many later end up in custody themselves. A woman who has had her children removed may never regain custody over them, let alone rebuild the relationships or overcome her own guilt. Additionally, women are far more likely than men to be released from prison to a broken family and no home and little or no personal or financial support. The separation of Aboriginal and Torres Strait Islander women from their children continues past government policies which have acted to marginalise, commodify and devalue Aboriginal and Torres Strait Islander women and control every aspect of their lives.

**We recommend:**

**2.20.** That women in prisons are addressed by the Fourth Action Plan and/or the National Plan.

**2.21.** That the Australian Government provides sufficient funding to specialist women’s services and other relevant generalist services to ensure that all women who are/have experienced violence have access to services and justice that are competent and responsive to their needs.

**2.22.** A thorough examination of the issues surrounding the over-representation of Aboriginal and Torres Strait Islander women in the Australian criminal justice system would need to involve an analysis of the historical processes and structural conditions of colonisation, social and economic marginalisation, systemic racism, and specific practices of criminal justice agencies. There is also a pressing need for research to be conducted on the viability of alternatives to incarceration for Aboriginal and Torres Strait Islander women.

**2.23.** Implement recommendations from 2017 ALRC Report ‘Pathways to Justice’[[61]](#footnote-61), in particular those relating to Aboriginal and Torres Strait Islander Women:

* Recommendation 11–1: Programs and services delivered to female Aboriginal and Torres Strait Islander offenders within the criminal justice system—leading up to, during and post-incarceration—should take into account their particular needs so as to improve their chances of rehabilitation, reduce their likelihood of reoffending and decrease their involvement with the criminal justice system. Such programs and services, including those provided by NGOs, police, courts and corrections, must be:
* developed with and delivered by Aboriginal and Torres Strait Islander women; and
* trauma-informed and culturally appropriate.
* Recommendation 11–2: Police engaging with Aboriginal and Torres Strait Islander people and communities should receive instruction in best practice for handling allegations and incidents of family violence—including preventative intervention and prompt response—in those communities.

**2.24.** We also support the strategy of Change the Record[[62]](#footnote-62) to close the gap in rates of imprisonment and cut the disproportionate rates of violence affecting women and their children.

### Taking regional, rural and remote locality into consideration

The Fourth Action plan needs to account for regional, rural and remote diversity. For women in regional, rural and remote areas, experiences of violence are compounded by the lack of services and barriers to accessing them such as travel distance or being in a small community, thus, a possibility of being identified. The Fourth Action Plan needs to ensure that women living in regional, rural and remote areas are not disempowered to seek help in situations of DFV and have appropriate services available to them. Services operating in regional, rural and remote areas need to be sufficiently funded to ensure trauma-informed, intersectional, culturally competent, inclusive and accessible service provision.

**To conclude the priority area 2**, in any efforts addressing violence against diverse groups of women an intersectional lens and approaches are essential for success. In practice this means, on the one hand, recognising specific needs of diverse groups of women and tailoring responses to them, and on the other, not treating diversity as an add-on. Intersectional approaches need to be implemented throughout all priority areas of the Action Plan ensuring that different identities, characteristics and circumstances of diverse groups of women are taken into account and ‘one size fits all’ approaches are abandoned.

“The Plan should take an intersectional approach taking into account the compounding impacts of different forms of inequality and discrimination. This requires both an intersectional approach to universal initiatives and tailored initiatives focusing on particular groups and communities.” [R392][[63]](#footnote-63)

It is vital that diverse communities are consulted in developing responses and that they are taking a lead in their implementation with appropriate levels of funding and resourcing. Meaningful participation of diverse groups of women in developing policies and responses has been reaffirmed by the recommendations of The Justice Project, a national stocktake assessment of the justice system undertaken by the Law Council of Australia.

“Commonwealth, state and territory governments should consult with diverse groups of women and LGBTIQ+ people when developing family violence policy and implementing family violence responses.”[[64]](#footnote-64)

We note that in each of these areas, there is a large body of knowledge that has been produced by community advocates and researchers. Policy-makers need to develop their in-depth relevant knowledge from these sources as a matter of course, so that their work is well-informed and progress can build on existing knowledge, rather than continually starting from scratch.

## Priority area 3: Addressing Different Types of Violence against Women

|  |  |
| --- | --- |
| Addressing sexual harassment | **Addressing Different Types of Violence against Women** |
| Reducing sexual violence |
| Addressing technology-facilitated abuse |
| Linkages with efforts to address elder abuse |
| Responding to trafficking (including for sexual exploitation), forced marriage, dowry abuse, reproductive coercion, FGM, forced sterilisation of women with disability and unnecessary medical procedures on intersex infants |

### Addressing sexual harassment

Sexual harassment disproportionately affects women with 1 in 5 experiencing sexual harassment in the workplace at some time.[[65]](#footnote-65)

The most recent report by the Australian Human Rights Commission identifies the following:

* People who identify as non-binary or as a gender other than male or female are very likely (89%) to have experienced sexual harassment in their lifetimes;
* 70% of people who identify as straight or heterosexual have experienced sexual harassment over the course of their lifetimes, compared with 83% of people who identify as gay or lesbian and 90% of people who identify as bisexual;
* Nine out of ten (89%) women with disability and almost seven out of ten (68%) men with disability have been sexually harassed in their lifetimes;
* Aboriginal and Torres Strait Islander people were more likely to have experienced workplace sexual harassment than people who are not Aboriginal or Torres Strait Islander (53% and 32% respectively).[[66]](#footnote-66)

It is important to recognise that for diverse groups of women their experiences of sexual harassment will be compounded by other factors such as stereotypical views about women of different ethnicities or sexualities as well as impacted by homophobia, racism, ageism etc. Thus, an intersectional lens in the prevention of sexual harassment is essential.

In light of the #MeToo movement as well as having built a strong evidence base in relation to the drivers of gender-based violence, we believe that the Fourth Action Plan need to address sexual harassment as a distinct form of violence against women. Sexual harassment can also escalate into sexual assault. Additionally, while sexual harassment is most commonly attributed to workplaces, the link with technology-facilitated abuse should not be overlooked. Similarly, sexual harassment in other places outside the workforce such as (but not limited to) universities needs to be also addressed.

Sexual harassment exists in the culture that normalises men’s privilege and women’s objectification. While the AHRC report indicates the both women and men could be victims and perpetrators, the large majority (4 out of 5) perpetrators are male.[[67]](#footnote-67)

There is also a need to recognise the impact of sexual harassment on victims/survivors especially on mental health and stress (36% of AHCR survey reported this). Additionally, it may impact person’s self-esteem (33%) and have a negative impact on employment or career (25%).

**We recommend:**

**3.1.** That the Fourth Action Plan and any other future National Plan include sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.

**3.2.** That the Australian Government implements future recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace.

### Addressing sexual violence

#### Visibility and prioritisation

Despite being a priority under the Third Action Plan, there has been not much progress in relation to addressing sexual violence. Whether sexual violence occurs within or outside of intimate relationships, whether it is episodic or systemic as in situations of domestic and family violence or sexual exploitation, it is a gross human rights violation. Responses to sexual violence including sexual harassment require a higher prioritisation and visibility in its own right as sexual violence remains subsumed under the definition of domestic and family violence, which is contributing to the invisibility of the issue.

The Victorian Royal Commission into Family Violence also “identified that sexual violence is an area that has the potential to fall through the gaps in the system, as family violence services often do not ask about sexual assault, as it is viewed as a separate form of violence”.[[68]](#footnote-68)

#### Integrate across all priority areas

It is essential that prevention and responses to sexual violence are integrated across all priorities of the National Plan and Action Plans. For example, in practice this may mean ensuring that perpetrator programs directed at early intervention or prevention in the context of intimate partner violence include a focus on sexual violence / sexuality, or that police are trained and encouraged to include questions about sexual violence when responding to family violence.

#### Prevention

Prevention of sexual violence should include comprehensive sexuality education, education about gender and respectful relationships that is inclusive of diverse ages, cultures and sexualities as well as support for sexual health at all stages of life and in all settings. Awareness raising about respectful relationships, sexual violence and other relevant topics needs to be tailored to target diverse groups of people. We also refer you to the [Priority area 1](#_Priority_area_1:) of this submission.

#### Intersectional and diversity lenses

Given that sexual violence can be perpetrated against diverse groups of women in a number of contexts (within domestic and family violence, care settings, institutional settings etc.), there is an urgent need for both comprehensive data collection and tailored responses to sexual violence. Adopting an intersectional lens in responses to sexual violence highlights not only how sexual violence is intertwined with other forms of oppression such as sexism, racism, ableism, classism etc. but also systemic barriers preventing women from seeking justice. This means that for diverse groups of women disclose, reporting to police or pressing charges is inevitably connected to impact of poverty, colonisation, racism. Thus, adopting an intersectional lens helps to identify those systemic barriers and eliminate them.

##### Sexual violence against Aboriginal and Torres Strait Islander women and children

Aboriginal and Torres Strait Islander women are up to 3.7 times more likely than other women to be victims of sexual violence.[[69]](#footnote-69) It is important to consider that Aboriginal and Torres Strait Islander women and children who are victims of sexual violence are affected by many forms of oppression, including racism, sexism, classism, and ableism.[[70]](#footnote-70) Additionally, it is important to consider that sexual violence against Aboriginal and Torres Strait Islander women can be perpetrated within a family violence context as well as “in state care and later as adults”.[[71]](#footnote-71)

Low reporting rates are connected with increased rates of child removal often in circumstances involving sexual and family violence, and the overall lack of effective support of families from child protection services to achieve safety from perpetrators.[[72]](#footnote-72) Barriers are also connected to the mistrust of police and the legal system, as well as lack of the awareness of the law and legal processes.[[73]](#footnote-73) We refer you to the Policy Paper Series by Djirra (formerly known the Aboriginal Family Violence Prevention & Legal Service (FVPLS Victoria)) for the full list of recommendations and detailed analysis including proposals for the dedicated culturally and gender appropriate legal and support services.[[74]](#footnote-74)

We also refer you to the Our Watch Changing the Picture framework.[[75]](#footnote-75) Successful primary privation of violence against Aboriginal and Torres Strait Islander women should draw on three main actions as proposed by Our Watch, which are:

* Action 1: Address the legacies and ongoing impacts of colonisation for Aboriginal and Torres Strait Islander people, families and communities;
* Action 2: Address the legacies and ongoing impacts of colonisation for non-Indigenous people, and across Australian society; and
* Action 3: Address the gendered drivers of violence against Aboriginal and Torres Strait Islander women.

In addition, the impact of childhood sexual abuse on individuals is well documented.[[76]](#footnote-76) In a survey of Aboriginal and Torres Strait Islander women in prisons, 70% of respondents stated the history of sexual or other forms of abuse in their childhood.[[77]](#footnote-77) In relation to sexual assault of children, the 2006 *Breaking the Silence* report interviewed more than 300 Aboriginal people in 29 communities across NSW and found that not one could name a family unaffected by the scourge of child sexual assault.[[78]](#footnote-78) Despite various steps taken in NSW and elsewhere, on the whole the recommendations of the *Breaking the Silence* report were not adequately resourced.[[79]](#footnote-79)

**We recommend:**

**3.3.** That the Australian Government funds dedicated long-term initiatives to strengthen services, education and prevention activities for Aboriginal and Torres Strait victims/survivors of sexual assault (both as children and adults).

**3.4.** That Aboriginal communities be empowered to respond to sexual assault that may be occurring in their community through the provision of education and the development and support of local initiatives. We refer you to the Break the Silence Report for the full list of recommendations in relation to responding to sexual assault in Aboriginal and Torres Strait communities. [[80]](#footnote-80)

##### Sexual violence against women with disability

* Between 83% and 90% of women with intellectual disabilities are sexually abused in their lifetime, while 68% of women with an intellectual disability will be subjected to sexual abuse before they reach 18.[[81]](#footnote-81)
* Other studies found that women with disabilities are assaulted, abused and raped at a rate of at least two times greater.[[82]](#footnote-82)
* Approximately one third of women with physical disability surveyed in one study had experienced sexual abuse at some stage in their life, and a study of Canadian women with all forms of disability found that 40% experienced abuse and 12% had been raped.[[83]](#footnote-83)

It is important to address underlining systemic issue that contribute to higher rates of victimisation such as quality, appropriateness or at time lack of sex and respectful relationships educations provided for children and young people with disability.[[84]](#footnote-84)

Women with disability experience many of the same barriers that women without disability face when engaging with the criminal justice system, such as police unwillingness to take a case seriously, a fear of not being believed or a lack of awareness or understanding about the legal process.[[85]](#footnote-85) In fact, People with Disability Australia point out that the women with disability “are frequently disbelieved when disclosing or reporting their experiences of violence”.[[86]](#footnote-86) In addition to these, women with disability face further barriers, including those found in legislation, policies and attitudes. Discriminatory stereotypes and perceptions about disability often intersect with the previously mentioned preconceived ideas about women and sexual violence. These beliefs, especially those relating to the reliability of women with disability as witnesses, or the legal capacity of these individuals, can lead to cases involving women with disability not being taken seriously or investigated adequately. [[87]](#footnote-87)

We support and reiterate the calls to establish a Royal Commission into Violence Against People with Disability. We also recommend funding and implementing the ‘Stop the Violence’ Project. Refer to [Priority area 2](#_Addressing_violence_against) for further details.

