

Submission to the National Plan to End Violence against Women and Children 2022-2032 - Second Action Plan, and the Safe and Supported & National CSA Strategy consultations

Submission to the Department of Social Services

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**Australian
Human Rights
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Acknowledgement of Country

The Australian Human Rights Commission acknowledges the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders – past and present.

About the Australian Human Rights Commission

Our vision for Australia is one where everyone can live free and equal in dignity and rights as part of a strong, healthy democratic society.

We have 4 core functions under our legislation:

- Access to justice: We help people to resolve complaints of discrimination and human rights breaches through our complaint handling services.
- Fairer laws, policies and practices: We review existing and proposed laws, policies and practices and provide expert advice on how they can better protect people's human rights. We help organisations to protect human rights in their work. We publish reports on human rights problems and how to fix them.
- Education and understanding: We promote understanding, acceptance and public discussion of human rights. We deliver workplace and community human rights education and training.
- Compliance: We are the regulator for positive duty laws requiring employers and others to address sexual harassment, sex discrimination and other unlawful conduct.

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Executive summary

1. Being free from violence is a fundamental human right. The Australian Human Rights Commission (Commission) strongly supports efforts to eliminate violence against all women, children and young people, and strengthen responses to support victim-survivors.
2. This consultation for the Section Action Plan for the *National Plan to End Violence against Women and Children 2022-2032* (National Plan), along with the consultations relating to the next *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported) and the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030* (National CSA Strategy) action plans, these represent a critical opportunity to drive the holistic and system-wide reforms needed to both eliminate violence against women, children and young people, and to better support families.
3. Achieving this requires a coordinated, evidence-based and whole-of-system approach that integrates prevention, early intervention, response and recovery services.
4. Sexual violence must be recognised and addressed as a standalone form of gender-based violence, requiring dedicated policy attention, funding and specialist service responses. Progress in this area has remained limited, highlighting the need for targeted investment in prevention, justice system reform, victim-survivor support, workplace interventions and evidence based strategies to address online misogyny, technology-facilitated abuse, and other forms of gender-based harm.
5. Children and young people must be recognised as having their own rights under the UN *Convention on the Rights of the Child*. Further efforts are needed to prevent and respond to harm experienced by children and young people by aligning existing strategies, strengthening early intervention initiatives, and ensuring children's rights and wellbeing are embedded across government policies and programs.
6. The Commission's input in 'Responding to and eliminating harms to children and young people' (Section 5) relates to a range of important existing Australian Government plans that seek to address supporting families and preventing and responding to harm of children and young people, including the next action plans for Safe and Supported and the National CSA Strategy.
7. National data collection and research must better capture the diverse identities and experiences of women, children and young people, families,

as well as improve understanding of those who use violence and harm. This includes addressing evidence gaps through improved, disaggregated data for First Peoples, children and young people, culturally and racially marginalised communities, people with disability, and LGBTIQ+ communities. Improved data and evaluation will support more targeted, effective interventions and enable governments to identify and scale successful approaches.

8. A stronger focus on understanding and addressing the drivers of violence and harm, and men's use of violence, is needed. This includes examining contributing risk factors such as substance abuse and gambling, identifying protective factors that reduce the likelihood of violence, and investing in research, prevention and service responses that help men and boys to stop using violence.
9. Accessible, inclusive and integrated services that bridge the divide between prevention and response are needed. This includes stronger partnerships between mainstream and specialist services, improved information sharing, trauma-informed care, and sustained investment in community-led responses, particularly Aboriginal Community Controlled Organisations and other specialist services supporting diverse communities.
10. Priority attention should be given to First Peoples communities, where the prevalence and impacts of gendered violence remain disproportionately high. An intersectional approach is required across all policy and service responses to ensure the needs of diverse and overlapping population groups are effectively addressed.
11. The Commission calls for the Second Action Plan to adopt a nationally coordinated, integrated and evidence-driven approach that prioritises prevention, addresses the drivers of violence, supports diverse communities, and builds on proven models to achieve sustained reductions in domestic, family and sexual violence.

Recommendations

Being free from violence is a fundamental human right

Recommendation 1: The Australian Government should adopt an integrated approach, with a human rights indicators framework, across all national strategies so that they are complementary and support a holistic approach to eliminating violence, preventing and responding to harm to children and young people, and better supporting families and affected people, in all their diversity. The silo-ing of responses to different elements of women and children's experience of violence across different national strategies and frameworks must be addressed if we are to eliminate violence against women and children.

Data collection to ensure diversity is included

Recommendation 2: The Second Action Plan should include targeted actions to collect data including through national prevalence research that addresses known and longstanding gaps in data collection in relation to specific cohorts within the community. This should focus on violence against women, LGBTIQ+ communities, gender diverse people, children and young people, First Peoples, migrant and refugee women, and women with disability.

