



Australian  
Human Rights  
Commission

# Violence against women in Australia

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE  
SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN**

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ABN 47 996 232 602  
Level 3, 175 Pitt Street, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
General enquiries 1300 369 711  
Complaints info line 1300 656 419  
TTY 1800 620 241

Australian Human Rights Commission  
[www.humanrights.gov.au](http://www.humanrights.gov.au)

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## **1 Introduction**

1. The Australian Human Rights Commission makes this submission to inform the country visit to Australia of the Special Rapporteur on violence against women, its causes and consequences.
2. The Commission is established by the *Australian Human Rights Commission Act 1986* (Cth) and is Australia's national human rights institution with 'A' status.

## **2 Summary**

3. This submission provides an overview of violence against women in Australia. It includes background information about the nature and prevalence of violence against women in Australia; a summary of recent policy developments relating to violence against women; and an outline of the Commission's recent work on violence against women.
4. The Commission looks forward to providing further information to the Special Rapporteur during her visit to Australia in February 2017.

## **3 Recommendations**

5. This submission references a range of documents produced by the Commission which include recommendations relating to violence against women in Australia. These include:
  - Submission to the Senate Finance and Public Administration References Committee, inquiry into domestic violence and gender inequality<sup>1</sup>
  - Submission to the Joint Committee on Law Enforcement inquiry into human trafficking<sup>2</sup>
  - Submission to the Fair Work Commission four yearly review of AM2015/1 Family and domestic violence clause<sup>3</sup>
  - Collaboration for Cultural Reform in Defence project reports<sup>4</sup>
  - Children's Rights Report 2015<sup>5</sup>
6. The Commission also refers the Special Rapporteur to the recommendations of the Victorian Royal Commission into Family Violence.<sup>6</sup>

## **4 Background information**

7. Australia has a disturbingly high rate of violence against women. In recent times, policy and public discussions on violence against women in Australia have had a strong focus on family and domestic violence, in particular intimate partner violence. However, consultations conducted by the Commission indicate that violence against women can take many forms, including family

and domestic violence, sexual assault, sexual harassment, violence in residential settings and online violence and harassment.

8. A Personal Safety Survey conducted in 2012 by the Australian Bureau of Statistics found that 5.3% of women had experienced some form of violence in the last 12 months, and 40.8% had experienced some form of violence since the age of 15.<sup>7</sup> The Survey indicated that most instances of violence against women were perpetrated by someone known to them: around 74% of women who had experienced violence in the last 12 months, and 87% of women who had experienced violence since the age of 15, reported that the perpetrator was someone they know.<sup>8</sup> This compares to 45% of men who had experienced violence in past 12 months, and 54% of men who had experience violence since the age of 15.<sup>9</sup>
9. Intimate partner violence is one of the most common forms of violence against women, with 1.5% of women reporting violence by a current or former partner in the past 12 months, and 16.9% reporting intimate partner violence since the age of 15 (compared to 0.6% of men in the past 12 months and 5.3% of men since the age of 15).<sup>10</sup> A more recent study has estimated that 27.5% of Australian women have experienced violence or emotional abuse by a current or previous partner.<sup>11</sup>
10. A 2016 study by Australia's National Research Organisation for Women's Safety (ANROWS) found that intimate partner violence accounted for 5.1% of the disease burden amongst women aged 18 to 44 years — more than other any other risk factor.<sup>12</sup> Research has also demonstrated that victims/survivors often experience enduring mental health problems as a result of such violence.<sup>13</sup> Between 2002–03 and 2011–12, 488 women were killed by a current or former partner, often after a history of domestic violence.<sup>14</sup> Women represented 75% of intimate partner homicide victims over this period.<sup>15</sup>
11. Sexual harassment, particularly in the workplace, remains a significant problem in Australia. Research conducted by the Commission has found that one-third of women have been sexually harassed since the age of 15.<sup>16</sup> Further information about the Commission's work on sexual harassment in the workplace can be found in Section 6.1 of this submission.
12. Consultations conducted by the Commission indicate that women, especially young women, also experience violence and harassment online. This can include the dissemination of private images or materials without consent, and violent, sexualised abuse and harassment. Women who advocate on women's rights issues, including family and domestic violence, appear to be at particular risk of this latter form of online harassment. In his end-of-mission statement following a country visit to Australia in October 2016, the Special Rapporteur on the situation of human rights defenders, Mr Michel Forst, drew specific attention to the online abuse and harassment faced by women human rights defenders:

