
**INQUIRY INTO THE RIGHTS OF WOMEN AND
CHILDREN**

SUBMISSION

15 DECEMBER 2022

**JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE**

INTRODUCTION

IWDA is pleased to present this short submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into the rights of women and children. We note that the focus and terms of reference of this inquiry includes overlap with recent inquiries held by the Committee, in particular:

- JSCFADT Inquiry into the human rights of women and girls in the Pacific (2020)
- JSCFADT Inquiry into the implications of the COVID-19 pandemic for Australia's foreign affairs, defence and trade (2020)

We re-iterate our recommendations to the Committee from those inquiries and include them as annexes to this submission.

Australia has an important role to play in defending and advancing the human rights of all people, including women, and children. This includes the implementation of human rights agreements such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action, the Programme of Action from the International Conference on Population and Development (IDPC) and the Convention on the Rights of the Child (UNCRC). It also includes human rights agreements addressing other issues that intersect with gender and age such as the UN Convention on the Rights of Persons with Disabilities (CRPD) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

This submission outlines a transformative approach to human rights, drawing from the principles of feminist foreign policy, and Australia's role in defending rights from backlash and continually advancing human rights realisation.

1. A TRANSFORMATIVE APPROACH TO HUMAN RIGHTS

1.1 Moving from protection to rights realisation

It is important not to conflate the issues facing women with those facing children and young people, as they represent distinct and unique experiences. When treated as a single unit, there is a significant risk that women's rights and agency are undermined through a paternalistic lens of "protection." While protection is an important first step, especially where human rights are under attack and in conflict and crisis settings, it can play into a patriarchal model where women's agency and autonomy is denied.

Australia should take a rights-based approach to the advancement of gender equality and the full expression of human rights for women, trans, gender-diverse and non-binary people, as well as children and young people. This approach should go beyond protection towards transformational interventions, investing in policies and programs that challenge the power relations, systems and norms that underpin inequality.

In doing so, we can learn from the 11 countries that have adopted feminist foreign policies to-date: Canada, France, Mexico, Luxembourg, Libya, Chile, Spain, Germany, the Netherlands, Colombia and Liberia.¹ A feminist foreign policy, and international assistance program embeds and supports a focus on transforming the systems of power which underpin inequality and marginalisation.² There is significant alignment between the principles of international human rights law and feminist foreign policy:

- Both emerged from a recognition of the need for structural transformation of the power structures which shape our world;
- Both emphasise the centrality of participation and inclusion of all people, with particular emphasis on marginalised groups and addressing the intersectional barriers to inclusion;
- Both emphasise the State as the duty-bearer in upholding and providing for the rights of its people.³

¹ IWDA 2022a

² IWDA 2022a

³ Smith 2022

Recommendation 1: Australia proactively champions the implementation of international human rights conventions including but not limited to the Beijing Platform for Action, CEDAW, IDPC, UNCRC, UNCRPD, and UNDRIP.

Recommendation 2: Adopt a feminist approach to all areas of foreign policy, including international development, which is informed by intersectional feminist analysis and grounded in First Nations values and worldviews, and draws on key lessons from other countries embracing feminist foreign policy

1.2 Making visible the invisible

A fundamental, and persistent barrier to the realisation of women and girls' human rights is the continued way in which their circumstances are rendered invisible through data. As the world moves increasingly towards data-driven decision-making, important types of data - including data on poverty and inequality - hides, rather than illuminates the gendered nature of the experience. This means that we are running into hard barriers to what can be achieved in support of human rights realisation for women and girls, trans, intersex, gender diverse and non-binary individuals.

In February 2022 the World Bank stated: "the foundation for designing effective policies that benefit women and men, girls and boys is often incomplete, methodologically flawed or completely lacking."⁴

The drivers of the problem are multiple, spanning both technical and political dimensions. At the technical level there are four, main issues.⁵

Firstly, the dominant approaches to poverty measurement use the household, rather than the individual as the unit of measurement. This means that data can only estimate the total number of people in poverty, based on the number of people living in households that as a whole are poor. This makes it impossible to accurately disaggregate poverty data to show how poverty varies by factors such as gender, age, ability or the intersection of these.

