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Submission to the House Standing Committee on Social Policy and Legal Affairs in response to the Inquiry into family, domestic and sexual violence

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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, 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).

Acronyms

ANROWS	Australian National Research Organisation on Women's Safety
AVO	Apprehended Violence Order
AWAVA	Australian Women Against Violence Alliance
DFSV	domestic, family and sexual violence
CALD	people from culturally and linguistically diverse backgrounds
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CSW	Commission on the Status of Women
FASS	Family Advocacy and Support Service
FGMC	female genital mutilation / cutting
HTVF	Human Trafficking Visa Framework
LGBTIQ	people who are lesbian, gay, bisexual, transgender, intersex or queer
MBS	Medicare Benefits Schedule
National Plan	National Plan to Reduce Violence Against Women and Their Children
PTSD	post-traumatic stress disorder
SHS	specialist homelessness services
SOP	standard operating procedures
STTP	Support for Trafficked People Program
SRSS	Status Resolution Support Service
VAW	violence against women
WLSA	Women's Legal Services Australia

Summary of recommendations

A. Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

- a1. That governments 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' previous commitments under the National Plan.
- a2. That the Australian Government ensures greater focus on actions to drive institutional, systemic and structural change, including strengthening the gender policy machinery of government.¹
- a3. That the Australian Government allocates 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.
- a4. That the Australian, State and Territory Governments provide more support to local communities to take effective action to reduce violence against women and their children and, including to Principals, teachers, early learning centres and schools to deliver age-appropriate and evidence-based:
 - a. respectful relationships education covering sexual violence prevention and gender equality issues to prevent violence against women and enable gender equity.
 - b. Relationships and comprehensive sexuality education in line with the national curriculum, promoting positive and protective behaviours to prevent child sexual abuse and to support all young people to be healthy, safe and supported in a diversity of relationships.
- a5. That the Australian Government expands funding and develops sustained workforces for primary prevention across jurisdictions in addition to (not taken from) ongoing response service funding.
 - a. Moving towards longer-term and ongoing funding for primary prevention programs and activities, so that funding terms reflect the time periods of the frameworks and plans under which they are funded (such as the 12-year period covered by the current National Plan), in order to support the sustained long-term work that these plans recognise to be necessary to prevent violence against women.²
- a6. That the Australian Government increase 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.
- a7. That the Australian Government invests in the cross-jurisdictional coordination of primary prevention across Australia.
- a8. That the Australian Government invests 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*

¹ Our Watch (2020) Submission to the Parliamentary Inquiry into family, domestic and sexual violence

² Our Watch (2020) Submission to the Parliamentary Inquiry into family, domestic and sexual violence

Change: A guide to prevention monitoring, and fund an independent body to monitor progress against this framework.

- a9. That the Australian Government commits to and adequately resources a comprehensive and intersectional gender equality strategy.

B. Best practice and lessons learnt from international experience, ranging from prevention to early intervention and response, that could be considered in an Australian context.

- b1. That the Australian, State and Territory Governments ensures adequate funding flows to specialist women's service services.
- b2. That the Australian Government proactively builds the capacity of specialist women's services as demand for services rises, including for their crisis response, early intervention and prevention work, not only through resourcing but also by supporting meaningful and intersectional structures that enable coordination across jurisdictions.

C. The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non government and community organisations, and business.

- c1. That the Australian Government initiates a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.
- c2. That the Australian Government adequately resources all initiatives under the National Plan, ensuring funds can be tracked and monitored.
- c3. That the Australian Government appropriately monitors, evaluates and tracks funding in the Evaluation Plan, publishes evaluation results and provides appropriate funding for these activities.
- c4. Address the need for improved communication between government and civil society about the National Plan (including the second National Plan) and additional mechanisms for participation, engagement and advice from civil society to fill the gap left by the dissolution of the NPIP.
 - a. 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.
- c5. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the Second National Plan, which incorporates accountability and governance mechanisms.
- c6. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch's Counting on Change guide and other relevant resources.

- c7. 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 Women³ standards and be:
- a. Time specific and measurable indicators and targets;
 - b. An institutional multi-sectoral mechanism to monitor implementation;
 - c. Meaningful participation of civil society and other stakeholders;
 - d. Evaluation of practice and system.

D. The way that health, housing, access to services, including legal services, and women’s economic independence impact on the ability of women to escape domestic violence.

- d1. That the Australian, State and Territory Governments prioritise funding and resourcing of the specialist women’s’ services in prevention and response to all forms of violence against women and where appropriate to generalist services that are competent in responding to the needs of women and their children facing violence.
- d2. That coordination and integration between essential service providers is enhanced (such as an assigned case manager (preferably from a specialist women’s service) who can liaise across the services, options for virtual consultations, and with safe guards, firewalls and consent of victims/survivors for referrals and to avoid re-traumatisation and retelling of experiences).
- d3. That the Australian, State and Territory Governments adequately fund services to strengthen and resource the workforce capacity and appropriate infrastructure for confidentiality and survivor-centred care.
- d4. That the Australian Government adequately resources the Women’s Health Strategy 2020-2030 to meet milestones, which will require additional investment in light of the current public health crisis.
- d5. That all healthcare workers are supported to complete training in violence prevention and response, particularly for hospital and health services in rural, regional and remote settings.
- d6. That the Australian Government ensures that MBS subsidies enable appropriate resourcing for telehealth and face to face clinics to respond to disclosures of violence and support victims/survivors with safety planning, ongoing healthcare and referrals.
- d7. That the Australian, State and Territory Governments resource women’s specialist services to engage with the women’s health sector and collaborate to improve community health literacy and empower community-based violence prevention mechanisms.
- d8. That the Australian Government resources a women’s health alliance to provide a gendered lens to Australian primary healthcare, liaise between specialist women’s health services and the Government and to increase capacity for violence prevention and response within our community, public and private health systems.
- d9. That the Australian Government implements WLSA’s Safety First in Family Law plan, which includes the following steps:⁴
 - a. Strengthen family violence response in the family law system

³ UN Women (2012) Handbook for National Action Plans on Violence against Women. Available at: <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf.pdf>

⁴ Women’s Legal Services Australia Five Step Plan for Safety First in Family Law. Available at: http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf

- b. Provide effective legal help for the most disadvantaged
 - c. Ensure family law professionals have real understanding of family violence
 - d. Increase access to safe dispute resolution model
 - e. Overcome the gaps between the family law, family violence and child protection systems
- d10.** That the Australian Government rolls out the Family Advocacy and Support Service (FASS) nationally so that all people engaging with the family law system have access to it, including people in remote and rural areas and incorporate a case management approach across all FASSs.
- d11.** That the Australian, State and Territory Governments prioritise the involvement of specialist women’s services including women’s legal services in the design and delivery of an expanded FASS and incorporate a case management approach across all FASSs.
- d12.** That the Australian Government incorporates specialist women’s services into family law systems and adequately fund these services.
- d13.** That the Australian Government removes the presumption of equal shared parental responsibility from the family law system.
- d14.** That the Australian Government ensures comprehensive training for all professionals within the family law system on the following:
- a. the nature and dynamics of family violence;
 - b. working with vulnerable clients;
 - c. cultural competency and safety (working with Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds);
 - d. working with people who identify as LGBTIQ;
 - e. disability awareness and accessibility;
 - f. 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;
 - g. trauma- informed practice;
 - h. the intersection of family law, child protection and family violence;
 - i. the intersection of family law, family violence and migration status;
 - j. technology facilitated abuse;
 - k. working with interpreters; and
 - i. the intersection of family violence and family law in property determinations that includes the financial impacts of family violence and the nature and impacts of economic abuse ⁵ and understanding and working with influencing systems including child support and child protection.
- d15.** That the Australian, State and Territory Governments harmonise state and federal laws in regards to child protection, and develop a Memorandum of Understanding in the way the Family Court manages risk in relation to DFV and child sex abuse.
- d16.** That the Australian Government maintains the JobSeeker subsidy as a permanent increase to former Newstart payments.
- d17.** That the Australian Government ensures mandatory training and ongoing professional development on the nature and dynamic of domestic and family violence to all relevant

⁵ Smallwood, E. (2015) Stepping Stones: Legal barriers to economic equality after family violence, Women’s Legal Service Victoria, Melbourne. Available at: <https://www.womenslegal.org.au/files/file/1.%20Final%20-%20Stepping%20Stones%20Report.pdf>

workers within the Department of Social Services, Department of Human Services, Centrelink and Medicare.

- d18.** That the Australian Government exempts women on temporary visas and women seeking asylum who have experienced domestic and family violence from meeting residency requirements for the purposes of full access to Centrelink and Medicare while their visa is being processed.
- d19.** That the Australian Government exempts women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink newly arrived resident's waiting period (NARWP) similar to existing waiting period exemptions in place for people recognised as refugees.
- d20.** That the Australian Government expands eligibility for Special Benefit to include people who are on all types of temporary visas and have experienced domestic and family violence. The rates of Special Benefit should be increased to make it liveable.
- d21.** That the Australian Government ensures that victims/survivors of domestic and family violence are not disempowered or put at further risk through applying gender, intersectionality and family lens to social security policy.
- d22.** That the Australian Government amends the Guide to Social Security Law:
 - a. to allow a claim for Crisis Payment within 14 days;
 - b. to allow Crisis Payment to be paid to any person suffering severe financial hardship who has recently experienced family and domestic violence: removing the nexus of 'home';
 - c. that Crisis Payment be extended 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;
 - d. that Crisis Payment be increased to the equivalent of 'four weeks' single rate pension: approximately \$1640; and
 - e. that eligibility for Crisis Payment be extended to allow Crisis Payment to be paid up to six times per year.
- d23.** That the Australian Government develops 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.⁶
- d24.** That the Australian Government adequately resources and provides 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.
- d25.** That State and Territory Governments expand the eligibility for and provide equal access without any migration restrictions (in line with an existing model in South Australia⁷) to temporary accommodation, crisis accommodation, rental assistance, public housing and Safe at

⁶ This recommendation has been reinforced by: a) Equality Rights Alliance, AWAVA (2017) A Gender Responsive National Housing and Homelessness Agreement: Joint letter to all Federal, State and Territory Treasurers and Ministers for Housing, Women and the Prevention of Family Violence. Available at: https://awava.org.au/2017/10/12/submissions/era-awava-letter-re-gender-responsive-national-housing-homelessness-agreement?doing_wp_cron=1585700676.9206891059875488281250; b) Equality Rights Alliance (2020) National Plan on Gender Equality. Affordable and Appropriate Housing for Women. Available at: <http://www.equalityrightsalliance.org.au/wp-content/uploads/2020/05/PRINT-Affordable-and-Appropriate-Housing-for-Women-final-2020.pdf>

⁷ There is no requirement to meet any visa requirements in South Australia in order to access public housing <https://www.sa.gov.au/topics/housing/public-and-community-housing/register-for-public-and-community-housing/registering-for-public-housing>

Home Programs to ensure that women on temporary visas experiencing violence and their dependants can have a safe place to live and a safe home.⁸

- d26. That State and Territory Governments treat specialist women's, sexual violence and family violence services for women facing violence as a priority program, with dedicated funding in each State/Territory allocation for these services, strengthening services that work with Aboriginal and Torres Strait Islander women, women with disabilities, women from culturally and linguistically diverse backgrounds (including migrant and refugee women and women on temporary visas), LGBTIQI services and services for women who live in regional, rural or remote areas and services for women exiting prison.⁹
- d27. That the Australian, State and Territory Governments recognise and support local women's specialist services through increased and longer funding terms and embedded standards reflecting the good practice principles¹⁰ developed by specialist women's services over decades.
- d28. That the Australian Government revitalises housing support systems with a significant and renewed commitment to invest in public housing.
 - a. Ensure investment in public housing adequately resources culturally safe and accessible building design standards, to ensure housing location, design and occupancy is equitable for all women and their children.
- d29. That State and Territory Governments reform tenancy legislation to ensure consistency across jurisdictions for women who are experiencing violence which includes the ability for a domestic and family violence victim to end a tenancy with no cost or penalty or alternatively to take over a tenancy where they were previously an occupant and the perpetrator has been removed from the property by law enforcement authorities.
- d30. That the Australian Government funds 300,000 new social and Aboriginal housing properties nation-wide.

E. All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.

- e1. That the Department of Social Services takes an intersectional lens in preventing and addressing sexual violence against diverse groups of women including being attentive to different ages as well as includes it in the second National Plan.
- e2. 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).¹¹

⁸ This recommendation has been reinforced by the National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas.

⁹ This recommendation has been reinforced by: a) Equality Rights Alliance, AWAVA (2017) A Gender Responsive National Housing and Homelessness Agreement: Joint letter to all Federal, State and Territory Treasurers and Ministers for Housing, Women and the Prevention of Family Violence: https://awava.org.au/2017/10/12/submissions/era-awava-letter-re-gender-responsive-national-housing-homelessness-agreement?doing_wp_cron=1585700676.9206891059875488281250

¹⁰ AWAVA (2016) The role of special women's services in Australia's response to violence against women and their children – Policy Brief, 7 April 2016, Canberra. Available at: <https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2016/04/01082955/AWAVA-Specialist-Women-Services-Policy-Brief-2016.pdf>

¹¹ Aboriginal Child Sexual Assault Taskforce (2006), Breaking the Silence, p. 114

- e3. That the Department of Social Services develops 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.
- e4. That the Australian Government undertakes community-controlled research and data collection about prevalence, reporting rates and service provision in relation to sexual violence against women from culturally and linguistically diverse backgrounds.
- e5. That the Australian Government sufficiently funds sexual assault services to ensure culturally competency of their support.
- e6. That the Australian Government establishes an independent, expert led taskforce to track, assess and publicly report on university and residences' measures to prevent, and improve responses to sexual violence.¹²
- e7. That the second National Plan includes sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.
- e8. That the Australian Government implements recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace.
- e9. That the second National Plan and any other policy on violence against women embed reproductive coercion as one of the manifestations of violence against women.
- e10. That all services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.¹³
- e11. That existing population studies already examining the prevalence of domestic and family violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.¹⁴
- e12. That the Australian Government includes reproductive coercion in the ABS Personal Safety Survey to gain an understanding of prevalence.
- e13. That the Australian Government develops a National Sexual and Reproductive Health Strategy that addresses interpersonal and structural drivers of reproductive coercion and intersectionality.
- e14. 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.
- e15. That the Australian Government provides ongoing support for National Education Toolkit for Female Genital Mutilation/Cutting Awareness.¹⁵
- e16. That the Australian government takes all necessary measures to abolish this harmful practice as a part of efforts to reduce violence against women.
- e17. That the Australian Government implements forthcoming recommendations of the Australian Human Rights Commission's inquiry Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions.

¹² Fair Agenda, End Rape on Campus, National Union of Students, The Hunting Ground Australia Project, Joint Statement. Available at: https://melbourne-systems.s3.amazonaws.com/asset/file/5ae9184869702d3013861600/Joint_statement_Taskforce_final.pdf

¹³ Children by Choice (2018) submission to Marie Stopes Australia: Reproductive Coercion White Paper. Available at: https://www.childrenbychoice.org.au/images/downloads/CbyCSubmission_MSAREproductiveCoercionWhitePaper.pdf

¹⁴ Ibid.

¹⁵ <https://netfa.com.au/about-us/>

- e18. That the Australian Government expands the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.
- e19. That the Australian Government continues to support primary prevention and early intervention approaches to end violence against women, including dowry abuse, in consultation with diverse communities, embedding intersectional and culturally-sensitive approaches targeting all age groups.
- e20. That the Australian Government, in partnership with women’s services works with migrant communities on cross-cultural communication, gender-based violence, gender norms and laws and practices in Australia.
- e21. 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.
- e22. That the Australian Government de-links support for women who have been trafficked from criminal proceedings and ensure that the support is available to them regardless their migration status.
- e23. That the Australian Government de-links in full, victim/survivor engagement and participation with law enforcement as a gateway to support.
- e24. That the Australian Government invests in an information development framework for data relating to forced marriage, in order to identify gaps and determine priority information needs.
- e25. That the Australian Government extends 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.

F. The adequacy of the qualitative and quantitative evidence base around the prevalence of domestic and family violence and how to overcome limitations in the collection of nationally consistent and timely qualitative and quantitative data including, but not limited to, court, police, hospitalisation and housing.

- f1. That the Australian Government prioritises 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.
- f2. 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.
- f3. That the Australian Government ensure ongoing funding to ANROWS to enable longitudinal studies as well as creation of timely and adequate evidence base.
- f4. That the Australian Government ensure ongoing funding to the National Communities Attitudes Survey (NCAS), ABS Personal Safety Survey and the Australian Longitudinal Study on Women’s Health.

G. The efficacy of perpetrator intervention programs and support services for men to help them change their behaviour.

- g1.** That the Australian Government ensures adequate funding and resourcing for the perpetrator intervention, men’s behaviour change programs and fathering programs provided by accredited men’s behaviour change experts.

H. The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTQI women, women with a disability, and women on temporary visas.

- h1.** 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.¹⁶
- h2.** That the Australian Government ensures 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.
- h3.** In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government undertakes 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.
- h4.** That the Australian Government incorporates 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.
- h5.** That the Australian Government implements recommendations outlined the Blueprint for Reform in order to achieve access to safety and justice for women on temporary visas experiencing violence.
- h6.** That the Australian Government implements the forthcoming recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- h7.** That the Australian Government works with State and Territory Governments and relevant stakeholders to revise Federal and State and Territory family and domestic violence strategies, including the redevelopment of the National Disability Strategy and other relevant legislations to include the specific needs and experience of women with disability.¹⁷
- h8.** That the Australian Government provides sustainable and adequate funding to LGBTQI+-controlled services and the development of LGBTQI+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.
- h9.** That the Australian Government provides adequate funding to family violence services to ensure that they are trained to adopt inclusive practices and provide appropriate support.
- h10.** That the Australian Government invests in more research about domestic and family violence and sexual assault in the LGBTQI+ community.¹⁸

¹⁶ NATSIWA (2017) Submission to the UN Special Rapporteur on Violence Against Women. Available at: <http://natsiwa.org.au/wp-content/uploads/2014/02/NATSIWA-submission-Special-Rapporteur-on-Violence-Against-Women.pdf>

¹⁷ WWDA (2013) Background Paper: National Symposium on Violence against Women with Disabilities. Available at: http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf

¹⁸ UNSW (2014) Calling it What It Is: A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence. Recommendations 3.1-3.9.

- h11.** 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, including equipping youth community services and schools to prevent, identify and respond to violence .
- h12.** That the Australian Government ensures that violence against older women and elder abuse is addressed through a gender lens.
- h13.** That the safety and wellbeing of women and trans women in prisons are addressed by the National Plan as having distinct needs and risks of re-traumatisation and assault, and that diversion from prison is considered where possible for this cohort.
- h14.** 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.
- h15.** That the Australian Government ensures 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.
- h16.** 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.
- h17.** That the Australian Government addresses the needs of women who are living in financial hardship and/or poverty and are experiencing violence as one of the priority cohorts ([see this section](#)).
- h18.** 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.
- h19.** That domestic and family violence services and other relevant services undertake training and build their capacity to work with women who are in the sex industry experiencing violence.
- h20.** That the Australian Government invests in research into the prevalence and response to violence against women in the sex industry.
- h21.** 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.
- h22.** The Australian Government allocates adequate resources to DFV services in the rural areas, ensuring they are able to meet the needs of the women in rural, regional and remote locations and are culturally appropriate and meets the specific needs of Aboriginal and Torres Strait Islander communities.