**We recommend:**

**3.5.** That the Australian Government funds accessible and culturally appropriate sex and respectful relationships education for children and young people with disability.

##### Sexual violence against women from culturally and linguistically diverse backgrounds

The research on sexual violence against women from culturally and linguistically diverse backgrounds is limited. Additionally, they may not always recognise violence due to patriarchal norms, cultural beliefs and language barriers preventing them from accessing information.[[88]](#footnote-88)

In some communities, questions of sexuality, pleasure or consent cannot be openly discussed as they are considered inappropriate topics. This makes both prevention and responses challenging as “young girls who have been sexually assaulted are likely to be isolated at home by their parents in order to ‘protect’ them and the reputation of their families, rather than being encouraged to report the assault to police.”[[89]](#footnote-89)

Additionally, experiences of violence and barriers of access to justice and services are compounded by:

* discrimination on the basis of skin colour, religious affiliation, ethnic origin and other identity characteristics such as dress codes;
* a lack of established family networks, support systems and community structures;
* dealing with the distress of refugee displacement and prior experiences of torture and trauma;
* language barriers and social isolation that can limit awareness of rights and available services; and
* uncertainty or fear around visa or immigration status.

It is essential to ensure that prevention and responses to sexual violence are culturally-sensitive, and co-designed with women and other community leaders from culturally and linguistically diverse communities. It is essential to address both the gendered drivers of violence as well as other compounding drivers and barriers.

**We recommend:**

**3.6.** That responses to violence against diverse group of women are undertaken through an intersectional lens.

**3.7.** Develop and deliver training on responding to sexual violence to CALD community leaders and organisations.

**3.8.** Develop and deliver training on cross-cultural skills and competencies to mainstream sexual violence organisations.

**3.9.** Develop communication strategies to disseminate information in different languages and formats, about sexual violence against women, what it is and practical advice about what can be done to prevent and report it.

**3.10.** Undertake community-controlled research and date collection about prevalence, reporting rates and service provision in relation to sexual violence against women from culturally and linguistically diverse backgrounds.

##### Sexual violence against asylum-seeking and refugee women

As stated elsewhere, AWAVA believes that the offshore detention system should be discontinued, as this system has demonstrably failed to keep people seeking asylum safe from violence and abuse, including sexual violence, and since access to justice is not possible for people in this system.[[90]](#footnote-90) The reproductive and sexual health rights of women and girls in immigration detention require specific attention and must be upheld, and while offshore detention continues, relevant services should be required to meet Australian standards.[[91]](#footnote-91) At present, sexual assaults (together with other injuries and incidents) in immigration detention centres both in Australia and offshore are routinely not reported or investigated, as documented by a Freedom of Information release obtained by the Australian Lawyers Alliance in 2016.[[92]](#footnote-92)

For asylum-seeking and refugee women who are seeking asylum onshore or have been resettled to Australia and who have been subjected to sexual violence in the past (before arrival to Australia), access to services maybe challenging for several reasons. On one hand, torture and trauma counselling services for newly arrived are in place to provide such support. Yet, there are challenges like women being sent to counselling when they are not ready to disclose violence; some services may have time limits on the possibility to use the service (depending on funding); in situations of disclosure the question remains of the specialisation of counsellors in the settlement sector to address sexual violence; and, lastly, in situations where sexual violence occurred within a family violence context, there is a question over to what extent women are able to recognise it and to access support without fear or shame. Anecdotal evidence from the settlement services sector suggests a great need for extensive DFV and sexual violence training to effectively support the women they serve. This training should be provided to all workers rather than having one dedicated expert. On the other hand, there is a need for a greater resourcing of the sexual assault sector to ensure the provision of culturally competent support.

Lastly, in the context of refugee women who’ve experienced sexual violence in armed conflicts, access to justice is in question. We call on the Australian Government to help end impunity for sexual violence in armed conflict through the investigation and prosecution of Australians who fought with Da’esh for their use of sexual violence in armed conflict.[[93]](#footnote-93)

**We recommend:**

**3.11.** That the Australian Government end the system of detaining people seeking asylum in offshore immigration detention centres.

**3.12.** That, in the interim, any contracts associated with the provision of medical and support services in offshore processing centres should require the delivery of services that meet Australian standards, including services for people seeking asylum who have been alleged or been found to have been subject to abuse, neglect or self-harm while in the centres or nearby communities as a result of seeking asylum.

**3.13.** That all sexual assaults (together with other assaults and injuries) occurring in immigration detention centres both in Australia and offshore be reported and investigated.

**3.14.** That sexual assault services are sufficiently resourced to ensure culturally competency of their support.

**3.15.** That the Australian Government investigate and prosecute Australians who have used sexual violence in armed conflict.

##### Sexual violence against LGBTIQ+ people

Prevailing heterosexism and “attitudes about the nature of family violence and sexual assault, such as the misconception that ‘men cannot be raped’ and that ‘women are non-violent’” may lead to LGBTIQ+ people not recognising sexual violence.[[94]](#footnote-94) These experiences are also compounded by internalised homophobia that contributes to perpetuating myths around both sexual violence and family violence.[[95]](#footnote-95) Additionally, past emotional, physical and sexual abuse is disproportionally higher for transgender, gender diverse and intersex participants, complicating people’s ability to identify and seek help for current or recent instances of sexual violence, as well as historical ones.[[96]](#footnote-96)

Addressing sexual violence against LGBTIQ+ people requires adopting an intersectional lens to all levels of prevention and response that will be able to combine attention to gendered drivers with understanding about other systems of oppression like homophobia and transphobia. It also requires sufficient resourcing of both LGBTIQ+ organisations and mainstream sexual assault services to be able to respond appropriately.

We refer you to the recommendations for addressing violence against LGBTIQ+ people in [Priority area 2](#_Addressing_violence_against_1) above.

##### Sexual violence against women and gender diverse people in tertiary education

In 2017 a survey across Australian universities was conducted to identify the extent of sexual harassment and assault on university grounds. The *Change the Course* report, produced as a result, shows that in 2015/16, 51% of students reported that they had been sexually harassed at university and 9% of students surveyed reported that they had been sexually assaulted at university.[[97]](#footnote-97) The report also found that female students, LGBTI students, Aboriginal and Torres Strait Islander students, CALD students and students with disabilities are more likely to be sexually harassed or assaulted than other students. The majority of students did not report the harassment or assault to the university out of fear they would not be taken seriously. Recommendations from these reports have not been implemented.

**We recommend:**

**3.16.** That the Australian government establish an independent, expert led taskforce to track, assess and publicly report on university and residences’ measures to prevent, and improve responses to sexual violence.[[98]](#footnote-98)

##### Sexual violence against older women

Sexual violence against older women remains under-researched. There are a number of research limitations impacting on consistent data collection. They are:

* The focus of the majority of studies is still on young women, aged 16 to 30 years, who are considered to be the most statistically at risk of becoming a victim of rape or sexual assault.[[99]](#footnote-99)
* Older women are often excluded from feminist and criminological research.[[100]](#footnote-100)
* Often studies that research sexual violence do not account for non-penetrative forms of sexual abuse, thus rendering experiences of other forms of sexual assault and sexual harassment of older women invisible.[[101]](#footnote-101)
* Often studies exclude cognitively impaired older adults who are known to be more vulnerable to different types of abuse.[[102]](#footnote-102)
* Sexual violence in older adults is often conflated with other types of violence in the broader context of elder abuse and neglect.[[103]](#footnote-103)
* Questions in relation to disability in Australian Bureau of Statistics’ 2016 Personal Safety Survey were included only in 2016.[[104]](#footnote-104)

The lack of consistent data on sexual violence against older women that captures their diversity translates into a lack of policy and responses to sexual violence against older women.

**We recommend:**

**3.17.** The Fourth Acton Plan takes an intersectional lens in preventing and addressing sexual violence against diverse groups of women including being attentive to different ages.

**3.18.** The (upcoming) National Plan on Elder Abuse needs to ensure that it is responding to sexual violence against older women and resourced sufficiently to do so in research, policies, and health practices.

##### Women in prisons

We also want to note that high numbers of women in prison are survivors of family violence and/or sexual violence.[[105]](#footnote-105) “Understanding the circumstances that contribute to the incarceration of women who have experienced family violence is important, in part because it casts light on the specific difficulties they can face in prison.”[[106]](#footnote-106)These women require support to overcome their trauma, avoid re-offending and have access to recovery.

Additionally, Victorian Ombudsman considers the practice of strip searches abusive and has twice called to end it in relation to female offenders.[[107]](#footnote-107) Incarceration removes all sense of power and control that women have over their bodies. Women in prison are likely to be survivors of sexual abuse and domestic violence.[[108]](#footnote-108) Enormous trauma is added through the ritual of strip searches. For many “contact” visits, a woman must go into a room, take off her clothes in front of officers, stand naked and be “inspected.” For many women, especially Aboriginal and Torres Strait Islander women the humiliation is too much and they withdraw from outside contact. This is particularly concerning where the imprisoned woman is a mother and is thereby prevented from spending time with her child or children.

We also refer you to recommendations made by the Victorian Royal Commission into Domestic and Family Violence in relation to female offenders.[[109]](#footnote-109)

**We recommend**:

**3.19.** That the current processes for identifying female offenders at risk of or with a history of family violence are reviewed and therapeutic interventions and education programs are provided for women victims/survivors of violence.

**3.20.** That the Australian Government ensure that therapeutic interventions such as individual counselling and group-based programs such as Out of the Dark are available for all women in prison who have experienced family violence.

##### Sexual violence against women in the sex industry

Experiences of violence against women in the sex industry are not limited to physical violence but include sexual violence as well.[[110]](#footnote-110) However, this is rarely taken into consideration and addressed. Sexual violence also often goes unreported for a number of reasons. Firstly, low reporting rates of sexual violence by women in the sex industry correspond to those of any victims/survivors of sexual assault. Secondly, they are connected to stigmatisation, marginalisation and harmful stereotypes that sexual assault cannot occur in the sex industry.[[111]](#footnote-111) It is also connected to the policy landscape around sex work.

Manifestations of sexual violence include rape, gang rape, “being physically forced or psychologically intimidated to engage in sex or subjected to sex acts against one’s will’[[112]](#footnote-112), removal of a condom without consent etc. Perpetrators of sexual assault can be both clients as well as intimate partners. With little empirical evidence, available research suggests that rates of sexual assault by clients range from 10% to 40%.

It is important to recognise that “broader beliefs about gender, sex and masculine entitlement inform the perpetration of sexual violence [against women in the sex industry], just as they do the perpetration of sexual assault generally.”[[113]](#footnote-113) In the context of sex work the sense of male entitlement that leads to sexual violence or gender-based violence is increased by their perception that transactional relationships give them permission to disregard notions of consent and autonomy.

#### Law reform and access to justice

Law reform and policy development should focus on measures to enhance safe mechanisms of disclosure, promote reporting and challenge community, police and judicial attitudes to sexual assault that continue to reinforce its invisibility.

