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The Victorian Government's human rights  
obligations to address family violence

Royal Commission into Family Violence

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June 2015

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## Contents

1.	OVERVIEW AND RECOMMENDATIONS	2
2.	OVERVIEW OF INTERNATIONAL HUMAN RIGHTS LAW'S RESPONSE TO VIOLENCE AGAINST WOMEN	4
3.	THE DUTY TO PREVENT	6
4.	THE DUTY TO INVESTIGATE, PROSECUTE AND PUNISH	8
5.	THE DUTY TO MAKE REPARATIONS	9
6.	THE IMPORTANCE OF AN INTERSECTIONAL APPROACH	10

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## 1. Overview and Recommendations

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1. Preventing and ultimately eliminating all forms of violence against women is critical to the full realisation of women's human rights.<sup>1</sup> The Human Rights Law Centre welcomes this opportunity to provide a submission to Victoria's Royal Commission into Family Violence (the Commission). This submission focuses on the Victorian Government's human rights obligations when it comes to addressing violence against women – an umbrella term which includes family violence.
2. The Victorian Government's human rights obligations derive from Australia's international human rights obligations<sup>2</sup> and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter).
3. Developments in human rights law over the past two decades have highlighted the critical role that governments must play in addressing all forms of violence against women, whether they occur in public or the privacy of the home.<sup>3</sup> To this end, Victoria's human rights obligations do not solely apply to acts of public officials, but equally apply to acts involving the community and private individuals.
4. Overall, human rights law understands violence against women as a particularly insidious form of gender-based discrimination,<sup>4</sup> for which governments have due diligence obligations to address. In the first instance, the due diligence obligations require governments to prevent violence against women. Failing prevention, governments must investigate, prosecute and punish perpetrators, and provide reparations to victims.<sup>5</sup>
5. Human rights law also requires that all interventions take account of intersectionality – the way that multiple forms of discrimination compound women's experience of violence.<sup>6</sup> This is particularly important in the context of Aboriginal and Torres Strait Islander (Indigenous) women's experience of violence.

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1 Committee on the Elimination of Discrimination against Women, General Recommendation no. 19, Violence against Women (eleventh session, 1992), UN Doc. A/47/38, para 6 (CEDAW GR 19).

2 Convention on the Elimination of all Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW); see also, Art 2 International Covenant on Civil and Political Rights; Art 2 International Covenant on Economic, Social and Cultural Rights.

3 See, eg Marsha Freeman, Chistine Chinkin & Beate Rudolf (eds), *The UN Convention on the Elimination of all Forms of Discrimination Against Women* (OUP 2012).

4 CEDAW GR 19 (above n 1).

5 See generally, Carin Benninger-Budel (ed), *Due Diligence and its Application to Protect Women from Violence* (Martinus Nijhoff Publishers 2008).

6 Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour' (1991) *Stanford L. Review* 1241-1299.

Human Rights Law Centre | **Submission: Royal Commission into Family Violence**

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6. Accordingly, this submission:
- (a) provides an overview of violence against women as a human rights issue;
  - (b) sets out the scope of Victoria's human rights duties:
    - (i) to prevent family violence;
    - (ii) to investigate, prosecute and punish perpetrators; and
    - (iii) to provide adequate reparations to victims;
  - (c) highlights the importance of taking into account intersectional forms of discrimination, particularly for Indigenous women.
7. The HRLC makes the following recommendations:

**Recommendation 1:**

The Commission is a public authority for the purposes of *The Charter of Human Rights and Responsibilities Act 2006 (Vic)* and should therefore adopt a human rights based framework when undertaking its work.

**Recommendation 2:**

The Commission should make recommendations which ensure the Victorian Government are complying with their due diligence obligations. All recommendations should be informed by the principle of intersectionality.

