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VIOLENCE AGAINST WOMEN IN AUSTRALIA FROM AN INTERNATIONAL PERSPECTIVE:

THE STUDY TOUR OF THE UNITED NATIONS SPECIAL RAPPOREUR ON VIOLENCE AGAINST WOMEN

Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.

– General Recommendation No. 19 of the
United Nations Committee on the Elimination
of Discrimination Against Women!

The office of the United Nations Special Rapporteur on violence against women was created by the United Nations Commission on Human Rights in 1994 as part of the ‘special procedures’ process. Reporting directly to the re-fashioned Human Rights Council, the Rapporteur’s mandate includes investigating and responding to reports of violence against women, making appropriate recommendations towards its eradication, and developing comprehensive strategies to combat it globally. The current Special Rapporteur, Ms. Rashida Manjoo, conducted a study tour of Australia in April 2012 to gather information on violence against women in Australia and to identify measures to address this. The tour was co-hosted by the Australian Human Rights Commission and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

During the Tour I travelled with the Special Rapporteur as an intern for the Australian Human Rights Commission and undertook to document her meetings and consultations. This August, the Commission released a report on the tour that outlines the key issues on violence against women in Australia that were raised during the Tour. The following is an account of the report and some personal reflections on my travels with the Rapporteur.

The tour

Since 2009, the Special Rapporteur position has been held by Rashida Manjoo, a part-time professor of public law at the University of Cape Town and former parliamentary commissioner for South Africa’s Commission for Gender Equality. United Nations Special Rapporteurs are experts in their respective fields, covering thematic issues such as torture or cultural rights, or countries and territories such as Sudan and the Palestinian Territories. They are appointed as un-paid experts, not staff of the UN, their budgets dedicated instead to their travel, research and supporting staff. Like most entities within the UN system, their mandates are funded by donations from member states.

Special Rapporteurs generally undertake country visits at the invitation of the national govern-

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ment. However, the Rapporteur’s study tour to Australia was not an official visit.

The ten-day tour started in Sydney, New South Wales then traversed to Perth and Fitzroy Crossing in Western Australia, to Alice Springs in the Northern Territory to Melbourne, Victoria and finally to Canberra in the Australian Capital Territory.² Ms. Manjoo met with federal, state and territory government representatives, women’s crisis shelter staff, academics and community representatives, and Attorney-General Hon. Nicola Roxon MP.³ Ms Manjoo met with diverse communities including Aboriginal and Torres Strait Islander communities from both urban and rural areas, women with disability, women of diverse sex, sexuality and/or gender, and culturally and linguistically diverse women. Each interaction was defined by Ms. Manjoo’s diplomatic but forthright presence and expansive knowledge and insight into international patterns of gender-based violence.

Violence against women in Australia

Gender-based violence is the “most widespread human rights abuse in the world”,⁴ and Australia is no exception to this global reality. One in three women in Australia has experienced

violence since the age of 15, and one in five have experienced sexual assault.⁵ This violence is most frequently inflicted by male perpetrators known to the victims.⁶ Populations most at risk include young women, women with a disability, migrant and refugee women, and Aboriginal and Torres Strait Islander women.⁷ Some reports indicate that Aboriginal and Torres Strait Islander women are up to 45 times more likely to experience violence than non-indigenous Australian women.⁸ In 2011, 24,903 domestic Apprehended Violence Orders (AVOs) were filed in NSW, in addition to another 7,194 personal AVOs.⁹

The impact of these statistics goes beyond the obvious human toll on the victims and their children. There are economic and of course human rights implications that are often excluded from accounts of gender-based violence, obscuring the full picture. It is estimated that violence against women and children will cost the Australian government \$15.6 billion by 2021-2022.¹⁰ Domestic and family violence is the leading cause of homelessness in Australia.¹¹ As articulated in *CEDAW General Recommendation No. 19*, gender-based violence grossly inhibits victims' ability to enjoy their other human rights, including basic civil, political, economic, social and cultural rights. It interferes with their capacity to earn incomes, participate in civil society, care for their children, or advance their educations and careers. Gender-based violence is thus both a cause and a consequence of discrimination against women.¹²

The gaps in responses to gender-based violence

In the course of the tour people spoke of a number of key areas where local, state and federal responses to violence against women could be improved, as outlined in detail in the Commission's report. One common issue was the lack of sufficiently comprehensive collated and disaggregated data.¹³ This impacted the effectiveness of prevention and crisis response programs, and created a lack of understanding about whether the increase in reports of domestic violence indicated higher prevalence rates or a greater awareness of the issue.

Another common gap was the lack of adequate access to justice and services. Without sufficient funding and resources, some police, courts and legal aid systems are struggling to manage their caseloads. This can result in long waiting times at court and delays in hearings.¹⁴ The lack of culturally appropriate legal services greatly affects their utilisation by Aboriginal and Torres Strait Islander women and culturally and linguistically diverse women.¹⁵

A third issue that was raised was the lack of culturally appropriate services for victims particularly in rural areas. The level of unmet demand in refuges and shelters for example, results in one in two female victims of violence being denied aid.¹⁶ Furthermore, refuges are often inaccessible to women with disability.¹⁷ The 'mainstreaming' or one-size-fits-all approach to service provision leaves some vulnerable groups under-protected and under-served. When different areas of vulnerability intersect, for example if an Aboriginal or Torres Strait Islander victim of violence also lives with a disability, some services programs might not be able to meet all their needs.

Access to safe and secure housing was another common concern, especially in Aboriginal and Torres Strait Islander communities. A majority of homeless women and children live on the streets in an effort to escape domestic violence, or continue to live in violent households to avoid homelessness. In a census taken in 2006, the NSW government identified that 20 per cent of those seeking housing assistance were women? escaping domestic and family violence; the closest second motivation being the breakdown of a family or relationship at 12 per cent.¹⁸

The future for women in Australia

The Rapporteur's trip shone an international spotlight on violence against women in Australia. This account of her tour highlights only a few of the issues that were raised during the ten days of travelling. From what I observed, her meetings and consultations both inspired and challenged those working on the ground, offering them an opportunity to share their incredible work and acknowledge and discuss

the shortcomings. Following the tour, the Commission sent a survey to the participants of the roundtables and meetings Ms. Manjoo attended. The results confirmed an overall sense that the Rapporteur's visit had provided greater visibility of the issue of gender-based violence, greater visibility of the needs of marginalised women and greater visibility of efforts to combat violence. It also provided a greater understanding of how international law and institutions are being utilised to combat gender-based violence globally.

The Commission's report is publically available on their website at www.humanrights.gov.au. The tour will also inform Ms. Manjoo's future thematic reports to the Human Rights Council. The Human Rights Council's special procedures process will continue to provide victims and advocates seeking redress a forum to submit complaints, which the Special Rapporteur can decide to investigate.¹⁹ We must use all the tools available to us to ensure Australian women have as equal a chance of enjoying their basic human rights as men. Free from the fear of violence.

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