I. The impact of natural disasters and other significant events such as COVID-19, including health requirements such as staying at home, on the prevalence of domestic violence and provision of support services. and J. The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

- i-j1.** That the Australian, State and Territory Governments ensure adequate investment in specialist women’s services, national counselling lines, and specialist housing and homelessness services including refuges to meet the demand and that domestic, family and sexual violence lens is included in disaster planning.

- i-j2. That the Australian Government ensures that courts, legal systems and policing prioritise women's and children's safety.
- i-j3. That the Australian Government considers how contraceptive and family planning resources including contraception, condoms, dental dams, emergency contraception, pregnancy tests and menstrual health products can be made freely available, while supporting privacy in their use.
- i-j4. That the Australian Government increases access to and affordability of medical abortion via telehealth, and protect access to surgical abortion.
- i-j5. That the Australian Government increases support to women's specialist domestic and family violence services to respond to domestic, family and sexual violence and reproductive coercion during and after the pandemic.
- i-j6. That the Australian Government maintains Medicare Benefit Scheme (MBS) telehealth funding to enable access to GPs and broader health professionals throughout the pandemic, so that victim-survivors who cannot physically access or afford healthcare can at least have access to telehealth care.
- i-j7. That the Australian Government expands access to social security and Medicare benefits to all people regardless of their migration status, in particular for women on temporary visas experiencing violence and people seeking asylum who receive or have lost access to SRSS payments.
- i-j8. That the Australian Government ensures access to adequately resourced, culturally safe, accessible and responsive specialist women's services, including crisis services responding to violence against women.
- i-j9. That the Australian Government trains emergency services and disaster relief personnel so they are able to undertake a safety/risk assessment when working with potentially vulnerable persons and situations.
 - a. This includes understanding the indicators of family violence/violence against women and children and being able to identify the indicators and respond appropriately whilst in the field.

K. An audit of previous parliamentary reviews focussed on domestic and family violence.

- k1. That the Australian Government responds, resources and implements recommendations from previous inquiries to achieve better outcomes for victims/survivors immediately.
- k2. That the Australian Government initiates a standard screening, risk assessment and referral process nationally, to ensure public health, social and community services are trained to identify key safety risks early for people experiencing violence in their relationships, and able to refer them to the services that can help them achieve safety and recover.
- k3. That the Australian Government agrees to institute improved AVO standards to make clear what is expected of police, magistrates and courts to hold perpetrators accountable, and ensure women and children subjected to domestic and family violence are able to rely on these orders to achieve safety and justice.

L. Any other related matters.

- l1. That the Department of Social Services conducts an Australia-wide consultation on the development of the second National Plan to Reduce Violence Against Women and Their Children that engages specialist women's services, diverse stakeholders as well as diverse victims/survivors.

Introduction

Family, domestic and sexual violence (FDSV) are human rights violations that are gendered in their nature where the majority of the perpetrators are men and the majority of the victims/survivors are women¹⁹. Family, domestic and sexual violence are one of the most common manifestations of violence against women. In all forms of violence against women, coercion, control and gendered drivers are key to understanding these experiences. It is thus important that national policies preserve the language of 'violence against women' in order to respond holistically to different manifestations of violence as well as to be in line with international frameworks and human rights commitments made by Australia.

Family, domestic and sexual violence along with other forms of violence against women thrive in cultures that condone men's power over women and tolerate harmful gender norms. While women from all walks of life can become subjected to men's violence, data from service providers shows that those who are experiencing compounded discrimination and marginalisation are overrepresented in the systems. National disasters and the Covid-19 pandemic have also shown to exacerbate violence against women. Ending domestic, family, sexual violence as well as all forms of violence against women requires a committed national leadership and sustained efforts across all levels of governance.

In this submission, AWAVA is presenting evidence-based recommendations to the National Inquiry and identifying policy directions for the development of the Second National Plan to Reduce Violence against Women and their Children.

Priority area 1: Embedding an intersectional gender lens in data collection, prevention and response to all forms of violence against women

National policies on violence against women, including the Second National Plan to Reduce Violence against Women and their Children must reflect the diversity of violence and the diversity of those women who experience it. Without accurate data, many forms of violence against women are rendered 'invisible'. While data on women's health and safety are routinely collected by the government, there remains a need for consistency in accounting for the diversity of the victims/survivors and their lived experience along with types of violence. Issues including sexual harassment, dowry abuse, reproductive coercion, forced marriage, Female Genital Mutilation/Cutting (FGMC), and technology-facilitated abuse are not routinely collected which can create challenges in understanding, preventing and addressing the experiences of violence holistically.

Adopting an intersectional gender lens can highlight how violence against women is intertwined with other forms of oppression and how barriers are created preventing women from seeking justice. This means, for example, that for diverse groups of women disclosure of violence and reporting to police is inevitably connected to impact of poverty, ability/disability, sexual orientation and/or gender identity, colonisation and racism. Thus, adopting an intersectional lens helps to identify those systemic barriers and eliminate them.

Priority area 2: Cross-sectoral system strengthening, including coordination between prevention and response, and across all essential response services for violence, disasters and pandemics

Violence against women is a complex issue requiring a coordinated multi-pronged approach to address it. A strong coordination across prevention and response can enhance effectiveness in addressing the spectrum of violence and track change over time. Prevention and response must be complimentary and work side-by-side.

¹⁹ Australian Institute of Health and Welfare (2019) Family, domestic and sexual violence in Australia: continuing the national story. Available at: <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019/contents/table-of-contents>

Similarly, a victim/survivor-centred approach is central to further enhance the coordination and integration between essential service providers such as health, welfare, justice, police and disaster responses to minimise the number of visits and to streamline referral pathway for victims/survivors of violence. A consistency in standards of practice and an intersectional lens needs to be mainstreamed throughout all services driving on the best practice principles and standards developed by specialist women's services.²⁰

Disaster planning needs to include and coordinate with specialist women's services to ensure appropriate responses for victims/survivors. Further, support service workers responding to disasters must be training to recognise and respond to domestic and family violence. Previous experience shows that involving domestic and family violence, sexual assault services, and women's health specialists from the beginning is crucial for gender-sensitive approaches to recovery. Considering the chronic under-resourcing of these specialist women's services relative to demand, additional funding is needed to ensure they can participate in planning, providing advice and coordination.

Priority area 3: Recognition of the role of and adequate funding for specialist women's services

Over the last 40 years, specialist women's services have been established in response to the need for comprehensive and trauma-informed support. Guided by women-centred models of practice, these services include organisations working to address domestic and family violence (including refuges and shelters), sexual assault services and rape crisis centres, and organisations working with diverse groups of women on issues of violence against women.

AWAVA continues to advocate for substantial increases in funding and greater safeguards for the role of the specialist women's services, which are at the forefront of the efforts to respond to and eliminate violence against women.²¹ The work of specialist women's services, including women's legal services, is underpinned by a gendered understanding of violence²². They are focused on women and children's safety²³, providing gender and cultural safety, working from a client-centred, trauma-based, empowering framework²⁴, supporting women to navigate complex systems, recognising children as clients in their own right, and working towards greater gender equality recognising the complexity of intersectionality and that women are best qualified to decide their pathway to recovery from violence

²⁰ AWAVA (2016) Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children. Available at: <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>; Domestic Violence VIC (2020) Code of Practice: Principles and Standards for Specialist Family Violence Services for Victim-Survivors. Available at: http://dvvic.org.au/members/practice-development/?utm_source=DVRCVeNews&utm_medium=email&utm_campaign=July_2020&mc_cid=50cc83001b&mc_eid=5ccf45f701

²¹ AWAVA (2016) Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children. Available at: <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

²² Queensland sexual assault services (2010) The Right to Choose Enhancing best practice in responding to sexual assault in Queensland. Available at:

<http://www.communitydoor.org.au/sites/default/files/Right%20to%20choose%20final%20pdf%20with%20covers.pdf>; Nichols, A. (2011) 'Gendered Organizations: Challenges for Domestic Violence Victim Advocates and Feminist Advocacy', *Feminist Criminology*, 6(2), 111-113. The United Nations General Assembly (1993) 'Declaration on the Elimination of Violence Against Women' recognises that violence against women is a cause and consequence of gender inequality and states that services should be delivered based on this understanding. G.A. res 48/104, 1993 (DEVAW). Available at: <http://www.un.org/documents/ga/res/48/a48r104.htm> article 4 (g).

²³ Victorian Government Department of Human Services (2012) Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3, Edition 2. Available at: http://www.dhs.vic.gov.au/_data/assets/pdf_file/0010/718858/1_family_violence_risk-assessment_risk_management_framework_manual_010612.PDF; Domestic Violence Victoria (2006) Code of Practice for Specialist Family Violence Services for Women and Children: Enhancing the safety of women and children in Victoria. Available at: http://www.dhs.vic.gov.au/_data/assets/pdf_file/0003/580908/code-of-practice-domestic-violence-vic-2006.pdf

²⁴ Allen, N., Larsen, S., Trotter, J. and Sullivan, C. M. (2012) 'Exploring the Core Service Delivery Processes of an evidence-based community advocacy program for women with abusive partners', *Journal of Community Psychology* 14(1), 1-18.

and trauma²⁵. Their historical and contemporary role in contributing to violence prevention is undervalued.

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. This includes for the Australian, State and Territory Governments to ensure adequate funding flows to specialist women's service services, and for the Australian government to proactively build the capacity of specialist women's services as demand for services rises. This includes strengthening their response, early intervention and prevention work, not only through resourcing but also by supporting meaningful structures to enable coordination across jurisdictions.

Priority area 4: Meaningful and ongoing consultation and engagement with victims/survivors of violence, civil society, communities and service providers

In order to ensure that investments made on violence against women strategies are effective and meet the needs of women and children, particularly those who are most marginalised, ongoing and meaningful engagement with civil society, affected communities, victims/survivors of violence and the specialist women's services is essential.

Structured consultation and genuine co-design, including representation on the advisory committees and long-term partnerships with key stakeholders need to be built into the planning stage and continue into implementation and evaluation, including mechanisms for consultation, communication and implementation oversight with community representatives, service providers and civil society.

Such consultative mechanism needs to be embedded in the future Second National Plan. Consultations on the development of the Second National Plan needs to be held in addition to this Inquiry and involve a diverse range of stakeholders including victims/survivors.

Priority area 5: Gender mainstreaming in national and state policies, gender budgeting and strengthening of national mechanisms dedicated to women's empowerment

Ongoing work to mainstream gender equality and challenge patriarchy is required to end violence against women and their children. Gender responsive policy making and budgeting is a tool to move towards that. We believe that the Australian government need to commit to and adequately resource a comprehensive and intersectional gender equality strategy which would in turn change the conditions contributing and supporting all forms of violence against women.

Stewardship of national mechanisms dedicated to women's empowerment and gender equality, such as that of the Office for Women and the National Women's Alliances pay a pivotal role in mainstreaming gender policies across all the board. The government should invest and support the development and guide a coordinated implementation of a comprehensive and intersectional gender equality strategy across governments.

Further in the submission we are providing detailed responses based on the terms of reference. AWAVA also would like to indicate our intention to appear before the Committee to give further evidence in addition to this submission.

²⁵ Zweig, J.M. and Burt, M.R. (2007) 'Predicting women's perceptions of domestic violence and sexual assault agency helpfulness: What matters to program clients?' Violence against Women, 13, 1149-1178; Council of Europe, Combating violence against women: minimum standards for support services. Available at: [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf) See also existing Australian standards documents (notes 40 to 43).

A. Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

Primary prevention of violence against women encompasses activities to build respectful relationships and increase gender equality to reduce and ultimately end violence against women. It also includes activities to counter other forms of discrimination that combine with gender inequality and can contribute to increased severity or prevalence of violence against women experiencing these multiple forms of discrimination.

Sexual, domestic and family violence is preventable, and primary prevention initiatives are an integral part of the holistic efforts to end violence against women. AWAVA has been supporting the shared framework of the primary prevention, *Change the Story*, (the Framework) developed by Our Watch as a key document guiding prevention efforts. In 2019, AWAVA published a report mapping primary prevention activities across Australia.²⁶ Forty-two per cent of respondents reported using frameworks developed by Our Watch as their source of guidance for prevention activities.

Change the Story identifies gender inequality “as setting the necessary social context in which violence against women occurs”²⁷. Building upon evidence, the Framework demonstrates the link between gender inequality and high prevalence of violence against women. These gendered drivers are arising from economic, social and institutional structures that remain discriminatory and unequal. We refer you to [Change the Story](#) and the work of Our Watch for further discussion on this.

Efforts to prevent violence against women and planning for the Second National Plan need 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

Prevention of violence against women is a long-term project requiring ongoing resourcing and firm commitment over many decades. 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.²⁸ As a result, women experiencing violence will be more likely to seek help from formal services. In order to holistically address violence against women and their children integrated approaches that encompass prevention, early intervention and response are necessary. Their success and adequate funding are interlinked.

In addition to more common understanding of primary prevention activities, there are a number of activities across Australia that while promoting gender equality or addressing multiple and intersecting forms of discrimination also contribute to the reduction of violence against women. Some examples include Safe Connections Programs,²⁹ and work done by Family Violence Prevention Legal Services etc. Such work needs to be supported through resourcing.

Recommendations:

²⁶ AWAVA (2019) Primary Prevention of Violence Against Women: A survey of activities in Australia Report. Available at: <https://awava.org.au/2019/09/26/research-and-reports/primary-prevention-of-violence-against-women-a-survey-of-activities-in-australia-report>

²⁷ See more at <https://www.ourwatch.org.au>

²⁸ See more at https://www.ourwatch.org.au/getmedia/8c6df8f7-5d01-4e32-9e6a-a8bff04f0673/OurWatch_GuideToMonitoring_A3Summary_horizontal.pdf.aspx

²⁹ Safe Connections is run by WESNET. For more information visit: <https://wesnet.org.au/telstra/>

- a1. That governments 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’ previous commitments under the National Plan.
- a2. That the Australian Government ensures greater focus on actions to drive institutional, systemic and structural change, including strengthening the gender policy machinery of government.³⁰
- a3. That the Australian Government allocates 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.
- a4. That the Australian, State and Territory Governments provide more support to local communities to take effective action to reduce violence against women and their children and, including to Principals, teachers, early learning centres and schools to deliver age-appropriate and evidence-based:
 - a. respectful relationships education covering sexual violence prevention and gender equality issues to prevent violence against women and enable gender equity.
 - b. Relationships and comprehensive sexuality education in line with the national curriculum, promoting positive and protective behaviours to prevent child sexual abuse and to support all young people to be healthy, safe and supported in a diversity of relationships.
- a5. That the Australian Government expands funding and develops sustained workforces for primary prevention across jurisdictions in addition to (not taken from) ongoing response service funding.
 - a. Moving towards longer-term and ongoing funding for primary prevention programs and activities, so that funding terms reflect the time periods of the frameworks and plans under which they are funded (such as the 12-year period covered by the current National Plan), in order to support the sustained long-term work that these plans recognise to be necessary to prevent violence against women.³¹

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]³²

³⁰ Our Watch (2020) Submission to the Parliamentary Inquiry into family, domestic and sexual violence

³¹ Our Watch (2020) Submission to the Parliamentary Inquiry into family, domestic and sexual violence

³² 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.

Our Watch has developed [Change the Picture](#), A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children and Rainbow Health has recently launched [Pride in Prevention](#): A guide to primary prevention of family violence experienced by LGBTIQ communities. These frameworks are essential for an intersectional approach to prevention activities.

Primary prevention work including the Second 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.

Recommendations:

- a6. That the Australian Government increase 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.

Current challenges

The above-mentioned survey³³ run by AWAVA identified a number of challenges experienced by organisations that engage in prevention activities. The most common challenged included the following:

- Limited funding (noted by 80% of respondents);
- Dealing with resistance and backlash (this related to the backlash against any gender equality work as well online abuse against both organisations and individual workers);
- Short-term nature of programs

“Short-term funding is the most significant constraint. Primary prevention aims to achieve long-term social and cultural change and requires sustained funding. Short-term grants lead to stress, loss of expert staff and loss of momentum, and mean we need to spend significant time applying for funding rather than getting on with the work.”

In addition, the coordination of primary prevention activities remains a challenge. The National Primary Prevention Hub is a welcome initiative as it will play a crucial role in coordinating primary prevention initiatives across Australia.

Respondents also noted that a change of attitude from regarding primary prevention as something that can be achieved through one-off activities or training events needs to shift to an approach that is mainstreamed and requires ongoing resourcing and activities.

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. It is important that primary prevention efforts are viewed as an integral part of holistic efforts to end all forms of violence against women and their children.

Recommendations:

- a7. That the Australian Government invests in the cross-jurisdictional coordination of primary prevention across Australia.

³³ Ibid

- a8. That the Australian Government invests 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.

Mainstreaming gender equality in policy

Ongoing work to mainstream gender equality and challenge patriarchy is required to end violence against women and their children. Gender responsive policy making and budgeting is a tool to move towards that. We believe that the Australian government need to commit to and adequately resource a comprehensive and intersectional gender equality strategy which would in turn change the conditions contributing and supporting all forms of violence against women. In 2018 the CEDAW Committee also concluded that the absence of ‘a comprehensive gender equality policy and targeted action plan, with indicators, that addresses the structural factors perpetuating gender inequalities’³⁴ remained an issue in Australia.

In addition to mainstreaming gender responsive policy and budgeting, this would also include better data collection to monitor gender equality progress, increase in women’s representation and leaderships, address such systems as health, housing, justice and education and ensure robust consultation with civil society and experts.

We also refer you to the National Gender Equality Plan developed by the Equality Rights Alliance that outlines a holistic and interconnected approach to policy responses to gender inequality and the need for an overarching plan that enables these interlinkages.³⁵

Recommendations:

- a9. That the Australian Government commits to and adequately resources a comprehensive and intersectional gender equality strategy.

B. Best practice and lessons learnt from international experience, ranging from prevention to early intervention and response, that could be considered in an Australian context.

The role of specialist women’s services

Over the last 40 years,³⁶ specialist women’s services have been established in Australia and Internationally in response to the need for comprehensive specialist and trauma-informed support. Guided by women-centred models of practice, these services include organisations working to address domestic and family violence (including refuges and shelters), sexual assault services and rape crisis centres, and organisations working with diverse groups of women on issues of VAW.³⁷

AWAVA continues to advocate for substantial increases in funding and greater safeguards for the role of the specialist women’s services, which are at the forefront of the efforts to respond to and

³⁴ Committee on the Elimination of Discrimination against Women, Concluding observations on the eight periodic report of Australia – National machinery for the advancement of women, (art.15). CEDAW/C/AUS/CO/8. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En

³⁵ See more at <http://www.equalityrightsalliance.org.au/projects/ngep/>

³⁶ Andrew, M. (2013). The institutional harvest: women’s services and women’s policy agencies. Maddison, S., and Sawyer, M. (eds.) (2013). *The Women’s Movement in Protest, Institutions and the Internet* (pp. 87-104). New York, NY: Routledge.

³⁷ AWAVA (2016) Policy Brief. The Role of Specialist Women’s Services in Australia’s Response to Violence against Women and Their Children. Available at: <http://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

eliminate violence against women.³⁸ The work of specialist women's services, including women's legal services, is underpinned by a gendered understanding of violence³⁹. They are focused on women and children's safety⁴⁰, providing gender and cultural safety, working from a client-centred, trauma-based, empowering framework⁴¹, supporting women to navigate complex systems, recognising children as clients in their own right, and working towards greater gender equality recognising the complexity of intersectionality, and that women are best qualified to decide their pathway to recovery from violence and trauma⁴².

