

28 July 2020

Our ref: BDS-HRPL

Ms Alex Kershaw
Policy Lawyer
Law Council of Australia
GPO Box 1989
Canberra ACT 1601

By email: [REDACTED]

Dear Ms Kershaw

Inquiry into the Human Rights of Women and Girls in the Pacific

Thank you for the opportunity to provide feedback on the Inquiry into the Human Rights of Women and Girls in the Pacific. The Queensland Law Society (QLS) appreciates being consulted on this inquiry.

This response has been compiled by the QLS Human Rights and Public Law Committee, whose members have substantial expertise in this area.

1. Rights of women

Gender inequality continues to compromise the realisation of rights for women in Australia. QLS recommends the LCA address ongoing economic inequality and violence against women in its response on the rights of women.

More substantial progress must be made to achieve economic equality of women in Australia. In 2018, the Australian Human Rights Commission reported that the national gender pay gap is 15.3 per cent. It has remained stagnant at between 15 and 19 per cent for the past two decades.¹ The Australian Human Rights Commission also reported that one in two mothers experience workplace discrimination as a result of pregnancy, parental leave or on return to work. Further, superannuation savings between men and women remain substantially disparate.

Economic inequality has consequences for women. In 2019, the Australian Human Rights Commission reported older women are the fastest growing group of people experiencing homelessness in Australia, with an increase of 30 per cent in the period between 2011 and 2016. Structural and societal barriers related to income, workforce participation and financial security exacerbate economic vulnerability, particularly for single women, during significant life disruptions such as job loss or the loss of a partner.²

¹ See <https://www.humanrights.gov.au/our-work/education/face-facts-gender-equality-2018>.

² See <https://www.humanrights.gov.au/our-work/age-discrimination/publications/older-womens-risk-homelessness-background-paper-2019>.

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QLS has expressed serious concern in relation to violence against women in Australia. Women are at significantly greater risk of physical and sexual violence by a partner. Approximately one in four women, compared to one in thirteen men, has experienced violence by an intimate partner.³ Women account for three-quarters of the people who experience intimate partner violence from the age of 15 and approximately one in five women, compared to one in twenty men, experience sexual violence.⁴

Despite the commitment to addressing violence against women under the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010–2022, which sets out the five national priorities to reduce family, domestic and sexual violence, there continues to be an urgent need for progress in addressing domestic and family violence. Domestic and family violence frontline services, for example, are unable to meet demand and urgently require additional and appropriate resourcing to protect and support people experiencing violence. The LCA must address these concerns.

QLS considers addressing underlying structural and systemic gender inequalities as key to improving economic equality for women as well as reducing violence against women. We strongly support measures aimed at driving change in the structures, norms and practices that lead to gender inequality and violence against women. We refer specifically to the recent government commitment to deliver a range of programs and campaigns which recognise that women's safety is founded on women's equality.⁵

2. The role of civil society groups in Pacific Islands in responding practically to domestic family and sexual violence and other human rights issues such as gender equality

Violence against Women (VAW) has been described as a major obstacle to development in the Pacific, for example increasing health care costs and reducing productivity.

A 2011 survey by Fiji Women's Crisis Centre (FWCC) found that 72% of women in Fiji who had ever been partnered had experienced physical, sexual or emotional violence from their husband / partner and 64% had experienced physical or sexual violence, while 57% of women reported that their husband / partner had to know their whereabouts at all times.⁶

Responses to violence against women come from NGO's advocating for women's rights, promoting women's leadership and providing crisis support. These civil groups, and also to a large extent, faith based organisations, provide counselling, refuges and safe houses.

³ https://d2rn9gno7zhxqg.cloudfront.net/wp-content/uploads/2019/01/19030556/ANROWS_VAW-Accurate-Use-of-Key-Statistics.1.pdf

⁴ https://d2rn9gno7zhxqg.cloudfront.net/wp-content/uploads/2019/01/19030556/ANROWS_VAW-Accurate-Use-of-Key-Statistics.1.pdf

⁵ The Commonwealth has committed \$20.9 million funding for Our Watch, the national organisation established to drive nationwide change in the structures, norms and practices that lead to violence against women.

⁶ Fiji Women's Crisis Centre, 2013 "Somebody's Life, Everybody's Business, A survey exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji"

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The response of religious organisations has been significant. However, they initially focused only on counselling in response to violence, rather than on preventing violence. Religious organisations provide almost all of the crisis accommodation.

The roles of civil society groups in addressing domestic, family and sexual violence and other human rights issues fall into at least the following categories:

- a. Counselling (often run by faith-based / religious organisations)
- b. Crisis services including women's safe houses and refuges
- c. Services advocating women's rights aiming at empowerment through education and leadership opportunities
- d. Legal Aid for women.

There have been a number of initiatives by government agencies and NGO's in Fiji:

- In 2002 Fiji Women's Crisis Centre (FWCC) began to run a male advocacy program on one island (Venua Lavu) encouraging men to become positive role models. The program has extended to other islands
- In 1995, the police established a Sexual Offences Unit to manage sexual assault more effectively
- In 1998 it became mandatory for police to report domestic violence
- In 2008, the Department of Women (in Fiji) took the initiative of introducing Zero Tolerance / Violence Free Communities.⁷

3. Key figures or groups which advance human rights of women and girls in the Pacific context

- FWCC – Its mission is to eliminate violence against women in Fiji and the Pacific more broadly. It provides counselling and support, raises awareness through community education; and also provides advocacy services for men. The FWCC has also undertaken research into gendered violence. FWCC has been funded by Australia since 1994 and also receives other international funding.⁸
- Fiji Women's Fund (FWF) – supports women's groups, organisations and networks in Fiji. FWF supports Fiji Government strategies on gender equality for the empowerment of women and girls. In 2018, the FWF began supporting the work of women living in rural and remote areas and marginalised women including women with disability.⁹ FWF is supported by Australian Aid.
- Fiji Women's Rights Movement – a well-established movement that campaigns, advocates and lobbies for the rights of women in Fiji, particularly for leadership of young women and girls.