Recommendation 3: The Second Action Plan should include research and evaluation of current services, to better understand the use of violence by perpetrators and the protective factors which can be leveraged to prevent gendered violence.

Prevention and integrated services

Recommendation 4: The Australian Government should adequately resource accessible, inclusive and integrated response, prevention and early interventions and services aimed at responding to and eliminating violence against women and harms to children and young people.

Recommendation 5: The Australian Government should encourage and incentivise partnerships and skill-sharing between mainstream services and specialised services, such as First Peoples services, multicultural women's health services, trans and gender diverse services, mental health services, and disability services.

Recommendation 6: The Australian Government should facilitate greater integration of support services by resourcing support service capabilities to be trauma informed and better equipped to provide or connect to holistic care for both specialist and universal services.

Recommendation 7: The Australian Government should give effect to Closing the Gap Agreement Priority Reform 2 by strengthening and adequately resourcing the Aboriginal Community Controlled sector, including Aboriginal Community Controlled Health Organisations and Aboriginal Community Controlled Child Care Services, to deliver culturally safe, community-led responses to family and domestic violence.

Recommendation 8: The Australian Government should review systems that leave people vulnerable to violence and abuse, or create barriers to leaving violence and abuse. Priority areas include:

- implementing a national supported decision-making framework for people with disability and older people
- transitioning from segregated education, employment and housing
- reforming social security legislation and policies to promote financial independence, economic security, and adequate standards of living
- establishing adult safeguarding bodies accessible to all people with disability and older people.

Recommendation 9: The Second Action Plan should address information sharing needs and privacy laws across all jurisdictions, to better respond to violence.

Sexual violence

Recommendation 10: The Second Action Plan should be informed by the ALRC's *Safe, Informed, Supported* report findings and recommendations, including in its actions to support those who use violence with well resourced and holistic support, and in adequately reforming justice system responses.

Responding to and eliminating harms to children and young people

Recommendation 11: All relevant national plans and strategies should use the findings of the Australian Child Maltreatment Study to inform and prioritise prevention and early intervention initiatives.

Recommendation 12: The Australian Government should implement all recommendations from the Supporting Quality Engagement (SQE) report *We're talking about stopping violence before it begins*, by coordinating and integrating existing national strategies, frameworks and action plans to advance child safety and wellbeing across all activities of the Australian Government.

This will include:

- (a) identifying opportunities to integrate funding, align data, measure impact, coordinate engagement with children, and ensure consistent support for priority cohorts
- (b) careful coordination with other strategies that impact on children, such as Closing the Gap and Australia's Disability Strategy
- (c) systematic use of a Child Rights Impact Assessment tool to ensure children's rights are at the centre of this approach
- (d) developing local place-based pilots that implement an integrated approach to building whole-of-community capacity to promote child and family safety, including ending gender-based violence
- (e) ensuring that all national frameworks that affect children and young people contain mechanisms for child and youth participation, including elements of youth leadership, genuine co-design and monitoring and evaluation.

Focus on key affected communities in all their diversity

Recommendation 13: The Second Action Plan should include and address the specific actions that are needed for victim-survivors in all their diversity, particularly those who have intersecting and unique characteristics.

Recommendation 14: Recognising the high experience of domestic and family violence within First Peoples communities, the Second Action Plan should specifically focus on prevention, early intervention and service delivery for communities. It should focus on funding successful models, and identifying successful Police initiatives with these communities.

Addressing gender-based violence at work

Recommendation 15: The Second Action Plan, in noting the unacceptably high prevalence rate of workplace sexual harassment, should be informed by the recommendations from the Commission's Speaking from Experience report, including on the need to reform the use of NDAs and confidentiality agreements.

Engaging men and boys

Recommendation 16: The Second Action Plan should focus on research to build understanding of the use of violence by boys and men, as well as their experience as victim-survivors to ensure effective early intervention, prevention and response for them.

Recommendation 17: The Second Action Plan should identify key intersecting factors which may contribute to the use of violence by men, such as gambling and substance abuse. It should also focus on identifying protective factors,

and how services can be shaped to help men to stop using violence, using these protective factors.

Recommendation 18: The Second Action Plan should ensure the review and evaluation of current respectful relationship and consent education in early education, primary and secondary school. This includes that each State and Territory be tasked with evaluating the effectiveness of these education programs they deliver in their jurisdictions.

Harm in online environments

Recommendation 19: The Second Action Plan should provide targeted investment in digital literacy, respectful online engagement and evidence-based initiatives that challenge misogyny and harmful online cultures before they become entrenched.

Recommendation 20: The Australian Government should legislate a Digital Duty of Care that requires social media platforms to identify, assess and mitigate foreseeable risks arising from recommender systems and monetisation practices.