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## 2. Overview of international human rights law's response to violence against women

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8. The Victorian Government has international human rights law obligations to respect, protect and fulfil women's human rights, with Australia having ratified the *Convention on the Elimination of Discrimination against Women* (CEDAW),<sup>7</sup> CEDAW's Optional Protocol<sup>8</sup> and other core international treaties.
9. The international human rights framework makes it clear that federal, state and territory authorities, including the Victorian Government, have responsibilities in relation to the realisation of human rights.<sup>9</sup> This means that in Australia, all branches of government, at all levels – national, state, territory and local – must act to respect, protect and fulfil human rights.<sup>10</sup>
10. Furthermore, the Victorian Government is bound to protect and promote women's human rights through application of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter). In particular, all public authorities in Victoria, including the police and the Royal Commission itself, are required to act compatibly with human rights and give proper consideration to human rights in decision-making.<sup>11</sup>
11. Violence against women is a serious human rights violation.<sup>12</sup> It is defined by human rights law as a form of gender-based discrimination, which includes 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.<sup>13</sup> Gender-based violence is defined as 'violence that is directed against a woman because she is a woman or that affects women

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7 CEDAW (above n 2); See also, Edwina MacDonald and Liz Snell, 'Transforming rhetoric into reality: addressing the challenges of making the elimination of violence against women a lived reality in Australia' (2013) *J. Juris* 179-201.

8 Convention on the Elimination of All Forms of Discrimination against Women 'Optional Protocol' (adopted 6 October 1999 entered into force 22 December 2000) A/RES/54/4.

9 In particular, Art 50 of the ICCPR expressly provides that, in federations such as Australia, the obligations of the ICCPR are binding on the federation as a whole and must extend across all parts of that federation, without any limitations or exceptions.

10 UN Human Rights Committee, General Comment 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add13 (2004), 4; See also, Art 27 of the Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980), which provides that a state party 'may not invoke the provisions of its internal law as justification for its failure to perform a treaty'.

11 Section 38(1) *Charter of Human Rights and Responsibilities Act 2006* (Vic).

12 Christine Chinkin, 'Violence Against Women', in Marsha Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women, A Commentary* (OUP 2012).

13 Art 1 UNGA 'Declaration for the Elimination of Violence against Women' (Eighty-fifth plenary session, 20 December 1993) A/RES/48/104 (DEVAW); CEDAW GR 19 (above n 1).

## Human Rights Law Centre | Submission: Royal Commission into Family Violence

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disproportionately'.<sup>14</sup> Furthermore, violence against women is broadly understood as 'a manifestation of historically unequal power relations between men and women, which have led to the domination over and discrimination against women by men...'<sup>15</sup>

12. Human rights law understands violence against women as existing on a continuum, encompassing three broad and inter-related categories:
  - violence occurring within the family (interpersonal violence);
  - violence occurring within the community (such as street-based harassment); and
  - structural and institutional inequality (such as social and economic inequality).<sup>16</sup>
13. Governments are required to address violence against women through the 'due diligence' framework.<sup>17</sup> This means governments must make every effort to prevent violence against women occurring in the first instance. Failing effective prevention, governments must investigate all alleged acts, prosecute and punish perpetrators, and provide reparations to victims.<sup>18</sup> These obligations are addressed in more detail below.
14. The Special Rapporteur on Violence against Women, its causes and consequences (SRVAW) plays a key role in interpreting the human rights applicable to violence against women,<sup>19</sup> and in particular, the positive steps required of governments to act with due diligence. The SRVAW lists the basic practices constituting enactment of the due diligence obligations as including: constitutional protection for equality and a prohibition on violence against women; adequate redress schemes; an executive plan of action addressing violence against women; criminalisation of all forms of violence against women; accessible victim support services; awareness-raising programs in schools and for the media; and disaggregated data collection ensuring the full picture of family violence can be understood.<sup>20</sup>

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14 CEDAW (above n 2); CEDAW GR 19 (above n 1).

15 DEVAW (above n 13).

16 See, eg Rashida Manjoo, 'Report of the Special Rapporteur on violence against women, its causes and consequences, Violence against women - Twenty years of development within the United Nations' (28 May 2014) A/HRC/26/38 (SRVAW 2014 Report).

17 Inter-American Court of Human Rights, *Velasquez Rodriguez v Honduras*, 29 July 1988, Series C: Decision and Judgments, No. 04.

18 Yakin Erturk, 'Report of the Special Rapporteur on violence against women, its causes and consequences, The Due Diligence Standard as a Tool for the Elimination of Violence against Women' (20 January 2006) E/CN.4/2006/61.