During my mission, I have heard testimonies of women human rights defenders who have received threats on social media as a result of their advocacy in support of women who are exposed to vulnerabilities as single mothers, living in poverty or survivors of domestic violence ... It appears the most horrifying digital

abuse is reserved for women with high visibility, who speak out or those deemed to be feminist. The remedies have lagged behind the abuse and the process of triggering follow up by police is often ineffective.<sup>17</sup>

13. Women who experience greater intersectional inequality due to race, disability, age, sexual orientation, gender identity or socio-economic status often experience higher rates of domestic violence and face additional barriers to seeking help and support. In 2014–15 survey, for example, ‘Aboriginal and Torres Strait Islander women reported experiencing physical or threatened violence in the previous 12 months at 3.1 times the rate of non-Indigenous women’.<sup>18</sup> The 2016 ANROWS study found that intimate partner violence accounted for 10.9% of the disease burden amongst Indigenous women aged 18 to 44 years — a rate of burden more than six times higher than amongst non-Indigenous women.<sup>19</sup> Aboriginal and Torres Strait Islander women are also 32 times more likely to be hospitalised as a result of family violence-related assault than non-Indigenous women in Australia.<sup>20</sup>
14. A 2006 report by the Commission identified ten key challenges in addressing family violence and abuse in Aboriginal and Torres Strait Islander communities: turning stated government commitments into concerted, long-term action; developing genuine partnerships with Indigenous people and ensuring their full participation in initiatives to address family violence; ensuring support for Indigenous community initiatives and networks which are already responding to family violence; providing human rights education to Indigenous communities; engaging Indigenous men, including through avoiding harmful stereotypes; celebrating positive achievements and progress; reasserting Indigenous cultural norms and community structures to rebuild respect; ensuring robust accountability and monitoring mechanisms; changing the mindset of government from an approach which manages dysfunction to one that supports functional communities; and targeting program interventions to address need and overcome disadvantage.<sup>21</sup> The Commission considers that these challenges remain relevant in the current context.
15. As noted in a recent report by Women With Disabilities Australia, ‘compared to their peers, women with disability experience significantly higher levels of all forms of violence more intensely and frequently and are subjected to such violence by a greater number of perpetrators. Their experiences of violence last over a longer period of time, and more severe injuries result from the violence.’<sup>22</sup> The report also observed that the lack of a clear definition and conceptual understanding of violence against women with disability has hampered effective responses to the issue.<sup>23</sup> Women with disabilities are 40% more likely than women without disabilities to be the victims of domestic violence,<sup>24</sup> and more than 70% of women with disabilities have been victims of violent sexual encounters at some time in their lives.<sup>25</sup>
16. For women from migrant and refugee backgrounds, cultural values and immigration status can enhance the complexities of family and domestic violence.<sup>26</sup> Women from migrant and refugee backgrounds are generally less likely than other groups of women to report family and domestic violence, and may face additional barriers to safety for these women (for example, due to limited support networks in Australia or lack of knowledge of Australian law).<sup>27</sup>

