



August 2019

Religious Discrimination Bill – Exposure Draft

Submission Form

Date of Submission: 02/10/2019

Your details

Organisation Name: Australian Women Against Violence Alliance (AWAVA)

Organisation Type: non-for-profit, National Women's Alliance

i.e. not-for-profit, religious institution, educational facility, etc.

If you are providing a submission on behalf of an organisation, please provide the name of a contact person

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Your Submission

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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, services for women in the sex industry and women's legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators and other groups. AWAVA's contract manager is the Women's Services Network (WESNET).

We thank you for an opportunity to make a submission to this public consultation. In this submission we are seeking to make general comments in relation to the topic of the consultation through the lens of prevention and responses to violence against women.

Violence against women is driven by and is a result of gender inequality where attitudes and harmful stereotypes persist that see women as inferior to men. It occurs in the environment where male privilege is normalised and sexism and sexual objectification of women are tolerated. It is gender inequality that allows for the condoning violence against women, normalises men's control over the various areas of women's lives, sustains rigid and harmful gender stereotypes and notions of femininity and masculinity and tolerates aggression, sexism and sexual objectification of women.

Violence against women needs to also be understood and responded to in the context of marginalisation and disadvantage arising from an intersection of gender with other identities (such as race, sexual orientation, disability etc) and other systemic forms of oppression (such as racism, homophobia, ableism etc). For example, experiences of family violence for people who identify as lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) will differ from those who are heterosexual because these experiences are mediated by additional experiences of discrimination connected to one's sexual orientation or gender identity. Victims/including may often be threatened to be 'outed' by someone to their family, friends, community or workplace. In addition, 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 (Rossiter, B, Mallett, S, Myers, P, Rosenthal, D (2003) Living Well? Homeless young people in Melbourne, Parity, 16(2), 13-14.). Young people are also experiencing high rates of verbal and physical homophobic and transphobic abuse in schools and community (Australian Research Centre in Sex, Health and Society, La Trobe University (2010) Writing Themselves in 3. The Third National Study on the sexual health and wellbeing of same sex attracted and gender questions young people; Smith, E., Jones, T., Ward, R., Dixon, J., Mitchell, A., & Hillier, L. (2014). From Blues to Rainbows: Mental health and wellbeing of gender diverse and transgender young people in Australia. Melbourne: The Australian Research Centre in Sex, Health, and Society.).

Allowing exemptions for people who are expressing their views 'made in good faith' such as biblical views on marriage or the rights of LGBTIQ communities in reality goes against the human rights, against existing international and domestic legislation that recognises equality of all people, legitimises hate, reinforces damaging stereotypes and prejudice, and can escalate to violence. The role of Commonwealth, State and Territory Anti-Discrimination legislation is to ensure equality and justice for all people in Australia.

Similarly, any views that limit women's sexual health and reproductive rights and choices cannot be justified as made in the good faith, but rather as limiting women's autonomy. Access to sexual and reproductive health rights are key to the empowerment of women and non-binary people. Any limitations of them will undermine existing gender equality progress made.

In Australia, the main policy framework for prevention and responses to violence against women is the National Plan to Reduce Violence Against Women and Their Children 2010-2022. Since the inception of the National Plan, a lot of progress has been made. One of the key achievements was the establishment of Our Watch, a national organisation tasked with primary prevention efforts. Should this legislation pass that legitimised outdated and wrong opinions about the rights of LGBTIQ people or women rights more broadly, both the Government commitment and the achieved prevention efforts will be undermined and the progress towards the society free from violence will be stalled.

Lastly, we want to acknowledge the importance of culturally-specific and faith-based services. However, in the overall landscape of service provision in the area of prevention and responses to violence against women it is essential that services remain secular, and put the interest of the client first. These services must be delivered without judgement or discrimination. Clients need to be able to access these services without a fear to be rejected.

As a National Women's Alliance representing more than 20 peak bodies and more than 300 individual members, we are opposing this legislation that seems to be creating more barriers towards acceptance, inclusion and equality rather than ensuring freedom for all people in Australia regardless of their sex, gender, sexual orientation, race, religion, disability and other identities and characteristics.