

Via e-mail: [AAbecassis@ohchr.org](mailto:AAbecassis@ohchr.org)  
Copy to: [Mairi.steele@fahcsia.org.au](mailto:Mairi.steele@fahcsia.org.au)  
[jing-ting.chan@fahcsia.gov.au](mailto:jing-ting.chan@fahcsia.gov.au)

30 October 2012

Dear CEDAW Committee

***Supplementary response to the NGOs' Follow-up Report to the CEDAW Committee on Violence Against Women Recommendations***

Following review of the Australian Government's *Interim Report to the CEDAW Committee* and release of the first *National Implementation Plan* of the *National Plan to Reduce Violence against Women and Their Children* by the Federal Government on 25 September, the Australian Women Against Violence Alliance (AWAVA) and the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) maintains the points raised in the *Australian NGOs' Follow-up report* submitted on 16 August, and draws the Committee's particular attention to the following:

***National Plan: Need for leadership and concerns with state/territory-level variations***

The release of the first *National Implementation Plan* and the Australian Government's announcement that ending violence against women is a key Government priority is welcomed. It is particularly encouraging that a pledge was given to share information and good practice, and to work together across jurisdictions and sectors.

Commitment from all Australian governments is fundamental to the success of the *National Plan to Reduce Violence against Women and Their Children (National Plan)*. All levels of government - federal, state and territory, and local - need to demonstrate strong leadership on addressing violence against women.

The strong focus on primary prevention, working to increase gender equality to prevent violence in the first place, driving attitudinal change and building a solid evidence base are particular strengths of the *National Plan*, however, there is a concern that these strengths may potentially be diluted at state/territory-level. Although flexibility is permitted for states/territories to respond to local needs, there are certain qualities of the *National Plan* that should not be 'optional'; for example, state/territory-level plans must specifically address violence against women with clear links to its roots in gender and other social inequalities. The Northern Territory's *Building on Our Strengths: A Framework for Action for Women in the Northern Territory 2008–2012* was not specifically developed to address violence against women and has now expired.

State and territory-level jurisdictional implementation plans have not yet been developed and published; the Victoria Government *Action Plan to Address Violence Against Women and Children* was published on 10 October. In July 2013 the second National Action Plan should come into effect, the delays in implementation of the First Action Plan are a cause for concern. It is important that there is sharing of information and better co-ordination by Federal Government of the state/territory-level implementation plans to maximise the impact of the *National Plan*; without this central co-ordination and consistency between state and territory plans, there will be a lack of cohesion and drive for the *National Plan*. AWAVA and NATSIWA strongly advocate for bi-partisan support for all state and territory-level plans to

avoid compromising progress following changes of government (as experienced in Victoria, Queensland and the Northern Territory).

### ***National Plan: Violence against Aboriginal and Torres Strait Islander Women***

Indigenous women and children need to be considered in all elements of the *National Plan*. The only Indigenous-specific actions identified are in National Outcomes 1, 4 and 6. Outcome 3 is not part of the Government's first *National Implementation Plan*, but given the high rates of Indigenous family violence federal, state and territory-level governments must ensure that Indigenous-specific approaches are included in all the priority areas of all implementation plans.

### ***National Plan: Engaging the prevention of violence against women sector ("sector")***

Consultation with service providers working on the ground is key to identifying and addressing the disconnects between policy, need, implementation, delivery, impact and outcomes. It is imperative that there is much closer collaboration with the sector at national, state/territory and local levels and that the NGO sector actively participates in the development, implementation and monitoring of implementation plans and is adequately resourced to do so. The *National Implementation Plan*, although developed in collaboration with the state and territory governments, did not involve the NGO sector. It is acknowledged in the *National Implementation Plan* that "no government or group can address this problem [violence against women] alone". AWAVA and NATSIWA, on behalf of its member organisations, Friends & Supporters and the broader NGO sector, strongly advocates for all governments and government departments (particularly education) to work together with the NGO sector. Consultation and active participation is particularly important to make sure implementation plans address violence against marginalised women.

The Government's *Interim Report* highlights that the National Plan Implementation Panel (NPIP) provides "an important platform to engage civil society on implementing and monitoring the National Plan, as well as developing future national actions. It also provides a strong mechanism for the voices of women more broadly to be part of this work".<sup>i</sup> Given this role, the NGO appointees to NPIP should not be required to sign confidentiality agreements that restrict open communication with the sector. NGO appointees should be funded and supported to undertake their role to engage with, and communicate messages to, the sector. The benefits of consulting the sector are evident in the revisions made to the Personal Safety Survey<sup>ii</sup>; following sector feedback, the survey now includes collecting data for non-physical violence.