17. Whilst there are limits to current data on elder abuse, including physical violence and other forms of abuse against older women, available evidence suggests that older women are significantly more likely than older men to be victims of abuse.<sup>28</sup> For some older women, experiences of family violence and sexual assault can represent ‘the continuation of a lifelong pattern of spousal abuse’.<sup>29</sup> A recent study by researchers at La Trobe University found that the sexual assault of women over 65 occurs in a wide range of contexts and that older women can face violence from partners, family members and service providers on whom they may rely on for general care, health care and intimate care.<sup>30</sup> The Federal Government has recently allocated funding for a prevalence study on violence against older women.
18. There is a lack of comprehensive data about the prevalence of family and domestic violence amongst in lesbian, gay, bisexual, transgender and intersex (LGBTI) communities in Australia;<sup>31</sup> however, available research suggests that incidence rates are comparable to the general population.<sup>32</sup> During a national consultation on sexual orientation, gender identity and intersex rights conducted by the Commission in 2014 and 2015, a number of participants in the Consultation raised concerns about the rates of family and domestic violence in LGBTI communities and the lack of inclusive services for LGBTI people.<sup>33</sup>
19. Children are also victims of family and domestic violence. A 2008 study noted that 23% of all children had disclosed witnessing violence against their mother or stepmother.<sup>34</sup> In the Personal Safety Survey, 31.1% of women who had experienced violence by their current partner and 47.6% who had experienced violence by a previous partner reported that children had seen or heard the violence.<sup>35</sup> The Family Court and Federal Circuit Court of Australia report that ‘children who are exposed to family and domestic violence have higher levels of emotional and behavioural problems than children who have not’ and that ‘children who are in violent homes are also at a greater risk of physical abuse or having their physical and emotional needs neglected’.<sup>36</sup>

## **5 Recent developments in Australia**

### **5.1 *National Plan to Reduce Violence Against Women and their Children***

20. The *National Plan to Reduce Violence Against Women and their Children 2010-2022*<sup>37</sup> is a twelve-year plan which aims to coordinate actions across Australian jurisdictions to reduce levels of violence against women. The Plan seeks to achieve six national outcomes:
1. Communities are safe and free from violence
  2. Relationships are respectful
  3. Indigenous communities are strengthened
  4. Services meet the needs of women and their children experiencing violence

5. Justice responses are effective
  6. Perpetrators stop their violence and are held to account.<sup>38</sup>
21. The National Plan sets out a framework for implementation through four three-year action plans. The Third Action Plan, for the period 2016–19, was released in October 2016.<sup>39</sup> The Action Plan focuses on six priority areas: prevention and early intervention; Aboriginal and Torres Strait Islander women and their children; greater support and choice; sexual violence; responding to children living with violence; and keeping perpetrators accountable across all systems.<sup>40</sup>
  22. The Commission provided input<sup>41</sup> during the development of the Third Action Plan, putting forward a number of suggestions for advancing and strengthening the National Plan:
    - grounding the National Plan in a human rights framework which recognises that gender equality is the key to addressing violence against women and that gender inequality, discrimination, harassment and violence are all serious human rights violations
    - implementing the National Prevention Framework developed by Our Watch (an independent organisation established under the National Plan to drive nationwide change in the culture, behaviours and power imbalances that lead to violence against women and their children) and continuing to resource the organisation’s capacity-building and coordination work
    - extending successful school-based prevention initiatives, such as respectful relationships programs
    - supporting and encouraging workplaces to introduce policies and programs and workplace entitlements for family and domestic violence leave
    - resourcing the Commission’s national sexual harassment in the workplace survey (see Section 6.1 of this submission)
    - building the evidence based to inform policy development on violence against women, including through funding the Australian Bureau of Statistics to gather data that supports policy on economic security for women and effectively resourcing ANROWS
    - implementing the recommendations from the Commission’s *Children’s Rights Report 2015*, which focused on the impact of family and domestic violence on the human rights of children and young people
    - supporting the development of mechanisms for better recording, monitoring and making recommendations on family violence deaths (see also Section 6.4 of this submission)
    - strengthening independent monitoring and evaluation systems of the National Plan