The criminal justice system remains the primary institution for responding to sexual violence offences and over the years there has been increased awareness that victims/survivors’ experiences of the criminal justice system must improve if they are to pursue and access justice for these crimes. As such, reforms have been made to sexual assault law and policy to redress some of shortcomings of the system to improve the situation of sexual assault survivors in the criminal justice system and to increase the low reporting rates and poor practices that lead to the unnecessary attrition of sexual assault cases.[[114]](#footnote-114)

However, despite some advances, research indicates that these 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.[[115]](#footnote-115) In many instances, institutional biases against survivors/victims of violence persists and survivors/victims are often re-traumatised and placed at a heightened risk of further violence when seeking protection through the criminal justice process. In addition, reporting rates remain low, attrition rates are high and low conviction rates persist. [[116]](#footnote-116)

Major gaps exist across systems namely health, police, and justice. There is a strong need for consistent legislation and response to sexual violence. Police need to be trained and specialised units need to be established to provide trauma informed response when dealing with sexual violence cases. 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.[[117]](#footnote-117)

Due to the distinctive nature of sexual offences and with the goal to improve criminal justice system, we see the benefit of establishing specialist sexual violence courts. In this case, having the specialisation, the criminal justice system will be better equipped to account for distinguishing characteristics of sexual violence. These courts needs to be operating through a trauma approach and ensure adequate training of judicial officers. For a more detailed analysis, we refer you to the submission made by the Rape and Domestic Violence Services Australia to the NSW Law Reform Commission review in relation to sexual offences.[[118]](#footnote-118)

In relation to the primary prevention of sexual violence, we refer you to [Priority area 1](#_Priority_area_1:).

**We recommend:**

**3.21.** That specialist women’s services in their diversity working on sexual violence across the full range of service types and target groups be resourced and supported to assist and advocate for women through the justice system and legal processes.

**3.22.** That specialist sexual violence courts be established with the objective to bring together specialist personnel to facilitate a trauma approach that centres the needs of those who experience sexual violence, while upholding the accused’s right to a fair trial.

We also refer you AWAVA’s policy brief Sexual Violence: Law Reform and access to justice.[[119]](#footnote-119)

##### Sexual assault communications privilege (SACP)

Sexual assault communications are communications made in the course of a confidential relationship between a counsellor and a person who has had sexual assault perpetrated against them.[[120]](#footnote-120) These communications can include a broad range of counselling and therapeutic records such as, for example, sexual assault counselling notes, case notes or medical files in sexual assault trials. The disclosure of such information can be extremely traumatic and harmful for victims of sexual assault in sexual assault legal proceedings.[[121]](#footnote-121) This can lead to the unnecessary withdrawal of sexual assault complaints and discourage sexual assault survivors/victims from reporting sexual offence. The potential outcomes of disclosing such information in court proceedings is recognised as being contrary to public interest[[122]](#footnote-122) and not relevant to a sexual offence trial.[[123]](#footnote-123)

In response to the growing practice of subpoenas for sexual assault communications, every state and territory has specific legislation protecting counselling communications in sexual violence proceedings, with some variations.[[124]](#footnote-124) Nevertheless, there are serious shortcomings nation-wide in terms of the operation of the privilege in practice.

There are two major challenges that hinder the enforcement of the privilege. The first challenge is that those who may be affected by the disclosure of the communication in sexual assault trials often need information and legal representation to enable them to claim or seek to enforce this privilege; without representation in criminal proceedings, people may not be in a position to do this.[[125]](#footnote-125)

The second challenge arises from the privilege not being respected in practice. For instance, the Victorian Law Reform Commission (2004) found that the legislation has not prevented subpoenas being issued and, in most jurisdictions, defence lawyers are still able to issue a subpoena requiring a person to produce counselling communications. Rather, the onus of the protection of privileged material lies on the recipient of a subpoena that seeks counselling records, such as, for example, a private counsellor who has to oppose the subpoena. In some instances, such as those highlighted by the Centres against Sexual Assault, a private counsellor may be compelled to pay lawyers to oppose subpoenas requesting their files at considerable expense; a burden which private counsellors may simply not be able to meet.[[126]](#footnote-126)

In 2009 WLS NSW initiated and co-ordinated the SACP Pilot project in with the Office of the Director of Public Prosecutions, law firms Ashurst, Clayton Utz and Freehills, and the NSW Bar Association.[[127]](#footnote-127) Amongst others, the project aimed to provide a temporary measure to meet the legal service needs of some complainants and gather information about the day-to-day operation of the privilege which we could use as evidence for the need to change.[[128]](#footnote-128) Representation through the project successfully resulted in preventing or limiting access to victims’ conﬁdential records in 91 per cent of subpoenas.[[129]](#footnote-129)

We support calls to establish a service, similar to the SACP Service, to provide advice and representation in family law and child protection matters for individuals and services wishing to object to subpoenas of sensitive records.[[130]](#footnote-130)

Additionally, efforts to improve information-sharing in relation to family law and domestic and family violence should be pursued within a framework that is victim-centric, supports informed consent and is more responsive to disclosures of violence, as detailed in WLS NSW’s 2016 report *Sense and Sensitivity: Family Law, Family Violence, and Confidentiality*.[[131]](#footnote-131)

**We recommend:**

**3.23.** That the Australian Government works towards establishing, in each State and Territory, well-resourced services to provide advice and representation in family law and child protection matters for individuals and services wishing to object to subpoenas of sensitive records.

**3.24.** That the Australian Government develops and promotes adherence to an ethical framework for information-sharing in relation to family law and domestic and family violence, along the lines proposed in WLS NSW’s 2016 Report Sense and Sensitivity: Family Law, Family Violence and Confidentiality.[[132]](#footnote-132)

##### Financial assistance to victims/survivors of sexual offenses

The research conducted by Daly and Holder about the financial compensation to victims of sexual offenses has found a correlation between the amount of compensation and societal perception of ‘real rape’.[[133]](#footnote-133) Under the Victims of Crime compensation scheme in QLD there are two levels of recognition payments for victims of sexual violence.[[134]](#footnote-134) Daly and Holder concluded that assessors’ ideas of ‘real rape’ and ‘credible victims’ influenced the amount of payment was granted to a victim/survivor, with lower levels paid where sexual offences did not conform to these stereotypes. ‘Real rape’ refers to a perpetrator who is a stranger and/or multiple perpetrators, sexual violence committed in public settings, evidence of physical injury, and the use of weapon. ‘Credible victim’ are referred to a person who did not engage in a risky behaviour.

Their research has found that 92% of the stranger cases received the maximum, but 73% of the non-stranger cases did; 89% of cases having any real rape element received the maximum, but 65% of those without any element did. While assessors’ discretion has been removed in QLD and NSW, these research findings reinforce the need for an ongoing training and education of all relevant decision makers to ensure that victim blaming attitudes do not persist and women have an unobstructed access to justice consistently across all states and territories.

**We recommend:**

**3.25.** Comprehensive and ongoing training and education should be provided to all relevant decision makers to ensure that victims/survivors are able to obtain justice.

#### Training and professional development for judicial officers and police

It is essential to ensure that judicial officers and police receive comprehensive training on the nature and dynamics of family violence and sexual violence. We refer you to the [Priority area 4](#_Family_law_system) of this submission for a more detailed discussion on training and professional development.

#### Data collection and research

Comprehensive, quality data collection regarding sexual violence and sexual assault cases, and the evaluation and analysis of this data, is crucial to understanding the nature and extent of sexual violence. It is also vital for identifying key points of attrition and associated barriers in sexual violence cases, assessing and informing policy measures and services in relation to how the criminal justice system deals with sexual assault, estimating needed resources and tracking progress over time.[[135]](#footnote-135)

However, major gaps remain and data collection and analysis mechanisms continue to be identified as a pressing issue that needs to be addressed across governments and non-government agencies. There is a general inadequacy of current data on the reporting and prosecution of sexual offences, particularly in relation to sexual violence perpetrated against children and women from and of diverse backgrounds, particularly Aboriginal and Torres Strait Islander women and children, women working in the sex industry, women with disability, and women from culturally and linguistically diverse backgrounds.

Additionally, there is a need to strengthen data collection and ensure consistent system for reviews of women’s deaths relating to gender-based violence.[[136]](#footnote-136)

AWAVA supports the Australian Law Reform Council (ALRC) Recommendation 26–1 of its report *Family Violence - A National Legal Response* (ALRC Report 114, 2010) in relation to the collection of comprehensive data in relation to sexual assault perpetrated in a family violence context. In particular on (a) attrition rates, including reasons for attrition and the attrition point; (b) case outcomes; and (c) trends in relation to particular groups including Aboriginal and Torres Strait Islander peoples.

**We recommend:**

**3.26.** To prioritise data collection on sexual assault beyond as well as within the family violence context and to ensure collecting data about violence against women who are in the sex industry.

**3.27.** Data on sexual violence (and other forms of violence) should be disaggregated as far as possible by characteristics including disability and mental illness status, and should be responsive to concerns raised by disability advocates about the inclusion of people in institutional residential settings and people requiring communication support.

#### Resourcing and support to service sector

Both the sector evidence and responses to AWAVA’s survey indicated big funding gaps in relation to addressing sexual violence. Available funding is not proportionate to the existing service demand, which is increasing.

Increase in demand to 1800RESPECT associated with high-profile cases of sexual assault and harassment needs to be met with increased funding, together with funding and support for integration of sexual violence services with the broader community services sector and government-based services

Current service gaps include a lack of availability of services in regional, rural and remote areas, lack of long-term (not crisis) counselling, and a need for greater cultural competency and lack of connections with settlement or migration service providers.

Refer to [Priority area 5](#_Priority_area_5:) for recommendations on strengthening services.

#### Technology-facilitated sexual violence

Technology-facilitated abuse has also become a tool of perpetrators of domestic and family violence to threaten, harass and/or control both current and former partners.[[137]](#footnote-137) In terms of sexual violence in both intimate partner and non-intimate partner relationships, technology is another weapon with which assault is perpetrated. Manifestations of technology-facilitated sexual violence include non-consensual sharing of intimate images, online sexual harassment, technology-facilitated sexual assault and coercion, sexual exploitation, broadcasting sexual assaults online etc. Young women and other diverse groups are at particular risk.[[138]](#footnote-138)

At services responding to sexual violence, young women are increasingly accessing services due to the impacts of trauma where sexual violence and technology-facilitated violence are among the dynamics present. While the role of technology in domestic and family violence is becoming more widely understood, the kinds of cases to which these services respond are not included in domestic violence statistics, since the relationships involved are often not formal or legitimised, unlike ‘domestic’ relationships.

Technology-facilitated sexual abuse of women in the sex industry is also an emerging concern. Project Respect states that technology-facilitated sexual violence against women in sex industry has been increasingly impacting women on different levels: in the context of family violence, with clients in the sex industry, and in the context of women trafficked for sexual exploitation. We refer you to the full text of the submission prepared by Project Respect in response to the Senate inquiry on ‘revenge porn’ that outlines more issues of concern in relation of technology-facilitated abuse of women in the sex industry. The submission can be accessed via [this link](https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1453939756/Revenge_Porn_Submission.pdf?1453939756).

**We recommend:**

**3.28.** That the Australian Government ensures ongoing funding to the Office of the e-Safety Commissioner especially to integrate gender-informed and cultural diversity lenses through all its work.

### Addressing technology-facilitated abuse

We are pleased to see that addressing technology-facilitated abuse is one of the priorities for the Fourth Action Plan and it encompasses more than image-based abuse.

Technology-facilitated abuse encompasses a wide range of behaviours where technology is misused to perpetrate abuse against another person or persons. It includes using technology to harass, stalk, groom, monitor, conduct surveillance on, location-track, threaten, humiliate, impersonate and/or isolate. In gender-based violence against women, it can be understood as another tool used by perpetrators to hold power and control over a victim. In some cases, technology significantly increases the impact of abusive behaviours because of the increased capacity or reach of technologies being used compared to “traditional” forms of these behaviours.[[139]](#footnote-139) As an early article on technology abuse states “Technology has given [abusers] new tools, enabling them to reach their victims from afar while infiltrating even deeper into their victims’ everyday lives”.[[140]](#footnote-140)

The WESNET Safety Net Australia project, which examines the intersection between technology and violence against women, has found that there is now a complete overlap between technology facilitated abuse and domestic and family violence. This is evidenced by both US and Australian studies, and indicate that that 97-98% of domestic and family violence practitioners surveyed had clients experiencing technology-facilitated abuse..[[141]](#footnote-141),

The most common forms of technology-facilitated abuse in the context of domestic and family violence include harassment through text messaging, email and other social media apps, and GPS location tracking. Other forms of technology facilitated abuse that are currently popular include spyware and non-consensual sharing of intimate images (also known as Image-based abuse). An RMIT University and La Trobe University study found 1 in 5 Australians have experienced image-based abuse and that marginalised groups were disproportionately affected with 56 per cent of people with a disability and 50 per cent of Aboriginal and Torres Strait Islander Australians had been victims of image-based abuse. People who identified as LGBTIQ+ were more likely to be victims (36 per cent) than heterosexual people (21 per cent).[[142]](#footnote-142)

Although both people identifying as male and people identifying as female experience similar rates of image-based abuse, there is evidence to suggest that the impact on people identifying as female is significantly more distressing and traumatic[[143]](#footnote-143). Recent Canadian research has found devastating impacts that image-based abuse has on survivors’ mental health, and that there are similarities between [image-based abuse] and sexual assault.[[144]](#footnote-144)

Frontline workers are finding it challenging to know how to assist clients experiencing technology-facilitated abuse. A recent survey in the US[[145]](#footnote-145) and the WESNET’s Safety Net Australia project[[146]](#footnote-146) have both found an urgent need for additional and ongoing training of frontline workers. There is also a need to constantly upskill frontline workers, police and magistrates, as the technologies used are constantly evolving.

