



18 September 2023

### NSW Aboriginal Women's Advisory Network's submission to the Department of Foreign Affairs and Trade on the New International Gender Equality Strategy

The NSW Aboriginal Women's Advisory Network ('AWAN' or 'the Network') thanks the Department of Foreign Affairs and Trade for the opportunity to comment on the development of a new strategy to advance gender equality internationally.

The [NSW Aboriginal Women's Advisory Network](#) was established in 2022 and operates as a mechanism to drive Aboriginal-led policy solutions to the NSW Government Closing the Gap Target 13 initiative to reduce the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by at least 50% by 2031 as progress towards zero.<sup>1</sup> AWAN works to achieve this target through a multi-pronged approach. That approach includes: educating communities about violence against Aboriginal women, empowering Aboriginal women in NSW, representing the voices of Aboriginal women to frontline services as well as NSW and Federal Australian governments, and advocating for better protections and support for Aboriginal women and children in NSW communities. This submission and AWAN's work is informed by the voices of Aboriginal and Torres Strait Islander women who we consult with across communities from urban to rural NSW.

AWAN's Executive Council is led by Co-Chairs from Wirringa Baiya Aboriginal Women's Legal Centre ('Wirringa Baiya') and the Aboriginal Legal Service (NSW/ACT) ('ALS'). ALS is the Coalition of Aboriginal Peak Organisations (CAPO) lead on Target 13. Wirringa Baiya is the organisation that auspices the AWAN secretariat. Both Wirringa Baiya and AWAN are gender-specific and sensitive to the culturally diverse needs of Aboriginal and Torres Strait Islander women and children who have been victim-survivors of domestic, family and sexual violence.

#### 1. *What are international gender equality priorities?*

### Sustainable Development Goals

*Goal 5: Achieve gender equality and empower all women and girls* in the Sustainable Development Goals<sup>2</sup> is a primary international gender equality priority. The first two targets towards achieving Goal 5 are: ending all forms of discrimination against all women and girls; and, eliminating all forms of violence against all women and girls in the public and private spheres.<sup>3</sup>

Australia adopted the 17 Sustainable Development Goals alongside all other UN Member States in 2015, as part of the 2030 Agenda for Sustainable Development. The United Nations makes clear that, "*Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.*"<sup>4</sup>

The 2030 Agenda for Sustainable Development and the Sustainable Development Goals overlap as a call for action to promote prosperity while ending poverty, protecting the planet and improving the lives and prospects of people everywhere. In addition to calling for gender equality, the declaration calls for the empowerment of Indigenous peoples and the engagement of Indigenous peoples in implementing the Agenda.<sup>5</sup>

### Human Rights Conventions

The *Charter of the United Nations*, the *Universal Declaration of Human Rights*, and the International Covenants on Human Rights all uphold the principles that human beings are born free and equal and that everyone is entitled to rights and freedoms without discrimination – including based on sex. A primary convention for international gender equality priorities is the *Convention on the Elimination of All Forms of Discrimination Against*

<sup>1</sup> NSW Government, *2022-2024 NSW Implementation Plan for Closing the Gap*, 109.

<sup>2</sup> *United Nations - Transforming our world: the 2030 Agenda for Sustainable Development*, GA Res 70/1, 70<sup>th</sup> session, Agenda items 15 and 116, UN Doc A/RES/70/1 (21 October 2015).

<sup>3</sup> *Ibid* p 18, Goals 5.1 and 5.2.

<sup>4</sup> United Nations, *Sustainable Development Goals – Goal 5*, available at: [un.org/sustainabledevelopment](https://un.org/sustainabledevelopment) (last accessed 14 September 2023).

<sup>5</sup> United Nations, *Indigenous Peoples and the 2030 Agenda*, available at: <https://www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/Indigenous-Peoples-and-the-2030-Agenda-with-indicators.pdf> (last accessed 14 September 2023).