- incorporating into the National Action Plan lessons from the comprehensive Victorian Royal Commission into Family Violence (see Section 5.3 of this submission)
23. The Third Action Plan included specific actions relating to the implementation of the National Prevention Framework, respectful relationships education and ANROWS' research on perpetrator interventions.<sup>42</sup> The Action Plan also stipulates that working groups will be established to progress and monitor key actions, and that an external evaluation of the achievements and outcomes of the Action Plan will be undertaken in 2019.<sup>43</sup>

## **5.2 Relevant Federal Government inquiries**

24. In November 2015, the Senate Finance and Public Administration References Committee commenced an inquiry into domestic violence and gender inequality in Australia. The terms of reference of the inquiry focused on:
- the role of gender inequality in all spheres of life in contributing to the prevalence of domestic violence
  - the role of gender stereotypes in contributing to cultural conditions which support domestic violence
  - the role of government initiatives at every level in addressing the underlying causes of domestic violence.<sup>44</sup>
25. In its submission to the inquiry,<sup>45</sup> the Commission highlighted the following issues:
- strategies and programs to prevent violence against women through addressing behaviours, attitudes and negative stereotypes of women and girls
  - the need for specific protections against adverse treatment resulting from experiences of family and domestic violence
  - the need to address the intersectional causes of domestic violence as it affects at-risk groups, including lesbian, gay, bisexual, transgender, gender diverse and intersex (LGBTI) people, people from migrant and refugee backgrounds, children, people with disabilities and Aboriginal and Torres Strait Islander people
  - the specific impacts of family and domestic violence on children and the implementation of recommendations made in the Commission's *Children's Rights Report 2015* (see Section 6.5 of this submission)
  - the manifestation of domestic violence and gender inequality in a workplace context and the need for workplace entitlements, policies and programs to support victims/survivors of domestic violence (including the introduction of paid family and domestic violence leave)
  - coronial approaches to family and domestic violence homicides.

26. The Committee was due to report its findings in August 2016. However, due to the calling of a Federal election in May 2016 and subsequent dissolution of both houses of Parliament, the inquiry lapsed and has not been re-established. The Committee is currently undertaking a new inquiry into gender segregation in the workplace and its impact on women's economic equality, which is due to be completed in March 2017.<sup>46</sup>
27. In December 2015, Joint Committee on Law Enforcement initiated an inquiry into human trafficking. The terms of reference of the inquiry focused on:
- the prevalence of human trafficking in Australia
  - the role and effectiveness of Commonwealth law enforcement agencies in responding to human trafficking
  - practical measures and policies that would address human trafficking
  - the involvement of organised crime in human trafficking
  - the extent to which human trafficking is facilitated by migration visas, technology and false identities
  - the effectiveness of relevant Commonwealth legislation and policies.<sup>47</sup>
28. In its submission to the inquiry,<sup>48</sup> the Commission highlighted the following issues:
- the importance of a human rights-based approach to addressing trafficking and slavery, including the ratification of relevant international Conventions and Protocols
  - the need for independent oversight mechanism to monitor and review the implementation of the National Action Plan to Combat Human Trafficking and Slavery
  - support for survivors to trafficking and slavery, including the development of a federal compensation scheme, the extension of preventative and protective orders to adults at risk of forced marriage and the implementation of specific measures to support child survivors
  - the regulation of trafficking and slavery within supply chains and the development of a National Action Plan on business and human rights
  - the exploitation of migrant workers and the need to establish a national licensing regime for labour hire businesses in specific industries with a high risk of people on temporary work visas being subjected to trafficking and slavery
29. The trafficking inquiry also lapsed at the dissolution of Parliament in May 2016, but was re-initiated in October 2016. At the time of writing, the Joint Committee on Law Enforcement was accepting submissions to the inquiry with a closing date of 27 January 2017.<sup>49</sup>