Under the Safer Technology for Women Program, funded under the Women’s Safety Package, WESNET has trained 2,145 frontline workers over the first two years of the program, but the external evaluation showed frontline would like more face-to-face and longer training in order to be able to support their work. The evaluation also showed that the WESNET training has changed the practice of frontline workers, giving them more tools and confidence to work with women experiencing technology-facilitated violence.

Australian governments and women’s services have made substantial progress in developing programs to support victims/survivors and promote technology safety to facilitate women’s engagement in online platforms. In order to build on momentum and avoid inefficiencies from short-term, stop-start funding, it is important to extend funding for programs that have established effective ways of working towards these ends.

The eSafety Commission eSafety Women online training is providing good general technology facilitated abuse training for generalist workers, however the specialist women’s sector has expressed a demand for more nuanced and practical training to be delivered by trainers with expertise in both domestic and family violence and technology abuse, such as that delivered by WESNET.

**We recommend:**

**3.29.** Extend funding for technology safety measures established under the Women’s Safety Package, including the e-Safety Commissioner’s work on women’s online safety and image based abuse, evaluate the technology safety trials, and continue funding for the WESNET’s Safer Connections / Safety Net Australia – Safer Technology for Women program, and to ensure there is no funding gap which would cause loss of key expert staff and expertise.

### Linkages with efforts to address elder abuse

We refer you to the [section](#_Addressing_violence_against_2) on addressing violence against older women in this submission. We reiterate that the National Plan to Reduce Violence Against Women and their Children as a whole needs to build strong linkage with any other intersecting areas such as elder abuse.

### Responding to other forms of violence against women and harmful practices

#### Reproductive Coercion

While we support claims made in the evidence and background paper that pregnancy represents one of the risk points, we also would like to draw your attention to a broader issue of reproductive coercion.

The term reproductive coercion is used to define a range of male partner pregnancy-controlling behaviours. These behaviours can include birth control sabotage (where contraception is deliberately thrown away or tampered with), threats and use of physical violence if a woman insists on condoms or other forms of contraception, emotional blackmail coercing a woman to have sex or to fall pregnant, or to have an abortion as a sign of her love and fidelity, as well as forced sex and rape.[[147]](#footnote-147)

Brisbane-based non-for-profit organisation Children by Choice has noted that women from culturally and linguistically diverse backgrounds are over-represented among women subjected to reproductive coercion, with up to one in five CALD contacts reporting this form of abuse.[[148]](#footnote-148)

**We recommend:**

**3.30.** That the Fourth Action Plan and any subsequent National Plan addresses reproductive coercion as one of the manifestations of violence against women.

**3.31.** All services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.[[149]](#footnote-149)

**3.32.** That existing population studies already examining the prevalence of domestic violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.[[150]](#footnote-150)

**3.33.** Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services around reproductive coercion.

#### Dowry Abuse

Dowry refers to a cultural practice involving the exchange of substantial gifts at the time of marriage. The practice of dowry can be associated with abuse, control and demands for more substantial gifts or financial contributions.

While dowry abuse is generally understood as a cultural practice, it is important to recognise that it occurs in a broader environment where male privilege is normalised[[151]](#footnote-151) and relationships are not gender equal. Patel et al argue that dowry “has come to devalue women’s lives; reinforcing and perpetuating their commodification and unequal status in the family and wider society.”[[152]](#footnote-152)

Regardless of which party is the recipient of dowry, dowry abuse bears a gendered nature, as it manifests itself as male violence against women. O’Connor argues that “it is the young bride who suffers abuse; either because he did not get enough dowry; or because he was aggrieved for having to give ‘too much dowry’”.[[153]](#footnote-153) Patel et al note that dowry generally contributes to “the maintenance of highly patriarchal family structures and widening gender inequality”.[[154]](#footnote-154)

In this sense, dowry abuse is another manifestation of violence against women, the main driver of which is gender inequality, operating on many levels from social and cultural norms to economic and structural injustices. Thus, it is important to analyse dowry abuse from the feminist perspective. Using a feminist approach in conceptualising violence against women ensures that it is understood in terms of power dynamics and social structures, rather than treated as purely individual experiences, or experiences that are defined by a given culture or background. In circumstances of extreme inequality, such as domestic and family violence involving dowry abuse, there is also a question of whether any sexual interaction can be truly consensual. This means that service providers and policy makers need to maintain attention to sexual violence in responding to dowry abuse, as well as other forms of domestic and family violence.

We recognise that financial and decision-making dominance by the man/husband in strong patriarchal community hierarchies in some CALD groups, as well as community understanding of ownership of women and children by the husband, impact the woman’s sense of agency and hence her ability to advocate for herself and her children. It is, however, important to recognise diversity within CALD communities, to address existing stereotypes about culture and/or religion, and prevent overgeneralisation of experiences i.e. avoid attributing particular experiences as normative to the whole community and using the language of ‘all community members’ or ‘all women’ without acknowledging diversity and complexity within the CALD community.

Efforts to prevent and respond to dowry abuse in Australia should be a part of the general commitment to end violence against women. In any efforts addressing violence against diverse groups of women an intersectional lens and culturally competent approaches are essential for success. This means recognising their specific needs yet not treating people’s experiences as ‘foreign’ or attributing higher rates of violence to personal or cultural traits. It is vital that diverse communities are consulted in developing responses, that they are taking a lead in their implementation with appropriate levels of funding and resourcing and that women’s voices are central in decision making processes.

**We recommend:**

**3.34.** To expand the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.

**3.35.** For the Australian Government to continue to support primary prevention and early intervention approaches to end violence against women, embedding intersectional and culturally-sensitive approaches targeting all age groups.

**3.36.** That the relevant decision makers undertake extensive training on family violence, trauma-informed practice and cultural competency according to standards outlined by the National Domestic and Family Violence Bench Book.

#### Human trafficking including for sexual exploitation, domestic and labour servitude

It is well documented that human trafficking is gendered meaning that the majority of victims/survivors are women. It is also well documented that there is an overlap between family violence and trafficking.[[155]](#footnote-155) In the research conducted by the InTouch, there were 11 cases with one or more elements of human trafficking. In some cases*,* perpetrators used the migration system to further control and coerce victims/survivors. Patterns included deception of women and removal of them from Australia, then withdrawal of sponsorship or filling for a divorce. Other patterns included “deceptive recruiting (that is, to come to Australia) for the purposes of the forced provision of sexual services”.[[156]](#footnote-156)

Domestic and labour servitude is manifested through, for instance, being “forced to work in a family business and were either unpaid or poorly paid and subject to work hours and conditions that were exploitative”.[[157]](#footnote-157)

Given that these offences fall under the trafficking and modern slaver legislation, support for victims/survivor is contingent upon participation on the criminal proceedings.

Women identified/screened as being trafficked are supported through the Human Trafficking Visa Framework (HTVF) and are provided a 45-day Bridging Visa F (BVF). They are also referred to the Support for Trafficked People Program (STPP).[[158]](#footnote-158) BVF can be extended for another 45 days or longer while a victim of trafficking is assisting in criminal justice process. If after the 45 days, women are unwilling or unable to assist the AFP in criminal justice proceedings they are exited from the STPP which means they do not have access to the HTVF. This leaves women in vulnerable situations. While they may have access to other visas including claiming refugee status and complementary protection,[[159]](#footnote-159) anecdotal evidence suggests high rates of visa refusals. There is also a lack of recognition from the immigration authorities that women who have survived trafficking may face repercussions, violence and re-exploitation upon return to the countries of origin.

There are also some challenges in this area:

* Data collection is still a gap in this area.
* The Government has committed additional resources to other forms of slavery, including establishing a Migrant Taskforce and a Labour Exploitation Working Group; however, there are concerns that victims are being screened as a migration and/or visa issue rather than in relation to human rights violations.
* In 2017, two out of four anti-trafficking organisations, Project Respect and Scarlet Alliance were defunded. Project Respect is the only organisation in Australia providing holistic support to survivors, particularly women who were unable to access the STPP.[[160]](#footnote-160)

We reiterate the need to de-link support for women who have been trafficked from criminal proceedings and ensure that the support is available to them regardless their migration status. The issue of trafficking needs to be see through the human rights lens rather than as a migration issue. We refer you to the [Priority area 4](#_Responding_to_human) of this submission for further discussion in relation to pathways to justice.

#### Forced Marriage

Forced marriage is a form of gender-based violence as well as family violence. The impacts and experiences include (but are not limited to) physical abuse, sexual abuse, reproductive coercion, financial abuse, and social isolation. Forced marriage has been criminalised under the Commonwealth Criminal Code 1995 (Cth) since 2013. Victims/survivors are required to participate in criminal proceedings as a precondition for support, and are often required to testify against family members. These restrictions are among the reasons why there have been no prosecutions under the legislation.

The phenomenon of forced marriage is complex and intersectional; thus it is not sufficient to address it through the lens of modern slavery. Forced marriage can be addressed within the family violence framework as it involves many of its manifestations like coercion, control, threatening behaviour etc.

Research conducted by Vidal indicates that family violence and gender based violence frameworks are universally accepted as appropriate and necessary to address the issue of forced marriage.[[161]](#footnote-161) In this regard, it is important to ensure that services are skilled to meet the needs of victims/survivors. Access to support for victims/survivors must not be dependent upon their intention to press charges. It is necessary to de-link victim support pathways from mandatory engagement with law enforcement. Development of prevention, intervention and support needs to be person-centred, address the impact of fear and shame, be culturally competent and involve multiple sectors. It must also ensure the meaningful participation of communities.[[162]](#footnote-162) This also requires ensuring sufficient resourcing of prevention programs that are co-designed with communities.

Additionally, the definition of family violence needs to be expanded to include forced marriage. This will open up opportunities for wider multi-sectoral engagement and information and support services for individuals at risk.[[163]](#footnote-163)

We also support a recommendation made by the CEDAW Committee to “build the capacity of immigration and child protection workers, law enforcement officers and community organisations working on domestic violence, health and education to detect and respond to cases of early and forced marriage”.[[164]](#footnote-164)

#### Female Genital Mutilation

Female Genital Mutilation (FGM) is a form of gender-based violence, sexual violence, and child abuse. This harmful practice is rooted in gender inequality and should not be attributed to purely religious or cultural practice. It needs to be addressed through a human-rights and intersectional lenses.[[165]](#footnote-165)

Affected women and girls need to be recognised as agents and their meaningful participation in co-design of prevention and responses needs to be ensured. Additionally, “an effective multisectoral response needs to ensure that affected communities are at the forefront of efforts.”[[166]](#footnote-166)

Access to the support for victims/survivors must be delinked from criminal proceeding. Cultural competency training must be in place for a broad range of stakeholder such as health, police, immigration, legal profession and various service providers.

**We recommend:**

**3.37.** That the Australian Government ensures that the access to services and justice for all victims/survivors of sexual and gender-based violence is delinked from criminal proceedings and not dependent upon the intention to raise prosecution.

#### Forced sterilisation of women with disability

Women and girls with disability are still subjected to the practice of forced sterilisation when they are unable to consent and the decision is taken by a third party.[[167]](#footnote-167) Forced sterilisation “is an act of violence, a form of social control, and a clear and documented violation of the right to be free from torture.”[[168]](#footnote-168)

In 2018 CEDAW Concluding observations on Australia, the CEDAW Committee recommended to “abolish the practice of non-consensual administration of contraceptives, abortion and sterilisation of women and girls with disabilities, and develop and enforce strict guidelines on sexual and reproductive health rights of women and girls with disabilities who are unable to consent.”[[169]](#footnote-169)

We support this recommendation and urge the government to take all necessary measures to abolish this harmful practice as a part of efforts to reduce violence against women.