1 Being free from violence is a fundamental human right

12. The Commission welcomes the opportunity to provide this submission to inform the development of the Australian Government's Second Action Plan as part of the *National Plan to End Violence against Women and Children 2022-2032* (Second Action Plan).
13. Being and feeling safe is a fundamental human right. The right to live free from violence is protected across a wide range of human rights treaties which Australia has agreed to be bound by, giving rise to obligations to prevent and respond to violence. These treaties and instruments state everyone's right to equality, dignity, liberty and security, to be free from torture and cruel treatment, and rights relating to health, adequate living standards, health and social protection.¹
14. Specific protections and obligations that consider gender, children and young people, people with disability, race and indigeneity are in specific international human rights treaties that the Australian Government has ratified:
 - the UN *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW)
 - the UN *Convention on the Rights of the Child* (CRC)
 - the UN *Convention on the Rights of Persons with Disabilities* (CRPD)
 - the UN *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD)
 - the UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP).
15. These treaties, along with jurisprudence from the treaty committees, recognise the unique human rights challenges for people on the basis of these characteristics. They recognise that groups experience their human rights, including violations of their rights, in ways that are very different to other groups, and that particularly vulnerable groups require specific attention and 'special measures'.²
 - The CEDAW Committee has recognised that discrimination against women and girls, includes gender-based violence.³
 - The CRC recognises children's rights to protection from violence, abuse, neglect, exploitation and discrimination, requiring State Parties to act in the best interests of the child, and to ensure children's development, participation and survival.
 - The CRPD recognises that women, girls and children with disability often disproportionately experience violence, abuse, exclusion and deprivation of rights.

- The CERD Committee has recognised that racial discrimination can affect women differently and can take the form of sexual violence, including in detention or armed conflict, abuse, and the exploitation of migrant and minority women workers.⁴
 - UNDRIP sets standards for First Peoples' survival, dignity and wellbeing, including protection from violence. It also highlights the importance of free, prior and informed consent relating to decisions that affect First Peoples.
16. Collectively, the treaties and jurisprudence provide important obligations and guidance in how any initiatives that seek to address and eliminate violence can be non-discriminatory and apply to everyone, in all their diversity.
 17. UN treaty bodies have repeatedly concluded that core international treaties have not been adequately incorporated into Australia's legal system. Many of Australia's commitments to human rights are confined to rhetoric without corresponding domestic protections.⁵ The consequences of Australia's lack of national human rights protections acutely affect people who experience poverty, marginalisation and discrimination. It is the most vulnerable people who can fall through the cracks in the existing frameworks.
 18. The Commission has recommended that the Australian Government establish an Australian Human Rights Act to implement Australia's international human rights commitments into Australian law.⁶ Our model for a Human Rights Act has been supported by the Australian Parliament's Joint Committee on Human Rights which recommended a Human Rights Act in 2024.⁷ Under our proposed model, the Human Rights Act would apply to Australian Government bodies like government departments, Ministers, public servants and agencies. It will not apply to state and territory government bodies.
 19. The Human Rights Act would require governments and public servants to properly consider and act compatibly with human rights when making decisions, delivering services and developing laws and policies. This would foster a better understanding of rights and build a culture that prevents human rights breaches. The Human Rights Act would also give people the power to take action if their rights are breached by allowing a person to raise the issue directly with a government body or with the Commission for conciliation. If a matter cannot be resolved at that level, people would have the power to take legal action.

20. An Australian Human Rights Act would provide supporting frameworks and plans such as the National Plan and Second Action Plan with a stronger human rights foundation, helping to ensure that measures to address violence are accountable and effective.
21. There are already Human Rights Acts in Victoria, Queensland and the Australian Capital Territory and in similar nations like New Zealand, Canada and the United Kingdom.⁸ These acts are helping to address violence against women and children including by:
 - requiring law enforcement bodies to take appropriate action to protect people from foreseeable threats to their safety⁹
 - preventing women who are survivors of family violence from being evicted from accommodation into homelessness¹⁰
 - assisting a woman escaping family violence to keep her home address private in a homeschooling application for her child.¹¹
22. The right to live free from violence is interconnected with other human rights, including the rights to adequate housing, food, clothing and healthcare, and the rights to education, work and access to services. Violence can impede the realisation of these rights. And at the same time, unequal access to these rights can increase exposure to violence and create barriers to escaping, reporting or recovering from it. A human rights-based approach therefore recognises the need to address both violence itself and the structural inequalities that contribute to its occurrence and impact and is a useful approach to inform the development, monitoring and evaluation of the Second Action Plan.¹²
23. As outlined in the Second Action Plan Consultation Paper and consultation discussions, there are numerous federal, state and territory strategies that aim to address eliminating violence against women, and children and young people. Many of these are currently the subject of consultations and review. These include:
 - *Working for Women: A Strategy for Gender Equality*
 - *Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036* and its action plan
 - *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported) and its action plans
 - the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030* (National CSA Strategy) and its action plans
 - *Australia's Disability Strategy 2021-2031, including the Safety, Rights and Justice Targeted Action Plan 2025-2027*