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.⁴³ Research in the United Kingdom has shown that women would often not have sought support for themselves and their children if services had been mainstream, as compared to specialist women's services.⁴⁴ As a result of factors such as these, women-only and women-led services are widely acknowledged in international minimum support standards and frameworks.⁴⁵

A survivor-centred approach is applied to ensure that specific attention is applied to individual women's and children's safety, confidentiality and well-being throughout all functions of a service. Victims/survivors are believed when they share their experiences of sexual and gender-based violence. The role of the services lies in assisting them to restore dignity and control over their lives

³⁸ AWAVA (2016) Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children. Available at: <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

³⁹ Queensland sexual assault services (2010) The Right to Choose Enhancing best practice in responding to sexual assault in Queensland. Available at:

<http://www.communitydoor.org.au/sites/default/files/Right%20to%20choose%20final%20pdf%20with%20covers.pdf>; Nichols, A. (2011) 'Gendered Organizations: Challenges for Domestic Violence Victim Advocates and Feminist Advocacy', *Feminist Criminology*, 6(2), 111-113. The United Nations General Assembly (1993) 'Declaration on the Elimination of Violence Against Women' recognises that violence against women is a cause and consequence of gender inequality and states that services should be delivered based on this understanding. G.A. res 48/104, 1993 (DEVAW). Available at: <http://www.un.org/documents/ga/res/48/a48r104.htm> article 4 (g).

⁴⁰ Victorian Government Department of Human Services (2012) Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1-3, Edition 2. Available at:

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0010/718858/1_family_violence_risk_assessment_risk_management_framework_manual_010612.PDF; Domestic Violence Victoria (2006) Code of Practice for Specialist Family Violence Services for Women and Children: Enhancing the safety of women and children in Victoria. Available at: http://www.dhs.vic.gov.au/_data/assets/pdf_file/0003/580908/code-of-practice-domestic-violence-vic-2006.pdf

⁴¹ Allen, N., Larsen, S., Trotter, J. and Sullivan, C. M. (2012) 'Exploring the Core Service Delivery Processes of an evidence-based community advocacy program for women with abusive partners', *Journal of Community Psychology* 14(1), 1-18.

⁴² Zweig, J.M. and Burt, M.R. (2007) 'Predicting women's perceptions of domestic violence and sexual assault agency helpfulness: What matters to program clients?' *Violence against Women*, 13, 1149-1178; Council of Europe, Combating violence against women: minimum standards for support services. Available at: [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf) See also existing Australian standards documents (notes 40 to 43).

⁴³ Queensland sexual assault services (2010) The Right to Choose Enhancing best practice in responding to sexual assault in Queensland. Available at:

<http://www.communitydoor.org.au/sites/default/files/Right%20to%20choose%20final%20pdf%20with%20covers.pdf>

⁴⁴ Women's Resource Centre (2007) Why Women Only? The value and benefits of by women, for women, services, London, UK. Available at: <http://thewomensresourcecentre.org.uk/wp-content/uploads/whywomenonly.pdf>

⁴⁵ Council of Europe (2008) Combating violence against women: minimum standards for support services. Available at: [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf); UN Women Essential Services Package for Women and Girls Subject to Violence Core Elements and Quality Guidelines. Available at: <https://www.unfpa.org/sites/default/files/pub-pdf/Essential-Services-Package-en.pdf>; UNFPA Minimum Standards for Prevention and Response to Gender-Based Violence in Emergencies. Available at: <https://www.unfpa.org/sites/default/files/pub-pdf/GBVIE.Minimum.Standards.Publication.FINAL.ENG.pdf>

without coercion or negative judgement. Victims/survivors have a right to choose and refuse services based on their needs.

Specialist staff are trained to understand trauma and address the multiple and complex needs of survivors / victims as well as the impact of decisions and actions taken. This understanding can help dismantle barriers to services and assist clients to navigate complex systems such as child protection, police, courts, immigration and income support. This non-victim-blaming approach can also provide more space to redress the loss of personal power, and to restore self-respect and confidence by positively addressing shame and self-blaming, thereby ensuring that the responsibility for the violence lies with the person who has perpetrated it.

As well as putting in practice a gendered understanding of violence, specialist women's and family violence services aim to redress the underlying inequalities and power imbalances that women encounter in day-to-day life. Empowerment is promoted not just as an individual process but as a collective effort towards social change. Positioning victims/survivors as active participants so they remain at the centre of decision making at all times, empowerment methods work to recognise, respect and promote women's agency and support women to consider their own interests, obligations and risks when making decisions - including situations where a woman might decide not to use available services. By placing women's interests first, providing them with information and education as well as social and economic support, survivors / victims are able to make informed decisions and choices, making them less likely to return to their abuser and more likely to seek help in the future if needed.

In addition, this approach also ensures recognising children as clients in their own right. This enables understanding of cumulative effects of violence on children and prioritises children's safety and wellbeing.

Evidence of the unique role of the specialist women's services

In 2020 AWAVA ran a survey and published a report titled 'The role of the specialist women's services: Survey on the standards of service provision for victims/survivors of gender-based violence'.⁴⁶ The survey aimed at victims/survivors of sexual and gender-based violence sought to compare and analyse the experiences of service use. Respondents were provided with a set of guiding principles and asked to reflect on their experiences having approached specialist women's services and/or generalist services.

In the survey, the definition of specialist services includes dedicated services for women and their children who are experiencing domestic and family violence; sexual assault services; domestic and family violence or sexual assault programs delivered by LGBTIQ+ organisations, Aboriginal community-controlled organisations, culturally-specific organisations or organisations for people with disability; women's legal services; refuges, women's court advocacy services etc. generalist services including generalist housing service providers, settlement, refugee and migrant services, charities, faith-based organisations, family relationship centres etc.

Based on the survey responses, specialist services whose sole purpose is to support victims/survivors of gender-based violence were rated as adhering to a set of good practice principles widely supported within the sector (50% yes for specialist services vs 37% yes for generalist services).

Experiences of seeking support from generalist services were mixed. Respondents who used counselling that was not specialising in family violence only reported negative experiences. Respondents who approached generalist services reported more experiences of facing racism and homophobia. Disability inclusion was also an issue both in terms of understanding disability and

⁴⁶ AWAVA (2020) Survey Data Analysis Report: The role of the specialist women's services: Survey on the standards of service provision for victims/survivors of gender-based violence. Available at: <https://awava.org.au/2020/06/30/research-and-reports/survey-report-on-the-victims-survivors-experiences-of-seeking-help>

provision of services to women and their children. Some also reported instances where the actions of perpetrators were excused, where perpetrators had influence on services that were delivered or were able to obtain counselling notes. Several reported that they as victims/survivors were blamed for not protecting their children from experiencing or being exposed to family violence.

The report concluded that specialist women's services are providing better outcomes for victims/survivors of violence but they need to be adequately resourced. It is essential that generalist services who deliver gender-based violence related services as a part of the broader service package are trained and adopt the good practice principles to make sure that their services meet the standards and achieve positive outcome for victims/survivors of violence.

We also draw your attention and wish to reinforce the 2018 CEDAW Concluding observations recommendation to: '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.'⁴⁷

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.

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 Violence⁴⁸
 - DV Vic Code of Practice⁴⁹
 - DV NSW Good Practice Guidelines⁵⁰
 - AWAVA Policy Brief on the Role of Specialist Women's Services⁵¹

Recommendations:

- b1.** That the Australian, State and Territory Governments ensures adequate funding flows to specialist women's service services.

⁴⁷ Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia, paragraph 28d.

⁴⁸ Can be accessed here: http://www.nasasv.org.au/PDFs/NASASV_Standards_2nd_Edition_2015.pdf

⁴⁹ Can be accessed here: <https://dhhs.vic.gov.au/sites/default/files/documents/201705/code-of-practice-domestic-violence-vic-2006.pdf> ; Domestic Violence VIC (2020) Code of Practice: Principles and Standards for Specialist Family Violence Services for Victim-Survivors. Available at: http://dvwic.org.au/members/practice-development/?utm_source=DVRCVeNews&utm_medium=email&utm_campaign=July_2020&mc_cid=50cc83001b&mc_eid=5ccf45f701

⁵⁰ Can be accessed here: <http://dvnsw.org.au/wp-content/uploads/2017/08/DFV-Practice-Guidelines.pdf>

⁵¹ Can be accessed here: <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

- b2.** That the Australian Government proactively builds the capacity of specialist women’s services as demand for services rises, including for their crisis response, early intervention and prevention work, not only through resourcing but also by supporting meaningful and intersectional structures that enable coordination across jurisdictions.

C. The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non government and community organisations, and business.

Coordinated response to addressing violence against diverse groups of women

There is a lack of consistency and coordinated responses to all forms of violence against women and their children across states and territories. This is manifested through policy and legislation (for instance, there is a need to harmonise legislation on sexual assaults across states and territories, and to harmonise state and federal child protection measures), working in ‘silos’ and differing levels of investment for prevention and response.

Stronger structures for coordination, including through the National Plan, need to be developed with transparency and inclusion of victim/survivors, civil society and specialist women’s services service providers.

AWAVA welcomed the establishment of the Women’s Safety Council that is tasked with the implementation of the Fourth Action Plan as well as the development of the Second National Plan.⁵² With the dissolution of COAG, it is important that the National Cabinet engages with the Women’s Safety Council and is guided by their expertise on women’s safety. A meaningful and ongoing consultation and engagement with the civil society should also be embedded in the work of the Women’s Safety Council.

Increase Funding and Ensure Accountability and Transparency

The Australian Government should ensure that key initiatives under the National 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.

Recommendations:

- c1.** That the Australian Government initiates a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.
- c2.** That the Australian Government adequately resources all initiatives under the National Plan, ensuring funds can be tracked and monitored.
- c3.** That the Australian Government appropriately monitors, evaluates and tracks funding in the Evaluation Plan, publishes evaluation results and provides appropriate funding for these activities.

⁵² COAG Women’s Safety Council (2020) About page. Available at: <https://www.pmc.gov.au/office-women/coag-womens-safety-council>

Improved involvement of civil society

AWAVA expressed our concern regarding the National Plan's ability to ensure regular, equal and meaningful consultation and engagement with civil society in other submissions.⁵³ 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 had significantly limited forums that were provided for ongoing and meaningful consultation and engagement with civil society.

We commend the re-establishment 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 and the endorsing of the 27 Recommendations. 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. Additionally, we hold concerns that the expertise of women with lived expertise is not harnessed to best advise on policies.

Recommendations:

- c4.** Address the need for improved communication between government and civil society about the National Plan (including the second National Plan) and additional mechanisms for participation, engagement and advice from civil society to fill the gap left by the dissolution of the NPIP.
 - a. 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 that is embedded in the National Plan and its Action Plans. This is particularly important to consider during the development of the Second National 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:

⁵³ AWAVA (2018) Position Paper on the Development of the Fourth Action Plan. Available at: <https://awava.org.au/2018/10/08/uncategorized/position-paper-fourth-action-plan>

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.

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 Second National Plan must be embedded and be reflected as one of its priorities.

Recommendations:

- c5. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the Second National Plan, which incorporates accountability and governance mechanisms.
- c6. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch’s Counting on Change guide and other relevant resources.
- c7. 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 Women⁵⁴ standards and be:
 - a. Time specific and measurable indicators and targets;
 - b. An institutional multi-sectoral mechanism to monitor implementation;

⁵⁴ UN Women (2012) Handbook for National Action Plans on Violence against Women. Available at: <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf.pdf>

- c. Meaningful participation of civil society and other stakeholders;
- d. Evaluation of practice and system.

D. The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.

Coordination of essential services

Women who had experienced violence often face difficulties in navigating the multiple and fragmented systems that often do not interact with each other and instead create additional barriers at a time where women are also dealing with the physical and mental trauma from the abuse. Multiple layers of bureaucracy can also exacerbate the inequity among women, some of whom are able to navigate the system while others are unable to due to financial constraints, level of literacy, access to information technology, language barriers and physical distance from these service providers. Integration of essential services for women who are subjected to violence, such as the linkages between health, housing, welfare, specialist women's services and justice are therefore crucial. Systems need to also be flexible enough to cater to the diversity and lived experiences of women, including supporting the options for women and children to stay in their homes and for perpetrators to leave the household.

We also refer you to the [section](#) on the unique role of special women's services in preventing and responding to all forms of violence against women. Recommendations in this section are also linked to recommendations put forward in the response to TOR B of this submission.

Response system strengthening must be viewed as part of a holistic approach to end violence against women along with primary prevention strategies. When essential services are well-coordinated and services are well articulated to the community, they would not only meet the needs of women but also create a protective environment that prevents violence from happening in the first place. Conversely, effective primary prevention strategies would also decrease the burden on services.⁵⁵ We also refer you to the AWAVA's survey on the primary prevention activities in Australia.⁵⁶

Recommendations:

- d1.** That the Australian, State and Territory Governments prioritise funding and resourcing of the specialist women's' services in prevention and response to all forms of violence against women and where appropriate to generalist services that are competent in responding to the needs of women and their children facing violence.
- d2.** That coordination and integration between essential service providers is enhanced (such as an assigned case manager (preferably from a specialist women's service) who can liaise across the services, options for virtual consultations, and with safe guards, firewalls and consent of victims/survivors for referrals and to avoid re-traumatisation and retelling of experiences).
- d3.** That the Australian, State and Territory Governments adequately fund services to strengthen and resource the workforce capacity and appropriate infrastructure for confidentiality and survivor-centred care.

⁵⁵ ACT Government (2015) Domestic and Family Violence Policy Manual: Housing and Community Services. Available at: https://www.communityservices.act.gov.au/_data/assets/pdf_file/0006/798513/Domestic-and-Family-Violence-Policy-Manual-2015-Designer-Version.pdf

⁵⁶ AWAVA (2019) Primary Prevention of Violence Against Women: A survey of activities in Australia.

Health services

The impact of violence against women on the private and public health systems was estimated to have costed victims/survivors, their communities and government \$1.4 billion dollars in 2016⁵⁷. With bushfires and COVID-19, the cost of violence against women to the health systems is set to rise. The increased demand for hospitals and other health services can impact on the availability of service provision, as well as workforce requirements and levels of utilisation of facilities. As a result, substantial challenges may arise within the health system in planning and ensuring adequate care for victims/survivors, as well as the broader community.

Healthcare providers are often women's first professional contact for gender-based violence⁵⁸. Therefore, the health system has a critical role in preventing and responding to violence against women. There are various entry points within the health system, including primary health services, sexual and reproductive health services, mental health services and emergency department. These providers can be obstetricians and gynaecologists, psychiatrists, general practitioners or community health workers. Standardised protocols or standard operating procedures (SOPs) and adherence to them are important to guide service delivery and coordination. Protocols/ SOPs support the delivery of safe, good quality, respectful and effective health care that is consistent across locations and over time, especially for the same types of service providers.⁵⁹ The systems must ensure that women can obtain the care that they need and with a minimal number of visits to different providers.

A study conducted by ANROWS⁶⁰ found that for victims/survivors to heal from the trauma caused by the abuse, supportive counselling was essential along with holistic health services that understood their individual experiences and responded accordingly to empower women. The healing process was supported by being connected to services and services that were connected with each other. Victims/survivors interviewed in the same study also pointed out that health services need to be holistic in supporting women with multiple compounding factors, such as family violence, alcohol and drug abuse, and being from Aboriginal and Torres Strait Islander or culturally and linguistically diverse backgrounds. Women emphasised the importance of being able to easily access appropriate ongoing trauma-informed services that share information, provide referrals, and support women in accessing help for their complex issues at all times, not only during crises. Founded under the women-centred principles and operating on trauma-informed care model, women's health and women's specialist services are well-placed to provide holistic support for women and act as the mediators between services. Unfortunately, women's health and women's specialist health services lack resourcing at national, state/territory and local levels. In light of current health system pressures, the recently published Women's Health Strategy 2020-2030 is not expected to meet milestones. There is also no funded national women's health alliance.

Healthcare providers have various levels of training in preventing and responding to violence. For those who follow the relevant guidelines, Medicare subsidies are minimal⁶¹. In addition, some

⁵⁷ KPMG, 2016. The cost of violence against women and their children in Australia. Available at: https://www.dss.gov.au/sites/default/files/documents/08_2016/the_cost_of_violence_against_women_and_their_children_in_australia_-_summary_report_may_2016.pdf

⁵⁸ World Health Organization 2017. Strengthening health systems to respond to women subjected to intimate partner violence or sexual violence: A manual for health managers. Available at: <https://apps.who.int/iris/bitstream/handle/10665/259489/9789241513005-eng.pdf?sequence=1>

⁵⁹ World Health Organization (2014) Health care for women subjected to intimate partner violence or sexual violence: A clinical handbook Available at: <https://www.who.int/reproductivehealth/publications/violence/vaw-clinical-handbook/en/>

⁶⁰ ANROWS (2017) Women's Input into a Trauma-informed systems model of care in Health settings: The WITH study: Final report Available at: <https://www.anrows.org.au/publication/womens-input-into-a-trauma-informed-systems-model-of-care-in-health-settings-the-with-study-final-report/>

⁶¹ The Royal Australian College of General Practitioners (2014) Abuse and violence: Working with our patients in general practice (4th edition). Available at: <https://www.racgp.org.au/clinical-resources/clinical-guidelines/key-racgp-guidelines/view-all-racgp-guidelines/white-book>

temporary visas holders are not eligible to access Medicare at all. This means that there isn't the consultation time, physical space or staffing to enable through safety planning or culturally responsive care. Subsequently individual health practitioners and private providers carry the burden of care, often working unpaid and outside of hours to provide wrap around support to victim/survivors. Healthcare providers who haven't had access to thorough training on preventing and responding to violence, need additional supports and incentives to do so. Health services also need to accommodate and cater to the diversity and multiple forms of discrimination and marginalisations that victims/survivors of violence may face, including adequate subsidies for extended appointments and the use of interpreters and translators.

Gender budgeting needs to be incorporated in health systems financing. A plan on the response to violence against women needs to be accompanied by a budget for the health component and to identify the funding sources for the activities. Also, budgets for activities to address violence against women should be integrated into existing health programs for areas such as maternal health, sexual and reproductive health and mental health.⁶² A budgeted plan must be made to minimise the financial hardship that may cause survivors. Furthermore, services must be accessible to the most marginalised groups of women.

Recommendations:

- d4.** That the Australian Government adequately resources the Women's Health Strategy 2020-2030 to meet milestones, which will require additional investment in light of the current public health crisis.
- d5.** That all healthcare workers are supported to complete training in violence prevention and response, particularly for hospital and health services in rural, regional and remote settings.
- d6.** That the Australian Government ensures that MBS subsidies enable appropriate resourcing for telehealth and face to face clinics to respond to disclosures of violence and support victims/survivors with safety planning, ongoing healthcare and referrals.
- d7.** That the Australian, State and Territory Governments resource women's specialist services to engage with the women's health sector and collaborate to improve community health literacy and empower community-based violence prevention mechanisms.
- d8.** That the Australian Government resources a women's health alliance to provide a gendered lens to Australian primary healthcare, liaise between specialist women's health services and the Government and to increase capacity for violence prevention and response within our community, public and private health systems.