Due to the high rates of violence against Indigenous women it is imperative that NATSIWA is included in the implementation of the *National Plan* to ensure proportional uptake across all outcomes and specifically Outcome 3 on Aboriginal and Torres Strait Islander women.

The expertise in the NGO sector generally needs to be better utilised by governments. There are concerns that there is a lack of gender analysis in education policy regarding bullying and violence prevention. AWAVA is concerned too with the intention of the Australian Government to move towards criminalising forced marriage without a significant investment in community awareness and education, training for frontline services providers; including establishing a specialist unit within policing, and support services for young women. AWAVA will be offering advice to Government on suitable support for young women, drawing on expertise and experience from sister organisations in the UK.

Regarding the independent review of victims compensation in NSW raised in the Australian Government's interim CEDAW report, page 9, the report by the independent reviewer completed in June 2012 has not yet been publicly released. Eighty legal, health, community, women's and human rights organisations are calling for the retention and strengthening of victims compensation in NSW, particularly for victims of domestic violence, sexual assault and child sexual abuse; including that if there are any changes to legislation that are to the detriment of the victim they must not apply retrospectively and a transparent and adequate consultation takes place.<sup>iii</sup>

### ***National Plan: Funding***

It is commendable that the Government has identified other areas of investment that contribute to achieving the outcomes for the *National Plan*. However, AWAVA would remind the Committee that the annual cost to the Australian economy is estimated to increase to \$15.6 billion by 2021-22<sup>iv</sup>, significant investment is needed for long-term primary prevention strategies, and that the future funding dedicated to the *National Plan* implementation at national and state/territory levels is unclear. Funding cuts to critical services at state/territory level consistently undermine the *National Plan's* implementation. Immediate and proper investment in vital services (including legal, refuge, counselling and health services) for **all** women and children who have experienced/are experiencing **any form** of violence and abuse, to ensure their support and safety **wherever they live**, still needs to be made a priority. Services are already massively under-resourced and stretched beyond capacity.

Women and children who have, or are experiencing violence, are the ones that pay the price for the shortage of refuge spaces and specialist support services. Too many women and children are being accommodated in motels, caravans, sleeping in their cars or ending up homeless; these are not suitable or safe housing options for women and their children. The capacity of such services to cater for increased demand needs to be strengthened substantially given the increased focus on awareness-raising and primary prevention.

### ***National Plan: Primary Prevention needs greater investment***

Ad hoc primary prevention activities that do not form part of a comprehensive, long-term and sustained strategy – using both whole-of-school and whole-of-community approaches – fail to address the underlying causes of violence against women. Significant investment is needed for long-term primary prevention activities, which must form part of a comprehensive primary prevention strategy that has a strong focus on sustainable and long-term social change. Respectful relationships education is only one aspect and needs to be accompanied by strong gender and social equality education from the early years, and to be supported by teacher training. Primary prevention work needs to be evidence-based, undertaken or guided by specialists; for example using the National Association of Services Against Sexual Violence (NASASV) primary prevention standards. There needs to be more focus on early intervention on children and young people displaying problem sexualised behaviour and sexually abusive behaviour. All primary prevention activities must be invested in responsibly - supported by appropriate secondary and tertiary services to cater for interim increased demand.

### ***National Plan: Independent monitoring and evaluation***

As the *National Plan* has been “praised as a leading example for other nation states to adopt to improve the lives of women and children globally”<sup>v</sup>, it is particularly important

that the Australian Government invest in robust **independent** monitoring and evaluation, as recommended by the CEDAW Committee in 2010 and by the United Nations Human Rights Council in Australia's UPR Review in 2011. Evaluation of the *National Plan* will be critical to determine the impact of the national and state/territory-level implementation plans. The agreement from the Government to work with "*community partners*" to develop a framework, methodology, data and information requirements for the evaluation of the *National Plan*, at all levels, is critical. AWAVA will ensure that the community sector is well-engaged in this process.

Although there is reference on page 7 of the Australian Government's interim CEDAW report to *Independent monitoring*, it is not clear how this will be achieved. While there is reference to the "*significant oversight roles to be undertaken by COAG, the Select Council on Women's Issues, and the NPIP*" and that the "*National Plan will be evaluated*" there is no provision for independent monitoring and evaluation frameworks and mechanisms to be established. The Terms of Reference for the NPIP NGO Appointees does not extend to evaluation and the NPIP are not resourced to undertake proper monitoring and evaluation. It is strongly recommended that the CEDAW Committee recommend the Australian Government put in place an independent monitoring and evaluation framework to ensure integrity to the process.