- the *National Plan to End the Abuse and Mistreatment of Older People 2026-2036* (National Elder Abuse Plan).
24. To achieve holistic and system wide reform necessary to eliminate violence against women, children and young people, it is critical that all these strategies are integrated in their approach and actions, so that they are complementary and support a holistic approach to eliminating violence and appropriately supporting victim-survivors.
 25. A human rights indicators framework – a structured way to measure the implementation of rights – applied across all relevant plans and strategies would ensure that eliminating violence is based in human rights and would provide a strategic approach, a uniform standard of evaluation and a focus on human rights outcomes. It will ensure everyone's needs, including the needs of children and young people, sit across all national strategies, ensuring their full participation, safety and rights are paramount.

Recommendation 1: The Australian Government should adopt an integrated approach, with a human rights indicators framework, across all national strategies so that they are complementary and support a holistic approach to eliminating violence, preventing and responding to harm to children and young people, and better supporting families and affected people, in all their diversity. The silo-ing of responses to different elements of women and children's experience of violence across different national strategies and frameworks must be addressed if we are to eliminate violence against women and children.

2 Data collection to ensure diversity is included

26. Intersectionality is ‘the multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimised’.¹³ Under an intersectional framework, people are identified and understood by social dynamics of power such as race, gender, sexuality, ability, and age.¹⁴
27. Human rights are indivisible and interconnected, and they apply to everyone. Addressing violence requires urgent and effective action with respect to the various forms of discrimination, including racism, sexism, ableism and ageism.

Intersectional research and data that provides a holistic view

28. While various data sources exist, they do not include sufficient data for specific population groups. This means we cannot design and implement effective prevention, early intervention and responses to domestic, family and sexual violence. We need intersectional data to best identify and understand the unique and specific experiences of all victim-survivors, including children and young people, older people, those with disability, who are First Peoples, culturally and racially marginalised, and who are LGBTIQ+.
29. In the context of elder abuse, there is limited evidence of the drivers of elder abuse and, relatedly, there are no nationally accepted policy responses to responding to people who use violence against older people. One of the priority actions under the National Elder Abuse Plan is to undertake research into evidence gaps such as these,¹⁵ but this work is ongoing. The Second Action Plan should integrate with the National Elder Abuse Plan to achieve a nationally consistent, evidence-based approach.
30. While we know that First Peoples women, children and young people are at much greater risk of homicide, and of greater physical harm, we do not have good data on men and others who use violence against First Peoples women, children and young people, nor of the protective factors which can be harnessed. This gap in data is particularly concerning and should be addressed in the Second Action Plan.
31. Consistent data collection is needed to understand experiences and how they change over time. This requires an ongoing commitment to adequately fund the collection of data on all forms of violence against women, children and young people. The Second Action

Plan should include a comprehensive data strategy to address existing gaps and limitations in data collection relating to violence against women, gender diverse people, and children and young people, in all their diversity. Any data strategy should include measures to identify and monitor structural and institutional forms of violence, and align with existing data frameworks, such as the Australian Institute of Health and Welfare's (AIHW) *Sexual and Reproductive Health Monitoring Framework and Data Strategy*. This approach is consistent with the Commission's Universal Periodic Review recommendation, which recognises that barriers to gender equality are compounded due to a lack of intersectional data and highlights the need to 'collect intersectional data on gender inequality for people from marginalised backgrounds.'¹⁶

32. Consistent with Closing the Gap Priority Reform 4 and Indigenous Data Sovereignty, Aboriginal and Torres Strait Islander communities should have equitable access to locally relevant data and greater authority over how it is collected, governed and used, supporting community-led decision-making and more effective responses to violence.
33. National prevalence surveys and studies have a vital role in identifying trends, providing detailed industry data and monitoring the impact of measures implemented. They can be used by governments, regulators, industry groups, community organisations, academics and others to design policy, shape compliance frameworks, allocate resources, conduct research, drive cultural change and better understanding experiences in Australia.

Recommendation 2: The Second Action Plan should include targeted actions to collect data including through national prevalence research that addresses known and longstanding gaps in data collection in relation to specific cohorts within the community. This should focus on violence against women, LGBTIQ+ communities, gender diverse people, children and young people, First Peoples, migrant and refugee women, and women with disability.