### **5.3 Relevant state government inquiries**

30. In 2014, the Queensland Government established the Special Taskforce on Domestic and Family Violence in Queensland. The Taskforce was requested to 'examine Queensland's domestic and family violence support systems and make recommendations to the Premier on how the system could be improved and future incidents of domestic violence could be prevented'.<sup>50</sup>
31. The Taskforce's report, submitted to the Premier in February 2015, included 140 recommendations relating to the protection of at-risk groups, prevention of violence, improvement of service response and enhancement of the law and justice framework.<sup>51</sup> In August, the Queensland Government issued a response to the report accepting all 121 recommendations directed at government and supporting the remaining 19 recommendations directed at non-government bodies.<sup>52</sup> The Taskforce's recommendations informed the development of the Queensland Government's Domestic and Family Violence Prevention Strategy.<sup>53</sup>
32. Also in February 2015, the Victorian Government established a Royal Commission into Family Violence. The Royal Commission was requested to inquire into and report on how Victoria's response to family violence can be improved and to provide practical recommendations to stop family violence.<sup>54</sup>
33. The Royal Commission delivered a comprehensive report in 2016, including 227 recommendations across a wide range of areas: risk assessment and management, information sharing, specialist family violence services, safe accommodation, children and young people's experiences of family violence, the child protection system, sexual assault, pathways to services, the role of the police, court-based responses, offences and sentencing, perpetrators, the role of the health system, recovery from violence, restorative justice, adolescents who use family violence, the family law system, family violence-related deaths, measures for addressing the diverse needs of specific groups, prevention, the workplace, governance, data, research and evaluation, industry planning, and resource and policy investment.<sup>55</sup>
34. The Commission has recommended that the lessons from the Royal Commission be incorporated into the National Plan to Reduce Violence Against Women and their Children.<sup>56</sup>

### **5.4 Family and domestic violence leave**

35. Women who experience family or domestic violence may face adverse treatment in the workplace that is specifically related to their experiences of violence. For example, they may be denied leave or flexible work arrangements to attend violence-related matters, such as moving into a shelter; they may have their employment terminated for violence-related reasons; or they may be transferred or demoted for reasons related to violence.<sup>57</sup> This treatment can exacerbate the costs and consequences of family and domestic violence.<sup>58</sup>

36. As of 2013, over one million employees could access leave and other protections made available through domestic violence clauses in the agreement or award conditions.<sup>59</sup> All Australian governments (except for Western Australia), have introduced domestic violence protections for their public servants, some of which include paid leave.<sup>60</sup> Many Australian businesses also provide for family and domestic violence leave within company policy.<sup>61</sup>
37. Australia's Fair Work Commission is required to review all modern awards every four years.<sup>62</sup> As part of a review currently underway, the Australian Council of Trade Unions is seeking variations to all modern awards to insert specific provisions relating to family and domestic violence leave.<sup>63</sup> The Commission made a submission to the review in October 2016, supporting the introduction of paid family and domestic violence leave in all modern awards.<sup>64</sup>