Access to justice

Victims/survivors rely on a number of legal systems and services to achieve safety, justice and hold perpetrators to account. A complex justice chain can drain financial resources, time and energy, and can cause further trauma for the victims/survivors of violence. A victim/survivor may be simultaneously navigating seven different processes that not only result in loss of time but also incur high fees. This includes: "(1) Children and property matters in the Federal Circuit Court, as well as, urgent interim applications in relation to the same proceedings; (2) Divorce proceedings in the Federal Circuit Court or Family Court; (3) Intervention order proceedings in the Magistrates Court; (4) Criminal proceedings; (5) Victim of Crime assistance proceedings; and (6) Debt issues that require resolution through the relevant agencies;" and (7) Migration matters, for example applying for family violence provisions to secure permanent residency after relationships breakdown.

⁶² World Health Organization (2017) Strengthening health systems to respond to women subjected to intimate partner violence or sexual violence: A manual for health managers. Available at: <https://apps.who.int/iris/bitstream/handle/10665/259489/9789241513005-eng.pdf?sequence=1>

Given the commitment and energy required in pursuing justice, women who have been subjected to violence may be at various stages of preparedness by the time they enter the justice systems. The nature of violence is multifaceted and in the cases where the perpetrators are someone whom they love, legal actions may not be the path they wish to take, or at least not immediately. Therefore, legal advice and support should be sensitive and agile to meet the needs of victims/survivors while protecting their interests and confidentiality. In some cases, this may mean to provide information and refer women to other support services to meet women's immediate needs.

For better outcomes within the family law system, we urge that the Australian Government incorporates specialist women's services into family law systems, and adequately funds these services, by:

- prioritising the engagement with specialist women's services in responses to family violence;
- funding specialist women's services that provide embedded services in state and territory courts to continue to support clients with family violence issues when they move to the family law system to seek parenting or other orders;
- embedding workers from specialist women's services in the family courts and Family Relationship Centres; and
- rolling out and better resourcing of Family Advocacy and Support Services within the family law system and women's domestic violence court advocacy services within local and district courts.
- removing presumption of shared parental responsibility.

We also bring your attention to the "Safety First in Family Law", a policy platform that has been developed by the Women's Legal Services Australia and outlines five steps to creating a family law system that keeps women and children safe.⁶³

There is an urgent need to remove the presumption of equal shared parental responsibility. The most damaging misconception is that both parents have equal rights to children even in situations where one parent is violent.

The presumption of equal shared parental responsibility remains and The Family Law Act 1975 (Cth) states that when making a Parenting Order, the Court must apply a presumption that it is in the best interests of the child for the child's parents to have equal shared parental responsibility for the child.⁶⁴ This means that parents must consult with each other and share responsibility for decisions about major long term issues in regard to the children. 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/survivor of violence is unrepresented.

We note that the 2019 ALRC family law review recommended replacement of the shared parental responsibility by the decision making on long-term issues affecting the child. The outlined proposals are in line with AWAVA's position on prioritising the best interests of the child.

It is clear that the presumption of equal shared parenting responsibility needs to be removed from the Family Law Act to shift culture and practice towards a greater focus on safety and risks to children.

⁶³ Women's Legal Services Australia Five Step Plan for Safety First in Family Law Available at: http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf

⁶⁴ Family Law Act 1975 (Cth) s 61DA

Decision-makers and practitioners across the legal systems must be appropriately trained in the areas of:

- the nature and dynamics of family violence;
- working with vulnerable clients;
- cultural competency and safety (working with Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds);
- working with people who identify as LGBTIQ;
- disability awareness and accessibility;
- 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;
- the intersection of family law, family violence and migration status;
- 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;⁶⁵
- understanding and working with influencing systems including child support and child protection; and
- working with interpreters.

Lack of funding to specialist women's and community legal services creates additional barriers for women subjected to violence. Women often have limited capacity to obtain access to justice because of financial barriers, and are often unable to access legal information, advice and/or representation due to the high cost of private legal representation⁶⁶. Domestic Violence NSW's Practitioners' Survey indicates that often, women who are working casually or part-time, and where there is property to the relationship, do not meet financial eligibility criteria to access free legal assistance from Legal Aid⁶⁷. It is also difficult for women to obtain pro bono assistance, as it is not a particularly attractive area for lawyers working in family law⁶⁸. Given the lack of access to free specialist and/or legal services, when self-representing in family courts, women are at risk of unsuccessful settlements as well as further re-traumatisation and abuse.

Women's legal services, specialist Aboriginal and Torres Strait Islander and multicultural legal services have the skills and knowledge to work effectively with victims/survivors but need to be resourced to scale up their work in response to demand. This scaling-up needs to occur in the context of broader funding and capacity increases across the legal assistance sector and specialist domestic and family violence services sector, together with other related services (such as sexual assault services) that support victims/survivors in the family law system.

For the most recent discussion on the reforms in the family law system, we refer you to AWAVA's Submission to Joint Select Committee on Australia's Family Law System.⁶⁹

⁶⁵ Smallwood, E. (2015) Stepping Stones: Legal barriers to economic equality after family violence, Women's Legal Service Victoria, Melbourne. Available at: <https://www.womenslegal.org.au/files/file/1.%20Final%20-%20Stepping%20Stones%20Report.pdf>

⁶⁶ Women's Legal Services Victoria Submission Domestic Violence in Australia pg 5, Productivity Commission, Access to Justice Arrangements – Inquiry report No. 72, 3 December 2014

⁶⁷ Domestic Violence NSW Practitioner Survey Respondent – Parliamentary inquiry into a better family law system.

⁶⁸ National Pro Bono Resource Centre, Pro bono legal services in family law and family violence, Understanding the limitations and opportunities (Final Report) October 2013

⁶⁹ AWAVA, National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) and Harmony Alliance: Migrant and Refugee Women for Change (2018) Submission in response to the Australian Law Reform Commission's Review of the Family

For better outcomes within the migration system, a good practice example is Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas.⁷⁰

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

Recommendations:

- d9.** That the Australian Government implements WLSA's Safety First in Family Law plan, which includes the following steps:⁷¹
- a. Strengthen family violence response in the family law system
 - b. Provide effective legal help for the most disadvantaged
 - c. Ensure family law professionals have real understanding of family violence
 - d. Increase access to safe dispute resolution model
 - e. Overcome the gaps between the family law, family violence and child protection systems
- d10.** That the Australian Government rolls out the Family Advocacy and Support Service (FASS) nationally so that all people engaging with the family law system have access to it, including people in remote and rural areas and incorporate a case management approach across all FASSs.
- d11.** That the Australian, State and Territory Governments prioritise the involvement of specialist women's services including women's legal services in the design and delivery of an expanded FASS and incorporate a case management approach across all FASSs.
- d12.** That the Australian Government incorporates specialist women's services into family law systems and adequately fund these services.
- d13.** That the Australian Government removes the presumption of equal shared parental responsibility from the family law system.
- d14.** That the Australian Government ensures comprehensive training for all professionals within the family law system on the following:
- a. the nature and dynamics of family violence;
 - b. working with vulnerable clients;
 - c. cultural competency and safety (working with Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds);
 - d. working with people who identify as LGBTIQ;
 - e. disability awareness and accessibility;
 - f. 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;
 - g. trauma- informed practice;
 - h. the intersection of family law, child protection and family violence;
 - i. the intersection of family law, family violence and migration status;

Law System Issues Paper. Available at: <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>

⁷⁰ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas. Available at: https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1583195345.8148720264434814453125

⁷¹ Women's Legal Services Australia Five Step Plan for Safety First in Family Law. Available at: http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf

- j. technology facilitated abuse;
- k. working with interpreters; and
- i. the intersection of family violence and family law in property determinations that includes the financial impacts of family violence and the nature and impacts of economic abuse⁷² and understanding and working with influencing systems including child support and child protection;.

d15. That the Australian, State and Territory Governments harmonise state and federal laws in regards to child protection, and develop a Memorandum of Understanding in the way the Family Court manages risk in relation to DFV and child sex abuse.

Re-establishing economic independence

Victims/survivors of violence often have to be the ones to bear the costs for leaving the relationship, the family home and their community. It is estimated that on average, it costs \$18000 for a victim/survivor to leave violent relationship and establish safety. This would include costs associated with reallocation, safety upgrades, legal costs and medical costs.⁷³ It takes an average of six years for women to recover financially from a divorce.⁷⁴ Separation for victim/survivors of domestic and family violence results in significantly reduced assets.⁷⁵ Perpetrators of domestic and family violence leave victim/survivors responsible for repaying jointly accumulated debts.⁷⁶

Eligibility and access to social security payments in situations of domestic and family violence enables victims/survivors to re-establish their lives and gain financial independence. While there has been some attention to improve the access and responses of the social security system for victims/survivors⁷⁷, still there are barriers existing in this area, some of which are connected to policies and some to their application. These include:

- 1 Delays in payment for people in crisis and debts often results from administrative error and/or opaque Centrelink correspondence regarding reporting obligations.⁷⁸
- 2 Women in situations of domestic and family violence often are not able to meet residency requirements making them ineligible to access payments.⁷⁹
 - The majority of women on temporary visas⁸⁰ are not eligible to access social security payments through Centrelink as well as Medicare in some instances.⁸¹

⁷² Smallwood, E. (2015) Stepping Stones: Legal barriers to economic equality after family violence, Women's Legal Service Victoria, Melbourne. Available at: <https://www.womenslegal.org.au/files/file/1.%20Final%20-%20Stepping%20Stones%20Report.pdf>

⁷³ Australian Council of Trade Unions (2009) Submission on the Family and Domestic Violence Leave to the Fair Work Commission. Available at: <https://www.actu.org.au/media/886617/actu-submission-to-fwc-family-and-domestic-violence-leave.pdf>

⁷⁴ De Vaus, D., Gray, M., & Stanton, D. (2014) The Economic Consequences of Divorce in Australia. International Journal of Law, Policy and Family 28(1), 26-47.

⁷⁵ Braff, R. & Myring, I. B. (2011). Seeking security: Promoting women's economic wellbeing following domestic violence. Department of Families, housing, Community services and Indigenous Affairs, University of New South Wales. Australian Domestic and Family Violence Clearinghouse.

⁷⁶ Corrie, T. & McGuire, M. (2013). Economic abuse: Searching for solutions. A Spotlight on Economic Abuse research report. Collingwood: Good Shepherd Youth & Family Service. Available at: https://www.goodshep.org.au/media/1223/economic-abuse_final-report.pdf

⁷⁷ In 2019 the Department of Human Services has organised a consultation to enhance support for people living with and affected by family and domestic violence

⁷⁸ National Social Security Rights Network (2018) How well does Australia's social security system support victims of family and domestic violence? Available at <http://www.nssrn.org.au/briefing-paper/family-violence-research/>

⁷⁹ We note that some of these have been temporarily resolved with additional social security measures announced as a response to pandemic.

- From July 2018, the government has increased waiting periods for newly arrived migrants to access most of the social security benefits to 4 years.⁸² This measure disproportionately affects women, especially those experiencing domestic and family violence.
 - Women who utilised family violence provisions under Migration Regulations and obtained permanent residency after their relationships broke down with an Australian partner due to domestic and family violence, are still subject to the 4 years waiting period before they can access social security.
 - Women who experienced family violence and were successful with their application for family violence provisions i.e. obtained their own permanent residency, are only eligible to access parenting payment when they have become a solo parent after the visa grant;
 - Residency rules also apply to access childcare subsidy.
 - In situations when residency requirements are not met means that women are unable to secure independent income and secure housing, thus are forced to stay with a violent perpetrator.⁸³
- 3 Holders of the New Zealand special category visa, while being able to remain in Australia indefinitely, are not eligible for any social security apart from Family Tax Benefit.
 - 4 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.
 - 5 Centrelink expectations for couples to share income neglects to acknowledge the complex nature and dynamics of domestic and family violence and to account for financial abuse.
 - 6 Restrictive policies are in place 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”⁸⁴.
 - 7 Only a small number of temporary visa categories may be eligible to access Special Benefit.
 - 8 Some government funding agreements and modes of operation of housing service providers prevent them from accommodating women who are not eligible to access Centrelink and are otherwise unable to contribute payments towards rent.
 - 9 Anecdotal evidence suggests that little support is provided by the Centrelink staff when domestic and family violence is disclosed. In many instances, when a woman is requesting a change in circumstances to be made (e.g. to delink her partner from her Medicare card), this does not necessary trigger DFV assessment. If such is not done, a partner will be notified by the Centrelink

⁸⁰ “Temporary visas” includes both Bridging visas and substantive temporary visas.

⁸¹ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas. Available at: https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1583195345.8148720264434814453125

⁸² See more at:

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2017/December/Waiting_period_for_migrants and <https://www.humanservices.gov.au/individuals/enablers/newly-arrived-residents-waiting-period>

⁸³ National Social Security Rights Network (2018) How well does Australia’s social security system support victims of family and domestic violence? Available at: <http://www.nssrn.org.au/briefing-paper/family-violence-research/>

⁸⁴ Ibid.

that they were delinked. In DFV situation this would pose a significant safety risk to a victim/survivor.

10 Crisis payment is not available to victims/survivors who should be eligible because they meet the requirement of “not currently receiving income support but are experiencing or anticipating severe financial hardship resulting from their efforts to leave a violent relationship”⁸⁵.

- The rate of the payment and the lodgment timeframe (within 7 days) are unworkable. The research indicates that victim/survivors of domestic and family violence are more likely to be reliant on income support after the experience of violence and/or separation.⁸⁶ In instances where there is an injury as a result of domestic and family violence, a potential applicant may not have a possibility to lodge an application and gather all necessary documentation.
- The requirement for a victim/survivor to either leave their family home or to have an alleged perpetrator removed from their family home limits the access to the payment. We refer you to the report by the National Social Security Rights Network for more details.⁸⁷

Recommendations:

d16. That the Australian Government maintains the JobSeeker subsidy as a permanent increase to former Newstart payments.

d17. That the Australian Government ensures mandatory training and ongoing professional development on the nature and dynamic of domestic and family violence to all relevant workers within the Department of Social Services, Department of Human Services, Centrelink and Medicare.

d18. That the Australian Government exempts women on temporary visas and women seeking asylum who have experienced domestic and family violence from meeting residency requirements for the purposes of full access to Centrelink and Medicare while their visa is being processed.

d19. That the Australian Government exempts women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink newly arrived resident's waiting period (NARWP) similar to existing waiting period exemptions in place for people recognised as refugees.

d20. That the Australian Government expands eligibility for Special Benefit to include people who are on all types of temporary visas and have experienced domestic and family violence. The rates of Special Benefit should be increased to make it liveable.

d21. That the Australian Government ensures that victims/survivors of domestic and family violence are not disempowered or put at further risk through applying gender, intersectionality and family lens to social security policy.

d22. That the Australian Government amends the Guide to Social Security Law:

- a. to allow a claim for Crisis Payment within 14 days;

⁸⁵ National Social Security Rights Network (2018) How well does Australia’s social security system support victims of family and domestic violence? Available at: <http://www.nssrn.org.au/briefing-paper/family-violence-research/>

⁸⁶ Sharp, N. (2008) ‘What’s your is mine’: The different forms of economic abuse and its impact on women and children experiencing domestic violence. London: Refuge. Available at: <https://www.refuge.org.uk/wp-content/uploads/2016/11/Whats-yours-is-mine-Full-Report.pdf>

⁸⁷ National Social Security Rights Network (2018) How well does Australia’s social security system support victims of family and domestic violence? Available at: <http://www.nssrn.org.au/briefing-paper/family-violence-research/>

- b. to allow Crisis Payment to be paid to any person suffering severe financial hardship who has recently experienced family and domestic violence: removing the nexus of 'home';
- c. that Crisis Payment be extended 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;
- d. that Crisis Payment be increased to the equivalent of 'four weeks' single rate pension: approximately \$1640; and
- e. that eligibility for Crisis Payment be extended to allow Crisis Payment to be paid up to six times per year.

Housing and homelessness services

Domestic and family violence is the single largest reason for people to seek homelessness services.⁸⁸ More females than males presented to agencies homeless in 2017–18; the number of females presenting homeless in 2017–18 (57,000) has overtaken the number of males (52,100), up from 41,900 for females and 41,100 for males in 2013–14.⁸⁹

Homelessness may also increase risk of gender-based violence in particular sexual violence. When intertwined with poverty and lack of social security support, many women are forced to engage in survival sex to obtain any accommodation or general 'protection'.

A general lack of affordable housing and social and public housing may push women to stay with a violent partner. In addition, in most states of Australia only Australian citizens and permanent residents are able to access social and public housing, further excluding women who are on temporary visas and are experiencing domestic and family violence. Available government programs designed to support women to stay in their homes post separation are not able to support all women in this need. For example, in NSW there are capped amounts of places that can be supported given the requirement of case management.⁹⁰

Affordable housing, appropriate support from housing and homelessness service providers and long-term housing options are essential for comprehensive efforts to prevent and respond to violence against women and their children. Attention to the experiences of domestic and family violence must remain central in the provision of homelessness services due to the prevalence of domestic and intimate partner violence. Available research confirms this:

- 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).⁹¹
- In 2015-16, 38% of SHS clients had experienced family and domestic violence and 92% of these were women and children.⁹² In 2016-17, 40% of clients seeking Specialist Homelessness

⁸⁸ Australian Institute of Health and Welfare (2015) Specialist Homelessness Services 2014-15: Clients, Services and Outcomes, Australian Government, Canberra. Available at: <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/clients-services-outcomes/>

⁸⁹ Australian Institute of Health and Welfare (2018) Specialist Homelessness Services Annual Report 2017-2018. Available at: <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2017-18/contents/clients-services-and-outcomes>

⁹⁰ NSW Government, Program Guidelines for Staying Home Leaving Violence Program.

⁹¹ Australian Institute of Health and Welfare (2017) Australia's welfare 2017: in brief. Available at:

<https://www.aihw.gov.au/reports/australias-welfare/australias-welfare-2017-in-brief/contents/housing-and-homelessness>

⁹² Ibid.

Services were experiencing domestic and family violence.⁹³ This is an increase from the previous year and the number of family and domestic violence clients has increased by 33% since 2011-12.⁹⁴

- 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.⁹⁵ 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.⁹⁶ The majority of unassisted requests came from people identifying as female (66%).⁹⁷
- Almost half were single parents: Nearly half of all clients (48%) seeking assistance for domestic and family violence were living in single parent households (with a child or children), similar to the previous year.⁹⁸
- The 2019 AIHW report has found that in short-term or emergency accommodation, women are 5 times more likely than men to seek assistance escaping domestic and family violence.⁹⁹
- One in 4 clients (25%) experiencing domestic and family violence were Indigenous, matching the overall SHS population.¹⁰⁰

YWCA National Housing's report on women's housing needs in regional Australia has highlighted 23% of respondents said their finances and housing had been impacted by family violence. Women who become homeless as a result of DFV are also subjected to further gender-based violence. Juliet Watson has shown in her research with young women in Melbourne that in the context of "lack of money, welfare support and social capital meant, for some, their only resource was to exchange sex for somewhere to stay."¹⁰¹

Project Respect, one of AWAVA's Advisory Group members, works with women in the sex industry reports that "homelessness and housing insecurity for women with experience of the sex industry, including women trafficked is pervasive and prevalent."¹⁰² In a 100 cases review, 21 women were homeless at the time of the intake. The majority out of them were staying in brothels which would not be recognised as homelessness based on the homelessness statistic indicators. Experiences of family violence were common among their clients both as drivers of homelessness and "intimate

⁹³ Australian Institute of Health and Welfare (2018) Specialist Homelessness Services Annual Report 2016-17. Available at: <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

⁹⁴ Australian Institute of Health and Welfare (2017) Australia's welfare 2017: in brief. Available at:

<https://www.aihw.gov.au/reports/australias-welfare/australias-welfare-2017-in-brief/contents/housing-and-homelessness>

⁹⁵ Ibid

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Australian Institute of Health and Welfare (2018) Specialist Homelessness Services Annual Report 2016-17. Available at: <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

⁹⁹ Australian Institute of Health and Welfare 2019. People in short-term or emergency accommodation: a profile of Specialist Homelessness Services clients. Cat. no. HOU 300. Canberra: AIHW.