Recommendation 3: The Second Action Plan should include research and evaluation of current services, to better understand the use of violence by perpetrators and the protective factors which can be leveraged to prevent gendered violence.

3 Prevention and integrated services

Response, along with early intervention and prevention are essential

34. Early intervention and prevention are essential to ensuring we achieve generational change in eliminating violence for everyone. However they cannot come at the cost of making sure that victim-survivors are able to access essential support services when they need. Effective responses to violence are connected to prevention efforts though they can often be viewed as separate domains. The separation of prevention and response has not always served the sector well, as it can perpetuate fragmented systems, limit opportunities for shared learning, and overlook the expertise of those who work directly with victim-survivors and people using violence.
35. Community and women's legal services, family violence prevention legal services, and Aboriginal legal services are examples of important integrated services in this area. Ongoing resourcing and support for their operation is critical for both prevention and response.
36. We know that many victim-survivors do not report their abuse and harm. When they do, however, it is critical that there are services support them, whether that service response is police, health, homelessness, legal or any other services. These services need adequate resourcing, as well as training and skills to ensure they can provide trauma-informed responses that are non-discriminatory and inclusive.
37. Victim-survivors in regional and remote areas have particular access needs that require specific considerations, as do victim-survivors of elder abuse who are often turned away by police who may see conduct as civil rather than criminal (particularly in instances of financial abuse).¹⁷ Culturally and racially marginalised victim survivors, those with disability, who are First Peoples, and children and young people, all experience unique barriers to accessing support in a system which is already stretched and under-resourced. Adequate resourcing, along with services that are accessible and inclusive, are essential. Partnerships and skill-sharing between mainstream services and specialised services (such as First Peoples services, multicultural women's health services, trans and gender diverse services and disability services) should be encouraged and incentivised.

Building an integrated service system that can better support victim-survivors

38. An integrated, intersectional approach to eliminating violence against women, children and young people, and to providing necessary supports and responses, requires greater integration of support and prevention/early intervention services. Individuals and families can have several individuals and organisations in their lives to provide them with support, particularly those who are children and young people, have disability, are First Peoples, culturally and racially marginalised, and are older. Some people requiring services also rely on supports such as disability support, social services, translating, in home care, and health services.
39. Those experiencing violence and abuse may need both specialist and other mainstream services with professionals that are trained and equipped to respond to their diverse needs. Professionals in relevant occupations, such as health workers and lawyers, must receive specialist training so that they are equipped to identify various forms of violence, and provide tailored services.
40. Achieving this integrated, intersectional approach requires service capability support. Building support service capability will result in greater integrated services that are trauma informed and better equipped to provide or connect to holistic care for all members of affected the family. It will also help victim-survivors to be self-determining in how they seek support and address their healing.

Collaborative commissioning needs to be inclusive of First Peoples leadership

41. Collaborative commissioning should prioritise the leadership of Aboriginal Community Controlled Organisations such as Aboriginal Community Controlled Health Organisations and Aboriginal Community Controlled Child Care Services, in the design and delivery of culturally safe services to First Peoples. This requires meaningful involvement of these organisations throughout commissioning processes, supported by adequate and sustained resourcing. In line with Recommendation 47b of the Aged Care Royal Commission,¹⁸ and the Commission's *Wiyi Yani U Thangani Report*, increasing the capacity of these organisations is essential to ensuring access to culturally appropriate, community-led care and locally available services.¹⁹ Where no such organisation exists, mainstream providers should be required to meet robust cultural safety standards in the delivery of services.

Addressing systems that leave women, children and young people vulnerable to violence and abuse

42. In addition to improving the accessibility of service system responses to violence, it is also critical to address the drivers of violence and abuse, including the ways in which legal and policy systems leave people vulnerable to violence and abuse in the first place, or create barriers to leave violence. Priority action areas include:

- implementing a national supported decision-making framework for people with disability, in line with human rights principles and standards and recommendations by the CRPD Committee, Australian Law Reform Commission (ALRC), and the Disability Royal Commission²⁰
- transitioning away from segregated education, employment and housing
- reforming social security legislation and policies to promote financial independence, economic security, and adequate standards of living. This is particularly relevant to victim-survivors who may rely on their partners or guardians for support
- establishing adult safeguarding bodies in every jurisdiction. These are essential bodies that respond to the abuse of older women and women with disability, and must have clear reporting pathways for abuse and sufficient powers to investigate or intervene. Nationally, the NDIS Quality and Safeguards Commission only addresses NDIS participants and NDIS services, which represents only about 10-15% of people with disability. An inclusive national protection mechanism for all people with disability is needed.