#### Medically unnecessary procedures on intersex infants and children

The 2018 CEDAW Concluding observations has also recommended to “adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent”.[[170]](#footnote-170)

These unnecessary surgeries are performed in an attempt to “normalise” bodies, alleviate parental distress over the atypical genital appearance and/or influence adult sexual orientation and/or gender identity. Moreover, these unnecessary surgeries are conducted on infants and children when they are unable to consent to such a procedure. Surgeries being performed in an absence of consent combined with an attempt to normalise rather than for medical necessity, constitute a human rights violation.[[171]](#footnote-171)

The narrative of normalisation of one’s bodies and genitalia is rooted in rigid gender binary expectations that are placing an expectation on an individual to conform to stereotypically male or female gender categories. This harmful practice is often compared to FGM.[[172]](#footnote-172) With no evidence to suggest the benefit of such a procedure and this harmful practice constituting a form of violence and infringement of rights to bodily autonomy, integrity and dignity, we believe that such forms of violence need to be also addressed with the National Plan.

We support the calls to guarantee bodily integrity, autonomy and self-determination to children born with non-normative sex characteristics, and prohibit unnecessary deferrable surgical or other medical treatment on intersex children until they reach an age at which they can provide their free, prior and informed consent.[[173]](#footnote-173)

We also note the current inquiry: Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions run by the Australian Human Rights Commission.

**We recommend:**

**3.38.** That the Australian Government addresses all forms of sexual and gender based violence against women, girls and non-binary people, making a particular effort to incorporate actions to address forms of violence that are usually excluded from the focus on a conventional understanding of domestic and family violence.

## Priority area 4: Strengthening Systems

|  |  |
| --- | --- |
| Developing workforce capability | **Strengthening Systems** |
| Access to justice |
| Addressing the intersection of DFV and migration status |
| Responding to human trafficking and sexual exploitation |
| Welfare system improvements |
| Housing affordability and long-term housing options |  |

### Developing workforce capability

We understand the Fourth Action Plan background and evidence paper sees ‘workforce’ as related to service providers working in the areas of preventing and responding to violence against women. However, as many respondents to AWAVA’s survey indicated, there is a need to also look at DFV as a workplace issue. This means the need to determine the role of workplaces generally in responding to domestic and family violence; supporting workplace responses through training, policy development and support as well as ensuring DFV leave for employees.

While we welcome the introduction of unpaid DFV leave, we regret that paid DFV leave has not been implemented. Paid domestic violence leave would allow women to attend court appearances, look for new housing, access support and counselling while keeping their employment and economic independence.[[174]](#footnote-174)

We also bring your attention to the need to support specialist women’s services to meet the challenges of maintaining good practice service models while responding to rising demand and ensuring that adequate funding flows to specialist women’s service services. We elaborate more on this point in the [Priority 5](#_Responses_to_women’s) of this submission.

Lastly, in working to develop workforce capability there is also a need to look at building capacities of other relevant professionals and organisations such as health.[[175]](#footnote-175) We also refer you to the Victorian capabilities framework.[[176]](#footnote-176)

### Access to justice

#### Family law system

We need better accessibility of courts for diverse groups of people, drawing for example on the Judicial Council on Cultural Diversity Framework to Improve Accessibility to Australian Courts for Aboriginal and Torres Strait Islander Women and Migrant and Refugee women. This includes (but is not limited to) employing Aboriginal and Torres Strait Islander and multicultural liaison officers in courts, producing plan English along with translations materials about court structure and processes, ensuring compulsory cultural competency training for all judiciary etc.[[177]](#footnote-177)

There is also a need to improve physical safety of courts, which can be done by providing separate waiting areas, separate entry and exit points, safe rooms, dedicated areas for children, separate interview rooms, and possibility of video-link attendance of hearings, especially for litigant from rural, regional and remote areas.

There is a great need for better training for judicial officers and professionals (independent children lawyers and family report writers) who work in the family law system in the areas of:

* the nature and dynamics of family violence;
* cultural competency (working with Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds);
* working with people who identify as LGBTIQ+;
* intersectionality of clients’ needs that includes recognition of structural inequalities arising from the interconnectedness of gender, age, sexuality, disability, culture, religion, race and/or other experiences;
* trauma informed practice;
* the intersection of family law, child protection and family violence;
* technology facilitated abuse; and
* the intersection of family violence and family law in property determinations that includes:
  + the financial impacts of family violence
  + the nature and impacts of economic abuse.

A recent UK review of the research evidence on the value and impact of specialist advocacy for victims of domestic and sexual violence found that specialist advocacy improves criminal justice outcomes for victims/survivors.[[178]](#footnote-178) Specialist women’s services who assist women and their children during legal processes (including legal assistance services as well as other services) are vital for access to justice and need to be resourced and supported to perform these roles.

The definition of family violence in the Family Law Act needs to be expanded to encompass other manifestations of domestic and family violence such as reproductive coercion, technology-facilitated abuse, dowry abuse, forced marriage, cultural and spiritual abuse and systems abuse.

Implementation of the (forthcoming) recommendations of the ALRC review of the family law system needs to be properly resourced.

Resourcing and implementation of the National Outcome Standards for Perpetrator Interventions (NOSPI) needs to be given a high priority in the 4AP.

The Australian Government need to develop a national risk assessment framework for use by the family law court registry. Any national risk assessment framework should be consistent nationally, be multi-method, multi-informant, while placing particular emphasis on the victim’s own assessment of risk; be culturally sensitive; and supported by appropriate training.[[179]](#footnote-179) Additionally, a risk assessment framework for use by family lawyers and family dispute resolution (FDR) practitioners should be developed and should be consistent with and/or an adapted version of the risk framework used by the family court registry.

Lastly, there is an urgent need to remove the presumption of equal shared parental responsibility when deciding on parenting orders. Although the presumption is not meant to apply in cases of domestic and family violence, women and children are still negatively impacted by the presumption because it is often hard to identify or prove this violence to the standard required by the Courts. This is problematic particularly in situations where domestic and/or family violence may not be properly identified, for example where a victim of violence is unrepresented.

As each family is unique, rather than focusing on presumptions, decisions about children should be made on a case-by case basis in the best interest of the child and placing a greater focus on safety and risks to children. Consequently, the wording of the presumption should be considered for alteration[[180]](#footnote-180).

For a more comprehensive analysis of the changes and improvements required in the family law system we refer you to the [joint submission](https://awava.org.au/2018/05/22/submissions/2018/submission-in-response-to-the-australian-law-reform-commissions-review-of-the-family-law-system-issues-paper) by AWAVA, National Aboriginal and Torres Strait Islander Women’s Alliance and Harmony Alliance Migrant and Refugee Women for Change to the ALRC comprehensive review of the family law system and the final report of the Justice Project that was undertaken by the Law Council of Australia.[[181]](#footnote-181)

#### Intersection of domestic and family violence and migration status

The intersection of DFV and migration status should be regarded as an access to justice issues as the migration status may create additional barriers for women experiencing family violence. We want to particularly draw your attention to women on temporary visas who are experiencing DFV as they have been identified as one of the emerging priority cohorts.

Migrant and refugee women are less likely to seek assistance in situations of family violence due to compounding barriers such as isolation of living in a new country, community pressures and expectations, higher levels of financial dependence on perpetrators or community, lack of knowledge of rights and available services; and fear of deportation and removal of children or perpetrator. For women on temporary visas, insecure migration status is an additional barrier to seeking such assistance, as perpetrators may use victims’/survivors’ temporary migration status as a weapon to deter them from reporting violence and to keep them subservient.

Under Migration Regulations 1994 (Cth) family violence provisions are established to allow certain people (mostly partner visa applicants) applying for permanent residence in Australia to continue with their application after the breakdown of their married or de facto relationship, if they or a member of their family unit have experienced family violence by their partner. While we commend the process in place, there is a number of limitations that require improvements and change. These limitations include:

* Eligibility for family violence provisions afforded under the Migration Regulations 1994 (Cth) is limited to certain visas only, excluding many dependent visa categories. This creates compounding barriers for many victims/survivors who might need to seek assistance or leave violent relationships.
* The definition of family violence used to determine the eligibility for family violence provisions does not fully encompass all manifestations of violence and is limited to nuclear-family violence only and is focussed on intimate-partner violence, to the exclusion of many relevant forms.
* The process of assessing the genuineness of a relationship uses indicators that can be misleading and inappropriate in situations of DFV, leaving some people ineligible when they should be eligible.

The table below highlights that the lack of evidence to meet the indicators of genuine relationships may constitute different manifestations of domestic and family violence.

|  |  |
| --- | --- |
| **Indicators used to assess genuineness of relationships** | **What can absence of the evidence say?** |
| Documents that show you and your partner share financial responsibilities (eg. Mortgage or lease documents showing joint ownership or rental of property, household bills in both names, joint bank accounts etc.); | * Financial abuse; * Dowry abuse. |
| Documents that show that you and your partner share household responsibilities (eg. Mail or emails addressed to both of you, your living arrangements, a statement about the way housework is distributed etc.); | * Labour exploitation; * Domestic servitude; * Gendered division of labour; * Social isolation. |
| Documents that show your relationship is known by others (eg. Joint invitations, going out together, friends and acquaintances in common, proof that you and your partner have declared your relationship to government bodies, commercial or public institutions etc.) | * Social isolation; * Distancing from family and/or friends. |
| Documents to show you are committed to each other your long term relationship (eg. Knowledge of each other’s personal circumstances such as background and family situation, documents that show you have combined your personal matters, the terms of your wills etc.). | * Technology-facilitated abuse (tracking, monitoring communication); * Emotional abuse. |

The Third Action Plan included an action to remove any barriers from accessing services regardless of the visa status. However, little if anything has been achieved in this area.

* Women on temporary visas including those seeking asylum are ineligible for many government support payments, such as Centrelink, leaving many victims/survivors financially dependent on a perpetrator (partner or other family member) or with no income.
* Women on temporary visas with no income may not be eligible for many support services, such as crisis or social housing, depending on the policies of the relevant State or Territory, as well as of the individual crisis services.
* Even in circumstances where women on temporary visas with no income are able to access crisis support services, they have limited pathways to re-establish independence, and often require prolonged assistance from crisis support services. This puts heavy pressures on already under-resourced support services.

We strongly believe that the intersection of DFV and migration status needs to be addressed as a standalone action point, recognising the diversity of experiences and circumstances as well as to ensure that migration status does not impedes access to justice.

**We recommend:**

**4.1.** Expand access to family violence provisions afforded under the Migration Act 1958 and associated regulations to include all dependent visa categories.

**4.2.** Introduce temporary visa provisions for all seeking to flee domestic and family violence situations to allow time and space for victims/survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.

**4.3.** Expand the definition of family violence within the family violence provisions afforded under the Migration Act 1958 and associated regulations so that it is consistent with the Family Law Act 1975 (Cth) and the National Domestic and Family Violence Bench Book.

**4.4.** Determine the existence of family violence before seeking to assess the existence of a ‘genuine relationship’, to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim/survivor.

**4.5.** Expand eligibility for relevant payments and services, including crisis and welfare payments and emergency housing, to all victims/survivors of domestic, family and sexual violence, irrespective of current visa status, across all states, territories and federal legislation.

**4.6.** Ensure all relevant service providers offering support to women with no income on temporary visas experiencing violence are sufficiently funded to undertake extensive training on cultural competency, trauma-informed practice and family violence.

**4.7.** Ensure access to free independent interpreters to all disadvantaged populations via appropriate funding of interpreter services to community organisations in the areas of family violence, migrations, sexual assault support services, multicultural services and others.

**4.8.** Reinstate funding to community legal centres formally distributed under the Immigration Advice and Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions have access to free legal advice and representation.

### Responding to human trafficking and sexual exploitation

Following on the discussions in [the section in Priority area 3 above](#_Human_Trafficking_including), we believe that the Human Trafficking Visa Frameworks and Support for Trafficked People Program should be delinked from the criminal justice system to ensure adequate protection for all survivors of trafficking, not only to provide them time to recover, but also to ensure they are not at risk of being deported and possibly re-trafficked after being exited from STPP.

**We recommend:**

**4.9.** De-link access to the Support for Trafficked People Program from compliance with criminal investigations to enable victims/survivors receive the support necessary to recover from their experiences.

**4.10.** That the Australian government facilitates and expedites family reunification for victims/survivors of trafficking, slavery and slavery-like offences.

**4.11.** That longer reflection periods during the initial support stream are provided to allow women to recover from their experiences of exploitation and appropriately address potential trauma.

**4.12.** That the Australian government establishes a National Compensation Scheme for victims/survivors of human trafficking and sexual exploitation.