This framework must be focused on monitoring and evaluating the impact of activities on the safety of women and children experiencing violence, and the impact and outcomes of the plan as a whole, not just reporting against outputs and activities completed.

Discussions with community partners on the evaluation framework and methodology have not occurred to date. NATSIWA need to be included in these discussions to monitor and evaluate the implementation of Outcome 3. Although announced, no date has been given for the establishment of the National Centre of Excellence.

Accountability from both federal and state/territory-level governments is necessary to ensure current gaps in the *National Plan* are addressed, for example measures specifically for culturally and linguistically diverse women. The monitoring and evaluation role should be performed by an external oversight body with specific expertise in violence against women and children.

*"Independent monitoring is a cornerstone of human rights based policy-making and democratic principles."*<sup>vi</sup> This independence, as outlined in the UN Women Handbook on National Action Plans for Violence Against Women, "*clearly strengthens perceptions of validity of results, and can support implementing States' claims to accountability, evidence-based practice and continuous improvement.*"<sup>vii</sup>

### **Australian Human Rights Obligations**

We welcome the creation of the Parliamentary Joint Committee on Human Rights as part of Australia's Human Rights Framework but express concern that the Australian Government has ignored recent recommendations made by this committee.<sup>1</sup>

---

<sup>1</sup> For example, by passing the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 which cuts sole parent payments, disproportionately affects women and which will likely impact upon single mothers who are victims of domestic violence. Economic equality is essential to redressing other social inequalities that form part of the root cause of violence against women. The recently released report by ACOSS confirms that more women than men are below the poverty line in Australia already: [http://acoss.org.au/uploads/ACOSS%20Poverty%20Report%202012\\_Final.pdf](http://acoss.org.au/uploads/ACOSS%20Poverty%20Report%202012_Final.pdf)

### ***Closing the Gap: Aboriginal and Torres Strait Islander Women***

The Council of Australian Government's (COAG) process for *Closing the Gap* in the six key areas must include gender-specific targets; given the current investment and approach are not targeted to Aboriginal and Torres Strait Islander women and the impact on Aboriginal and Torres Strait Islander women is not measurable. More direct consultation with Indigenous women to advise Government on priorities and strategies for key areas may include women's health, violence against women and children and Indigenous women's leadership. Consultation must provide a geographical spread across both regions and urban/rural/remote populations, with strategies building on the existing strengths of community-based solutions and provide a culturally-competent standard of practice to Indigenous women.

### ***Consideration of cultural and linguistic interests***

The accreditation and remuneration of Indigenous interpreters must be consistent with their diverse role. In addition to the investment already made, Government must fund and promote the '*Declaration on the Rights of Indigenous People*' Articles 11-13 to ensure that Indigenous language and culture are respected and maintained by effective mechanisms.

AWAVA and NATSIWA are two of the six National Women's Alliances from the NGO sector currently funded until June 2013; the annual budget for each Alliance is AUS \$200,000. AWAVA has worked particularly closely with the Australian Government since the inaugural NPIP meeting in April 2012 to improve communication with the sector on progress with the *National Plan* and will continue to act as a conduit for information to and from the sector, and to and from Government.

If you have any questions, please do not hesitate to contact us.

Best Regards



Julie Oberin  
**Chair of AWAVA**



Dot Henry  
**Chair of NATSIWA**

---

<sup>i</sup> Australian Government *Responses by Australia to the recommendations contained in the concluding observations of the Committee following the examination of the combined sixth and seventh reporting periodic report of Australia on 20 July 2010*, page 5

<sup>ii</sup> Australian Bureau of Statistics, Personal Safety Survey

<sup>iii</sup> Open letter to the NSW Attorney-General, September 25 2012 accessed on 14 October 2012 at: [http://www.clcnsw.org.au/public\\_resource\\_details.php?resource\\_id=363](http://www.clcnsw.org.au/public_resource_details.php?resource_id=363)

<sup>iv</sup> National Council to Reduce Violence Against Women and Their Children (2009) *The Cost Of Violence Against Women and Their Children*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra

<sup>v</sup> Supra note i, page 4

<sup>vi</sup> UN Women *Handbook for National Action Plans on Violence Against Women*, page 70 <http://www.un.org/womenwatch/daw/vaw/handbook-for-nap-on-vaw.pdf>

<sup>vii</sup> Supra note vi, page 72