## **6 The Commission's work on violence against women**

### **6.1 Sexual harassment surveys and resources**

38. Since 2003, the Commission has conducted three national telephone surveys on workplace sexual harassment. The aim of these surveys is to provide robust evidence on the prevalence, nature and extent of sexual harassment in Australian workplaces.
39. The most recent of the Commission's sexual harassment surveys was conducted in 2012. The survey found that just over one in five (21%) people in Australia had been sexually harassed since the age of 15, with the majority (68%) experiencing this harassment in the workplace.<sup>65</sup> Just over one in five (21%) people aged 15 years and older had experienced sexual harassment in the workplace in the past five years.<sup>66</sup>
40. The survey also found that sexual harassment affects more women than men. One-third of women (33%) had been sexually harassed since the age of 15, compared to fewer than one in ten (9%) men.<sup>67</sup> A quarter of women (25%) and one in six men (16%) aged 15 years and older had experienced sexual harassment in the workplace in the past five years.<sup>68</sup> Nearly four out of five (79%) harassers were men, and most women (90%) said that their harasser was male.<sup>69</sup>
41. The most common types of behaviours reported were sexually suggestive comments or offensive jokes (55%), intrusive questions (50%) and inappropriate staring or leering (31%).<sup>70</sup> Harassers were most likely to be a co-worker (52%) of the person harassed, followed by their boss or employer (11%) and their supervisor or manager (11%).<sup>71</sup>
42. The results of the survey indicated that awareness of sexual harassment remains limited, and many people who are sexually harassed do not report it or seek support or advice. Almost one in five (18%) respondents indicated that they had not been sexually harassed based on the legal definition, but went on to report experiencing behaviours that are likely to constitute unlawful sexual harassment.<sup>72</sup> Only one in five (20%) respondents who were sexually

harassed made a formal report or complaint, and just one-third (29%) sought support or advice.<sup>73</sup>

43. In 2014, the Commission – in partnership with the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry – jointly launched a national strategy designed to raise awareness about sexual harassment in the workplace. The strategy, *Know Where the Line Is*, aims to increase understanding about the types of behaviour that can constitute sexual harassment; inform Australian employers of their legal obligations around preventing and responding to sexual harassment in the workplace; and encourage bystanders to support colleagues who experience sexual harassment.
44. The Commission developed a range of resources for the *Know Where the Line Is* strategy, including information packs for employees and employers, posters, infographics, promotional artwork, and videos for use in workplace training and information sessions. These resources are freely available for download from a dedicated strategy website.<sup>74</sup>
45. The next national workplace sexual harassment survey is due to be conducted in 2017.

## **6.2 Collaboration for Cultural Reform in Defence**

46. In 2011, the Commission was engaged by the Australian Government to conduct a review of the treatment of women in the Australian Defence Force (ADF) Academy.<sup>75</sup> The review was announced following a widely-publicised incident of inappropriate behaviour, which ultimately led to the conviction of two Australian Defence Force cadets for criminal offences.<sup>76</sup> The review was led by then Sex Discrimination Commissioner Elizabeth Broderick.
47. The Commission published four reports as part of the review. The first report focused on the treatment of women at the ADF Academy.<sup>77</sup> The second report focused on the treatment of women across the entire ADF, including the effectiveness of cultural change strategies and initiatives required to improve leadership pathways for women.<sup>78</sup> Both reports made a series of recommendations to provide a safe, supportive environment for women and increase the participation of women in the ADF. The final two reports audited the implementation of recommendations.<sup>79</sup>
48. Since 2014, the Commission has been working in a collaboration relationship with the ADF, to encourage cultural reform and enhance the participation of women. This builds on cultural reform initiatives in *Pathway to Change*, an implementation strategy for cultural change across the Australian Defence Force.<sup>80</sup> Specifically, the Commission examines issues around gender, race and diversity, sexual orientation and gender identity and the impact of alcohol and social media on the cultural reform process.
49. In consultation with Defence, the Commission has developed a work program which includes a range of visits to bases and some extended research projects. Visits to bases include discussions with Command, interviews and focus groups with personnel, analysis of data and some observation of

activities. The Commission has consulted with around 2,000 Defence personnel about their experiences since the collaboration commenced in 2014.