Secondly, information about household circumstances is usually collected from a single individual, typically the 'head of household', often a man. This means we are treating a single individual as a reasonable proxy for all others in the house and assuming even distribution of resources within the house. The consequence is that we are dramatically undercounting inequality. Leading economist Ravi Kanbur suggests that a one third of global inequality can be found within the house and is being hidden by household level measurement.⁶

Thirdly, poverty measurement tends to focus on money or a narrow range of other factors. Money is an important component of poverty but it is not the only thing that people experiencing poverty say matters. From a human security and human rights perspective we know that a multidimensional approach to poverty measurement is more in line with the need to identify critical factors for individuals' survival, livelihoods and dignity.

Lastly, most measures focus on factors that women and men have in common and exclude factors that are particularly relevant to women. Areas of life such as access to contraception and menstrual hygiene management are excluded from the common understanding of poverty and inequality, and in so doing, are discounting the significant economic costs and life implications posed by such deprivations.

Data that hides the circumstances of individuals is both a denial of rights in the first place and a constraint on the realisation of rights, because it renders some rights holders invisible to duty-bearers. Household level measurement of poverty, that by design hides the circumstances of people by gender should not be considered a sufficient basis for decision on policy, programs or resource allocations.

Instead, we need to move towards individual-level, gender-sensitive and multidimensional approaches to measurement at scale.

⁴ Bonfert et al. 2022

⁵ Crawford et al. 2021

⁶ Kanbur 2016

The Australian Government has been a leader in investing in this type of innovation since 2008.⁷ Maintaining this leading role in gender data innovation is vital, and there remains ample scope to increase resourcing to grow the accessibility of this alternative data across the region; build progressive Coalitions to move towards the above-mentioned political consensus, and progress rights-based evidence as a foundational element of rights-based policy, programming and resource allocation.

Recommendation 3: Maintain and grow Australia's leading investments in gender data innovation in support of individual-level, gender-sensitive and multidimensional approaches, including a focus on building progressive Coalitions to move towards a political consensus on rights-based evidence.

2. AUSTRALIA'S ROLE IN DEFENDING AND ADVANCING HUMAN RIGHTS FOR ALL PEOPLE

Australia has traditionally been a champion of the rights of women and LGBTIQ+ people through international forums such as CEDAW and the Commission on the Status of Women. These rights are increasingly under attack by authoritarian and conservative governments and civil society groups who seek to use the language of human rights to cloak their anti-rights agendas.⁸ In particular, we are seeing an increase in the use of "women's rights" language to attack the rights of trans, intersex, gender diverse and non-binary people, as well as continued attacks on sexual and reproductive health rights.⁹ These attacks come in direct violation of the core human rights principles of universality and indivisibility of rights - that "human rights do not distinguish between persons, they are, in their construction, universal, indivisible and inalienable" and that "human rights of any one group of persons does not come at the cost of the rights of any others."¹⁰

Understanding patriarchy as a system of power which acts to enforce strict gender norms that limit the human rights of all people sheds light on the interconnected nature of marginalisation against women, trans, intersex, gender diverse and non-binary people.¹¹ Transforming these systems of power is critical to upholding rights for all.

Recommendation 4: Continue to use Australia's global influence and role in multilateral forums to push back on the backlash to gender equality and human rights - with an emphasis on building progressive coalitions in support of the rights of trans, intersex, gender diverse and non-binary people.