Women ('CEDAW').<sup>6</sup> The CEDAW is prefaced with the statement that the eradication of all forms of racism, racial discrimination, colonialism and like matters are essential to the full enjoyment of the rights of men and women.<sup>7</sup> Australia has been signatory to the CEDAW since 1980 and ratified the CEDAW in 1983.<sup>8</sup>

The Australian Government also supports the *United Nations Declaration on the Rights of Indigenous Persons* ('UNDRIP') but only under the caveat that the Declaration is a non-legally binding document.<sup>9</sup> The Australian Government needs to change its view of the UNDRIP's legal force and fully incorporate the UNDRIP into domestic laws, policies and practice. The UNDRIP is the most comprehensive international framework for State actors to meet their human rights obligations and positive duties to Indigenous peoples. The UNDRIP makes clear per Article 22(2) that, "*States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.*"<sup>10</sup>

## Regional and National Commitments

International gender equality priorities are also achieved through aligned regional and national commitments. Through the Pacific Islands Forum, ASEAN and APEC Australia is committed to achieving gender equality within our region. Australia is also committed to meeting the international priorities and achieving gender equality nationally through several plans. These plans include the *National Strategy to Achieve Gender Equality*, the *National Plan to End Violence against Women and Children 2022-2032* and the *Aboriginal and Torres Strait Islander Action Plan 2023-2025*, and the *National Closing the Gap Agreement* and associated Federal and State and Territory Implementation Plans. We draw special attention to Closing the Gap Target 13 – "*Target 13: By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50 per cent, as progress towards zero.*"

### 2. What are the most effective approaches for achieving gender equality globally?

The most effective approaches for achieving gender equality globally involve each State actor, including Australia, upholding their international obligations and meeting their global commitments to achieve gender equality. Each State actor must take responsibility to improve gender equality within their own country. Measures taken to achieve gender equality must be reviewed in consultation with the Indigenous peoples, especially Indigenous women and girls, of each State. Parallel to this, gender equality must also be pursued at the regional and international levels.<sup>11</sup>

Violence against women and their children is a major barrier to the achievement of gender equality globally. State actors must adopt a holistic understanding and approach towards the achievement of gender equality. State actors must ensure that measures to achieve gender equality are evidence-based. We draw upon the evidence from Our Watch's *Change the story*; an interdisciplinary framework founded on international research and evidence from the field of human rights.<sup>12</sup> That evidence confirms that there is a social context in which violence against women arises. This social context is characterised by gender inequality as well as intersecting forms of inequality, oppression and discrimination. Such characteristics form the context for the drivers of violence against women.

International evidence shows that there are four key gendered drivers of violence against women:<sup>13</sup>

- i. *Condoning of violence against women* in society and systemically. This condoning is a factor which enables violence against Aboriginal women to be dismissed or downplayed in society and by systems.
- ii. *Men's control of decision-making and limits to women's independence in public and private life*. There are additional barriers which impact self-determination and public participation for Aboriginal women.
- iii. *Rigid gender stereotyping and dominant forms of masculinity*. Globally, there is a direct correlation between countries that have rigid gender roles and higher rates of violence against women.
- iv. *Cultures of toxic masculinity* which are reinforced within private and public spheres.

<sup>6</sup> *United Nations, Convention on the Elimination of All Forms of Discrimination against Women*, adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979. Entry into force 3 September 1981, in accordance with article 27(1).

<sup>7</sup> *Ibid* 1.

<sup>8</sup> United Nations Human Rights Office of the High Commissioner, *Indicators – Australia*, available at: [indicators.ohchr.org](https://indicators.ohchr.org) (last accessed: 14 September 2023).

<sup>9</sup> Attorney-General's Department, *International human rights system*, available online at: <https://www.ag.gov.au/> (last accessed 4 September 2023).

<sup>10</sup> Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53).

<sup>11</sup> By example, we note that the United Nations encourages all Member States to develop ambitious national responses to the implementation of the 2030 Agenda for Sustainable Development, and to review progress with contributions from indigenous peoples. Parallel to this, regional cooperation is valuable and global review processes are central to the Agenda: above n 2, 33.

<sup>12</sup> For further information see, Our Watch, *Change the story – a shared framework for the primary prevention of violence against women in Australia (second edition)* (2021, Melbourne), see esp. p. 36 (available online at: <https://www.ourwatch.org.au/resource/change-the-story-a-shared-framework-for-the-primary-prevention-of-violence-against-women-in-australia>, last accessed 15 September 2023).