**4.13.** To ensure capacity-building of services/peak bodies to be able to identify victims/survivors of trafficking correctly so they are linked to the correct/relevant support services.

### Welfare System

Access to social security payments in situations of domestic and family violence enables victims/survivors to re-establish their lives and gain financial independence. This area has been on the agenda of the National Plan and some progress has been achieved historically. However, still there are barriers existing in this area, some of which are connected to policies and some to their application.

#### Interactions with Centrelink when experiencing 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)[[182]](#footnote-182) identified obstacles victims/survivors are experiencing. These includes:

* Situations when residency requirements are not met, thus “their [women’s] inability to secure independent income meant they were unable to secure housing and stayed with the violent perpetrator”.[[183]](#footnote-183)
* Residency waiting periods for newly arrived migrants;
* Ineligibility of New Zealanders for social security payments;
* In cases where large amounts of financial compensation were received (rendering people ineligible for social security payments) but where this money was subsequently appropriated by abusive partners, there is a lack of recognition of the history of domestic and family violence by the Centrelink;
* Restrictive policies in relation to crisis payments such as time limit on application, the necessity to permanently leave the ‘family home’, insufficient amount of the payment and limitations of the access to such payment. Additionally, it is “not available to victims of family and domestic violence who are not receiving income support but are experiencing or anticipating severe financial hardship resulting from their efforts to leave a violent relationship”.[[184]](#footnote-184)

We refer you to the NSSR report for the full list of recommendations and wish to reiterate the goal of the social security needs to lie in supporting people especially in such critical moments as the experience of family violence. More training and policy improvements are needed to ensure that victims/survivors are not disempowered or put at further risk.

#### Expanding the Cashless Debit Card Trial

We recommend against the expansion of the cashless debit cards trials in light of the absence of the evidence of their positive impact. We reiterate concerns previously raised about the connection between family violence and cashless debit cards. 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.

#### Encouraging lawful behaviour of income support recipients

The 2018-19 Federal budget introduced a new scheme of encouraging lawful behavior of income support recipients. Under the scheme, the Government will be able to make compulsory deductions from the welfare payments of serial fine defaulters who have outstanding State and Territory court-imposed fines. The Government will also be able to suspend or cancel the welfare payments of individuals who have outstanding State and Territory arrest warrant for indictable criminal offenses.

We are concerned that this measure can disproportionately affect women who are fleeing or living with family violence in particular Aboriginal and Torres Strait Islander women and women with an intellectual disability.

#### Extended Waiting Periods for Newly Arrived Migrants to Access Certain Welfare Benefits

We oppose proposed increased waiting periods for newly arrived migrants to access certain welfare benefits from 3 years to 4 years from 1 July 2018.[[185]](#footnote-185) This measure will disproportionately affect women, especially those experiencing domestic and family violence. This measure should be abandoned as it would entrench migrant women’s economic disadvantage and jeopardise the wellbeing of a substantial

**We recommend:**

**4.14.** Extend access to government-funded services, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence, irrespective of current visa status, across all states and territories.

### Housing affordability and long-term housing options

Affordable housing and appropriate support from housing and homelessness service providers is essential for comprehensive efforts to prevent and respond to violence against women and their children. A comprehensive gender-responsive national housing strategy needs to be developed which would include the principles of visibility, capability and accountability. An effective national strategy should set ambitious goals to reduce homelessness and increase affordable housing stock. The National Housing and Homelessness Agreement (NHHA) needs adequate resourcing and policy direction in order to deliver positive outcomes in the Fourth Action Plan.

Women are the primary beneficiaries of housing support systems, making up the majority of public housing tenants, Commonwealth Rent Assistance (CRA) recipients and people approaching specialist homelessness services.[[186]](#footnote-186) Six out of ten homelessness service clients in 2014-15 were female.[[187]](#footnote-187) Domestic and sexual violence is the leading cause of homelessness and housing instability in Australia, and is consistently one of the most common reasons clients seek assistance from specialist homelessness services (SHSs).[[188]](#footnote-188) In 2015-16, 38% of SHS clients had experienced family and domestic violence and 92% of these were women and children.[[189]](#footnote-189) The number of family and domestic violence clients has increased by 33% since 2011-12.[[190]](#footnote-190) The 2016-17 AIHW report on specialist homelessness services, including services supporting women and children facing domestic and family violence, found that two in five clients had experienced domestic and family violence.[[191]](#footnote-191) The same report found that on average there were 261 requests for assistance per day that were unable to be met, most commonly because agencies were unable to meet requests for accommodation because there was no accommodation available at the time.[[192]](#footnote-192) The majority of unassisted requests came from people identifying as female (66%).[[193]](#footnote-193) Therefore issues of gender and violence are not marginal to the ‘main problem’ of homelessness and housing; they are central. An effective national housing and homelessness policy has to put them at the centre.

A gender-responsive approach to housing and homelessness policy[[194]](#footnote-194) in Australia is needed to engage effectively with the structural disadvantages experienced by women generally as well as the particular situations of different groups of women facing housing insecurity and unaffordability. Such an approach would also be focused on preventing homelessness arising from domestic and family violence as well as supporting victims/survivors of violence by ensuring and enabling the focus of specialist services to address and respond to the gendered drivers of women’s experience of violence and homelessness. Recognition that the feminisation of poverty and violence shapes women's housing outcomes is vital if the new National Housing and Homelessness Agreement is to reshape housing systems in a way that does not disadvantage women.

**We recommend:**

**4.15.** Develop a comprehensive gender-responsive national housing strategy incorporating the principles of visibility, capability and accountability, and setting targets for reducing homelessness and increasing affordable housing stock.

**4.16.** Adequately resource and provide policy direction for the National Housing and Homelessness Agreement (NHHA), so that it can deliver the housing options needed by the diversity of women and children facing violence.

We also refer you to [Priority area 5](#_Housing_and_homelessness) below: Strengthening services.

## Priority area 5: Strengthening Services

|  |  |
| --- | --- |
| Adequate crisis accommodation | **Strengthening Services** |
| Supporting the medium to long‑term safety, wellbeing and independence of women and their children |
| Mechanisms to ensure that funding flows to specialist women’s services |
| Developing services’ capability |

### Housing and homelessness services for women and children trying to build lives free of violence

We support the intention to address crisis accommodation to ensure its availability as well as appropriateness. In AWAVA’s survey, a lack of housing options and the risk of becoming homeless for women who are facing violence was one of the major identified gaps. However, the areas of housing and homelessness need to be looked at holistically, recognising that access to housing plays a crucial role not only in the crisis response but in terms of long-term recovery too. Please refer to [Priority area 4](#_Housing_affordability_and): Housing affordability and long-term housing options above.

Together with other peak bodies, we are concerned that under the new National Housing and Homelessness Agreement the social housing and homelessness sector may be expected to increase its capacity without additional investment.[[195]](#footnote-195) While reforms are needed, these must be implemented in a way that does not exacerbate the pressure on service providers and social infrastructure, recognising that these are already over-stretched and under-funded. As AWAVA has previously stated, substantial additional investment is needed to meet housing needs and provide homelessness services.[[196]](#footnote-196)

Although some progress has been made on tenancy reforms, on the whole, the commitments made in the Third Action Plan of the National Plan[[197]](#footnote-197) in relation to housing still need to be implemented. These are:

3.3: Strengthen safe and appropriate accommodation options and supports for women and their children escaping violence, including specialist women’s services.

3.3(a) Assess and work to address the immediate, medium-term and long-term accommodation needs of women who are escaping violence.

3.3(b) Increase the stock of affordable, accessible and social housing and the support needed to enable women and their children, if they want to, to stay in their own homes through Safe at Home initiatives.

3.3(c) Improve the availability of accommodation for perpetrators who are removed from the home to ensure the safety of women and children in their homes.

3.3(d) Assess the effectiveness of Victoria’s use of Individual Flexible Packages for women and their children who are escaping violence as the basis of a joint review of future funding models, including a possible broader rollout.

3.3(e) Develop national principles for tenancy legislation to ensure consistency across jurisdictions for women who are experiencing violence.

In order to meet this commitment, it is vital that steps be taken to substantially increase funding under the NHHA and embeds principles of gender-responsiveness within a broader national strategy. These principles must include measures to strengthen the position of specialist women’s services and the provision of competent gender-informed support by other services.

Alongside the new Agreement, there are key immediate steps that the Australian Government can take to assist women who are in temporary migration situations and are facing family violence, and to ease pressure on the services attempting to support them.

**AWAVA endorses the** [**recommendations made by Council to Homeless Persons**](http://chp.org.au/news-and-events/enewsletters/sector-bulletin-1-november-national-housing-homelessness-agreement-nhha/)**[[198]](#footnote-198), and recommends that the Australian Government:**

**5.1.** Extend access to government-funded services, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence, irrespective of current visa status, across all states and territories.

**5.2.** Significantly increase spending on social housing to meet growing demand.

**5.3.** Adequate and sustainable funding to meet demand for homelessness services, while ensuring that funding goes to services that are appropriately specialised and competent.

**5.4.** Address and meet the specific needs of diverse groups of women such as Aboriginal and Torres Strait women, women with a disability, older women, women from culturally and linguistically diverse backgrounds, women in rural, regional and remote areas, and women who identify as LGBTIQ+. Ensure that crisis accommodation is accessible and culturally safe.

**5.5.** Develop a federal strategy to end homelessness that addresses critical drivers of homelessness, including social security spending, family violence prevention, and measures to deliver affordable rental housing.

**5.6.** Work to ensure that the new National Housing and Homelessness Agreement is introduced as a package negotiated and agreed with the States and Territories, together with the accountability measures (what the Agreement aims to achieve), and the performance framework (how the measures will be monitored).

**5.7.** Together with the States and Territories, adopt a gender-responsive approach to housing and homelessness policy, as outlined in a recent [joint letter to all jurisdictions from AWAVA and ERA](https://awava.org.au/2017/10/12/submissions/era-awava-letter-state-territory-governments-re-gender-responsive-national-housing-homelessness-agreement).[[199]](#footnote-199)

**5.8.** Take immediate steps to ensure that any agreements (bilateral or overarching) addressing homelessness include the requirement not only that State/Territory strategies include measures to support women and children escaping violence but also that funding spent under these strategies goes to services with specialist capability to address the gendered dynamics of violence and homelessness[[200]](#footnote-200) (i.e. specialist women’s services and/or generalist services with documented specialist capability.)

**We also draw your attention and wish to reinforce the 2018 CEDAW Concluding observations recommendation to:**

**5.9.** Allocate adequate resources for the implementation of outcome 4 of the National Plan to Reduce Violence against women and their children and enhance efforts to ensure the availability of women-only and women-led support services for victims of gender-based violence.[[201]](#footnote-201)

### Responses to women’s safety and recovery

We need governments to work together to **support specialist women’s services** to meet the challenges of creating and maintaining good practice service models while responding to rising demand.

Australian and international evidence is clear that not just ‘any old service’ will do: ill-equipped services that lack well-trained staff discourage help-seeking, prevent disclosure of abuse and may inadvertently increase the risks for victims/survivors or lead them to return to abusive situations.[[202]](#footnote-202) By contrast, specialist women’s services contribute to better long and short-term outcomes for women and children who have lived with violence; they have a greater capacity to recognise and dismantle barriers, and to counteract negative social messages and myths that may deter or undermine women’s disclosure of violence.[[203]](#footnote-203) A recent UK review of the research evidence on the value and impact of specialist advocacy for victims of domestic and sexual violence found that specialist advocacy increases victim/survivor and children’s safety and reduces violence, and improves criminal justice outcomes for victims/survivors.[[204]](#footnote-204)

Governments need to ensure that **adequate funding flows to specialist women’s service services** and where appropriate to generalist services that are competent in responding to the needs of women and their children facing violence, as well as improving the capacity of all relevant services to respond to victims/survivors in effective ways. This includes:

* transparency and tracking of funding allocated to addressing violence against women across all portfolios at all levels of government
* support for the development and adoption of good practice standards by all services working with women and children facing violence, led by the specialist women’s services sector, and building on work already done by peak bodies and others in this area. Examples include:
  + NASASV Standards of Practice for Services Against Sexual Violence[[205]](#footnote-205)
  + DV Vic Code of Practice[[206]](#footnote-206)
  + DV NSW Good Practice Guidelines[[207]](#footnote-207)
  + AWAVA Policy Brief on the Role of Specialist Women’s Services[[208]](#footnote-208)

For example, future agreements or revisions of agreements such as the National Housing and Homelessness Agreement should incorporate the principle that homelessness services working with women and their children facing violence need to be adequately specialised and competent.