¹⁰⁰ Australian Institute of Health and Welfare. (2018) *Specialist Homelessness Services Annual Report 2016-17*, Canberra. Available at: <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

¹⁰¹ Watson, J. (2018) 'Just a piece of meat': how homeless women have little choice but to use sex for survival. The Conversation. Available at: <https://theconversation.com/just-a-piece-of-meat-how-homeless-women-have-little-choice-but-to-use-sex-for-survival-101113>;

¹⁰² Project Respect (2020) Submission to the Inquiry into Homelessness in Victoria. Available at: https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/861/attachments/original/1590045851/Project_Respect_Submission_for_Inquiry_into_Homelessness_in_Victoria.pdf?1590045851

partners forcing and/or controlling women into the sex industry to earn an income and forcing them to perform sexual activities in their home.”¹⁰³

In 2018 AWAVA conducted a sector-wide survey. Availability of housing options for victims/survivors of domestic and family violence has been identified as one of the major gaps in services, as an ongoing pressing concern. The housing need identified included increasing housing options for women who are escaping violence; need for tenancy reform to be responsive to violence against women; increasing availability of shelters and refuges.¹⁰⁴ In 2020, AWAVA conducted a survey with victims/survivors of gender-based violence on their experiences with seeking service support. Access to emergency housing was still a major concern as was identified in the top 10 services sought and one of the most-needed services for victims/survivors.¹⁰⁵ Respondents also raised issues with the current housing eligibility in addition to residency requirements and Centrelink eligibility that included a lack of awareness on the issues of financial abuse. One respondent wrote:

“I wasn't eligible for housing because I earnt too much, but I had nothing due to long term financial abuse.” (Respondent ID 115)

Therefore, issues of gender and violence are not marginal to the ‘main problem’ of homelessness and housing areas. They are central. An effective national housing and homelessness policy has to put them at the centre.

Homelessness due to DFV is aggravated due to the lack of social housing, and affordable housing in Australia. Australian citizens and permanent residents are eligible to access social and public housing in most states and territories, further excluding women who are on temporary visas experiencing DFV. AWAVA supports the *Everybody's Home Campaign* which calls for the Federal Government to implement a new capital investment to generate 300,000 new social and Aboriginal housing properties¹⁰⁶

A gender-responsive approach to housing and homelessness policy¹⁰⁷ 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 to the prevention and responses to homelessness in Australia.

We also note the \$150 million package announced by the Commonwealth Government for family violence support as a part of the pandemic response measures, including some support for accommodation and Safe at Home programs for victims/survivors.¹⁰⁸ While this funding is welcome, it is time-limited and further investment is needed to address ongoing and increasing need.

¹⁰³ Ibid., p12.

¹⁰⁴ AWAVA (2018) Consulting on the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children. Summary of Survey results.

¹⁰⁵ AWAVA (2020) Data analysis report. The role of the specialist women's services. Survey on the standards of service provision for victims/survivors of gender-based violence.

¹⁰⁶ Everybody's Home (2018) 'More social and affordable homes', Available at: <https://everybodyshome.com.au/our-campaign/more-social-and-affordable-homes/>

¹⁰⁷ Equality Rights Alliance, AWAVA (2017) A Gender Responsive National Housing and Homelessness Agreement: Joint letter to all Federal, State and Territory Treasurers and Ministers for Housing, Women and the Prevention of Family Violence. Available at: https://awava.org.au/2017/10/12/submissions/era-awava-letter-re-gender-responsive-national-housing-homelessness-agreement?doing_wp_cron=1585700676.9206891059875488281250

¹⁰⁸ Prime Minister, Minister for Foreign Affairs and Women, Assistant Minister for Health, Minister for Families and Social Services (2020) \$1.1 billion to support more mental health, Medicare and domestic violence services. Media release.

Recommendations:

- d23.** That the Australian Government develops 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.¹⁰⁹
- d24.** That the Australian Government adequately resources and provides 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.
- d25.** That State and Territory Governments expand the eligibility for and provide equal access without any migration restrictions (in line with an existing model in South Australia¹¹⁰) to temporary accommodation, crisis accommodation, rental assistance, public housing and Safe at Home Programs to ensure that women on temporary visas experiencing violence and their dependants can have a safe place to live and a safe home.¹¹¹
- d26.** That State and Territory Governments treat specialist women's, sexual violence and family violence services for women facing violence as a priority program, with dedicated funding in each State/Territory allocation for these services, strengthening services that work with Aboriginal and Torres Strait Islander women, women with disabilities, women from culturally and linguistically diverse backgrounds (including migrant and refugee women and women on temporary visas), LGBTQI services and services for women who live in regional, rural or remote areas and services for women exiting prison.¹¹²
- d27.** That the Australian, State and Territory Governments recognise and support local women's specialist services through increased and longer funding terms and embedded standards reflecting the good practice principles¹¹³ developed by specialist women's services over decades.
- d28.** That the Australian Government revitalises housing support systems with a significant and renewed commitment to invest in public housing.
- a. Ensure investment in public housing adequately resources culturally safe and accessible building design standards, to ensure housing location, design and occupancy is equitable for all women and their children.

Available at: <https://www.pm.gov.au/media/11-billion-support-more-mental-health-medicare-and-domestic-violence-services-0>

¹⁰⁹ This recommendation has been reinforced by: a) Equality Rights Alliance, AWAVA (2017) A Gender Responsive National Housing and Homelessness Agreement: Joint letter to all Federal, State and Territory Treasurers and Ministers for Housing, Women and the Prevention of Family Violence. Available at: https://awava.org.au/2017/10/12/submissions/era-awava-letter-re-gender-responsive-national-housing-homelessness-agreement?doing_wp_cron=1585700676.9206891059875488281250; b) Equality Rights Alliance (2020) National Plan on Gender Equality. Affordable and Appropriate Housing for Women. Available at: <http://www.equalityrightsalliance.org.au/wp-content/uploads/2020/05/PRINT-Affordable-and-Appropriate-Housing-for-Women-final-2020.pdf>

¹¹⁰ There is no requirement to meet any visa requirements in South Australia in order to access public housing <https://www.sa.gov.au/topics/housing/public-and-community-housing/register-for-public-and-community-housing/registering-for-public-housing>

¹¹¹ This recommendation has been reinforced by the National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas.

¹¹² This recommendation has been reinforced by: a) Equality Rights Alliance, AWAVA (2017) A Gender Responsive National Housing and Homelessness Agreement: Joint letter to all Federal, State and Territory Treasurers and Ministers for Housing, Women and the Prevention of Family Violence: https://awava.org.au/2017/10/12/submissions/era-awava-letter-re-gender-responsive-national-housing-homelessness-agreement?doing_wp_cron=1585700676.9206891059875488281250

¹¹³ AWAVA (2016) The role of special women's services in Australia's response to violence against women and their children – Policy Brief, 7 April 2016, Canberra. Available at: <https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2016/04/01082955/AWAVA-Specialist-Women-Services-Policy-Brief-2016.pdf>

- d29.** That State and Territory Governments reform tenancy legislation to ensure consistency across jurisdictions for women who are experiencing violence which includes the ability for a domestic and family violence victim to end a tenancy with no cost or penalty or alternatively to take over a tenancy where they were previously an occupant and the perpetrator has been removed from the property by law enforcement authorities.
- d30.** That the Australian Government funds 300,000 new social and Aboriginal housing properties nation-wide.

Specialist women's services

We refer you to the [earlier section](#) of this submission outlining the unique role that specialist women's services are playing in preventing and reducing violence against women.

E. All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.

The gendered nature of violence against women is rooted in rigid gender norms and gender inequality where men hold power over women's bodies, resources and their sexuality. Violence against women come in many forms, some are more publicly recognised, such as those that lead to visible injuries and deaths, while other insidious forms of violence against women remain 'invisible' and also require urgent actions. These forms of violence can take place for several years preceding women's and children's deaths. Only by recognising and systematically addressing the wide range of manifestations of violence against women (which underlying drivers are coercion and control) could we truly ensure the safety and freedom of women and their children.

It is important that the policy and the second National Plan preserve the language of 'violence against women' in order to respond holistically to different manifestations of violence as well as to be in line with international frameworks. The language of 'violence against women' allows also for the inclusion of both the diversity of victims/survivors and settings in which violence is perpetrated. Further in this section we are unpacking different manifestations of violence against women (beyond domestic and family violence) as they may require distinct prevention, response and justice approaches. Yet all of these manifestations form a cumulative understanding of violence against women. They cannot be addressed in isolation from one another.

Sexual violence and sexual harassment

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 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.

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.

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.

- Aboriginal and Torres Strait Islander women are up to 3.7 times more likely than other women to be victims of sexual violence.¹¹⁴ 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.¹¹⁵ 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”.¹¹⁶
- 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 18.¹¹⁷ 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.¹¹⁸
- 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.¹¹⁹ 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 2016.¹²⁰
- Past emotional, physical and sexual abuse is disproportionately 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.¹²¹
- 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

¹¹⁴ Australian Institute of Health and Welfare (2006) Family Violence Among Aboriginal and Torres Strait Islander Peoples; Mouzos & Makkai (2004), pp. 30–31. See also Australian Bureau of Statistics (2013).

¹¹⁵ AWAVA (2017) Submission into the Labor Party’s National Conversation on Gender Equity. Available at:

<https://awava.org.au/2017/09/15/submissions/submission-labor-partys-national-conversation-gender-equity>

¹¹⁶ Aboriginal Family Violence Prevention and Legal Service Victoria (2010) Policy Paper Series, Papers 1-3. See Paper 2, Section 10 Sexual Assault. Available at: <https://djiira.org.au/wp-content/uploads/2018/03/FVPLS-Policy-Papers-June-2010.pdf>

¹¹⁷ Salthouse, S. and Frohmader, C. (2004), ““Double the Odds” – Domestic Violence and Women with Disabilities’, paper presented to the ‘Home Truths’ Conference, Sheraton Towers, Southgate, Melbourne 15 -17 September. Available at: <http://wwda.org.au/issues/viol/viol2001/odds/>

¹¹⁸ Salthouse, S. and Frohmader, C. (2004) ““Double the Odds” – Domestic Violence and Women with Disabilities’, paper presented to the ‘Home Truths’ Conference, Sheraton Towers, Southgate, Melbourne 15 -17 September. Available at: <http://wwda.org.au/issues/viol/viol2001/odds/>

¹¹⁹ Refugee Council of Australia (2016) Submission on the inquiry into the conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea. Available at: <http://www.refugeecouncil.org.au/publications/submissions/conditions-nauru-manus/>

¹²⁰ Hall, B. & Towell, N. (2016), ‘Hundreds of detention centre abuses go unreported’, Sydney Morning Herald, 5 June. Available at: <http://www.smh.com.au/federal-politics/political-news/hundreds-of-detention-centre-abuses-go-unreported-20160605-gpbw89.html>

¹²¹ LGBTIQ+ Domestic and Family Violence Interagency and the Centre for Social Research in Health, University of NSW (2014) Calling it what it really is. A report into lesbian, gay, bisexual, transgender, gender diverse, intersex and queer experiences of domestic and family violence, Sydney: UNSW.

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.¹²² 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 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.¹²³
- High numbers of women in prison are survivors of family violence and/or sexual violence.¹²⁴ “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.”¹²⁵ These women require support to overcome their trauma, avoid re-offending and have access to recovery.
- Experiences of violence against women in the sex industry are not limited to physical violence but include sexual violence as well.¹²⁶ 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.¹²⁷ It is also connected to the policy landscape around sex work.

Sexual harassment disproportionately affects women with 1 in 5 experiencing sexual harassment in the workplace at some time.¹²⁸ 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.¹²⁹ Sexual harassment needs to be included in the efforts to prevent and respond to violence against women.

Recommendations:

¹²² Australian Human Rights Commission (2017) Change the course: National report on sexual assault and sexual harassment at Australian universities. Available at:

https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf; Australian Human Rights Centre (2017) On Safe Ground: Strengthening Australian university responses to sexual assault and harassment: A good practice guide for Australian universities. University of New South Wales (Sydney). Available at: https://humanrights.unsw.edu.au/sites/default/files/inline-files/AHR0002_On_Safe_Ground_Good_Practice_Guide_online.pdf;

End Rape Australia (2018) The Red Zone. An investigation into sexual violence in Australian university residential colleges. Available at: <https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/5a95cf99e4966ba2c2a64ca5/1519767581881/The+Red+Zone+Report+2018>

¹²³ Breiding, M.J., Smith, S.G., Basile, K.C., Walters, M.L., Chen, J. and Merrick, M.T. (2014) Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—national intimate partner and sexual violence survey, United States, 2011. *Morbidity and Mortality Weekly (MMWR) Report Surveillance Summaries*, 63(8), pp. 1–18.

¹²⁴ Human Rights Law Centre and Change the Record (2017) Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women’s Growing Over-imprisonment, p17.

¹²⁵ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16).

¹²⁶ Powell, A., Nagy, V. (2012) The Harms of Indoor Prostitution for Women: A Research Review. La Trobe University. Available at:

https://d3n8a8pro7vnm.cloudfront.net/projectrespect/pages/15/attachments/original/1439342516/Literature_Review_17_Sept2012.pdf?1439342516

¹²⁷ Quadara, A. (2008) Sex workers and sexual assault in Australia: Prevalence, risk and safety (ACSSA Issues No. 8). Melbourne: Australian Centre for the Study of Sexual Assault, Australian Institute of Family Studies.

¹²⁸ Australian Human Rights Commission (2008) Sexual harassment: Serious business. Results of the 2008 Sexual Harassment National Telephone Survey. Available at:

https://www.humanrights.gov.au/sites/default/files/content/sexualharassment/serious_business/SHSB_Report2008.pdf

¹²⁹ Ibid.

- e1. That the Department of Social Services takes an intersectional lens in preventing and addressing sexual violence against diverse groups of women including being attentive to different ages as well as includes it in the second National Plan.
- e2. 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).¹³⁰
- e3. That the Department of Social Services develops 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.
- e4. That the Australian Government undertakes community-controlled research and data collection about prevalence, reporting rates and service provision in relation to sexual violence against women from culturally and linguistically diverse backgrounds.
- e5. That the Australian Government sufficiently funds sexual assault services to ensure culturally competency of their support.
- e6. That the Australian Government establishes an independent, expert led taskforce to track, assess and publicly report on university and residences' measures to prevent, and improve responses to sexual violence.¹³¹
- e7. That the second National Plan includes sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.
- e8. That the Australian Government implements recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace.

Reproductive coercion

The term reproductive coercion is used to define a range of interpersonal and structural coercive behaviours that impact on a woman's reproductive autonomy. 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, coercing a woman to have sex or to fall pregnant, or to have an abortion, as well as forced sex and rape.¹³²

Reproductive coercion is a public health issue that negatively impacts on mental health, sexual and reproductive health and maternal and child health and is linked to family violence, intimate partner violence and sexual violence¹³³. Reproductive coercion can take place in absence of physical injuries which can make it harder to identify. It can lead to mental health impact, including significant health problems, including chronic pain, gastrointestinal and gynaecological issues, STIs, depression, anxiety, post-traumatic stress disorder (PTSD), self-harm and suicide ideation. There are also significant risks to infants in cases of coerced or forced pregnancies.¹³⁴

Queensland-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

¹³⁰ Aboriginal Child Sexual Assault Taskforce (2006), *Breaking the Silence*, p. 114

¹³¹ Fair Agenda, *End Rape on Campus*, National Union of Students, The Hunting Ground Australia Project, Joint Statement. Available at: https://melbourne-systems.s3.amazonaws.com/asset/file/5ae9184869702d3013861600/Joint_statement_Taskforce_final.pdf

¹³² Miller, E., Decker, M., McCauley, H., Tancredi, D., Levenson, R., Waldman, J., Schoenwald, P., & Silverman, J. (2010) *Pregnancy Coercion, Intimate Partner Violence and Unintended Pregnancy 81 Contraception*.

¹³³ Marie Stopes Australia (2018) *Hidden Forces: Shining A Light on Reproductive Coercion: White Paper*. Available at: https://www.mariestopes.org.au/wp-content/uploads/Hidden-Forces_MSA-RC-White-Paper_FINAL_WEB.pdf

¹³⁴ Campbell J. (2002) Health consequences of intimate partner violence. *Violence against women II*, *The Lancet*. Vol 359, April 2002

reproductive coercion, with up to one in five CALD contacts reporting this form of abuse.¹³⁵ Marie Stopes Australia also notes that given the significant disparities in health outcomes of Aboriginal and Torres Strait Islander communities and other Australian communities, it is likely that rates of reproductive coercion may also be disproportionately higher.¹³⁶

Recommendations

- e9. That the second National Plan and any other policy on violence against women embed reproductive coercion as one of the manifestations of violence against women.
- e10. That all services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.¹³⁷
- e11. That existing population studies already examining the prevalence of domestic and family violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.¹³⁸
- e12. That the Australian Government includes reproductive coercion in the ABS Personal Safety Survey to gain an understanding of prevalence.
- e13. That the Australian Government develops a National Sexual and Reproductive Health Strategy that addresses interpersonal and structural drivers of reproductive coercion and intersectionality.

Female Genital Mutilation / Cutting

Female Genital Mutilation / Cutting (FGMC) 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.¹³⁹

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.”¹⁴⁰

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.

Recommendations:

- e14. 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.
- e15. That the Australian Government provides ongoing support for National Education Toolkit for Female Genital Mutilation/Cutting Awareness.¹⁴¹

¹³⁵ Children by Choice Assoc Inc (2014) Domestic violence in Australia. Submission to the Finance and Public Administration References committee. Available at <https://www.childrenbychoice.org.au/factsandfigures/reproductivecoercion>

¹³⁶ Marie Stopes Australia (2018) Hidden Forces: Shining A Light on Reproductive Coercion: White Paper. Available at: https://www.mariestopes.org.au/wp-content/uploads/Hidden-Forces_MSA-RC-White-Paper_FINAL_WEB.pdf

¹³⁷ Children by Choice (2018) submission to Marie Stopes Australia: Reproductive Coercion White Paper. Available at: https://www.childrenbychoice.org.au/images/downloads/CbyCSubmission_MSAREproductiveCoercionWhitePaper.pdf

¹³⁸ Ibid.

¹³⁹ See more at: <http://www.mcwh.com.au/five-things-we-learnt-about-preventing-fgmc/>

¹⁴⁰ <http://www.mcwh.com.au/five-things-we-learnt-about-preventing-fgmc/>

¹⁴¹ <https://netfa.com.au/about-us/>

Restrictive practices and forced sterilisation of women with disability

Women and girls with disability are routinely subjected to restrictive practices through the use of chemical, mechanical and physical restraint and seclusion. This includes being administered psychotropic medication, psychotropic polypharmacy, physical restraint and seclusion under the guise of ‘behaviour management’ policies and practice.¹⁴²

Women and girls with disability are also subjected to the practice of forced sterilisation when they are unable to consent and the decision is taken by a third party.¹⁴³ 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.”¹⁴⁴

The UN Special Rapporteur on Torture has stated that compulsory treatment of people with disability is “often wrongfully justified by theories of incapacity and therapeutic necessity”.¹⁴⁵ 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.”¹⁴⁶

Recommendation:

e16. That the Australian government takes all necessary measures to abolish this harmful practice as a part of efforts to reduce violence against women.