### **6.3 University sexual assault and sexual harassment project**

50. In 2015, the National Union of Students conducted a survey of the experiences of women university students in Australia, focusing on a range of issues including accommodation, safety, student services, sexual assault, harassment and economic issues.<sup>81</sup> The survey revealed concerning evidence about the prevalence of experiences of sexual harassment and physical and sexual assault by female university students.
51. Over 70% of respondents to the survey reported experiencing some form of sexual harassment or unwelcome sexual behaviour, 15.7% reported experiencing some form of physical mistreatment, and 27% had reported experiencing some form of sexual assault while enrolled at their current university.<sup>82</sup> The vast majority of respondents who had experienced harassment or assault did not report the incident to their university or the police.<sup>83</sup>
52. In 2016, Australia's 39 universities launched a campaign – *Respect. Now. Always.* – to prevent and address sexual assault and harassment. The campaign aims to raise awareness of sexual assault, sexual harassment and support services for students; obtain data to guide further improvement in university policies and services; and assist universities in sharing global best practice resources across the sector.<sup>84</sup>
53. As part of this campaign, the Commission has been asked to conduct an independent survey of sexual assault and sexual harassment of university students. The survey aims to provide clear data and evidence on the prevalence, nature and reporting of sexual assault and sexual harassment at Australian universities, and examine the effectiveness of services and policies aimed at addressing sexual assault and sexual harassment on campus.
54. The national survey was conducted in 2016, with a representative sample of students from all 39 Australian universities selected to participate via their student email. The Commission also issued a call for submissions from anyone who wished to express a view about sexual assault or sexual harassment at university, including current and former students, staff and parents. It is expected that the Commission will present a report on the findings of the survey and submissions in early 2017.<sup>85</sup>

### **6.4 Domestic and family violence death review mechanisms**

55. Australia does not have national data on domestic and family violence deaths because not all jurisdictions have Domestic and Family Violence Death Review Teams. The Commission will soon release a new report which highlights the importance of the domestic and family violence death review process, identifies the steps needed to expand this function to jurisdictions

which currently lack it, and proposes measures to ensure national coherence of data on domestic and family violence deaths.

56. The report also outlines work that the Commission will undertake in coming months to identify mechanisms for addressing the national data collection needs identified in the report, and for ensuring that death review processes exist in all states and territories. The Commission would be happy to provide a copy of this report to the Rapporteur after it has been publicly released.

## **6.5 Children's Rights Report 2015**

57. As part of her statutory obligations, the National Children's Commissioner is required to submit a report to federal Parliament each year on the enjoyment and exercise of human rights by children and young people in Australia. The 2015 Children's Rights Report<sup>86</sup> focused on the impact of family and domestic violence on the human rights of children and young people.
58. The Report presented the findings of a national investigation involving a series of expert roundtables, individual consultations and a submissions process. It made 14 recommendations on children and family violence, relating to data collection and research, the inclusion of children in policy frameworks for responses to family and domestic violence affecting children, and support provided by the Family Court system for children who been affected by family violence.
59. In the Report, the National Children's Commissioner provided custom data obtained from the Australian Bureau of Statistics, based on the 2012 Personal Safety Survey<sup>87</sup> and the Recorded Crime – Victims<sup>88</sup> publication. Much of this data was previously unpublished and provides insights into how certain subpopulations of children, such as girls, experience family and domestic violence.
60. The custom data from the Personal Safety Survey provided prevalence estimates about the number of Australian men and women aged over 18 years who first experienced physical abuse and sexual abuse before the age of 15. It was estimated there were 839,400 adult women who first experienced physical abuse by a family member as a child aged between zero and 14 years; and 515,200 adult women who first experienced sexual abuse by a family member as a child aged between zero and 14 years.<sup>89</sup>
61. The Personal Safety Survey data highlighted the vulnerability of young girls aged between four and nine years to experiences of family and domestic violence, particularly from male perpetrators. For example, of the 431,900 female children aged zero to 14 years whose first incident of physical abuse was perpetrated by their father, 246,900 (57.2%) were aged between four and nine years when the incident occurred. Similarly, of the 150,700 female children aged zero to 14 years whose first incident of sexual abuse was perpetrated by their father or stepfather, 62,700 (41.6%) were aged between four and nine years when the incident occurred.
62. The custom data obtained from Australian Bureau of Statistics' Recorded Crime – Victims publication revealed that female children aged 15 to 17 years

accounted for a significant proportion of child victims of physical assault and sexual assault who reported the offender was their partner.<sup>90</sup> Evidence gathered by the National Children's Commissioner through roundtables and written submissions also indicated that an increasing number of female children aged 15 to 17 years are experiencing and seeking help for violence perpetrated by their partners.<sup>91</sup>