19 United Nations Human Rights Council, Mandate of the Special Rapporteur on violence against women, its causes and consequences (8 April 2011) UN Doc A/HRC/RES/16/7.

20 Radhika Coomaraswamy, 'Special Rapporteur Violence against Women, Violence against Women in the Family' (10 March 1999) E/CN.4/1999/68.

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15. Further, the SRVAW is clear that the due diligence framework should be understood as comprising dual obligations: individual and systemic.<sup>21</sup> This twofold categorisation clarifies that the Victorian Government is required to both respond appropriately to individual acts of violence against women, and to challenge the fundamental gender inequalities that facilitate violence in the first instance.<sup>22</sup> In other words, for Victoria to have a human rights compliant response to violence against women, it must engage in a multifaceted response which provides for systemic change, community engagement and individual remedies.<sup>23</sup>

### 3. The duty to prevent

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16. The duty to prevent violence against women requires states to ensure formal, substantive and transformative equality.<sup>24</sup>
17. Formal equality requires that men and women be treated the same, through, for example, an even-handed application of the law.
18. Substantive equality requires equality of opportunity, leading to equality of results. That is, treatment of men and women need not be identical, but should rather take account of difference, through, for example, temporary special measures.<sup>25</sup> In the context of violence against women, substantive equality requires, for example, access to:
- early intervention and prevention programs;
  - women's specific hotlines;
  - crisis accommodation, shelters and longer-term housing support;
  - specialist counsellors offering both crisis and long-term support;
  - broader social support services that address the unique gender discrimination that women experience; and
  - an over-arching, specialist violence against women coordinating body.<sup>26</sup>

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21 Rashia Manjoo, 'Special Rapporteur Violence against Women, State Responsibility for Eliminating Violence Against Women' (14 May 2013) A/HRC/23/49 para 70 70 (SRVAW 2013 Report).

22 Rashida Manjoo, 'Special Rapporteur Violence against Women, Multiple and Intersecting forms of Discrimination and Violence against Women' (2 May 2011) A/HRC/ 17/26, 9 (SRVAW 2011 Report).

23 Ibid; SRVAW 2013 Report (above n 21).

24 Simone Cusack and Lisa Pusey, 'CEDAW and the Rights to Non-Discrimination and Equality' (2013) 14 Melbourne J. Int. L. 10, 1-39.

25 Art 4 CEDAW (above n 2); CEDAW, 'General Recommendation No 25' in 'Note by the Secretariat, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies' (12 May 2004) HRI/GEN/1/Rev.7 (CEDAW GR 25).

26 Council of Europe Convention on preventing and combating violence against women and domestic violence (opened for signature 5 November 2011, entered into force 1 August 2014) Treaty Series 210.



Human Rights Law Centre | **Submission: Royal Commission into Family Violence**

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19. These services should be adequately funded to address both current and unmet demand.<sup>27</sup> Further, there should be equality of access between urban and rural women, and across all social groups.<sup>28</sup>
20. Transformative equality, on the other hand, requires governments to modify and eliminate the underlying causes and structures of inequality.<sup>29</sup> One of CEDAW's primary strategies for transforming gender inequality is the requirement that governments eliminate negative gender stereotypes.<sup>30</sup>
21. Gender stereotypes are notions of fixed male and female roles and characteristics that go against contemporary understandings of gender being changeable.<sup>31</sup> Negative gender stereotypes underpin violence against women as they reflect a patriarchal hierarchy that promotes the inequitable valuing of men over women.<sup>32</sup>
22. Accordingly, key to preventing and eliminating violence against women are policies which challenge the cultural contexts, social attitudes and assumptions that support gender stereotypes and hierarchies.<sup>33</sup> This includes programs such as:
  - large-scale community-based and media campaigns;
  - changes to school curricula to promote human rights and non-violence;
  - the promotion of equitable gender roles in all aspects of society; and
  - measures to ensure women's economic equality and social empowerment.<sup>34</sup>
23. Negative gender stereotypes will take time to change and resource investment should be significant and sustained.

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27 Yakin Erturk, 'Special Rapporteur Violence against Women, Indicators on Violence against Women and State response' (29 January 2008) A/HRC/7/6 para 71, 27 (SRVAW 2008 Report).