<sup>13</sup> *Ibid*.

Evidence proves that violence has significant impacts on the security and health of women and girls. In Australia, it is estimated that gender-based violence costs the economy \$26 billion every year.<sup>14</sup> Gendered financial abuse is estimated to cost almost \$11 billion a year – with more than half of that cost borne directly by victim-survivors.<sup>15</sup> Violence against women, however, has more than a financial cost to Australian society and Australian women and girls.

The prevalence of domestic, family and sexual violence against women and children in Australia is extremely high. In Australia:<sup>16</sup>

- 1 in 6 women has experienced childhood abuse before the age of 15.
- 1 in 4 women has experienced violence by an intimate partner or family member since the age of 15.
- 1 in 4 women has experienced emotional abuse from their cohabitating partner since the age of 15.
- 1 in 6 women has experienced economic abuse from their cohabitating partner since the age of 15.
- On average, one woman is killed by an intimate partner every 10 days.

The prevalence of violence is aggravated against Aboriginal and Torres Strait Islander women and girls who face the intersecting oppressions of sexism, racism and the ongoing impacts of colonisation. Aboriginal and Torres Strait Islander women are 5.7 times more likely to be killed from family violence, and 33 times more likely to be hospitalised due to family violence than non-Aboriginal and Torres Strait Islander women.<sup>17</sup> These statistics are harrowing and do not capture the many cases of violence that go unreported due to factors such as system distrust, and the lack of resources provided to Aboriginal family violence prevention legal services.<sup>18</sup>

### 3. *How can Australia best support efforts to achieve gender equality internationally?*

The Department of Foreign Affairs and Trade has expressed that the Government is committed to being a global leader on gender equality. From this commitment, the Department is developing this new International Gender Equality Strategy. The Australian government cannot take position as a global leader on gender equality unless the human rights of all women and girls in Australia are improved and the prevalence of gendered violence against women and girls is reduced and eliminated. The Network notes for example that Australia ranked last out of 37 countries against the OECD indicator measuring the gender gap in feeling safe between men and women.<sup>19</sup>

In designing measures to achieve gender equality, particular attention must be paid to Aboriginal and Torres Strait Islander women and children. We draw upon the supporting evidence from 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.<sup>20</sup> While there is no one cause of violence against Aboriginal and Torres Strait Islander women, there are three key underlying drivers:<sup>21</sup>

- Ongoing impacts of colonisation for Aboriginal and Torres Strait Islander peoples, families and communities.* This includes matters such as intergenerational trauma; systemic oppression; destruction/disruption of cultures and community relationships; and, experiences of violence.
- Ongoing impacts of colonisation for non-Indigenous people and society.* This includes matters such as systemic racism entrenched in power structures and social norms; racism driven violence; and, condoning of violence against Aboriginal peoples and insufficient accountability for that violence.
- The gendered drivers of violence against women in Australia* – both generally as discussed above in section two, and specifically as a consequence of colonisation.

These three drivers intersect and result in aggravated violence against Aboriginal and Torres Strait Islander women and girls. The impacts of this against the security and wellbeing of Aboriginal and Torres Strait Islander women and girls are significant and complex. This experience has been confirmed to the Network by Aboriginal and Torres Strait Islander women who we have consulted with across communities from urban to rural NSW.

<sup>14</sup> KPMG, *The cost of violence against women and their children in Australia – Final Report*, 2016.

<sup>15</sup> Deloitte Access Economics (2022) *The cost of financial abuse in Australia*, Commonwealth Bank of Australia, accessed on 7 March 2023.

<sup>16</sup> Australian Bureau of Statistics, *Personal Safety Australia* (Released 15 March 2023) (available online at: <https://www.abs.gov.au/>, last accessed 15 September 2023); Australian Institute of Criminology, NHMP Report (2022), quoted in Australian Government, *National Plan to Reduce Violence against Women and their Children – Useful statistics* (available online at: <https://plan4womenssafety.dss.gov.au>, last accessed 15 September 2023).

<sup>17</sup> Based on Commonwealth of Australia data, Budget 2023-24: Women's Budget Statement, (9 May 2023) 42.