63. In the Report, the National Children's Commissioner recommended that the Australian Bureau of Statistics Personal Safety Survey should extend its collection of information from men and women aged 18 years and over about their experiences of abuse from the ages of zero to 15 years to the ages of zero to 17 years.<sup>92</sup> The Commissioner also recommended that the next ANROWS Research Program should include research into female children aged 15 to 17 years affected by family and domestic violence.<sup>93</sup>

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<sup>1</sup> Australian Human Rights Commission, Submission No 41 to the Senate Finance and Public Administration References Committee, Parliament of Australia, *Inquiry into domestic violence and gender inequality*, 4 March 2016. At <http://www.aph.gov.au/DocumentStore.ashx?id=616c80fd-9f8d-4f90-8e71-202e8bea67f8&subId=411685> (viewed 13 January 2017).

<sup>2</sup> Australian Human Rights Commission, Submission No 23 to the Joint Committee on Law Enforcement, Parliament of Australia, *Inquiry into Human Trafficking*, 4 March 2016. At <http://www.aph.gov.au/DocumentStore.ashx?id=98e7d00c-885a-46da-a50c-aaf0d19bf6ea&subId=410058> (viewed 13 January 2017).

<sup>3</sup> Australian Human Rights Commission, Submission to the Fair Work Commission, Commonwealth of Australia, *Four yearly review of AM2015/1 Family and domestic violence clause*, 5 October 2016. At <https://www.fwc.gov.au/sites/awardsmodernfouryr/common/am2051-sub-ahrc-120516.pdf> (viewed 13 January 2017).

<sup>4</sup> Australian Human Rights Commission, *Report on the Review into the Treatment of Women in the Australian Defence Force Academy: Phase 1 of the Review into the Treatment of Women in the Australian Defence Force* (2011). At <http://defencereview.humanrights.gov.au/report-review-treatment-women-australian-defence-force-academy> (viewed 11 January 2017); Australian Human Rights Commission, *Report on the Review into the Treatment of Women in the Australian Defence Force: Phase 2 of the Review into the Treatment of Women in the Australian Defence Force* (2012). At <http://defencereview.humanrights.gov.au/report-review-treatment-women-australian-defence-force> (viewed 11 January 2017).

<sup>5</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>6</sup> The Hon Marcia Neave AO, Patricia Faulkner AO and Tony Nicholson, *Royal Commission into Family Violence: Summary and recommendations* (March 2016) 206. At <http://files.rcfv.com.au/Reports/Final/RCFV-All-Volumes.pdf> (viewed 13 January 2017).

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<sup>84</sup> Universities Australia, *Respect. Now. Always* (12 February 2016). At <https://www.universitiesaustralia.edu.au/uni-participation-quality/students/Student-safety/Respect--Now--Always-> (viewed 11 January 2017).

<sup>85</sup> For further information about the survey, see <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/university-sexual-assault-and-sexual-harassment-project>

<sup>86</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>87</sup> Australian Bureau of Statistics, *Personal Safety, Australia, 2012 (cat 4906.0)* (2013) Table 1. At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0> (viewed 13 January 2017).

<sup>88</sup> Australian Bureau of Statistics, *Recorded Crime - Victims, Australia, 2014 (cat 4510.0)* (2015). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4510.0~2014~Main%20Features~Introduction~3> (viewed 11 January 2017).

<sup>89</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 112. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>90</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 209-241. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>91</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 161-163. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>92</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 152. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).

<sup>93</sup> Australian Human Rights Commission, *Children's Rights Report 2015* (2015) 163. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 13 January 2017).