28 Ibid.

29 Rikki Holtmaat, 'Article 5' in Marsha A. Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women, A Commentary* (OUP 2013) 147, 141-167.

30 See, eg CEDAW GR 19 (above n 1) para 11; Simon Cusack and Rebecca Cook, *Gender Stereotyping: Transnational Legal Perspectives* (UPP 2010); Rikki Holtmaat, 'Preventing Violence against Women: The Due Diligence Standard with Respect to the Obligation to Banish Gender Stereotypes on the Grounds of Article 5(a) of the CEDAW Convention' in Carin Benninger-Budel (ed), *Due Diligence and its Application to Protect Women from Violence* (Martinus Nijhoff Publishers 2008) 63, 63-90.

31 UN Committee on the Elimination of Discrimination against Women (CEDAW), 'General Recommendation No 28' (16 December 2010) CEDAW/C/GC/28 para 17 (CEDAW GR 28), 5; Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedom while countering terrorism, 'Gender perspective on countering terrorism' (3 August 2009) A/64/211 para 20.

32 Holtmaat (above n 30) 64.

33 See, eg SRVAW 2008 Report (above n 27), 24; CEDAW GR 25 (above n 25); *VK v Bulgaria* CEDAW Forty-ninth session, 27 September 2011, Comm. No. 20/2008 (CEDAW/C/49/D/20/2008); *Vertido v Philippines*, CEDAW Forty-sixth session, 1 September 2010, Comm. No 18/2008 (CEDAW/C/46/D/18/2008); SRVAW 2014 Report (above n 16) para 64.

34 SRVAW 2008 Report (above n 27), 29; SRVAW 2011 Report (above n 22), 13.

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## 4. The duty to investigate, prosecute and punish

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24. Victoria's due diligence obligations include the requirements to investigate instances of violence against women and to prosecute and appropriately punish perpetrators. This requires governments to increase responsiveness to violence against women primarily through robust and efficient criminal justice interventions.<sup>35</sup> To this end, the UN has developed model criminal justice legislation.<sup>36</sup>
25. These due diligence obligations first necessitate women's equal access to justice, requiring:
- the existence of well-resourced women's specific legal services and expert NGOs, who often play the connecting role between women's lived experiences and the formal criminal justice system;<sup>37</sup>
  - the training of lawyers and judges;
  - the adoption of corrective measures to accommodate historically rooted prejudice;
  - victim and witness protection; and
  - the overall empowerment of women to engage with the justice system<sup>38</sup> – which requires women's inclusion in public and political life; and programs to address women's socio-economic disadvantage.<sup>39</sup>
26. Beyond women's equal access to justice, due diligence requires the criminal justice system to effectively and responsively investigate and prosecute perpetrators; and to proportionately punish offenders.<sup>40</sup>
27. The criminal justice system plays a role in sending a societal message that violence against women is not tolerated. It is also in the interests of preventing violence against women that rehabilitation be the essential aim of punishment.<sup>41</sup> This requires a reconsideration of current

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35 See, eg Yakin Erturk, 'The Due Diligence Standard: What Does it Entail for Women's Rights?' in Carin Benninger-Budel (ed), *Due Diligence and its Application to Protect Women from Violence* (Martinus Nijhoff Publishers 2008) 27-46; CEDAW GR 28 (above n 31) para 34; UN General Assembly, 'Strengthening crime prevention and criminal justice responses to violence against women' (31 March 2011) A/RES/65/228 para 13.

36 UN Department for Economic and Social Affairs, 'Handbook for Legislation on Violence against Women' (New York, 2010) <<http://www.un.org/womenwatch/daw/vaw/v-handbook.htm>> accessed 7 June 2015.

37 SRVAW 2011 Report (above n 22).

38 Ibid, 19.

39 Ibid.

40 See, eg SRVAW 2008 Report (above n 27); SRVAW 2014 Report (above n 16); See, eg *Goekce (deceased) v Austria* CEDAW Thirty-ninth session, 6 August 2007, Comm. No. 5/2005 (UN Doc CEDAW/C/39/D/5/2005) para 12.3(b); *Fatma Yildirim (deceased) v Austria* CEDAW Thirty-ninth session, 1 October 2007, Comm. No. 6/2005 (UN Doc CEDAW/C/39/D/6/2005).