<sup>18</sup> UN General Assembly, 36<sup>th</sup> session, 11-29 September 2017, *Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia*, A/HRC/36/46/Add.2, 16 at 'O. Violence against women.'

<sup>19</sup> Australian Government – The Treasury, *Measuring What Matters – Detailed OECD Indicator Summaries*, (2023) (available online at: <https://treasury.gov.au>, last accessed 15 September 2023) 7. Ranked 37<sup>th</sup> of 37 OECD countries (all countries 2013 – 18).

<sup>20</sup> Our Watch, *Changing the picture – A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children* (2018, Melbourne) pp 13 – 14 (available online at: <https://action.ourwatch.org.au/resource/changing-the-picture/>).

<sup>21</sup> *Ibid.*

The NSW Aboriginal Women's Advisory Network submits that there are a myriad of actions that Australia can take to improve gender equality. The Australian government must take action to address violence against Aboriginal and Torres Strait Islander women and girls, including taking preventative action to address the drivers of that violence. By taking such action, Australia will improve gender and racial equality within our own nation. From that stance, Australia will have a stronger ground to become a regional and international influencer and champion of women's rights.

The NSW Aboriginal Women's Advisory Network recommends that the Australian government must undertake the following actions to address gender inequality against Aboriginal and Torres Strait Islander women and girls:

#### Uphold its commitments to Aboriginal and Torres Strait Islander peoples

- i. Take active and meaningful measures to meet its commitment to upholding and protecting the rights of Aboriginal and Torres Strait Islander women, children and families to be safe and free from all forms of violence including family, domestic and sexual violence, racial violence, and institutional violence, wherever they live.<sup>22</sup>
- ii. Take affirmative action to fully realise the commitments under:
  - a. The *National Plan to End Violence against Women and Children 2022–2032* and more specifically the *Aboriginal and Torres Strait Islander Action Plan 2023–2025*, and
  - b. The priority reforms of the National Agreement on Closing the Gap which are: formal partnerships and shared decision-making; building the community-controlled sector; transforming government organisations; and, shared access to data and information at a regional level.
  - c. The Closing the Gap Targets, in particular *Target 13 Families and households are safe*.
- iii. Take affirmative action to comprehensively integrate the National Agreement on Closing the Gap principles, priority reforms and targets into Australia's social welfare system.
- iv. Take active and meaningful measures to meet its commitment to working in formal partnership with Aboriginal and Torres Strait Islander peoples to ensure policies and services are culturally competent, strengths-based and trauma informed and meet the needs of Aboriginal and Torres Strait Islander peoples and communities.<sup>23</sup>

#### Introduce a Human Rights Framework which is meaningful for Aboriginal and Torres Strait Islander peoples

- v. Fully incorporate the *United Nations Declaration on the Rights of Indigenous Peoples* into domestic laws, policies and practice for the protection of the human rights of Aboriginal and Torres Strait Islander peoples.
- vi. Develop a Federal Human Rights Act and framework which prioritises the protection of Aboriginal and Torres Strait Islander women and children - in particular, their right to enjoy the full protection and guarantees against all forms of violence and discrimination per UNDRIP, Art 22.

#### Increase social measures proven to reduce violence against and increase safety for Aboriginal and Torres Strait Islander women and children

- vii. Increase access to safe and affordable housing for Aboriginal and Torres Strait Islander women and their children experiencing or at risk of experiencing domestic, family or sexual violence.
- viii. Adopt a holistic approach to resourcing solutions towards domestic, family and sexual violence by making multi-faceted investments, including towards supporting culturally informed initiatives – such as programs and services for women and children experiencing violence; social and affordable housing; early intervention; primary prevention; healing, and physical, mental, spiritual and cultural wellbeing initiatives; drug and alcohol programs; men's behaviour change programs; and, offender programs.

#### Address gender and racial inequality within government systems and structures

- ix. Adopt significant measures to ensure that Aboriginal and Torres Strait Islander women and children feel culturally safe and supported when engaging with government systems, including the legal system, police and social services.
- x. Implement ongoing and mandatory training as well as external accountability mechanisms for police and child protection agencies. Training must be focused on improving workforce and systemic understandings of issues that impact Aboriginal and Torres Strait Islander women and children.