The terms of reference of this inquiry make particular reference to the issue of human trafficking. Trafficking, including modern slavery, is a violation of human rights and should be addressed through a range of policy and legal responses to target perpetrators and uphold the rights of victims. However, often initiatives which purport to be about trafficking, end up conflating trafficking with legitimate sex work, where a person willingly takes part in the sale of sex on a consensual basis which does not undermine their human rights.¹² Evidence confirms that state responses to sex work that seek to criminalise any involvement in sex work, such as the Nordic model (which criminalises the purchasing of sex work) and other models of partial decriminalisation, can exacerbate and compound the human rights abuses experienced by sex workers. By contrast, when sex workers are not threatened with criminal charges, they are better able to identify and report cases of trafficking, violence, and abuse as they are more likely to feel safe when reporting this information to the authorities.¹³

In light of this evidence, we caution the Committee to ensure that its consideration of trafficking - a clear human rights violation - does not inadvertently undermine the human rights of sex workers.

Recommendation 5: Australia should adopt a fully decriminalised approach to sex work and champion this approach in line with global evidence on the rights and safety of sex workers

⁷ Equality Insights and IWDA 2022

⁸ Shameem 2021

⁹ Shameem 2021

¹⁰ Asia Pacific Alliance for Sexual and Reproductive Health and Rights, and et al n.d.

¹¹ IWDA 2022b

¹² Sex Workers & Allies Network and Yale Global Health Justice Partnership 2020

¹³ Sex Workers & Allies Network and Yale Global Health Justice Partnership 2020

ANNEX A: IWDA RECOMMENDATIONS TO THE JSCFADT INQUIRY INTO THE HUMAN RIGHTS OF WOMEN AND GIRLS IN THE PACIFIC (2020)

Recommendation 1: Move beyond a 'protection' approach for women and girls in the implementation of *Partnerships for Recovery — Australia's COVID-19 Development Response*, by investing in gender equality and transformational change.

Recommendation 2: By 2022, adopt a feminist foreign policy framework, which makes gender equality a central purpose of Australia's international engagement covering trade, diplomacy, defence, and security, to ensure Australia's resilience and that of our region.

Recommendation 3: Support Pacific countries to design post-COVID-19 recovery policies based on equality and inclusive growth, rather than austerity.

Recommendation 4: Advocate for the G20, IMF, and Paris Club to permanently cancel all foreign external debt repayments to be made until end of 2021 for all developing countries in need. This should apply to all bilateral, multilateral and private creditors.

Recommendation 5: Support and champion the establishment of a multilateral framework on sovereign debt restructuring under UN auspices to help prevent the emergence of future debt crises

Recommendation 6: Build on prior investments in gender data and renew funding support to individual-level, gender-sensitive data collection in the Pacific in partnership with national statistics offices and civil society.

Recommendation 7: Embed flexibility and surge capacity within long-term development strategies to respond to emerging humanitarian crises, supported by new and additional funding.

Recommendation 8: Invest \$2bn of new funding between 2020/21 to 2023/24 into Australia's contribution to international COVID-19 response and recovery.

Recommendation 9: Strengthen efforts to end violence against women by designing programs that seek to engage with, and transform, the collective power systems and norms that underpin gender inequality.

Recommendation 10: Recognise the diversity of women and their experiences and ensure that women with disabilities, young women, and women with diverse sexual orientation, gender identity and expression are expressly considered and included in efforts to end violence against women.

Recommendation 11: Commit funding for diverse Women's Rights Organisations that support women leaders to participate in climate and disaster risk reduction institutions and advocacy at all levels, with particular attention to young and rural women leaders, and leaders from intersectionally marginalised groups.

Recommendation 12: In line with DFAT's current Climate Change Strategy, ensure that Australia's efforts to combat gender inequality and climate change in the Pacific are mutually reinforcing.

Recommendation 13: Better align domestic and foreign policy objectives by revising Australia's Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) to include commitments towards decarbonisation and net zero emissions by 2050.

Recommendation 14: Embed opportunities for meaningful input and decision-making by diverse local voices within program governance mechanisms, research processes and design, including at priority setting, management, implementation and evaluation stages.

Recommendation 15: Ensure engagement with Pacific partners is situated within an adaptive programming model with necessary supports to ensure programs can respond to feedback, learn and adapt in real-time and evolve according to context.