The Commission notes this is a priority action under the National Elder Abuse Plan. Currently, there is a 'patch-work' approach taken, meaning women in some states are left at a higher risk of ongoing abuse. For example, in Victoria, the Office of the Public Advocate does not generally have the power to investigate and intervene when elder abuse is reported to them, whereas the Ageing and Disability Commission in NSW does

- information-sharing changes are made across all jurisdictions to enable efficient responses. While information sharing in respect of family violence exists in some jurisdictions, reform is required to ensure that information can be shared about all forms of violence against women, children and young people. The Second Action Plan should address reform to privacy laws to enable this, for example to enable banks and other relevant institutions to share information where financial elder abuse is suspected.

Recommendation 4: The Australian Government should adequately resource accessible, inclusive and integrated response, prevention and early interventions and services aimed at responding to and eliminating violence against women and harms to children and young people.

Recommendation 5: The Australian Government should encourage and incentivise partnerships and skill-sharing between mainstream services and specialised services, such as First Peoples services, multicultural women's health services, trans and gender diverse services, mental health services, and disability services.

Recommendation 6: The Australian Government should facilitate greater integration of support services by resourcing support service capabilities to be trauma informed and better equipped to provide or connect to holistic care for both specialist and universal services.

Recommendation 7: The Australian Government should give effect to Closing the Gap Agreement Priority Reform 2 by strengthening and adequately resourcing the Aboriginal Community Controlled sector, including Aboriginal Community Controlled Health Organisations and Aboriginal Community Controlled Child Care Services, to deliver culturally safe, community-led responses to family and domestic violence.

Recommendation 8: The Australian Government should review systems that leave people vulnerable to violence and abuse, or create barriers to leaving violence and abuse. Priority areas include:

- implementing a national supported decision-making framework for people with disability and older people
- transitioning from segregated education, employment and housing
- reforming social security legislation and policies to promote financial independence, economic security, and adequate standards of living
- establishing adult safeguarding bodies accessible to all people with disability and older people.

Recommendation 9: The Second Action Plan should address information sharing needs and privacy laws across all jurisdictions to better respond to violence.

4 Sexual violence

43. The ALRC's landmark *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (Safe, Informed, Supported) report recommends reforms that seek to improve access to justice, reducing retraumatisation, strengthening accountability, and expanding the range of justice responses available to people affected by sexual violence. In recognising sexual violence is a serious harm that often leaves no trace on the justice system, the ALRC recommendations aim to make sure there is improved access to the justice system. We note that of all the areas of violence captured by relevant ABS and other data, sexual violence has not reduced in the last 10 years and requires focussed attention. The ALRC recommendations align closely with the objectives of the Second Action Plan and provide an important evidence base and suggestions that should inform all its actions.

Support for people who use violence must be well resourced and holistic

44. A range of support is required to support change for those who use violence, and support not just through the criminal justice system. The Commission notes the Safe, Informed, Supported report identified the importance of making sure restorative justice is well resourced and supported by 'wrap around' services, including therapeutic treatment programs for people responsible for sexual violence,²¹ with these needing to be accessible for children and young people as well as adults.²² The ALRC noted that these therapeutic and wraparound services are generally highly regarded, though access is limited.²³

Judicial and law enforcement responses to sexual violence

45. The Safe, Informed, Supported report found 9 out of 10 women who have experienced sexual violence do not report to the police.²⁴ Some of the barriers to engagement with the justice system highlighted in the report include: the justice system does not allow for safe, informed and supported engagement for victim-survivors; when people do engage with the justice system, they are often met with myths and misconceptions about sexual violence, experience ill treatment and are often re-traumatised; and the system that we have does not allow for justice options that meet the diverse justice needs of victim-survivors.²⁵ These need to be adequately reformed to ensure responses to the support needs of victim-survivors is unequivocal and appropriate.

Recommendation 10: The Second Action Plan should be informed by the ALRC's *Safe, Informed, Supported* report findings and recommendations, including in its actions to support those who use violence with well resourced and holistic support, and in adequately reforming justice system responses.

5 Responding to and eliminating harms to children and young people

'A lot of crime begins at home. That's where bad things start to happen ...[t]he main point about DV ... is that children see it and they get in peer groups that normalise it.' Help Way Earlier!²⁶

