



Senator the Hon Kate Lundy
Chair, References Committee
Senate Finance and Public Administration Committees

Dear Ms. Lundy,

Re: Submission by the Australian National Committee for UN Women on Domestic Violence in Australia

On behalf of the Australian National Committee for UN Women I would like to thank you for the efforts of the Senate Finance and Public Administration Reference Committee to identify critical factors contributing to the present levels of domestic violence in Australia, particularly those affecting women living with a disability and women from Aboriginal and Torres Strait Islander backgrounds.

I would like to take the opportunity to present the submission of the Australian National Committee for UN Women on this issue in the context of Australia's obligations under the Convention to End all forms of Discrimination Against Women (CEDAW), the recommended actions agreed by UN Member States (including Australia) at the Fourth World Conference on Women in Beijing in 1995 and at subsequent follow-up Conferences on the Beijing Platform for Action and the Status of Women.

The prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:

- Women living with a disability
- Women from Aboriginal and Torres Strait Islander backgrounds

According to the Department of Social Services, in Australia, around one in three women has experienced physical violence, and almost one in five has experienced sexual violence since the age of 15.¹ This figure puts Australia at the global mean, but indicates a higher than normal prevalence compared to other high income countries according to a 2013 report on global and regional estimates of violence against women published by the World Health Organization (WHO).

The WHO has identified Violence Against Women (VAW) a "global health problem"² that is not manifest through isolated events but is symptomatic of a structural denigration of women's status in society, of their marginalization and exclusion from fully participating as equal partners in the economic, political and social aspects of community life, and a violation of their right to health and well-being.

In this context, VAW is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women.³ It is not therefore solely physical or sexual, although it is through the criminal activities of rape, murder, assault and battery that the issue usually comes to the attention of police and health workers in the community and is recorded as a statistic.

¹ <http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>

² http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf

³ UN Declaration on the Elimination of Violence against Women, 1993



VAW is also exacerbated by legal structures and social processes such as unequal pay; lack of access to sexual and reproductive health services; discriminatory work practices; and media and cultural norms that tell women and girls that their bodies are imperfect, that their bodily functions, such as menstruation, are unclean and that their behaviour or clothing has been the cause of any assault. These “legal” modes of VAW can significantly impact on the mental health of women, which in turn can contribute to negative health outcomes, self-censorship and risk taking behaviours.

In addition, women’s lower economic and social status, which is not inevitable, is both a cause and a consequence of VAW. When boys and girls grow up to believe that one gender is superior and live in a context of social inaction to VAW, the cycle of denigration and violence will be perpetuated. The gender pay gap in Australia, as well as the fact that women are usually expected to prioritise unpaid care giving over their career mean that poverty or economic dependence on an abusive partner or family member can prevent women from reporting domestic violence or leaving an abusive home. Where children are involved, the reduction of support services for families as well as the stigma of being in an abusive relationship – and more recently the trend to criminalise the silence of the victim – may act as an additional deterrent to a woman’s seeking help.

Multiple and intersecting forms of discrimination contribute to and exacerbate VAW with disabilities. Although women with disabilities experience many of the same forms of violence all women experience, when gender and disability intersect, violence has unique causes, takes on unique forms and results in unique consequences. Further, women and girls with disabilities who are also members of other identity groups can be subject to additional forms of violence and discrimination.

According to Women With Disabilities Australia (WWDA) in a 2013 issues paper,⁴ despite the evolution of normative frameworks concerning both the human rights of women and of persons with disabilities, the impact of the combined effects of both gender and disability have not gained sufficient attention and violence remains at shockingly high rates when these multiple identities collide.

In another 2013 report,⁵ WWDA notes that global studies suggest that women with disabilities experience violence more intensely and frequently than either their male counterparts or women without disabilities. Approximately 20 percent of the Australian population reports a disability.

WWDA also notes the lack of gender-disaggregated data on VAW with disabilities in Australia; while the Australian Bureau of Statistics (ABS) maintains data on violence against people with disabilities, this data is not disaggregated by gender. Anecdotal evidence indicates, however, that women with disabilities are twice as likely to experience violence, their experience last over a longer period of time and they sustain more serious injuries than those people without disabilities.

Disability, notes WWDA, impacts women from Aboriginal and Torres Strait Islander backgrounds more than it does women from other backgrounds. And evidence indicates that VAW from women from Aboriginal and Torres Strait Islander backgrounds is already shocking. In a media interview in June 2013⁶ Dr. Howard Bath, the Northern Territory's Children's Commissioner said that recent statistics from the NT's five major government hospitals showed that in 2010 the number of Indigenous females hospitalised for assault was 24.1 per thousand, 80 times the rate of the general population. Dr Bath blamed alcohol and drug abuse, overcrowding and "consistent unemployment", also noting the detrimental and inter-generation impact VAW had on the children in the communities.

⁴ http://wwda.org.au/wp-content/uploads/2013/12/issues_paper_srr_women_and_girls_with_disabilities_final.pdf

⁵ http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf

⁶ <http://www.perthnow.com.au/news/violence-against-aboriginal-women-80-times-worse/story-fnhnv0wb-1226661209335?nk=dc5afba9a2af5f224ca1fd616ed1f3f2>

The factors contributing to the present levels of domestic violence:

Violence against Women in all its forms is not inevitable and both reflects and perpetuates the power relations of contemporary Australian society. Despite federal and state/territorial laws that criminalise the most overt forms of VAW (such as rape, murder, battery, assault and harassment), insidious and legal forms of VAW contribute to an overall culture of marginalization and exclusion that impacts negatively on women's mental and physical well being and may contribute to barriers to women's access to justice and enhance a sense of impunity for those who bully, exclude and intimidate in private.