Recommendation 16: Steadily increase the proportion of long-term and flexible funding support provided directly to local Pacific WROs, in order to support meaningful and transformative change for gender equality and the human rights of women and girls in the Pacific.

Recommendation 17: Unlock AUD 33 million annually by committing five per cent of Australia's ODA for Pacific regional and bilateral programs towards Pacific women's equality organisations and institutions.

Recommendation 18: Rebalance and tailor DFAT's risk assessments, in order to support greater direct investment in Pacific WROs where appropriate.

Recommendation 19: Ensure fair competition and a fit-for-purpose supplier base by tailoring standards and payment modalities to organisational needs and risk profile, to reduce barriers to entry.

Recommendation 20: Reduce the burden of administrative requirements to create a more favourable balance between effective program delivery and compliance.

Recommendation 21: Invest in the capacity of DFAT to actively manage tailored partnership arrangements.

Recommendation 22: Set performance benchmarks for intermediaries to strengthen the fiduciary and compliance capacity of local partners to receive direct funding in future.

Recommendation 23: Select intermediaries with values that are aligned to the change they are funded to create. For example, gender programming intermediaries should demonstrate organisational commitment to feminism and mitigating power imbalances inherent in funding relationships.

Recommendation 24: Invest in transformative change measurement practices by providing implementers the flexibility to measure and adapt to unexpected impacts.

ANNEX B: IWDA RECOMMENDATIONS TO THE JSCFADT INQUIRY INTO THE IMPLICATIONS OF THE COVID-19 PANDEMIC FOR AUSTRALIA'S FOREIGN AFFAIRS, DEFENCE AND TRADE (2020)

Recommendation 1: By 2022, adopt a feminist foreign policy framework to guide Australia's international response to COVID-19 covering trade, diplomacy, defence, security to ensure Australia's resilience and that of our region

Recommendation 2: Invest \$2bn of new funding between 2020/21 to 2023/24 into Australia's contribution to international COVID-19 response and recovery.

Recommendation 3: Protect investments in critical ongoing development priorities such as preventing and responding to violence against women, women's leadership, sexual reproductive health and rights, and climate justice.

Recommendation 4: Australia should use its influence as part of G20, IMF, and Paris Club to push for permanent cancellation of all foreign external debt repayments for all developing countries in need due to be made until end of 2021. This should apply to all bilateral, multilateral and private creditors.

Recommendation 5: Australia should openly support and champion the establishment of a multilateral framework on sovereign debt restructuring under UN auspices to help prevent the emergence of future debt crises.

Recommendation 6: Engage with local women's organisations to jointly develop COVID-19 response plans to ensure that they address the specific needs and concerns of women.

Recommendation 7: Conduct gender analysis of all COVID-19 response interventions to ensure that they support the needs of women and promote gender equality.

Recommendation 8: As part of COVID-19 response, invest in programs aimed at changing the norms underlying gendered roles and responsibilities related to paid and unpaid work.

Recommendation 9: As part of COVID-19 recovery, prioritise investment in infrastructure and technology which reduces the labour and time required for unpaid care and domestic work.

Recommendation 10: Ensure that fully funded commitments to prevention and response to gender based violence are included in all Australian supported responses to COVID-19.

Recommendation 11: Provide additional funding to meet the increased demand on ERAW services, and support them to remain open where safe to do so, or to adapt service provision to be delivered through alternative means.

Recommendation 12: Ensure that sexual and reproductive health services are prioritised and recognised as essential health care services

Recommendation 13: Provide additional funding support to ensure SRHR services can remain open where safe to do so, or pivot their service delivery models, and provide support to communities to access these services.

Recommendation 14: Prioritise core, flexible and multi-year funding to civil society and women's rights organisations to enable them to support COVID-19 response and recovery.

Recommendation 15: Continue to use Australia's global influence and role in multilateral forums to champion space for civil society and gender equality issues.

Recommendation 16: Resource multilateral bodies to ensure that they prioritise the engagement of civil society in multilateral forums by: consulting with civil society on access requirements and safety concerns, especially for women human rights defenders; providing financial and technological assistance to global south women's rights organisations; and prioritising transparency and inclusivity.