⁷ Linda Newland, 2013 "Villages, Violence and Atonement in Fiji" Gender Violence & Human Rights: Seeking Justice in Fiji, Papua New Guinea & Vanuatu, ANU Press.

⁸ fijiwomen.com.

⁹ FWF 2018 Annual Progress Report.

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- Brown Girl Woke Samoa – aims to empower young women to lead culture and policy change for a transformative society. The group is aimed at young women and supports women's empowerment, education and leadership.
- Samoa Victim support group ("SVSG"), was established in 2005 with a mission to provide integrated, personalised, professional service to all survivors of crime.

It was initially set up to care for, support, and help victims of sexual crimes. It has now been extended to provide a broader range of supports and has set as its agenda to address "any area of need", including victims/survivors of domestic violence, harassment in the work place and victims of poverty. It has also established a children's help line.¹⁰

- Solomon Islands safe house – is a religious based organisation named the "Christian Care Centre" run for the last 15 years by the Community of the Sisters of the Church.¹¹
- International Women's Development Agency (IWDA) – an Australian-based NGO that funds projects in the Pacific Islands among others. It takes a feminist approach to delivering its 5 clearly defined aims: a) to promote women's leadership and participation; b) strengthen women's safety and security; c) accelerate women's economic empowerment; d) advance system change; and e) ensure organisational sustainability and accountability.¹²
- Pacific Counselling and Social Services strategises a focus on families rather than women with a Mission Statement "To counsel, educate and advocate to enhance the psychological, social, spiritual and physical well-being of individuals, families and communities through the provision of pro-active, comprehensive and professional services." It aims to provide services in the Pacific region.

4. The effectiveness of Australian overseas development assistance programs in supporting human rights of women and girls

There are numerous sources addressing the barriers to the effectiveness of implementing the human rights of women and girls. Programs to address women's rights and gender equality have been impeded by the influences of some traditional practices and the moulding of traditional practices by colonialism and religions (in particular Christianity), which have re-shaped gender dynamics and family from traditional roles.¹³

There has been a long-standing erosion of women's rights and roles within civil society beginning with the early colonial period. In Fiji, in the 1880's the Council of Chiefs made decisions curbing women's social freedoms and expropriated their rights to own land as well as excluding women from decision-making roles in civil society. It remains the case in villages

¹⁰ <http://www.samoavictimsupport.org/>.

¹¹ Part of the Anglican Church of Melanesia. <https://iwda.org.au/this-solomon-islands-safe-house-provides-a-lifeline-to-women>.

¹² <https://iwda.org.au/>.

¹³ Linda Newland, 2013 "Villages, Violence and Atonement in Fiji" Gender Violence & Human Rights: Seeking Justice in Fiji, Papua New Guinea & Vanuatu, p.55-56 ANU Press.

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(in Fiji) that the husband's role as head of the household is upheld / sanctioned by the village hierarchy and the church.¹⁴

As in Fiji, Samoan culture (Fa'a Samoa) prior to colonial and missionary influences, women were celebrated as creators (tamasa)¹⁵. Both men and women had equal value. Women sat with men at the table. Christian Missionary ideology taught that women were to be oppressed and less in ranking and less important. Missionary schools taught gender bias roles and girls were removed from political learning.

Women in the Pacific face significant barriers to accessing support and justice in circumstances where they are experiencing violence. The cultural expectations around family mean that domestic violence is treated as a private issue that should be resolved by the family. This creates some reluctance for others to become involved. Police may only intervene if the violence is prolonged and ongoing, but police involvement is limited as a result of the requirement to obtain permission from the village head to intervene.

Women and girls may be reluctant to report domestic violence because when the perpetrator is their father or husband, the victim is often blamed by both men and women for failing to behave respectfully toward the perpetrator.

Although women's safe houses exist, information about how to access the safe houses is not well known and they may not meet their needs.¹⁶ Shame and blame are also considerable disincentives for women to access services to address domestic violence.¹⁷

5. Impact of COVID-19

A virtual meeting was held on 29 May 2020 with Pacific Women's Leaders (the Pacific Women Shaping Pacific Women program) to discuss the implications of COVID 19.

A Joint Statement was issued by the Pacific Women's Leaders and Australian Foreign Minister, Marise Payne and Fiamē Naomi Mata'afa, the Samoan Department of Prime Minister and Min for Natural Resources environment.

The Statement acknowledged the role and efforts of women in support of their families in the Pacific.

The three areas identified as having particular disproportionate impacts on women as a result of COVID-19 include:

- a) Frontline health workers – need to ensure that they have the necessary resources to carry out their work safely and effectively. The need to consider other vital health care (not just the COVID 19 area) such as maternal and child care.
- b) Women's safety – levels of violence against women and girls remain unacceptably high and have been exacerbated by the pandemic. It was agreed that governments and communities must act to ensure protection from women and girls from violence.
- c) Economic impacts and recovery.

¹⁴ Ibid.

¹⁵ Information provided in an interview with a Samoan woman.

¹⁶ Linda Newland, 2013 "Villages, Violence and Atonement in Fiji" Gender Violence & Human Rights: Seeking Justice in Fiji, Papua New Guinea & Vanuatu, ANU Press.

¹⁷ Information provided in an interview with a Samoan woman.

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If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully

A large black rectangular box redacting the signature of Luke Murphy.

Luke Murphy
President