Medically unnecessary procedures on intersex people

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”.¹⁴⁷

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.¹⁴⁸

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.¹⁴⁹ 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.

¹⁴² United Nations Committee on the Rights of Persons with Disabilities (2013) *Concluding Observations on the Initial Report of Australia*, 10th Session (4 October 2013) [8]-[9] & [33]-[34].

¹⁴³ Women with Disability Australia (2013) ‘Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia’ Submission to the Senate Inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia.

¹⁴⁴ Ibid.

¹⁴⁵ Juan E. Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 22nd sess, Agenda Item 3, UN Doc A/HRC/22/53 (1 February 2013) para 64.

¹⁴⁶ Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia.

¹⁴⁷ Ibid.

¹⁴⁸ Intersex Human Rights Australia. Available at: <https://ihra.org.au/7571/on-genital-surgeries/> and <https://ihra.org.au/348/sanfrancisco-hrc-intersex-report/>

¹⁴⁹ Intersex Human Rights Australia. Available at: <https://ihra.org.au/hf/15108/third-day-intersex-genital-mutilation-igm/>

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.¹⁵⁰

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 and Joint statement on the International Classification of Diseases 11¹⁵¹ made by Intersex Human Rights Australia.

Recommendations:

- e17. That the Australian Government implements forthcoming recommendations of the Australian Human Rights Commission’s inquiry Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions.

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 normalised¹⁵² 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.”¹⁵³

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’”.¹⁵⁴ Patel et al note that dowry generally contributes to “the maintenance of highly patriarchal family structures and widening gender inequality”.¹⁵⁵

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.

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

¹⁵⁰ Intersex Human Rights Australia (2018) CEDAW Shadow Report; Committee on Elimination of Discrimination Against Women: Concluding observation on the eight periodic report of Australia.

¹⁵¹ Intersex Human Rights Australia (2019) Joint statement on the International Classification of Diseases 11. Available at: <https://ihra.org.au/35299/joint-statement-icd-11/>

¹⁵² AWAVA (2016) Policy Brief The role of specialist women’s services in Australia’s response to violence against women and their children Available at: <http://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

¹⁵³ Patel, P., Handa, R., Anitha, S., Jahangir, S. Emerging issues for international family law: Part 3: Transnational marriage abandonment and the dowry question

¹⁵⁴ ACHRH (2015) Refusal to Comply with Dowry Demands Contributes to Family Violence and Death in Victoria. Available at <http://achrh.org/wp-content/uploads/2016/07/ACHRH-SUBMISSION-TO-ROYAL-COMMISSION-ON-DOWRY-RELATED-FAMILY-VIOLENCE-AND-DEATH-11-May-2015.pdf>.

¹⁵⁵ Patel, P., Handa, R., Anitha, S., Jahangir, S. Emerging issues for international family law: Part 3: Transnational marriage abandonment and the dowry question p. 2

appropriate levels of funding and resourcing and that women's voices are central in decision making processes.

Recommendations:

- e18.** That the Australian Government expands the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.
- e19.** That the Australian Government continues to support primary prevention and early intervention approaches to end violence against women, including dowry abuse, in consultation with diverse communities, embedding intersectional and culturally-sensitive approaches targeting all age groups.
- e20.** That the Australian Government, in partnership with women's services works with migrant communities on cross-cultural communication, gender-based violence, gender norms and laws and practices in Australia.
- e21.** 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.¹⁵⁶ 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 filing for a divorce. Other patterns included "deceptive recruiting (that is, to come to Australia) for the purposes of the forced provision of sexual services".¹⁵⁷

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".¹⁵⁸ 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).¹⁵⁹ 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,¹⁶⁰ 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:

¹⁵⁶ Segrave, M (2017) Temporary migration and family violence: An analysis of victimisation, vulnerability and support. Melbourne: School of Social Sciences, Monash University.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ ARC Support for Trafficked People Program. Available at: <http://www.redcross.org.au/support-for-trafficked-people.aspx>

¹⁶⁰ Anti-Slavery Australia. Available at: <http://www.antislavery.org.au/resources/fact-sheets/112-fact-sheet-9-visa-options-for-trafficked-people.html>

- 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.¹⁶¹

The issue of trafficking needs to be seen through the human rights lens rather than as a migration issue.

Recommendations:

- e22.** That the Australian Government de-links support for women who have been trafficked from criminal proceedings and ensure that the support is available to them regardless their migration status.

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.¹⁶² 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.¹⁶³ 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.¹⁶⁴

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

¹⁶¹ We refer you to the CEDAW Shadow Report for the 70th session of the CEDAW Committee, prepared by Project Respect.

¹⁶² Vidal, L. (2017) “Innovative and Best Practice Solutions to Address Forced Marriage in Australia” Winston Churchill Memorial Trust: 21-25. Available at: <https://www.churchilltrust.com.au/fellows/detail/4179/Laura+Vidal>.

¹⁶³ Ibid.

¹⁶⁴ Women’s Research, Advocacy and Police (WRAP) Centre Good Shepherd Australia New Zealand (2018) Submission to the Legal and Constitutional Affairs Legislation Committee. Modern Slavery Bill

working on domestic violence, health and education to detect and respond to cases of early and forced marriage”.¹⁶⁵

Recommendations:

- e23.** That the Australian Government de-links in full, victim/survivor engagement and participation with law enforcement as a gateway to support.
- e24.** That the Australian Government invests in an information development framework for data relating to forced marriage, in order to identify gaps and determine priority information needs.

Addressing technology-facilitated 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.¹⁶⁶ 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”.¹⁶⁷

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.¹⁶⁸

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

¹⁶⁵ Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia.

¹⁶⁶ Southworth, C. et al. (2006) An High-Tech Twist on Abuse: Technology, Intimate Partner Stalking and Advocacy, Violence Against Women Online Resources, June 1, p1–16.

¹⁶⁷ Fraser, C. et al. (2010) The New Age of Stalking: Technological Implications for Stalking, Juvenile and Family Court Journal 61, no. 4: 39–55,

¹⁶⁸ Domestic Violence Resource Centre Victoria (2015) ReCharge: Women’s Technology Safety, Legal Resources, Research & Training: National Study Findings. Available at: [t http://www.smartsafe.org.au/sites/default/files/National-study-findings-2015.pdf](http://www.smartsafe.org.au/sites/default/files/National-study-findings-2015.pdf); Domestic Violence Resource Centre Victoria (2013) SmartSafe Research Findings, available online at www.smartsafe.org.au; Woodlock, D. (2017) The Abuse of Technology in Domestic Violence and Stalking, Violence Against Women 23, no. 5: 584–602; National Network to End Domestic Violence (2014) A Glimpse From the Field, Safety Net Technology Safety Survey 2014, available at http://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/54e3d1b6e4b08500fcb455a0/1424216502058/NNED_V_Glimpse+From+the+Field+-+2014.pdf; National Network to End Domestic Violence (2018) Tech Abuse: Information From the Field, Techsafety.org, Washington, D.C., available online at <https://www.techsafety.org/blog/2018/9/12/tech-abuse-information-from-the-field>.

image-based abuse. People who identified as LGBTIQ+ were more likely to be victims (36 per cent) than heterosexual people (21 per cent).¹⁶⁹

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 traumatic¹⁷⁰. 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.¹⁷¹

Frontline workers are finding it challenging to know how to assist clients experiencing technology-facilitated abuse. A recent survey in the US¹⁷² and the WESNET's Safety Net Australia project¹⁷³ 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 3389 frontline workers over the duration 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 and newly starting specialist workers, however the specialist women's sector has expressed a demand for more advanced-level, 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.

Recommendations:

- e25.** That the Australian Government extends 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.

¹⁶⁹ Henry, N., Powell, A., & Flynn, A. (2017) Not Just 'Revenge Pornography': Australians' Experiences of Image-Based Abuse, RMIT, Melbourne. Available online at https://www.rmit.edu.au/content/dam/rmit/documents/college-of-design-and-social-context/schools/global-urban-and-social-studies/revenge_porn_report_2017.pdf

¹⁷⁰ Ibid.

¹⁷¹ Bate, S. (2016) Revenge Porn and Mental Health: a Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors, *Feminist Criminology*, 1–21,

¹⁷² National Network to End Domestic Violence (2018) Tech Abuse: Information From the Field, Techsafety.org, Washington, D.C., <https://www.techsafety.org/blog/2018/9/12/tech-abuse-information-from-the-field>.

¹⁷³ 2018 Evaluation of the WESNET Safer Technology for Women project (unpublished), Curtin University.

F. The adequacy of the qualitative and quantitative evidence base around the prevalence of domestic and family violence and how to overcome limitations in the collection of nationally consistent and timely qualitative and quantitative data including, but not limited to, court, police, hospitalisation and housing.

ANROWS as a National Plan partner and Australia's only research organisation dedicated to the evidence on violence against women should be adequately funded on an ongoing basis. Research produced by ANROWS forms the evidence base and a holistic picture of what we know on the drivers, manifestations, experiences and responses to all forms of violence against women and their children.

Throughout the submission we have indicated gaps in terms of data and evidence. In addition, in this section we are highlighting further data gaps.

1. Data collection and research on sexual violence

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. 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.

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.

2. Death review data

There is a need to strengthen data collection and ensure consistent system for reviews of women's deaths relating to gender-based violence.¹⁷⁴ According to the review conducted by the Australian Human Rights Commission, Australia does not have national data on domestic and family violence deaths because not all jurisdictions have Domestic and Family Violence Death Review Teams.¹⁷⁵ There is currently a death reporting mechanism operating in all states and territories, with the exception of Tasmania and the ACT. Victoria and NSW are the only states to have specifically mandated legislation

¹⁷⁴ YWCA Australia (2014) CEDAW Shadow Report: A non-government perspective on Australia's implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), pp. 85, 86, 88. Available at: http://www.equalityrightsalliance.org.au/wp-content/uploads/2017/01/YWCA_CEDAW_Main-Report_final.pdf; End of mission statement by Dubravka Šimonović, United Nations Special Rapporteur on Violence against women, its causes and consequences, on her visit to Australia from 13 to 27 February 2017. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21243&LangID=E#sthash.8jCOVpv3.ImUH6TCE.dpuf>; Australian Human Rights Commission (2017) A National System for Domestic and Family Violence Death Review. Available at: <https://www.humanrights.gov.au/our-work/family-and-domestic-violence/publications/national-system-domestic-and-family-violence>

¹⁷⁵ Australian Human Rights Commission (2016) A National System for Domestic and Family Violence Death Review. Available at: https://humanrights.gov.au/sites/default/files/document/publication/AHRC_2016_12_19_Expanding_DV_Death_Review.pdf

in this regard. All states and territories with a death review mechanism report their data, with the current exception of the Northern Territory.

3. Efficacy of the specialist women's services
4. Robust data on human trafficking including for sexual exploitation, domestic and labour servitude
5. Data on reproductive coercion, including to be included in the ABS Personal Safety Survey to gain an understanding of prevalence.
6. Data on the specific experiences of violence for diverse groups of women such as Aboriginal and Torres Strait Islander women, women from culturally and linguistically backgrounds, women with disability, LGBTIQ+ people, age-specific groups of women, women who are/have been incarcerated, women in sex industry.

Recommendations:

- f1. That the Australian Government prioritises 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.
- f2. 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.
- f3. That the Australian Government ensure ongoing funding to ANROWS to enable longitudinal studies as well as creation of timely and adequate evidence base.
- f4. That the Australian Government ensure ongoing funding to the National Communities Attitudes Survey (NCAS), ABS Personal Safety Survey and the Australian Longitudinal Study on Women's Health.

G. The efficacy of perpetrator intervention programs and support services for men to help them change their behaviour.

In 2018 AWAVA ran a [survey](#) to contribute to evaluations of the Third Action Plan (3AP) and consult on the development of the Fourth Action Plan. Survey respondents identified barriers with ensuring perpetrator accountability. Respondents reported that the availability of services and/or behaviour change programs for men who are perpetrators of violence remained a gap in many areas, especially programs delivered not in English.

In AWAVA's letter to Women's Safety Ministers on urgent actions for women's safety we recommended that adequate funding should be provided for the perpetrator intervention, men's behaviour change programs and fathering programs provided by accredited men's behaviour change experts.¹⁷⁶ Such funding calls has been also supported by No To Violence.¹⁷⁷

Recommendations:

¹⁷⁶ AWAVA (2020) Letter to Women's Safety Ministers on urgent actions for women's safety. Available at: <https://awava.org.au/2020/03/05/in-focus/womens-safety-ministers-urgent-actions-for-womens-safety>

¹⁷⁷No to Violence (2020) Letter: Closure of Senate Inquiry into Domestic Violence. Available at: <https://ntv.org.au/wp-content/uploads/2020/06/Closure-of-Senate-Inquiry-into-Domestic-Violence-1.pdf>

- g1.** That the Australian Government ensures adequate funding and resourcing for the perpetrator intervention, men’s behaviour change programs and fathering programs provided by accredited men’s behaviour change experts.

H. The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTQI women, women with a disability, and women on temporary visas.

It is important to recognise that the experiences of diverse groups of women are 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. 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”.¹⁷⁸ 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”¹⁷⁹, and centring marginalised voices.

We recognise the need for and support tailored responses to addressing violence against diverse groups of women. We are pleased to see that this Inquiry identifies a number of cohorts including women on temporary visas as priority populations. In addition, we are bringing to your attention to other groups of women not identified by the terms of reference.

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;

¹⁷⁸ Chen, J. (2017) *Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia*. Multicultural Centre for Women’s Health. Melbourne

¹⁷⁹ Ibid.

- Housing stress; 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.

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.¹⁸⁰ We refer you to the Our Watch's [Changing the Picture](#), 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.

Recommendations:

- h1.** 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.¹⁸¹
- h2.** That the Australian Government ensures 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.
- h3.** In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government undertakes 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.
- h4.** That the Australian Government incorporates 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.

¹⁸⁰ AWAVA (2018) Submission in response to the Australian Law Reform Commission's Review of the Family Law System Issues Paper. Available at: <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>

¹⁸¹ NATSIWA (2017) Submission to the UN Special Rapporteur on Violence Against Women. Available at: <http://natsiwa.org.au/wp-content/uploads/2014/02/NATSIWA-submission-Special-Rapporteur-on-Violence-Against-Women.pdf>

Access to interpreters and the quality of interpretation as well as the availability of various materials translated into different language also requires attention. Various reports¹⁸² 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. AWAVA's members have also provided us with anecdotal evidence of police engaging inappropriate interpreters such as family members. 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.¹⁸³

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*,¹⁸⁴ 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.¹⁸⁵

Women on temporary visas experiencing violence

Women who are subjected to domestic, family and/or sexual violence and live in Australia on a temporary visa experience additional barriers when accessing support due to restrictive migration regulations. Such restrictions embedded in migration policy further flow onto other systems such as social security or family law creating more barriers to obtaining safety.

We note that the Third Action Plan of the National Plan set a commitment to ensure access to supports and services for women on temporary visas:

3.8: Ensuring that migration rules and eligibility requirements for support services do not disempower victims of violence or discourage them from leaving violent relationships.

3.8(a) Developing appropriate visa arrangements for temporary residents who are experiencing violence.

3.8(b) Revising eligibility requirements to enable more victims of violence to access support services.

¹⁸² Women's Legal Service Victoria. Creating meaningful access to justice for Culturally and Linguistically Diverse (CALD) women: preliminary investigation into the use of interpreters in family violence matters. Available at: [http://www.womenslegal.org.au/files/file/Family%20Violence%20Interpreter%20Report%20-%20Final%20draft\(1\).pdf](http://www.womenslegal.org.au/files/file/Family%20Violence%20Interpreter%20Report%20-%20Final%20draft(1).pdf); Standing Committee on Social Policy and Legal Affairs. Parliament of Australia (2017) A better family law system to support and protect those affected by family violence.

¹⁸³ Judicial Council on Cultural Diversity (2015) *The Path to Justice: Migrant and Refugee Women's Experience of the Courts*. Available at: http://jccd.org.au/wp-content/uploads/2016/04/JCCD_Consultation_Report_-_Migrant_and_Refugee_Women.pdf

¹⁸⁴ In Touch (2010) *Barriers to the Justice System Faced by CALD Women Experiencing Family Violence*. Available at: <http://intouch.asn.au/wp-content/uploads/2010/11/LegalBarriersReport.pdf>

¹⁸⁵ Ibid.

*3.8(c) Working with service providers to improve access of temporary residents to available support services.*¹⁸⁶

However, none of these commitments were implemented. The current and the last of the four Action Plans also commits to “deliver policies and services to address the disproportionate impact of violence on particular groups”¹⁸⁷ and to “implement community-led and tailored initiatives to address the unique experiences and needs of communities affected by multiple forms of discrimination or inequality.”¹⁸⁸ Exact measure on how to achieve these commitments are yet to be put in place.

As a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women, Australia must also ensure that all women in Australia experiencing violence have access to services and justice regardless of their migration status. Australia has also supported other international documents calling for better responses to violence against migrant women. For example, the General Assembly Resolution 70/130 Violence against women migrant workers¹⁸⁹ and the 2014 CSW Agreed conclusions on Challenges and achievements in the implementation of the Millennium Development Goals for women and girls.¹⁹⁰ Lastly, Australia has affirmed the United Nations Essential Services Package that sets out minimum standards for services as well as commitments to provide services to all with no conditionalities.

In 2018, the National Advocacy Group on Women on Temporary Visas Experiencing Violence (the National Advocacy Group) was formed to respond to the national crisis when it comes to supporting these women to live free from violence. Currently, the National Advocacy Group consists of over 70 state and territory peak bodies, service providers and other organisations working to address violence against women across Australia.

In 2018, it published the Path to Nowhere report¹⁹¹ that detailed findings of a survey run to capture one month of data with various community service providers about women on temporary visas seeking support in family violence situations. The survey found that in August 2018 alone there were at least 387 women on temporary visas experiencing violence who sought support services. Around a quarter (24%) of these women were living in crisis accommodation. The duration of stay in crisis accommodation was longer than other women. Almost one third of the women had been supported by the service for over six months, 8% had been assisted for between a year to two years, and 5% of the clients had been assisted for more than two years.¹⁹² Despite the small scale of this survey, it highlighted the degree of urgency needed. The situation for women on temporary visas experiencing violence represents a national crisis when it comes to supporting all women to live their lives free from violence.

As highlighted by the survey and evidence from the specialist women’s sector, eligibility and access to housing for women who are on temporary visas and experiencing domestic and family violence remains a major issue. Access to housing for victims/survivors more broadly needs to be seen on the context where domestic and family violence is a leading cause of homelessness for women as well as

¹⁸⁶ The Third Action Plan of the National Plan to Reduce Violence Against Women and their Children. Action 3.8. Available at: https://www.dss.gov.au/sites/default/files/documents/10_2016/third_action_plan.pdf

¹⁸⁷ Commonwealth of Australia, Department of Social Services (2019) Fourth Action Plan – National Plan to Reduce Violence Against Women and their Children, action 11.

¹⁸⁸ Commonwealth of Australia, Department of Social Services (2019) Fourth Action Plan – National Plan to Reduce Violence Against Women and their Children, action 10.