REFERENCES

- Asia Pacific Alliance for Sexual and Reproductive Health and Rights, and et al. n.d. "An Affirmation of Feminist Principles." Accessed December 13, 2022. <https://www.feministaffirmation.org/letter>.
- Bonfert, Anna Tabitha, Talip Kilic, Heather Moylan, and Miriam Muller. 2022. "Three Ways to Tackle Gender Data Gaps – and 12 Countries Embracing the Challenge." *World Bank Blog* (blog). February 7, 2022. <https://blogs.worldbank.org/opendata/three-ways-tackle-gender-data-gaps-and-12-countries-embracing-challenge>.
- Crawford, Joanne, Kylie Fisk, Joanna Pradela, Carol McInerney, Cheryl Russell, and Patrick Rehill. 2021. "Guidance Note: Equality Insights and Individual-Level, Gender-Sensitive Measurement of Multidimensional Poverty and Inequality." <https://equalityinsights.org/wp-content/uploads/2021/02/EI-Guidance-note-web.pdf>.
- Equality Insights, and IWDA. 2022. "Introducing Equality Insights." <https://equalityinsights.org/wp-content/uploads/2022/08/2-Page-Oct22.pdf>.
- IWDA. 2020a. "Submission: Inquiry into the implications of the COVID-19 pandemic for Australia's foreign affairs, defence and trade" https://iwda.org.au/assets/files/IWDA-COVID-inquiry-submission_30-June-2020.pdf
- . 2020b. "Submission: Inquiry into the human rights of women and girls in the Pacific." <https://www.aph.gov.au/DocumentStore.ashx?id=02dc4965-048b-4c5d-bd8f-d78aae703068&subId=691214>
- IWDA. 2022a. "Feminist Foreign Policy: An Overview (November 2022 Update)." Australian Feminist Foreign Policy Coalition. <https://iwda.org.au/resource/feminist-foreign-policy-anoverview/>.
- . 2022b. "IWDA Position Paper on Trans Rights, Recognition and Self Determination." https://iwda.org.au/assets/files/IWDA-Position-paper-on-Trans-Rights-Recognition-and-Self-Determination_....pdf.
- Kanbur, Ravi. 2016. "Intra-Household Inequality and Overall Inequality." [Http://Publications.Dyson.Cornell.Edu/Research/Researchpdf/Wp/2016/Cornell-Dyson-Wp1611.Pdf](http://Publications.Dyson.Cornell.Edu/Research/Researchpdf/Wp/2016/Cornell-Dyson-Wp1611.Pdf)." Cornell Dyson School Working Paper 2016-11. <http://publications.dyson.cornell.edu/research/researchpdf/wp/2016/Cornell-Dyson-wp1611.pdf>.
- Sex Workers & Allies Network, and Yale Global Health Justice Partnership. 2020. "Sex Work vs Trafficking: How They Are Different and Why It Matters." https://law.yale.edu/sites/default/files/area/center/ghjp/documents/issue_brief_sex_work_vs_trafficking_v2.pdf.
- Shameem, Naureen. 2021. "Rights at Risk: Time for Action. Observatory on the Universality of Rights Trends Report." AWID, OURS. https://www.oursplatform.org/wp-content/uploads/RightAtRisk_TimeForAction_June2021.pdf.
- Smith, Leanne. 2022. "The Intersection of Human Rights and Feminist Foreign Policy." *AFFPC Issues Paper Series*, no. 8 (December).

Authorised by Bettina Baldeschi for the International Women's Development Agency, Level 1, 250 Queen Street, Melbourne

1300 661 812
www.iwda.org.au

PO Box 64, Flinders Lane, VIC 8009 Australia
Level 1, 250 Queen Street, Melbourne

Tel: +61 3 8373 2500
Email: iwda@iwda.org.au
ABN 19 242 959 685

IWDA INTERNATIONAL
WOMEN'S
DEVELOPMENT
AGENCY