The adequacy of policy and community responses to domestic violence:

Australia has taken a global lead in addressing VAW through its 12-year National Plan to Reduce Violence against Women and their Children 2010 - 2022, which is being implemented through four National Action Plans (NAPs).⁷ The adoption and implementation of multi-sectoral NAPs to address VAW is one of the five key outcomes of the UN Secretary-General's campaign "UNiTE to end violence against women",⁸ which has a target date of 2015.

The National Committee welcomed the announcement of \$100 million pledged to the implementation of the second phase of the NAP, which runs from 2013 – 2016. Priorities for the second phase address issues such as forced marriages, genital mutilation and violence against Indigenous women and those from CALD backgrounds. The Government is also committing \$3.3 million to strengthen mechanisms to enforce intra-state Domestic Violence Orders (DVOs). These are welcome developments and the National Committee acknowledges the benefits that will flow to individuals and communities as a result.

Understanding the current economic environment and the decisions being made about funding for community services, we would like to reiterate the importance of Australia meeting its obligations under the following international treaties which it has ratified:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Rights of the Child (CRC)
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on the Elimination of all forms of Racial Discrimination (CERD)

The National Foundation for Australian Women (NFAW) has produced a detailed analysis⁹ of the impact of proposed budget policies on women. They note with regret their inability to analyse the implications for Indigenous women and children as a result of the merging of many pre-existing programs into new groups in the Department of Prime Minister and Cabinet. However, they felt that they could "legitimately assume" that any measure adversely affecting the income, housing, health care access or education of low income families would be much worse for Indigenous women and children. In principle, we share this concern.

⁷ <http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>

⁸ <http://endviolence.un.org/goals.shtml#>

⁹ <http://www.nfaw.org/wp-content/uploads/2014/05/Budget-2014-NFAW-gender-lens-final.pdf>

The effects of policy decisions regarding housing, legal services, and women’s economic independence on the ability of women to escape domestic violence:

The Australian National Committee for UN Women would like to take this opportunity to express its concern at the potential impact of Budget cuts on women’s access to legal services and leadership initiatives. These cuts are likely to affect women more than men, and particularly the most vulnerable women: victims of domestic violence, women with disabilities, women from Indigenous and CALD backgrounds and women who are otherwise voiceless in decision-making.

Of key concern are proposed cuts to the following services:

- Legal Aid Commissions and Community Legal Centres
- Australian Human Rights Commission
- Human Rights Education
- Women’s Leadership and Development Strategy

How the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children:

CEDAW, CRPD and the Beijing Platform for Action provide clear policy guidelines and recommendations to the Federal Government to address VAW. We welcome the focus that the Government has placed women’s empowerment at the centre of its international development policy framework, a position that is consistent with international treaty obligations and makes sound economic sense. UN Women’s programs have shown that relatively small investments, when effectively targeted and designed with substantial input from communities, and particularly women in the communities, provide robust and sustainable returns in terms of directly increasing revenue streams and in terms of improved health and education outcomes.

The Australian National Committee for UN Women would like to see the same focus on women in national policy framework, noting that although robust legal frameworks exist to protect women and girls, prevalence remains unacceptably high.

According to a 2013 report by the Department of Social Services, for every woman whose experience of violence can be prevented by the National Plan to Reduce Violence against Women and their Children, \$20,766 in costs across all affected groups in society are avoided.¹⁰ To put this in perspective, the introduction of the report continues, a reduction in violence of just 10 percent by 2021/22 would result in savings of \$1.6 billion in costs to victims/survivors, their friends and families, perpetrators, children, employers, governments and the community.

One death by domestic or gender-based violence is one death too many, however, and it is not ideal to have to factor in the social costs to families and communities of VAW to future projections. Instead of aspiring to reductions in violence, the Australian National Committee for UN Women believes that the Australian Government should aspire to eliminate violence against women in all its forms.

¹⁰ <http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/national-plan-to-reduce-violence-against-women-and-their-children/economic-cost-of-violence-against-women-and-their-children?HTML>

The Australian National Committee for UN Women would like to recommend the following:

- Rebrand the National Plan from being one to 'Reduce' to one to 'End' Violence against Women and their Children, with a clear message that all forms of VAW are unacceptable.
- Ensure that critical services required by women experiencing violence are adequately resourced.
- Implement the commitments of the Beijing Platform for Action, particularly those relating to supporting access to information, counseling and support services for the most vulnerable women in society, including those with disabilities, from CALD backgrounds and living in remote rural communities.
- Promote research, collect gender-disaggregated data and compile statistics on VAW, particularly as it impacts on the most vulnerable women in society.
- Invest in the education of men and boys about equality and the impact of VAW against society as a whole.
- Continue to train judges, law-enforcement officials and health personnel in issues around VAW.
- Organise and fund awareness-raising campaigns that target all sectors of the population and encourage the media to challenge norms and stereotype that perpetuate the denigration of women and girls.

The Australian National Committee for UN Women would like to take this opportunity to thank the References Committee of the Senate Finance and Public Administration Committees for their initiative in organising this public enquiry into violence against women and girls in Australia. We are ready to assist you in your endeavours to put an end to what the UN Secretary General has called the world's most prevalent human rights violation.

Kind Regards,

Julie McKay
Executive Director
Australian National Committee for UN Women