¹⁸⁹ 2015, A/RES/70/130, GA Resolution 70/130, Violence against women migrant workers, OP14

¹⁹⁰ 2014, E/CN.6/2014/L.7, CSW Agreed conclusions on Challenges and achievements in the implementation of the Millennium Development Goals for women and girls, para. 42 (ii)

¹⁹¹ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children. Available at: https://awava.org.au/2018/12/11/research-and-reports/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1583195115.0389750003814697265625

¹⁹² Ibid.

gender-based economic inequality and a lack of affordable housing.¹⁹³ For women who are on temporary visas access is impeded due to a temporary nature of their visas. In almost all states in Australia access to public and social housing is dependent upon residency requirements. Stay at Home programs also pose more barriers for women on temporary visas as they may lack financial security to maintain existing rent or mortgage or a capacity to secure new places to live. This puts women who are on temporary visas and experiencing violence at more risk of homelessness and forces them to remain with a partner who uses violence.

Following the Path to Nowhere report, in 2019, the National Advocacy Group developed the Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas (the Blueprint for Reform).¹⁹⁴ It is a policy document that takes a comprehensive look at the intersection of a temporary migration status and experiences of violence. The Blueprint for Reform has put forward three essential steps for the reforms across multiple systems to ensure the access to justice and safety for women on temporary visas who are experiencing violence. The three steps are:

1. Improve the migration system so that all women on temporary visas who experience domestic, family and sexual violence and their dependents can access protections, services and justice.
2. Ensure eligibility and access to services and government support are based on women's needs for safety and recovery, regardless of their migration status.
3. Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependents have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency.

We refer you to the list of recommendations outlines in the Blueprint for Reform ([here](#)).

Recommendation:

- h5.** That the Australian Government implements recommendations outlined the Blueprint for Reform in order to achieve access to safety and justice for women on temporary visas experiencing violence.

Addressing violence against women with disability

Women with disability experience more severe violence more often by more perpetrators 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.¹⁹⁵ Girls and young women with disability are exposed to a broad range of violence perpetrated by carers, parents, guardians, peers, educators, service providers, and others, including dating partners. Violence can take many forms, including structural and institutional forms of gender-based violence related to law, the state and culture that girls and young women with disability not only experience, but are more at risk of such as

¹⁹³ Domestic Violence Victoria (2020) Submission to the Inquiry into Homelessness in Victoria. Available:

http://dvvic.org.au/wp-content/uploads/2020/02/SUB_200131_DV-Vic_Homelessness-Inquiry_FINAL.pdf

¹⁹⁴ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas. Available at:

https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1583195345.8148720264434814453125

¹⁹⁵ Women with Disabilities Australia (2011) Submission to the UN Analytical Study on Violence Against Women with Disabilities.

forced sterilisation, forced abortion, forced contraception, denial of legal capacity, forced treatment, restrictive practices, seclusion, restraint, indefinite detention, and forced and coerced marriage.¹⁹⁶

Data in 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.”¹⁹⁷ 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.¹⁹⁸

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.”¹⁹⁹

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 women²⁰⁰.

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;

¹⁹⁶ Disabled People’s Organisations Australia (DPO Australia) and the National Women’s Alliances, 2019. The Status of Women and Girls with Disability in Australia: Position Paper to the Commission on the Status of Women (CSW) Twenty-Fifth Anniversary of The Fourth World Conference on Women and The Beijing Declaration And Platform For Action (1995). Available at: <https://awava.org.au/2019/03/29/submissions/submission-on-terms-of-reference-for-the-royal-commission-into-violence-abuse-neglect-and-exploitation-of-people-with-disability>

¹⁹⁷ Women with Disabilities Australia et al (2013) National Symposium on Violence against Women and Girls with Disabilities: Background Paper, p.28, Op Cit.

¹⁹⁸ Dowse, L. et al, Women With Disabilities Australia (2013) Stop the violence: addressing violence against women and girls with disabilities in Australia. Background paper.

¹⁹⁹ Ibid.

²⁰⁰ NSW Police (2018) Code of Practice for the NSW Police Force Response to Domestic and Family Violence. https://www.police.nsw.gov.au/data/assets/pdf_file/0016/165202/Code_of_Practice_for_the_NSWPF_response_to_Domestic_and_Family_Violence.pdf

- Not trusting agencies to respond effectively;
- Fear of losing their independence; and
- Fear of losing their children.²⁰¹

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 times 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.²⁰²

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. In addition, 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*.'²⁰³

Recommendations:

- h6.** That the Australian Government implements the forthcoming recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- h7.** That the Australian Government works with State and Territory Governments and relevant stakeholders to revise Federal and State and Territory family and domestic violence strategies, including the redevelopment of the National Disability Strategy and other relevant legislations to include the specific needs and experience of women with disability.²⁰⁴

Addressing violence against LGBTIQ+ persons

While there is still little research available, dynamics of family violence in LGBTIQ+ communities are similar to those 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.²⁰⁵ 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

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Frohmader, C. and Sands, T. (2015), Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings, Disabled People's Organisations Australia (formerly ACDA), Recommendation 42.26.

²⁰⁴ WWDA (2013) Background Paper: National Symposium on Violence against Women with Disabilities. Available at: http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf

²⁰⁵ See more at: <http://www.anothercloset.com.au> and <https://www.acon.org.au/what-we-are-here-for/domestic-family-violence/#domestic-family-violence>

than opposite attracted young people.²⁰⁶ Young people are also experiencing high rates of verbal and physical homophobic and transphobic abuse in schools and community.²⁰⁷ 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.²⁰⁸ 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 welcomed the publication of the Pride in Prevention framework.²⁰⁹ We strongly urge that people who identify as LGBTIQ+ be included as one of the diverse cohorts in the plan.

Recommendations:

- h8.** That the Australian Government provides 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.
- h9.** That the Australian Government provides adequate funding to family violence services to ensure that they are trained to adopt inclusive practices and provide appropriate support.
- h10.** That the Australian Government invests in more research about domestic and family violence and sexual assault in the LGBTIQ+ community.²¹⁰

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, 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

²⁰⁶ Rossiter, B, Mallett, S, Myers, P, Rosenthal, D (2003) Living Well? Homeless young people in Melbourne, Parity, 16(2), 13-14.

²⁰⁷ 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.

²⁰⁸ Chen, J. (2017) Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia. Multicultural Centre for Women's Health. Melbourne.

²⁰⁹ Rainbow Health Victoria (2020) Pride in Prevention: A guide to primary prevention of family violence experienced by LGBTIQ communities. Available at: https://www.latrobe.edu.au/data/assets/pdf_file/0003/1141833/Pride-in-Prevention-Evidence-Guide.pdf

²¹⁰ UNSW (2014) Calling it What It Is: A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence. Recommendations 3.1-3.9.

reasons many refugees 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.

Recommendations:

h11. 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, including equipping youth community services and schools to prevent, identify and respond to violence .

Addressing violence against older women

Elder abuse is a form of violence against women. Research indicates women are more often victims of elder abuse than men, and this is disproportionate to the number of older women in the community. Data collected by helplines in Australia indicates that approximately 70 per cent of elder abuse victims are women. Gender inequality and the way it is expressed in society has been identified as the social condition underlying violence against women which also extends to elder abuse. As older women are subject to both ageism and gender inequality, they may be more likely to experience elder abuse than men.

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.²¹¹
- 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 Berman²¹² 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.²¹³
- 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.²¹⁴ 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.

²¹¹ Bourget, D., Gagné, P., & Whitehurst, L. (2010) Domestic homicide and homicide-suicide: The older offender. *The Journal of the American Academy of Psychiatry and the Law*, 38(3), 305.

²¹² Brownell, P., & Berman, J. (2004) Homicides of older women in New York City: A profile based on secondary data analysis. In A. Roberts, & K. Yeager (Eds.), *Evidence-based practice manual research and outcome measures in health and human services* (pp. 771–778). New York, USA: Oxford University Press.

²¹³ Rennison, C., & Rand, M. (2003) Nonlethal intimate partner violence against women: A comparison of three age cohorts. *Violence against Women*, 9(12), 1417–1428; Wilke, D., & Vinton, L. (2005). The nature and impact of domestic violence across age cohorts. *Affilia*, 20(3), 316–328.

²¹⁴ Bonomi, A. E., Anderson, M. L., Reid, R. J., Carrell, D., Fishman, P. A., Rivara, F. P., & Thompson, R. S. (2007) Intimate partner violence in older women. *Gerontologist*, 47(1), 34–41.

The most recent efforts to reduce violence against older women have been done through the development of the National Plan on Elder Abuse.²¹⁵ 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.

Recommendations:

h12. That the Australian Government ensures that violence against older women and elder abuse is addressed through a gender lens.

Women in prisons

High numbers of women in prison are survivors of family violence and/or sexual violence.²¹⁶ “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.”²¹⁷ These women require support to overcome their trauma, avoid re-offending and have access to recovery.

The most recent research conducted by ANROWS on women’s imprisonment and domestic, family and sexual violence indicates that “many women in prison have experienced intimate partner violence”.²¹⁸ Imprisonment can be a re-traumatising experience for women who had been subjected to violence. This is because prison can directly replicate the previous experiences of abuse. Confinement, oppression, disempowerment and violence in a prison environment is a continuation of repeated abuse that women had previously experienced in their interpersonal relationships.²¹⁹ Women in prison are also widely considered to be at particular risk of ongoing victimisation following release from custody.²²⁰ Upon release, they are likely to experience a number of barriers accessing services.

The Australian Human Rights Commission had found that sexual assault against LGBTQI+ people, particularly trans women was high. The report also found that rigid approach to gender classification for imprisonment means that many transwomen are misplaced into male prison, putting them at significant risk of physical and sexual assault.²²¹ We support the recommendations and findings of the above-mentioned research report by ANROWS, 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;

²¹⁵ See more at: <https://www.attorneygeneral.gov.au/Media/Pages/National-Plan-to-address-elder-abuse.aspx>

²¹⁶ Human Rights Law Centre and Change the Record (2017) Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women’s Growing Over-imprisonment, p17.

²¹⁷ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16).

²¹⁸ Day, A., Casey, S., Gerace, A., Oster, C., & O’Kane, D. (2018) The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system (Research report, 01/2018). Sydney, NSW: ANROWS.

²¹⁹ Ibid

²²⁰ Ibid.

²²¹ Australian Human Rights Commission (2015) Resilient Individuals: Sexual Orientation Gender Identity & Intersex Rights. Available at: <https://humanrights.gov.au/our-work/lgbti/publications/resilient-individuals-sexual-orientation-gender-identity-intersex>

- 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.

Family violence intersects with other areas of legal need such as homelessness, child protection and credit issues.²²² For example, family violence is a leading cause of child removal for Aboriginal and Torres Strait Islander children.²²³ 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.²²⁴

Additionally, Victorian Ombudsman considers the practice of strip searches abusive and has twice called to end it in relation to female offenders.²²⁵ 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.²²⁶ 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.

There also needs to be a thorough examination of the issues surrounding the over-representation of Aboriginal and Torres Strait Islander women in the Australian criminal justice system. It 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.

We refer you to recommendations made by the Victorian Royal Commission into Domestic and Family Violence in relation to female offenders.²²⁷ We also support the strategy of Change the Record²²⁸ to close the gap in rates of imprisonment and cut the disproportionate rates of violence affecting women and their children.

Recommendations:

²²² Human Rights Law Centre and Change the Record (2017) *Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women’s Growing Over-imprisonment*; Weatherburn, D. (2014) *Arresting Incarceration: Pathways Out of Indigenous Imprisonment*. Aboriginal Studies Press; Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2008 (Human Rights and Equal Opportunity Commission, 2008); Bartels, L. (2010) *Indigenous Women’s Offending Patterns: A Literature Review, Research and Public Policy Series No 107*. Australian Institute of Criminology; Law Council of Australia (2015) *Addressing Indigenous Imprisonment National Symposium Discussion Paper*.

²²³ NFVPLS (2017) Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory, citing Australian Institute of Health and Welfare, *Child Protection Australia 2014-15* (2016), 54, table 5.4.

²²⁴ Human Rights Law Centre and Change the Record (2017) *Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women’s Growing Over-imprisonment*; Weatherburn, D. (2014) *Arresting Incarceration: Pathways Out of Indigenous Imprisonment*. Aboriginal Studies Press; Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2008 (Human Rights and Equal Opportunity Commission, 2008); Bartels, L. (2010) *Indigenous Women’s Offending Patterns: A Literature Review, Research and Public Policy Series No 107*. Australian Institute of Criminology; Law Council of Australia (2015) *Addressing Indigenous Imprisonment National Symposium Discussion Paper*.

²²⁵ The Victorian Ombudsman (2018) *Ombudsman’s Recommendations – second report*. Available at: <https://www.ombudsman.vic.gov.au/getattachment/58234f59-b79c-4a62-ab38-eb886b7dc551>; also see <https://www.theguardian.com/australia-news/2018/jul/04/strip-searching-female-prisoners-abusive-says-ombudsman>

²²⁶ Grant, E, Paddick, S. (2014) *Aboriginal Women in the Australian Prison System*. Available at: <http://rightnow.org.au/opinion-3/aboriginal-women-in-the-australian-prison-system/>

²²⁷ State of Victoria, Royal Commission into Family Violence: Summary and recommendations, Parl Paper No 132 (2014–16).

²²⁸ See more at: <https://changetherecord.org.au/>

- h13.** That the safety and wellbeing of women and trans women in prisons are addressed by the National Plan as having distinct needs and risks of re-traumatisation and assault, and that diversion from prison is considered where possible for this cohort.
- h14.** 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.
- h15.** That the Australian Government ensures 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.
- h16.** 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.

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.²²⁹ In 2016, 13.8% of all women in Australia were living in poverty, compared with 12.8% of men.²³⁰ 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.²³¹ The most recent HILDA survey in 2017 found that single women over 60 were the household type most likely to be living in poverty.²³²

A current gender pay gap of 14.6 per cent²³³ (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%.²³⁴ As a result, women are more likely to experience poverty in their retirement years and be far more reliant on the Age Pension.²³⁵

The experiences of family violence are intertwined with economic insecurity. There is evidence suggesting that not having an income or social security support prevents women from leaving violent relationships.²³⁶ We discussed the impacts of domestic and family violence at great length in this [section](#).

Recommendations:

²²⁹ The National Council of Single Mothers and Their Children Inc. (2018) Changing the Narrative. Intergenerational Welfare Dependence.

²³⁰ This is higher than the poverty rate of Australian men, which was 12.8 per cent. See Australian Council of Social Service (2016) Poverty in Australia: 2016, p. 32. Available at: <http://www.acoss.org.au/wp-content/uploads/2016/10/Poverty-in-Australia-2016.pdf>

²³¹ Australian Council of Social Service (2014) Poverty in Australia, p. 17. Available at: http://www.acoss.org.au/images/uploads/ACOSS_Poverty_in_Australia_2014.pdf

²³² Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 15 (2017). Available at: https://melbourneinstitute.unimelb.edu.au/_data/assets/pdf_file/0010/2437426/HILDA-SR-med-res.pdf, p. 34.

²³³ See more at: <https://www.wgea.gov.au/wgea-newsroom/national-gender-pay-gap-20-year-low>

²³⁴ Australian Institute of Superannuation Trustees (2016) Women in Super (2016) Women’s Super Summit Available at: http://www.aist.asn.au/media/881217/2016_aist-wis_women_s_super_summit_web.pdf

²³⁵ R Tanton, Y Vidyattama, J McNamara, Q Ngu Vu & A Harding (2008) Old Single and Poor: Using Microsimulation and Microdata to Analyse Poverty and the Impact of Policy Change Among Older Australians, p 15.

²³⁶ The National Council of Single Mothers and Their Children Inc. (2018) Changing the Narrative. Intergenerational Welfare Dependence.

- h17.** That the Australian Government addresses the needs of women who are living in financial hardship and/or poverty and are experiencing violence as one of the priority cohorts ([see this section](#)).

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.²³⁷ Temporary visas status also increases vulnerability of women. Additionally, homelessness and lack of affordable housing is a pressing concern.²³⁸ 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%.²³⁹ Other studies confirm this high prevalence.²⁴⁰ 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".²⁴¹

Recommendations:

- h18.** 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.
- h19.** That domestic and family violence services and other relevant services undertake training and build their capacity to work with women who are in the sex industry experiencing violence.
- h20.** That the Australian Government invests in research into the prevalence and response to violence against women in the sex industry.
- h21.** 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.

²³⁷ Project Respect (2015) Submission into the Victorian Royal Commission into Family Violence. Available at: https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1438313243/Project_Respect_FVR_C_submission_final.pdf?1438313243

²³⁸ Project Respect(2016-2017) Annual Report. Available at: https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/21/attachments/original/1511488781/Project_Respect_2017_Annual_Report_ACCESSIBLE.pdf?1511488781

²³⁹ Deering, K. N.et all (2014) A Systematic Review of the Correlates of Violence Against Sex Workers. American Journal of Public Health. 104(5): e42–e54; Olufunmilayo I Fawole, Abosede T Dagunduro (2014) Prevalence and correlates of violence against female sex workers in Abuja, Nigeria. African Health Sciences; 14(2): 299–313.

²⁴⁰ Murphy, A., & Sudir V. (2006) "Vice Careers: The Changing Contours of Sex Work in New York City."Qualitative Sociology, 29(2): 129-154.; Church, S. (2001) Violence by clients towards female prostitutes in different work settings: questionnaire survey. BMJ; 322(7285): 524–525.

²⁴¹ Project Respect (2016) submission to the Senate Legal and Constitutional Affairs References Committee Inquiry into the 'Phenomenon colloquially referred to as 'revenge porn'. Available at: https://d3n8a8pro7vhmx.cloudfront.net/projectrespect/pages/15/attachments/original/1453939756/Revenge_Porn_Submission.pdf?1453939756

Taking regional, rural and remote locality into consideration

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 Australian Government 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.

Recommendations

h22. The Australian Government allocates adequate resources to DFV services in the rural areas, ensuring they are able to meet the needs of the women in rural, regional and remote locations and are culturally appropriate and meets the specific needs of Aboriginal and Torres Strait Islander communities.

I. The impact of natural disasters and other significant events such as COVID-19, including health requirements such as staying at home, on the prevalence of domestic violence and provision of support services. and J. The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

Covid-19 Pandemic and increase in the incidence and intensity of VAW

Reports from all over the world highlight increases in incidence of domestic, family and sexual violence²⁴². In Australia, since the start of COVID pandemic, 6.8% of all women, and 13.2% of women in cohabiting relationships, experienced physical violence, sexual violence or coercive control, according to the survey by the Australian Institute of Criminology²⁴³. The same study reveals that for 33% of these women, it was the first time they had experienced domestic violence in their relationship. For one in five who experienced coercive control, it was the first time their partner had been emotionally abusive, harassing or controlling. More than half that had faced previous abuse said this had escalated.