41 See, eg Christine Chinkin, 'Violence against Women', in Marsha Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women, A Commentary* (OUP 2012); See also, Art 10(3) ICCPR which requires the essential aim of prison to be rehabilitation.

criminal justice policy – and in particular the over-use of prison – which is often more punitive than it is rehabilitative. Further, proper programs that balance the obligation to punish perpetrators with the broader imperative of rehabilitation are required.

28. Although the criminal justice system is critical to the implementation of governments' due diligence obligations, the criminal justice system's ability to holistically address the issue of violence against women should not be over-emphasised. This is because the criminal justice system's capacity to capture *all* instances of violence against women is limited, and is its rehabilitative potential. A criminal justice response should therefore exist alongside other accessible justice measures, such as restorative justice conferencing.<sup>42</sup>
29. Further, when engaging with the criminal justice system, the Commission should be mindful of current racial inequalities manifesting in Victoria.<sup>43</sup> Indigenous people are imprisoned at 11 times the rate of the non-Indigenous general population.<sup>44</sup> Accordingly, an over-reliance on the criminal justice system and punitive law and order policies will likely have an unequal impact.<sup>45</sup>

## 5. The duty to make reparations

30. The due diligence obligations also impose a duty to make reparations. The SRVAW states that 'the obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence'.<sup>46</sup>
31. The most common form of reparations is compensation – payment for a wrong proportionate to the harm caused. Critical to this is ensuring that women do not encounter insurmountable procedural hurdles or barriers to accessing compensation. This involves ensuring all women have access to information, supports and representation throughout the process.
32. Beyond compensation, a holistic reparations scheme should incorporate transformative equality by attempting to address pre-existing structural inequalities that underpin violence

42 For an overview of alternative justice mechanisms, see generally Michael King, Arie Freiberg, Becky Batagol and Ross Hyams, *Non-Adversarial Justice* (The Federation Press 2009); See also, Centre for Innovative Justice, 'Innovative Justice Responses to Sexual Offending – pathways to better outcomes for victims, offenders and the community' (RMIT University May 2014).

43 For a discussion, see generally, Chris Cunneen, Eileen Baldry, David Brown, Mark Brown, Melanie Schwartz and Alex Steel, *Penal Culture and Hyperincarceration: The Revival of the Prison* (Ashgate 2013).

44 Australian Bureau of Statistics, *Prisoners in Australia, 2014* (Cat. No. 4517.0 11 December 2014) <<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2014~Main%20Features~Overview~3>> accessed 6 May 2015.

45 For a discussion, see generally, Julie Goldscheid and Debra Liebowitz, 'Due Diligence and Gender Violence: Parsing its Power and its Perils' *Cornell Int'l L.J.* (2014) (forthcoming) available at <<http://ssrn.com/abstract=2494867>>.

46 SRVAW 2011 Report (above n 22) 1.

against women. These broader measures include access to education schemes, employment programs, health services, and long-term support for victims.<sup>47</sup> Programs that provide for longer-term support are central to ensuring victims full recovery from the trauma of violence.<sup>48</sup>

## 6. The importance of an intersectional approach

33. Victoria's response to family violence must also take account of multiple and intersecting forms of discrimination, so as not to reinforce one form of discrimination in attempts to alleviate another.<sup>49</sup> This means that gender should not be the sole lens through which the Commission approaches the issue of family violence. Discrimination on, for example, grounds of race, class, sexual orientation, age and physical ability impact upon and compound women's experience of violence.<sup>50</sup>
34. This is particularly important when responding to violence against Indigenous women – who experience family violence at far higher rates than the general women's population.<sup>51</sup>
35. In responding to violence against Indigenous women, governments are required to respect the collective and individual rights of Indigenous peoples,<sup>52</sup> and in so doing integrate intercultural perspectives.<sup>53</sup> The International Indigenous Women's Forum requires that violence against Indigenous women 'be understood within the broader contexts of indigenous peoples' historic and continuing marginalisation and discrimination, violations of their collective and individual rights, displacement, extreme poverty and often-limited access to culturally appropriate basic services and justice.'<sup>54</sup>
36. In the context of Australia, it has been suggested that, overall, Indigenous responses to violence against women vary to mainstream responses in a number of key ways, including:

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47 Ibid 14.