<sup>22</sup> Commonwealth of Australia (Department of Social Services), *Aboriginal and Torres Strait Islander Action Plan 2023–2025 Under the National Plan to End Violence against Women and Children 2022–2032*, (2023) 14.

<sup>23</sup> Commonwealth of Australia (Department of Social Services) 2023, *First Action Plan 2023-2027 under the National Plan to End Violence Against Women and Children 2022-2032*, (2023) pp 13, 46 – 49.



Accountability mechanisms must be focused on responses to Aboriginal and Torres Strait Islander women and children. Both training and external reviews must involve external domestic, family and sexual violence specialists.

- xi. Implement standards that uphold cultural awareness, gender-specific and trauma-informed practice for police officers, legal professionals and medical practitioners. These standards must be informed by Aboriginal and Torres Strait Islander women who have experienced domestic, family and sexual violence – and the Aboriginal-controlled organisations that represent them.
- xii. Support the creation of workforce development plans for legal and medical sectors to improve the experiences of Aboriginal and Torres Strait Islander peoples professionals, and to increase their entry into these sectors. These plans must be informed by Aboriginal and Torres Strait Islander workers.

#### Improve funding allocation and review processes for the benefit of programs supporting Aboriginal and Torres Strait Islander women and children experiencing domestic, family and sexual violence

- xiii. Fund Aboriginal-led community education around domestic, family and sexual violence; rights to safety; and, consent.
- xiv. Invest in anti-racism campaigns for the broader Australian public.
- xv. Increase funding to programs designed and led by Aboriginal women to provide culturally safe, gender-specific and trauma-informed solutions towards meeting the targets of reducing and eliminating domestic, family and sexual violence against Aboriginal and Torres Strait Islander women and children.
- xvi. Ensure that organisations receiving funding to provide services to Aboriginal and Torres Strait Islander women and children are transparent about the funding use and success. External, evidence-based assessments must be sourced from Aboriginal and Torres Strait Islander community members, as well as women who are current or previous clients of the service.
- xvii. Support the implementation of a standard of service delivery for domestic, family and sexual violence services Australia-wide that prioritises the safety of Aboriginal and Torres Strait Islander workers and clients.

#### 4. *What should the government/ DFAT consider when developing the new international gender equality strategy?*

The government and DFAT must account for the intersecting drivers of violence against women and girls when developing the new international gender equality strategy. The government and DFAT must keep front of mind Australia's international, regional and national commitments to reducing and eliminating gender inequality and other forms of discrimination that women face. Particular attention must be paid to the intersection between gendered and racialised violence, and its impacts on Aboriginal and Torres Strait Islander women and girls.

The government and DFAT must take a human rights-based approach towards improving the experiences of women and girls in Australia, in particular to improving the experiences of Aboriginal and Torres Strait Islander women and girls.<sup>24</sup> It is imperative that the government must improve this human rights record within Australia as a platform towards becoming an international influencer or champion of women's rights.

Separately, we note that in the development of its First Nations approach to foreign policy, DFAT must consult with Aboriginal and Torres Strait Islander peoples. There must again be a focus on consulting with Aboriginal and Torres Strait Islander women and their representatives.

If the Department has any questions about this submission, or wishes to speak to us further, please contact the NSW Aboriginal Women's Advisory Network's Policy and Advocacy Officer, Bianca Tini Brunozzi by email: [b.tinibrunozzi@awan.org.au](mailto:b.tinibrunozzi@awan.org.au) or phone: (02) 9560 5432.

Yours Sincerely,

Christine Robinson and Susan Gibbs,  
Co-Chairs, NSW Aboriginal Women's Advisory Network.

Christine Robinson  
CEO, Warringa Baiya Aboriginal Women's Legal Centre  
E: [c.robinson@warringabaiya.org.au](mailto:c.robinson@warringabaiya.org.au)  
Ph: (02) 9569 3847

Susan Gibbs  
Program Manager - Greater Sydney Aboriginal Tenant  
Advice Service, Aboriginal Legal Service (NSW/ACT)  
E: [sgibbs\\_gsats@alsnswact.org.au](mailto:sgibbs_gsats@alsnswact.org.au); Ph: 02 9833 3314

<sup>24</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report* (2020) 23.