Pandemics like COVID-19 can also exacerbate not only violence within the home, but other forms of violence against women. Violence against female healthcare workers, essential service providers and against migrant or domestic workers increases. Xenophobia-related violence, harassment and other forms of violence in public spaces and online is more prevalent. Some groups of women may experience multiple and intersecting forms of discrimination making them even more at risk of violence. Women with disability living in institutional homes and congregated care settings have also reported increase in abuse and restrictive practices during the pandemic, including the use of medication to sedate them and being locked inside their rooms.²⁴⁴ Access by women survivors of violence to informal support networks such as friends and family, as well as to quality essential

²⁴² Peterman, Potts, O'Donnell, Thompson, Shah, Oertelt-Prigione, and van Gelder, 2020. "Pandemics and Violence Against Women and Children." CGD Working Paper 528. Washington, DC: Center for Global Development. Available at: <https://www.cgdev.org/publication/pandemics-and-violence-against-women-and-children>

²⁴³ Boxall H., Morgan A. & Brown R. (2020) The prevalence of domestic violence among women during the COVID-19 pandemic. Statistical Bulletin no. 28. Canberra: Australian Institute of Criminology. Available at: <https://www.aic.gov.au/publications/sb/sb28>

²⁴⁴ WWDA (2020) Submission to the Senate Select Committee on COVID-19. Available at: <http://wwda.org.au/wwdas-submission-to-the-senate-select-committee-on-covid-19/>

services, including psychosocial support, may be limited or need to be delivered differently as a result of physical distancing regulations²⁴⁵.

Health systems have an important role in ensuring that services for women who have experienced violence remain accessible during the COVID-19 outbreak. The health impacts of violence, particularly intimate partner violence, on women and their children, are significant. Violence against women can result in injuries and serious physical, mental, sexual and reproductive health problems, including sexually transmitted infections, HIV, and unplanned pregnancies. Access to vital sexual and reproductive health services, including for women subjected to violence, can become more difficult to access. Some services, such as hotlines, crisis centers, shelters, legal assistance services, and protection services may also be disrupted or scaled back due to physical distancing measures, further reducing access to the few sources of help that women in abusive relationships might have.

Health workers, the majority of whom are women in many settings, may be at risk for violence in their homes or in the workplace. The latter is a serious problem that may be exacerbated when health systems are under stress. Health managers or facility administrators need to have plans to address the safety of their health workers. Front-line providers dealing with COVID-19 might experience stigmatization, isolation, and being socially ostracized. Provisions for psychosocial support, non-performance-based incentives, additional transport allowance, and child-care support should be planned²⁴⁶.

In Australia, the increased violence linked to the recent bushfire and pandemic has led to a growing demand for services. The COAG Women's Safety Council²⁴⁷ has noted the "growing demand for services"²⁴⁸, as well as "increasing complexity and severity of violence, [with] many women seeking help for the first time."²⁴⁹ Fifty per cent of frontline domestic and family violence specialists in NSW reported an increase in client numbers in NSW (or 59% in Victoria), 75% reporting an increase in complexity of needs (86% in Victoria), 50% reported an escalation of violence and abuse (also 50% in Victoria) and 47.5% reported an increase in the number of first-time cases since the outbreak (42% in Victoria).²⁵⁰ Other evidence of increased needs for services include:

- 40% increase in women approaching services for emergency assistance.²⁵¹
- There has been data that Google searches related to family violence have increased by 75%.²⁵²
- 40% increase in urgent applications to the family courts are reported.²⁵³

²⁴⁵ World Health Organization and UN Women (2020) Violence Against Women and Girls Data Collection during COVID-19. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/vawg-data-collection-during-covid-19-compressed.pdf?la=en&vs=2339>

²⁴⁶ World Health Organization(2020) COVID-19 and violence against women What the health sector/system can do. Available at: <https://www.who.int/reproductivehealth/publications/vaw-covid-19/en/>

²⁴⁷ With the Council of Australian Governments (COAG) replaced by the National Cabinet, the Women's Safety Council is no longer continuing as a COAG council but continues as meetings of the relevant Ministers.

²⁴⁸²⁴⁸ For more information see: <https://pmc.gov.au/sites/default/files/files/communique-mar-apr-2020-coag-womens-safety-council.pdf>

²⁴⁹ ²⁴⁹ For more information see: <https://www.pmc.gov.au/sites/default/files/files/communique-coag-womens-safety-council-19may20.pdf>

²⁵⁰ For more information see: https://www.womenssafetyntsw.org.au/wp-content/uploads/2020/04/UDPATE_COVID19-Impact-on-DFV-in-NSW_2.04.20_WSNSW.pdf and

https://bridges.monash.edu/articles/Responding_to_the_shadow_pandemic_practitioner_views_on_the_nature_of_and_responses_to_violence_against_women_in_Victoria_Australia_during_the_COVID-19_restrictions/12433517

²⁵¹ Source: <https://www.9news.com.au/national/coronavirus-domestic-abuse-women-seeking-help-hotlines-decline/147704ae-3f8f-42ca-97a3-3605bf95f5e2>

²⁵² <https://7news.com.au/lifestyle/health-wellbeing/coronavirus-lockdown-results-in-75-per-cent-increase-in-domestic-violence-google-searches-c-901273>

- In Queensland, magistrates have been inundated with cases of domestic and family violence in their courtrooms, and paramedics are getting more calls for help.²⁵⁴

Given the long road ahead with the pandemic, services need to be optimised in order to meet the surge in demand. Governments and policy makers must include essential services to address violence against women in preparedness and response plans for COVID-19, fund them, and identify ways to make them accessible in the context of physical distancing measures.

We have been advocating for the following measures to be put in place:

1. Ensure adequate funding of the specialist services women rely on for their safety

The demand has been rising during the pandemic due to increased incidence and it will continue to rise once the restrictions are lifted and more victims/survivors reach out for help.

The funding should include the following:

- The safety planning, risk assessment and wrap-around individual support provided by specialist women's services,
- The safe at home programs and emergency accommodation services provided by specialist homelessness providers working specifically with victim-survivors of violence,
- The legal assistance and representation provided by specialist women's legal services, Family Violence Prevention Legal Services, community legal centres, Aboriginal legal services, and Legal Aid,
- The perpetrator intervention, men's behaviour change programs and fathering programs provided by accredited men's behaviour change experts,
- The specialist and culturally-safe services that are best able to assist Aboriginal and Torres Strait Islander women and women from migrant and refugee backgrounds,
- The disability advocacy and domestic violence services needed to support women with disabilities to overcome the barriers to achieving safety after violence from a partner, carer or in an institutional setting,
- The safe phones program, which has been found to be effective in delivering victims/survivors greater technology safety²⁵⁵,
- LGBTIQ+ services and LGBTIQ+-specific resources, programs and targeted community education campaigns,
- Supporting community-based services to lead the conversations needed to change the attitudes and behaviours that enable violence, including empowering bystanders.

2. Ensuring the legal system prioritises safety

This includes the following:

²⁵³ Source: <https://www.theguardian.com/australia-news/live/2020/may/08/coronavirus-australia-live-news-national-cabinet-scott-morrison-nsw-victoria-lockdown-economy-latest-updates?page=with:block-5eb4f9e28f0858b1a8106471>

²⁵⁴ Source: <https://www.brisbanetimes.com.au/national/queensland/queensland-courts-inundated-with-domestic-violence-cases-amid-lockdown-20200506-p54qis.html>

²⁵⁵ The WESNET Safe Connections program provides 500-600 women a month with smartphones through a network of trained frontline workers to ensure the new phones are activated safely. This program has been found to be effective in delivering victims/survivors greater technology safety.

- Police and courts need to have women’s and children’s safety at the top of their agenda during this time of increased risk.
- Governments need to improve AVO standards to hold perpetrators accountable and interrupt escalating violence. Too often those orders are not enforced, or don’t account for the dynamics and patterns of abuse being used, and so don’t provide the protection that’s needed for a woman or child’s safety.

While progress has been made with the urgent COVID-19 family law list enabling faster resolution of high risk parenting cases, the family law system still operates to force children into care arrangements with parents who are violent and abusive. The legislated requirement that the starting point for decisions about parenting arrangements is a presumption of shared parental responsibility must be removed so that courts can more freely consider what is in the best interests of the child in each individual circumstance with a focus on safety first.

3. Maintaining access to contraception and abortion care

The increase in abuse and violence is expected to include sexual violence and reproductive coercion. It’s known that forced pregnancy is often used by abusers in an attempt to tie their partner to them, and make it more difficult for them to escape and re-establish a separate life. That means ensuring clinics and delivery avenues for medical abortion care remain operational, and that clients can access care. Job losses and economic uncertainty due to COVID-19 have also impacted women’s ability to afford safe abortion and women experiencing financial hardship cannot afford abortion care.²⁵⁶

We refer you the submission made by AWAVA on the COVID-19 impact for a more detailed discussion and the full list of recommendations.²⁵⁷

Recommendations:

- i-j1.** That the Australian, State and Territory Governments ensure adequate investment in specialist women’s services, national counselling lines, and specialist housing and homelessness services including refuges to meet the demand and that domestic, family and sexual violence lens is included in disaster planning.
- i-j2.** That the Australian Government ensures that courts, legal systems and policing prioritise women’s and children’s safety.
- i-j3.** That the Australian Government considers how contraceptive and family planning resources including contraception, condoms, dental dams, emergency contraception, pregnancy tests and menstrual health products can be made freely available, while supporting privacy in their use.
- i-j4.** That the Australian Government increases access to and affordability of medical abortion via telehealth, and protect access to surgical abortion.
- i-j5.** That the Australian Government increases support to women’s specialist domestic and family violence services to respond to domestic, family and sexual violence and reproductive coercion during and after the pandemic.
- i-j6.** That the Australian Government maintains Medicare Benefit Scheme (MBS) telehealth funding to enable access to GPs and broader health professionals throughout the pandemic, so that victim-survivors who cannot physically access or afford healthcare can at least have access to telehealth care.

²⁵⁶ Marie Stopes Australia (2020) Situational Report: Sexual and Reproductive Health Rights in Australia. A request for collaboration and action to maintain contraceptive and abortion care throughout the SARS-COV-2 / COVID-19 pandemic. Available at: <https://resources.mariestopes.org.au/SRHRinAustralia.pdf>

²⁵⁷ AWAVA (2020) Submission to the Select Committee on COVID-19. Available at:

<https://awava.org.au/2020/07/16/submissions/2020/awava-submission-to-the-select-committee-on-covid-19>

- i-j7. That the Australian Government expands access to social security and Medicare benefits to all people regardless of their migration status, in particular for women on temporary visas experiencing violence and people seeking asylum who receive or have lost access to SRSS payments.

Natural disasters and increase in the incidence of VAW

Levels of gendered violence against women increase in the aftermath of a natural disaster, together with levels of aggression and violence in communities more generally.²⁵⁸ Women who experienced violence before the disaster may also find their networks, safe places and coping strategies are unavailable during community recovery. Specialist women's services, which are equipped to respond to an increase in domestic and family violence are sometimes taken over or displaced by general support services during the relief period. In light of increased rates of violence, it is therefore crucial that specialist women's services are supported and funded to respond to domestic and family violence as part of disaster responses.

Disaster planning needs to include specialised services for domestic and family violence. Further, support service workers responding to disasters must be training to recognise and respond to domestic and family violence. Previous experience shows that involving domestic and family violence and women's health specialists from the beginning is crucial for gender-sensitive approaches to recovery. Considering the chronic under-resourcing of these specialist services relative to demand, additional funding is needed to ensure they can participate in planning and coordination.

Recommendations:

- i-j8. That the Australian Government ensures access to adequately resourced, culturally safe, accessible and responsive specialist women's services, including crisis services responding to violence against women.
- i-j9. That the Australian Government trains emergency services and disaster relief personnel so they are able to undertake a safety/risk assessment when working with potentially vulnerable persons and situations.
- a. This includes understanding the indicators of family violence/violence against women and children and being able to identify the indicators and respond appropriately whilst in the field.

K. An audit of previous parliamentary reviews focussed on domestic and family violence.

Since the inception of the National Plan to Reduce Violence Against Women and Their Children a greater understanding and commitment to prevent, address and respond to all forms of violence against women and their children has been observed. Such understanding of both the nature and dynamics of VAW as well as necessary reforms have been articulated in a number of reports and parliamentary reviews.

Since 2009, twelve major reports on the operation and improvements of the family law system have been released outlining a set of necessary reforms to be implemented. This includes:

²⁵⁸ National Women's Alliances (2020) Joint Position Paper: Disaster Recovery, Planning and Management for Women, their Families, and their Communities in all their Diversity. Available at <https://awava.org.au/2020/04/07/research-and-reports/joint-position-paper-disaster-recovery-planning-and-management-for-women-their-families-and-their-communities-in-all-their-diversity>

- 2019 Australian Law Reform Commission Family Law for the Future — An Inquiry into the Family Law System;²⁵⁹
- 2018 Law Council of Australia, The Justice Project, People who Experience Family Violence.²⁶⁰
- 2017 House of Representatives Standing Committee on Social Policy and Legal Affairs. A better family law system to support and protect those affected by family violence. Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence;²⁶¹
- 2016 Family Law Council Final Report on Families with Complex Needs and the Intersection of Family Law and Child Protection;²⁶²
- 2015 Family Law Council Interim Report on Families with Complex Needs and the Intersection of Family Law and Child Protection;²⁶³
- 2016 Victorian Royal Commission into Family Violence Report;²⁶⁴
- 2015 Australian Institute of Family Studies evaluation of the 2012 Family Law Act amendments;²⁶⁵
- 2015 Federal Senate Finance and Public Administration References Committee inquiry report titled Domestic violence in Australia;²⁶⁶
- 2014 Productivity Commission Access to Justice Arrangements Inquiry Report;²⁶⁷
- 2010 Joint report of the Australian Law Reform Commission and NSW Law Reform Commission titled Family Violence – A National Legal Response;²⁶⁸
- 2009 report of Professor Richard Chisholm titled Family Courts Violence Review report;²⁶⁹

²⁵⁹ Australian Law Reform Commission (2019) Family Law Report. Available at: <https://www.alrc.gov.au/publication/family-law-report/>

²⁶⁰ Law Council of Australia (2018) The Justice Project: Final Report. Available at: <https://www.lawcouncil.asn.au/justice-project/final-report>

²⁶¹ Commonwealth of Australia (2017) A better family law system to support and protect those affected by family violence. Available at:

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/FVlawreform/Report

²⁶² Family Law Council (2016) Family with Complex Needs and the Intersection of the Family Law and Child Protection Systems - Final Report-June 2016 - Terms 3, 4 & 5. Available at:

<https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Family-with-Complex-Needs-Intersection-of-Family-Law-and-Child-Protection-Systems-Final-Report-Terms-3-4-5.PDF> .

²⁶³ Family Law Council (2016) Family with Complex Needs and the Intersection of the Family Law and Child Protection Systems - Final Report-June 2016 - Terms 3, 4 & 5. Available at:

<https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Family-with-Complex-Needs-Intersection-of-Family-Law-and-Child-Protection-Systems-Final-Report-Terms-3-4-5.PDF>

²⁶⁴ Royal Commission into Family Violence (2016) Royal Commission report delivered to Government House. Available at: <http://files.rcfv.com.au/Reports/Final/RCFV-All-Volumes.pdf>

²⁶⁵ Australian Institute of Family Study (2012) Evaluation of the 2012 family violence amendments. Available at: <https://aifs.gov.au/publications/evaluation-2012-family-violence-amendments/export>

²⁶⁶ Commonwealth of Australia (2015) Domestic violence in Australia. Available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Domestic_Violence/Report

²⁶⁷ Australian Productivity Commission (2014) Access to Justice Arrangements: Inquiry report. Available at: <http://www.pc.gov.au/inquiries/completed/access-justice/report>

²⁶⁸ Australian Law Reform Commission (2010) Family Violence – A National Legal Response (ALRC Report 114). Available at: <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-report-114>

²⁶⁹ Available at: <https://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyViolence/Documents/Family%20Courts%20Violence%20Review.doc>

- 2009 FLC report titled Improving Responses to Family Violence in the Family Law System: An Advice on the Intersection of Family Violence and Family Law Issues.²⁷⁰

In addition, a number of sectors reports have been crucial for the understanding of necessary reforms. This includes:

- **On safety in family law:** Women’s Legal Services Australia released Safety First in Family Law plan, a policy platform that has been developed by the Women’s Legal Services Australia and outlines five steps to creating a family law system that keeps women and children safe.²⁷¹
- **On women on temporary visas experiencing violence:** Blueprint for Reform: Removing barriers to safety for victims/survivors of domestic and family violence who are on temporary visas published by the National Advocacy Group on Women on Temporary Visas Experiencing Violence.²⁷²
- **On women on disability:** Addressing violence against women and girls with disability by implementing the recommendations set out in the position paper on The Status of Women and Girls with Disability in Australia.²⁷³
- **For Aboriginal and Torres Strait Islander women:** Nargneit Birrang - Aboriginal holistic healing framework for family violence.²⁷⁴
- **On sexual harassment:** Australian Human Rights Commission’s Respect @ Work report;²⁷⁵
- **On sexual harassment in the education settings:** Change the Course report by the Australian Human Rights Commission.²⁷⁶

As specialists with years of experience working with and for women and children subjected to violence, we know that long-term, major reforms are needed over the coming months and years to achieve lasting improvements to safety and justice.

Recommendations:

- k1. That the Australian Government responds, resources and implements recommendations from previous inquiries to achieve better outcomes for victims/survivors immediately.
- k2. That the Australian Government initiates a standard screening, risk assessment and referral process nationally, to ensure public health, social and community services are trained to

²⁷⁰ Family Law Council (2009) Improving responses to family violence in the family law system: An advice on the intersection of family violence and family law issues. Available at: <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Improving%20responses%20to%20family%20violence.pdf>

²⁷¹ Women’s Legal Services Australia Five Step Plan for Safety First in Family Law. Available at: http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf

²⁷² National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas. Available at https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/10/21130646/Blueprint-for-Reform_web_version.pdf

²⁷³ Available at: <https://awava.org.au/2019/12/17/research-and-reports/position-paper-the-status-of-women-and-girls-with-disability-in-australia>

²⁷⁴ Available at: https://www.vic.gov.au/nargneit-birrang-aboriginal-holistic-healing-framework-family-violence/acknowledgement-aboriginal?fbclid=IwAR1-SxcTLBR7eQ5XY1-DUAP35o5Wol_MWnyxo1C5Lk3Waz8l15_g3Ds-wHI

²⁷⁵ Australian Human Rights Commission (2020) Respect @ Work. Available at: <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>

²⁷⁶ Australian Human Rights Commission (2017) Change the course: National report on sexual assault and sexual harassment at Australian universities. Available at: https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf;

identify key safety risks early for people experiencing violence in their relationships, and able to refer them to the services that can help them achieve safety and recover.

- k3. That the Australian Government agrees to institute improved AVO standards to make clear what is expected of police, magistrates and courts to hold perpetrators accountable, and ensure women and children subjected to domestic and family violence are able to rely on these orders to achieve safety and justice.
- k4. That the Australian Government ensures victims/survivors seeking help can access free translating and interpreting services, so that regardless of their disability, cultural or language background, or geographical location, any woman reaching out for help to build a safer future is able to access the assistance she needs.

L. Any other related matters.

We thank you for the opportunity to participate in this inquiry. Given the complexity of violence against women, which is further complicated by this unprecedented time, this inquiry provides an opportunity to review and immediately recalibrate the strategies to best meet the needs of the community. However, this inquiry cannot replace a proper consultation process for the Second National Plan to Reduce Violence against Women and their Children, as the National Plan is set to provide a well thought out strategic direction for Australia to shape its violence prevention and response strategies over the next decade, a period in which Australia and indeed the world will be navigating through significant changes.

Recommendation:

- l1. That the Department of Social Services conducts an Australia-wide consultation on the development of the second National Plan to Reduce Violence Against Women and Their Children that engages specialist women's services, diverse stakeholders as well as diverse victims/survivors.

If you would like to discuss the contents of the AWAVA submission further, please contact Tina Dixson, AWAVA Acting Program Manager, using the details below.

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