48 Ibid 27.

49 See, eg CEDAW GR 28 (above n 31).

50 Ibid 14.

51 Australian Human Rights Commission, Australian study tour report: Visit of the UN Special Rapporteur on Violence against Women (2012) 18 <<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/australian-study-tour-report-visit-un-special-rapporteur>> accessed 8 April 2015 (SRVAW Australian Study Tour).

52 Declaration on the Rights of Indigenous Peoples (adopted 2 October 2007) UNGA Res 61/295.

53 *Kell v Canada* CEDAW Fifty-first session, 26 April 2012, Comm. No. 19/2008, (UN Doc CEDAW/C/51/D/19/2008); UN Inter-Agency Support Group on Indigenous Issues, Thematic Paper on the Elimination and Responses to Violence, Exploitation and Abuse of Indigenous Girls, Adolescents and Young Women (June 2014)

<[http://www.un.org/en/ga/president/68/pdf/wcip/IASG%20Thematic%20Paper\\_%20Violence%20against%20Girls%20and%20Women%20-%20rev1.pdf](http://www.un.org/en/ga/president/68/pdf/wcip/IASG%20Thematic%20Paper_%20Violence%20against%20Girls%20and%20Women%20-%20rev1.pdf)> accessed 6 June 2015.

54 UNICEF, *Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women* (a call to action based on an overview of existing evidence from Africa, Asia Pacific and Latin America, May 2013) <[http://www.unfpa.org/sites/default/files/resource-pdf/VAIWG\\_FINAL.pdf](http://www.unfpa.org/sites/default/files/resource-pdf/VAIWG_FINAL.pdf)> accessed 6 June 2015, vi.

Human Rights Law Centre | **Submission: Royal Commission into Family Violence**

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- a rejection of criminalisation as the principal strategy;
  - an emphasis on the impacts of colonialism;
  - a rejection of male violence being understood solely through the prism of patriarchy, but also as an expression of loss of status; and
  - greater emphasis on whole of family healing and reintegration.<sup>55</sup>
37. Australia's most recent CEDAW Committee Concluding Observations recommend that Australia implement specific measures to address high rates of violence against Indigenous women, taking account of 'linguistic and cultural interests'.<sup>56</sup> In the same year the Committee on the *Convention on the Elimination of Racial Discrimination* recommended Australia implement 'Indigenous specific justice solutions'.<sup>57</sup>
38. While pinpointing appropriate justice responses to violence against Indigenous women is beyond the scope of this submission; Indigenous people have a human rights' claim to greater community control over decision-making and justice processes which impact them<sup>58</sup> – a claim which the Commission should enable.
39. Overall, an intersectional approach to the issue of family violence will ensure the Commission's recommendations are multifaceted, recognising the impact and inter-connectedness of all forms of discrimination.

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55 Chris Cunneen, 'Indigeneity, Sovereignty, and the Law: Challenging the Processes of Criminalization' (Spring 2011) *South Atlantic Quarterly* 317, 309-327; Eileen Baldry and Chris Cunneen, 'Imprisoned Indigenous women and the shadow of colonial patriarchy' (2014)47 *Australian & New Zealand Journal of Criminology* 1-23.

56 CEDAW, 'Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia' (30 June 2010) CEDAW/C/AUS/CO/7, 8; See also, Rauna Kuokkanen, 'Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights' (2012)34 *Human Rights Quarterly* 228, 225-250.

57 CERD, 'Concluding observations of the Committee on the Elimination of Racial Discrimination: Australia' (27 August 2010) CERD/C/AUS/CO/15-17. See also, Australia's most recent Universal Periodic Review: Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Australia (Seventeenth session, 24 March 2011) A/HRC/17/10 para 61.

58 SRVAW 2011 Report (above n 22); Alexandra Xanthaki, 'The UN Declaration on the Rights of Indigenous Peoples and Collective Rights: What's the future for Indigenous Women?' in Allen S and Xanthaki A (eds) *Reflections on the UN Declaration on the Rights of Indigenous Peoples* (Hart Publishing 2011).