We reiterate that long-term responses to women’s safety and recovery needs to address:

* **The intersection between the migration status and family violence**, specifically for women on temporary visas who are experiencing sexual and gender-based violence (see [priority area 4](#_Intersection_of_domestic) of this submission).
* Urgent and concerted action is required to **address issues of housing and homelessness** for women.
* We need a **continued emphasis on technology-facilitated abuse**, based on the recognition that technology is another means by which perpetrators continue control and abuse.
* The Fourth Action Plan should address the need for **training and capacity-building in the various workforces** that have a role in responding to violence against women and include actions to improve the ability of workplaces generally to contribute to response and prevention.
* The Third Action Plan’s commitment to assess the effectiveness of Victoria’s use of Individual **Flexible Packages** for women and their children who are escaping violence as the basis of a joint review of future funding models needs to be fulfilled. The Fourth Action Plan should explore the feasibility of rolling out more broadly models based on Victoria’s Flexible Support Packages for women and their children who are escaping violence, with consideration for the service capacity, structures and systems required to implement such packages in each State and Territory.
* The Fourth Action Plan needs to ensure linkages between efforts to prevent and reduce violence against women and the proposed **women’s economic security** package.[[209]](#footnote-209) Considering the prevalence of violence, on one hand, and women’s need for economic independence on the other, these initiatives are inseparable.

## Priority area 6: Improving Coordination and Governance

|  |  |
| --- | --- |
| Coordinated response to addressing violence diverse groups of women | **Improving Coordination and Governance** |
| Improved communication with the civil society |
| Transparent, independent and periodic monitoring and evaluation |

### Coordinated response to addressing violence diverse groups of women

There is a lack of consistency and coordinated responses across states and territories. This is manifested through the policy and legislation (for instance, there is a need to harmonise legislation on sexual assaults across states and territories) as well as through working in ‘silos’. Stronger structures for coordination, such as those previously operating under COAG, need to be developed.

### Improved involvement of civil society

We express concern regarding the National Plan’s ability to ensure regular, equal and meaningful consultation and engagement with civil society. The dissolution of 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 included government and NGO representatives has significantly limited forums that are provided for ongoing and meaningful consultation and engagement with civil society.

We commend the development of the COAG Advisory Panel on Reducing Violence against Women and their Children, which was a significant step to support a number of proposed consultative mechanisms and forums. We also welcome the publishing of the COAG Advisory Panel’s reports. However, with the publication of its final reports, this Panel concluded its work and was wound up. Although there are some issue-specific Working Groups with civil society members, there is now no forum through which civil society can be consulted on the National Plan as a whole.

**We recommend that the Australian government:**

**6.1.** Address the need for improved communication between government and civil society about the National Plan and additional mechanisms for participation, engagement and advice from civil society to fill the gap left by the dissolution of the NPIP.

* **This should ensure transparency and inclusivity with civil society, 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 (including Aboriginal and Torres Strait Islander Community Controlled Organisations), other women’s services, academics, practising lawyers and/or women’s legal specialists.**

### Establish an Independent Monitoring and Evaluation Mechanism

There is a need to develop a robust monitoring and evaluation system of the Fourth Action Plan.

A robust monitoring and evaluation mechanism must be in place to allow for the impact of activities under the National Plan to be measured, gaps to be assessed and performance to be improved for greater future results. AWAVA has concerns regarding the lack of broader consultation and feedback in relation to the Evaluation Plan. For instance, the Evaluation of the Second Action Plan was released six months after the Third Action Plan commenced.

The following graphic highlights the elements of monitoring and evaluation that are required:

|  |  |  |  |
| --- | --- | --- | --- |
| **1. Evaluation of previous Action Plans to be used as a foundation of the upcoming Plan** | | | |
| **2. Establishment of the monitoring and evaluation framework prior to the Plan commencement** | | | |
| **3. Consistency of data** | **6. Outcomes-focused reporting** | **7. Involvement of victims/survivors in the evaluation process** | |
| **4. Transparency and open data** | **8. Involvement of civil society and service providers in the evaluation process** | |
| **5. Periodicity of evaluation** | **9. Utilising established frameworks like Our Watch Counting on Change** | | **11. Evaluation framework to be complemented by longitudinal studies** |
| **10. Measurement of social impact alongside the progress on indicators** | |

The evaluation mechanism must ensure that discussions, reporting and decision-making is transparent and meeting the needs of women and children affected by violence. Further, all stakeholders including victims/survivors should participate in the evaluation process, contribute to each report and that the report would be made publicly available. One of the respondents to the AWAVA’s survey pointed out:

“I would love to see an online platform tracking performance of all four Action Plans, similar to what the Victorian Government has established to keep Victorians informed around the implementation of the Royal Commission’s recommendations.” [R102]

We acknowledge the existence of the Evaluation Plan that is aimed to measure the success of the National Plan; however, previous reporting on completed Actions Plans highlighted a number of issues. For instance, the Evaluation Plan refers to Annual Progress Reporting as a key monitoring, accountability and communication activity under the National Plan. However, submissions made regarding the development of the Second Action Plan were not made public. The development of the Third Action Plan also omitted an open submission phase of consultations, which significantly limited opportunities for open and transparent feedback and evaluations from the greater civil society.

Evaluation under the National Plan needs discussions, reporting and decision-making to be transparent, accountable and consultative. Moving forward, there needs to be ongoing provisions for the incorporation of civil society, experts, victim/survivors and peak bodies in this process. We believe that that the evaluation mechanism of the Fourth Action Plan must be embedded in the plan and be reflected as one of its priorities.

**We recommend:**

**6.2. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the current National Plan and any future National Plan, which incorporates accountability and governance mechanisms.**

**6.3. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch’s Counting on Change guide.**

**6.4. Provide for the comprehensive evaluation of all the initiatives it resources, ideally ‘built in’ to program design. These should be in line with the UN Women’s Handbook for National Action Plans on Violence against Women[[210]](#footnote-210) standards and be:**

* + **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.**

### Increase 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 government’s commitment to end violence against women, further investment is required to enable the effective implementation of the National Plan. The Commonwealth Government should ensure that key initiatives 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.

**We recommend:**

**6.5. Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.**

**6.6. Adequately resource all initiatives under the Fourth Action Plan, and any future Action Plans, ensuring funds can be tracked and monitored.**

**6.7. Appropriately monitor, evaluate and track funding in the Evaluation Plan and provide appropriate funding for this.**

The Commonwealth Government needs to ensure that **key initiatives under the plan are sufficiently and sustainably resourced and adequate long-term funding** is provided for quality prevention, early intervention and ongoing specialist response and support initiatives and monitoring and evaluation of these initiatives. National flagship initiatives such as Personal Safety Survey, National Community Attitudes towards Violence Against Women Survey, Our Watch, ANROWS, DV Alert and 1800Respect need to be continued and sufficiently funded.

In light of the long-term goal of ending violence against women, we support the development of **a second National Plan**, drawing on a full open and participatory evaluation of progress under the first National Plan, with reference to this Position Paper and other key documents including Our Watch’s Counting on Change guide.

Once again we thank you for the opportunity to provide input to this consultation. If you would like to discuss the contents of the submission further, please contact Dr Merrindahl Andrew, AWAVA Program Manager, using the details below.

Dr Merrindahl Andrew

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# Appendix: Summary of recommendations

### Priority area 1: Approaches to End Violence against Women

**1.1.** That governments and funding bodies at all levels 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, in line with governments’ commitments under the National Plan.

**1.2.** That the Australian Government provide greater financial and institutional support for Our Watch to lead implementation of Change the Story (the shared framework on primary prevention of violence against women and their children), the Line (a primary prevention behaviour change campaign for young people aged 12 to 20 years) and Changing the Picture (the national resources to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children).

**1.3.** That more support is provided to local communities to take effective action to reduce violence against women and their children and, including to schools and teachers to deliver age-appropriate and evidence-based respectful relationships education to all schoolchildren covering sexual violence and gender equality issues and a range of other relationship issues and tailored to vulnerable cohorts.

**1.4.** That the Australian Governmentexpand secure funding both for prevention and for response services, within a commitment to a comprehensive society-wide effort to end violence against women.

**1.5.** That the Australian Governmentcommit to comprehensive, secure and ongoing funding for prevention across jurisdictions as well as (not taken from) response service funding.

**1.6.** That the Australian Governmentallocate adequate additional funding to build upon and extend the ‘Stop it at the Start’ campaign, including bystander capacity-building, and to build in representations of diversity.

**1.7.** That the Australian Governmentincrease funding 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 working in the sex industry, older women and young women.

**1.8.** That the Australian Governmentinvest in the cross-jurisdictional coordination of primary prevention across Australia.

**1.9.** That the Australian Government invest to measure the incremental change taking place that will allow for the goal of the National Plan to be met. Governments should commit to a national monitoring framework aligned with the National Plan and Change the story, Counting on change: A guide to prevention monitoring, and fund an independent body to monitor progress against this framework.

### Priority area 2: Addressing Violence against Diverse Groups of Women & Children

**2.1.** We echo the position of the National Aboriginal and Torres Strait Islander Women Alliance (NATSIWA) on the need to have further cooperation between government, domestic and family violence agencies, sexual assault services, Aboriginal Community Controlled Organisations, social workers, universities and legal services.

**2.2.** The Australian Government should ensure adequate and sustainable funding for Aboriginal-owned and controlled organisations, Aboriginal Family Violence Prevention Legal Services, and the National Aboriginal and Torres Strait Islander Women Alliance.

**2.3.** In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government should undertake a substantial gender analysis to ensure that proposed policies do not create further obstacles for diverse groups of women to live the life free of violence.

**2.4.** Incorporate Our Watch’s Changing the Picture framework within primary prevention efforts to ensure that these are responsive to and take into account the experiences of Aboriginal and Torres Strait Islander women.

**2.5.** That the Australian Government establish a Royal Commission into violence against people with disability.

**2.6.** That the Australian Government funds and implement ‘Stop the Violence’ project.

**2.7.** That, in order to address access to justice concerns affecting people with disability, ‘all Australian jurisdictions, in partnership with people with disability, develop and implement Disability Justice Strategies that identify and address barriers to justice for people with disability and that are in line with the recommendations from the Australian Human Rights Commission’s report, Equal Before the Law: Towards Disability Justice Strategies.’

**2.8.** That the Australian Governmentprovide sustainable and adequate funding to LGBTIQ+-controlled services and the development of LGBTIQ+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.

**2.9.** Ensure that mainstream services are trained to adopt inclusive practices and provide appropriate support.

**2.10.** That the Australian Governmentinvest in more research about domestic and family violence and sexual assault in the LGBTIQ+ community.

**2.11.** That sector development for services working in the area of domestic and family violence include steps to make services more responsive to the needs of young women.

**2.12.** That the Fourth Action Plan ensures that violence against older women in their diversity is addressed.

**2.13.** That the National Plan to Reduce Violence Against Women and their Children establishes strong linkages to the forthcoming National Plan on Elder Abuse.

**2.14.** That the Fourth Action Plan and the National Plan address the needs of women who are living in financial hardship and/or poverty and are experiencing violence as one of the priority cohorts.

**2.15.** That the National Plan recognises women in the sex industry as a high-risk group and specific cohort.

**2.16.** That the Australian Government identifies and resources strategies to eliminate family, sexual and other gender-based violence against women who are in the sex industry, including in prevention, early intervention and crisis responses.

**2.17.** That domestic and family violence system services and other relevant services undertake training and build their capacity to work with women who are in the sex industry experiencing violence.

**2.18.** That research be undertaken into the prevalence and response to violence against women in the sex industry.

**2.19.** That the Australian Government takes all measures to remove barriers for women in the sex industry to access justice that is free from stigmatisation and discrimination and is delinked from the criminal proceedings.

**2.20.** That women in prisons are addressed by the Fourth Action Plan and/or the National Plan.

**2.21.** That the Australian Government provides sufficient funding to specialist women’s services and other relevant generalist services to ensure that all women who are/have experienced violence have access to services and justice that are competent and responsive to their needs.

**2.22.** A thorough examination of the issues surrounding the over-representation of Aboriginal and Torres Strait Islander women in the Australian criminal justice system would need to involve an analysis of the historical processes and structural conditions of colonisation, social and economic marginalisation, systemic racism, and specific practices of criminal justice agencies. There is also a pressing need for research to be conducted on the viability of alternatives to incarceration for Aboriginal and Torres Strait Islander women.