46. As noted in the Consultation Paper, strengthening the inclusion of the voices of children and young people is critical. Like women, children and young people do not experience harm in policy silos. Their experiences are shaped by intersecting factors and systems, and their experiences of violence remain too common. The input in this section relates to all Australian Government reviews and consultations considering child harm.
47. The Australian Child Maltreatment Study provides critical data on the prevalence of physical abuse, sexual abuse, emotional abuse, neglect, and exposure to domestic violence among Australian children and young people.²⁷ Its findings demonstrate the extent of child abuse and neglect in Australia and underscore the urgent need to strengthen the protection of children's rights. The Second Action Plan should be informed by this evidence and prioritise prevention and early intervention through targeted programs, policy action and legislative reform.
48. Early work in the Commission's *On Your Terms: Youth survey on consent and sex education*, a national study of young people's experiences of and attitudes towards consent, sex and respectful relationships education, is showing concerning information about children and young people's experiences of harm in schools.
49. Child sexual abuse, child protection concerns, domestic and family violence, and violence against women are deeply interconnected experiences that often affect the same children, families and communities. However, government responses continue to be largely designed and delivered through separate policy and service systems.
50. In practice, a child may experience sexual abuse, be known to child protection services and live in a household experiencing domestic violence. These intersecting harms are addressed through separate national frameworks, including the National CSA Strategy, Safe and Supported and the National Plan.
51. While these initiatives were developed separately to address specific forms of harm, each is informed by its own evidence base, specialist expertise and stakeholder engagement processes. As a result, they operate through distinct governance structures, action plans, reporting processes, evaluation frameworks and stakeholder engagement mechanisms. Despite these differences, they share a common purpose:

preventing violence and abuse, strengthening families and communities, improving early intervention, supporting healing and recovery, improving outcomes for children and victim-survivors, addressing intergenerational trauma, and strengthening evidence and data systems.

52. To effectively eliminate child maltreatment and violence, these policies and initiatives must be better aligned and work cohesively, while preserving specialist expertise and focus, maintaining accountability, and ensuring that no issue is diminished in visibility or priority.
53. In 2023, the AIHW completed a scoping study for the establishment of a Child Wellbeing Data Asset Development (CWDA) Framework and Roadmap. The governance and technical implementation for the CWDA is currently being finalised. The CWDA aims to enable research that can support better outcomes for children, young people and their families. Details on the type of research that the CWDA can and cannot be used for will be clearly detailed in the CWDA Governance Framework, which AIHW are currently finalising.²⁸
54. Children's participation is a core principle of the CRC, particularly Article 12, which affirms children's right to express their views freely in all matters affecting them and to have those views given due weight. The National Framework maintains that it is 'consistent with the CRC and its 4 core principles of non-discrimination, the right to life, survival and development, respect for the views of the child and devotion to the best interest of the child'.²⁹
55. In addition to Article 12 of the CRC, Article 4(3) of the CRPD requires governments to actively involve children with disability in decision-making processes that affect them. The UNDRIP affirms the right of First Peoples to self-determination in matters that affect them. These obligations further reinforce the need for meaningful, rights-based consultation with children and young people.
56. The absence of structures or accountability measures in current initiatives means that children's participation rarely extends beyond consultation. As a result, children's participation is acknowledged but not fully embedded as rights-based practice. To meet Article 12 obligations, future policy development must move beyond consultation toward structured, accountable, and decision-making participation, ensuring that children's views not only inform but actively shape outcomes.
57. It is critical that children and young people are given appropriate visibility, that their voices are heard, and that they are provided with opportunities to have a say in matters that affect them, particularly as victim-survivors of violence.

58. The National Children's Commissioner encourages the Australian Government to socialise children's rights and improve practice by including the CRC where it funds services for children and young people.
59. Safe and Supported and its First Action Plan contain important, wide-ranging and impactful actions. The Commission encourages more widespread sharing of the work carried out and its impact, particularly with children and family service providers, advocacy organisations and communities. Increased awareness of progress and achievements would support collaboration, promote the uptake of effective approaches, and help ensure stakeholders can contribute to and benefit from ongoing reform efforts.
60. Australia is internationally recognised and leading efforts to prevent and respond to child sexual abuse, with Australia ranking as number 1 in the global Out of the Shadows Index.³⁰ Existing efforts provide a strong platform on which to strengthen practices and initiatives. Children and young people need adequate child specific and child friendly services to support their specific needs. This includes having child specific and child friendly trauma services such as Bower Place, across Australia.
61. The Commission also reiterates the priority issues and actions identified by the National Strategy Advisory Group Members, in its submission to the National CSW Strategy consultation for its second action plan: victim-survivor service support, the intersectional aspects of child sexual abuse, community attitudes, intra-familial child sexual abuse, ending criminalisation of young people, elevating voice and participation, and addressing the jurisdictional divide in achieving change in this area.
62. Given the existing national strategies, frameworks and action plans that seek to advance child safety and wellbeing, it is critical that there is a considered and integrated child-rights-based approach. This means it is child-centred, intersectional, addresses the social determinants and drivers of gender-based violence, and are child-led in all policy decisions affecting children and young people. This is the basis of Recommendation 1 of the Commission's *We're talking about stopping violence before it begins: Supporting Quality Engagement with Children* (SQE) report which states:
- DSS, the National Office for Child Safety and the Department of Health, Disability and Ageing coordinate and integrate existing national strategies, frameworks and action plans to advance child safety and wellbeing across all activities of the Australian Government. This will include:
- mapping exercise to identify integrated funding opportunities, unify data and impact measurement, coordinate consultation and engagement mechanisms with children, and consistent targeting of priority cohorts

- careful coordination with other strategies that impact on children, such as Closing the Gap and Australia's Disability Strategy
- systematic use of a Child Rights Impact Assessment tool to ensure children's rights are at the centre of this approach.³¹

63. The Commission welcomes the opportunity to supplement this submission with further contributions to these consultations and work.