**2.23.** Implement recommendations from 2017 ALRC Report ‘Pathways to Justice’, in particular those relating to Aboriginal and Torres Strait Islander Women:

* Recommendation 11–1: Programs and services delivered to female Aboriginal and Torres Strait Islander offenders within the criminal justice system—leading up to, during and post-incarceration—should take into account their particular needs so as to improve their chances of rehabilitation, reduce their likelihood of reoffending and decrease their involvement with the criminal justice system. Such programs and services, including those provided by NGOs, police, courts and corrections, must be:
* developed with and delivered by Aboriginal and Torres Strait Islander women; and
* trauma-informed and culturally appropriate.
* Recommendation 11–2: Police engaging with Aboriginal and Torres Strait Islander people and communities should receive instruction in best practice for handling allegations and incidents of family violence—including preventative intervention and prompt response—in those communities.

**2.24.** We also support the strategy of Change the Record to close the gap in rates of imprisonment and cut the disproportionate rates of violence affecting women and their children.

### Priority area 3: Addressing Different Types of Violence against Women

**3.1.** That the Fourth Action Plan and any other future National Plan include sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.

**3.2.** That the Australian Government implements future recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace.

**3.3.** That the Australian Government funds dedicated long-term initiatives to strengthen services, education and prevention activities for Aboriginal and Torres Strait victims/survivors of sexual assault (both as children and adults).

**3.4.** That Aboriginal communities be empowered to respond to sexual assault that may be occurring in their community through the provision of education and the development and support of local initiatives. We refer you to the Break the Silence Report for the full list of recommendations in relation to responding to sexual assault in Aboriginal and Torres Strait communities.

**3.5.** That the Australian Government funds accessible and culturally appropriate sex and respectful relationships education for children and young people with disability.

**3.6.** That responses to violence against diverse group of women are undertaken through an intersectional lens.

**3.7.** Develop and deliver training on responding to sexual violence to CALD community leaders and organisations.

**3.8.** Develop and deliver training on cross-cultural skills and competencies to mainstream sexual violence organisations.

**3.9.** Develop communication strategies to disseminate information in different languages and formats, about sexual violence against women, what it is and practical advice about what can be done to prevent and report it.

**3.10.** Undertake community-controlled research and date collection about prevalence, reporting rates and service provision in relation to sexual violence against women from culturally and linguistically diverse backgrounds.

**3.11.** That the Australian Government end the system of detaining people seeking asylum in offshore immigration detention centres.

**3.12.** That, in the interim, any contracts associated with the provision of medical and support services in offshore processing centres should require the delivery of services that meet Australian standards, including services for people seeking asylum who have been alleged or been found to have been subject to abuse, neglect or self-harm while in the centres or nearby communities as a result of seeking asylum.

**3.13.** That all sexual assaults (together with other assaults and injuries) occurring in immigration detention centres both in Australia and offshore be reported and investigated.

**3.14.** That sexual assault services are sufficiently resourced to ensure culturally competency of their support.

**3.15.** That the Australian Government investigate and prosecute Australians who have used sexual violence in armed conflict.

**3.16.** That the Australian government establish an independent, expert led taskforce to track, assess and publicly report on university and residences’ measures to prevent, and improve responses to sexual violence.

**3.17.** The Fourth Acton Plan takes an intersectional lens in preventing and addressing sexual violence against diverse groups of women including being attentive to different ages.

**3.18.** The (upcoming) National Plan on Elder Abuse needs to ensure that it is responding to sexual violence against older women and resourced sufficiently to do so in research, policies, and health practices.

**3.19.** That the current processes for identifying female offenders at risk of or with a history of family violence are reviewed and therapeutic interventions and education programs are provided for women victims/survivors of violence.

**3.20.** That the Australian Government ensure that therapeutic interventions such as individual counselling and group-based programs such as Out of the Dark are available for all women in prison who have experienced family violence.

**3.21.** That specialist women’s services in their diversity working on sexual violence across the full range of service types and target groups be resourced and supported to assist and advocate for women through the justice system and legal processes.

**3.22.** That specialist sexual violence courts be established with the objective to bring together specialist personnel to facilitate a trauma approach that centres the needs of those who experience sexual violence, while upholding the accused’s right to a fair trial.

**3.23.** That the Australian Government works towards establishing, in each State and Territory, well-resourced services to provide advice and representation in family law and child protection matters for individuals and services wishing to object to subpoenas of sensitive records.

**3.24.** That the Australian Government develops and promotes adherence to an ethical framework for information-sharing in relation to family law and domestic and family violence, along the lines proposed in WLS NSW’s 2016 Report Sense and Sensitivity: Family Law, Family Violence and Confidentiality.

**3.25.** Comprehensive and ongoing training and education should be provided to all relevant decision makers to ensure that victims/survivors are able to obtain justice.

**3.26.** To prioritise data collection on sexual assault beyond as well as within the family violence context and to ensure collecting data about violence against women who are in the sex industry.

**3.27.** Data on sexual violence (and other forms of violence) should be disaggregated as far as possible by characteristics including disability and mental illness status, and should be responsive to concerns raised by disability advocates about the inclusion of people in institutional residential settings and people requiring communication support.

**3.28.** That the Australian Government ensures ongoing funding to the Office of the e-Safety Commissioner especially to integrate gender-informed and cultural diversity lenses through all its work.

**3.29.** Extend funding for technology safety measures established under the Women’s Safety Package, including the e-Safety Commissioner’s work on women’s online safety and image based abuse, evaluate the technology safety trials, and continue funding for the WESNET’s Safer Connections / Safety Net Australia – Safer Technology for Women program, and to ensure there is no funding gap which would cause loss of key expert staff and expertise.

**3.30.** That the Fourth Action Plan and any subsequent National Plan addresses reproductive coercion as one of the manifestations of violence against women.

**3.31.** All services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.

**3.32.** That existing population studies already examining the prevalence of domestic violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.

**3.33.** Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services around reproductive coercion.

**3.34.** To expand the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.

**3.35.** For the Australian Government to continue to support primary prevention and early intervention approaches to end violence against women, embedding intersectional and culturally-sensitive approaches targeting all age groups.

**3.36.** That the relevant decision makers undertake extensive training on family violence, trauma-informed practice and cultural competency according to standards outlined by the National Domestic and Family Violence Bench Book.

**3.37.** That the Australian Government ensures that the access to services and justice for all victims/survivors of sexual and gender-based violence is delinked from criminal proceedings and not dependent upon the intention to raise prosecution.

**3.38.** That the Australian Government addresses all forms of sexual and gender based violence against women, girls and non-binary people, making a particular effort to incorporate actions to address forms of violence that are usually excluded from the focus on a conventional understanding of domestic and family violence.

### Priority area 4: Strengthening Systems

**4.1.** Expand access to family violence provisions afforded under the Migration Act 1958 and associated regulations to include all dependent visa categories.

**4.2.** Introduce temporary visa provisions for all seeking to flee domestic and family violence situations to allow time and space for victims/survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.

**4.3.** Expand the definition of family violence within the family violence provisions afforded under the Migration Act 1958 and associated regulations so that it is consistent with the Family Law Act 1975 (Cth) and the National Domestic and Family Violence Bench Book.

**4.4.** Determine the existence of family violence before seeking to assess the existence of a ‘genuine relationship’, to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim/survivor.

**4.5.** Expand eligibility for relevant payments and services, including crisis and welfare payments and emergency housing, to all victims/survivors of domestic, family and sexual violence, irrespective of current visa status, across all states, territories and federal legislation.

**4.6.** Ensure all relevant service providers offering support to women with no income on temporary visas experiencing violence are sufficiently funded to undertake extensive training on cultural competency, trauma-informed practice and family violence.

**4.7.** Ensure access to free independent interpreters to all disadvantaged populations via appropriate funding of interpreter services to community organisations in the areas of family violence, migrations, sexual assault support services, multicultural services and others.

**4.8.** Reinstate funding to community legal centres formally distributed under the Immigration Advice and Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions have access to free legal advice and representation.

**4.9.** De-link access to the Support for Trafficked People Program from compliance with criminal investigations to enable victims/survivors receive the support necessary to recover from their experiences.

**4.10.** That the Australian government facilitates and expedites family reunification for victims/survivors of trafficking, slavery and slavery-like offences.

**4.11.** That longer reflection periods during the initial support stream are provided to allow women to recover from their experiences of exploitation and appropriately address potential trauma.

**4.12.** That the Australian government establishes a National Compensation Scheme for victims/survivors of human trafficking and sexual exploitation.

**4.13.** To ensure capacity-building of services/peak bodies to be able to identify victims/survivors of trafficking correctly so they are linked to the correct/relevant support services.

**4.14.** Extend access to government-funded services, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence, irrespective of current visa status, across all states and territories.

**4.15.** Develop a comprehensive gender-responsive national housing strategy incorporating the principles of visibility, capability and accountability, and setting targets for reducing homelessness and increasing affordable housing stock.

**4.16.** Adequately resource and provide policy direction for the National Housing and Homelessness Agreement (NHHA), so that it can deliver the housing options needed by the diversity of women and children facing violence.

### Priority area 5: Strengthening Services

**5.1.** Extend access to government-funded services, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence, irrespective of current visa status, across all states and territories.

**5.2.** Significantly increase spending on social housing to meet growing demand.

**5.3.** Adequate and sustainable funding to meet demand for homelessness services, while ensuring that funding goes to services that are appropriately specialised and competent.

**5.4.** Address and meet the specific needs of diverse groups of women such as Aboriginal and Torres Strait women, women with a disability, older women, women from culturally and linguistically diverse backgrounds, women in rural, regional and remote areas, and women who identify as LGBTIQ+. Ensure that crisis accommodation is accessible and culturally safe.

**5.5.** Develop a federal strategy to end homelessness that addresses critical drivers of homelessness, including social security spending, family violence prevention, and measures to deliver affordable rental housing.

**5.6.** Work to ensure that the new National Housing and Homelessness Agreement is introduced as a package negotiated and agreed with the States and Territories, together with the accountability measures (what the Agreement aims to achieve), and the performance framework (how the measures will be monitored).

**5.7.** Together with the States and Territories, adopt a gender-responsive approach to housing and homelessness policy, as outlined in a recent joint letter to all jurisdictions from AWAVA and ERA.

**5.8.** Take immediate steps to ensure that any agreements (bilateral or overarching) addressing homelessness include the requirement not only that State/Territory strategies include measures to support women and children escaping violence but also that funding spent under these strategies goes to services with specialist capability to address the gendered dynamics of violence and homelessness(i.e. specialist women’s services and/or generalist services with documented specialist capability.)

**5.9.** Allocate adequate resources for the implementation of outcome 4 of the National Plan to Reduce Violence against women and their children and enhance efforts to ensure the availability of women-only and women-led support services for victims of gender-based violence.

### Priority area 6: Improving Coordination and Governance

**6.1.** Address the need for improved communication between government and civil society about the National Plan and additional mechanisms for participation, engagement and advice from civil society to fill the gap left by the dissolution of the NPIP.

* **This should ensure transparency and inclusivity with civil society, 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 (including Aboriginal and Torres Strait Islander Community Controlled Organisations), other women’s services, academics, practising lawyers and/or women’s legal specialists.**

**6.2. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the current National Plan and any future National Plan, which incorporates accountability and governance mechanisms.**

**6.3. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch’s Counting on Change guide.**

**6.4. Provide for the comprehensive evaluation of all the initiatives it resources, ideally ‘built in’ to program design. These should be in line with the UN Women’s Handbook for National Action Plans on Violence against Womenstandards and be:**

* + **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.**

**6.5. Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.**

**6.6. Adequately resource all initiatives under the Fourth Action Plan, and any future Action Plans, ensuring funds can be tracked and monitored.**

1. The full survey report is available at <https://awava.org.au/2018/09/03/research/awava-fourth-action-plan-survey-report> [↑](#footnote-ref-1)
2. Chen, J. (2017) Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia. Multicultural Centre for Women’s Health. Melbourne [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. See more at <https://www.ourwatch.org.au/getmedia/8c6df8f7-5d01-4e32-9e6a-a8bff04f0673/OurWatch_GuideToMonitoring_A3Summary_horizontal.pdf.aspx> [↑](#footnote-ref-4)
5. AWAVA (2018) Consulting on the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children. Summary of Results. Respondent 185. [↑](#footnote-ref-5)
6. See more at <https://www.ourwatch.org.au/getmedia/94d8b4ba-c661-448d-96d2-1d5e00c93256/PPVAW-Conference-reflections.pdf.aspx> [↑](#footnote-ref-6)
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