Recommendation 11: All relevant national plans and strategies should use the findings of the Australian Child Maltreatment Study to inform and prioritise prevention and early intervention initiatives.

Recommendation 12: The Australian Government should implement all recommendations from the Supporting Quality Engagement (SQE) report *We're talking about stopping violence before it begins*, by coordinating and integrating existing national strategies, frameworks and action plans to advance child safety and wellbeing across all activities of the Australian Government.

This will include:

- (a) identifying opportunities to integrate funding, align data, measure impact, coordinate engagement with children, and ensure consistent support for priority cohorts
- (b) careful coordination with other strategies that impact on children, such as Closing the Gap and Australia's Disability Strategy
- (c) systematic use of a Child Rights Impact Assessment tool to ensure children's rights are at the centre of this approach
- (d) developing local place-based pilots that implement an integrated approach to building whole-of-community capacity to promote child and family safety, including ending gender-based violence
- (e) ensuring that all national frameworks that affect children and young people contain mechanisms for child and youth participation, including elements of youth leadership, genuine co-design and monitoring and evaluation.

6 Focus on key affected communities in all their diversity

64. The Commission welcomes the broad and inclusive use and definition of the term 'violence' and reiterates the importance of this including children and young people, as well as gender diverse people, often rendered invisible and who have unique and specific needs as victim-survivors and witnesses. We also emphasise the need for targeted attention and service delivery to First Peoples, due to the lack of progress in this area over the last 10 years. This should be led by Aboriginal Community Controlled Organisations and initiatives.
65. Particular communities can be more vulnerable to violence and harm, due to their intersecting characteristics. The following are some examples and suggestions for consideration in the Second Action Plan.

First Peoples women and children

'Racism causes real harm and even early deaths. Ending racism needs more than words – it requires stronger laws, honest education and culturally safe services that work with us, not on us, or against us.' Social Justice Report 2025.³²

66. Rates of violence against First Peoples women and children remain unacceptably high. As the UN General Assembly Recommendation 39 on the rights of Indigenous Women and Girls notes:

Intersectional discrimination against First Nations women and girls must be understood in the context of the multifaceted nature of their identity. They face discrimination and gender-based violence, frequently committed by State and non-State actors. These forms of violence and discrimination are widespread and are often treated with impunity. Indigenous women and girls often have an inextricable link and relation to their peoples, lands, territories, natural resources and culture.³³

67. First Peoples women and children's 'right to live free from violence, to be safe, within their communities and institutions, and to have their lives valued equally' was stated at this year's national Missing and Murdered Indigenous Women and Children Roundtable, convened by the Aboriginal and Torres Strait Islander Social Justice Commissioner, and the Domestic, Family and Sexual Violence Commissioner, along with Aboriginal and Torres Strait Islander women leaders, the Sex Discrimination Commissioner, representatives of affected families, advocates, legal experts, Aboriginal community-controlled organisations, and civil society stakeholders.³⁴

68. The Roundtable report's specific key themes³⁵ and the following calls for action that need to inform the Second Action Plan:
- (i) National Cabinet providing a community update on actions taken to address missing and murdered Aboriginal and Torres Strait Islander women and children since 2024
 - (ii) murdered and missing Aboriginal and Torres Islander Women and Children addressed as a key priority across government
 - (iii) improving National Data Collection and Transparency
 - (iv) establishing Mechanisms of Remembrance and Recognition.³⁶
69. The Commission's *A Fair and Just Future for First Peoples: Social Justice Report 2025* contains a blueprint for a future where First Peoples can fully and free exercise and enjoy their human rights and where they are supported by systems that uphold self-determination, dignity and equality.³⁷ Additionally, the Commission's *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report* (2020),³⁸ which captures over 2,000 women and girls' voices across Australia, describes how First Peoples women carry knowledge about sustaining existence, and are doing the backbone work of society such as caring for children, family and Country. The report is a blueprint for structural change, recognising that First Peoples women and girls hold the solutions to overcome abuse, and advance societal health and wellbeing.

Culturally and racially marginalised women and children

'I was a student at the time, I needed the money. And that was the only job I could get at that time. So, it wasn't as simple as just leaving the job because I was on an international student visa ... I couldn't access any Centrelink payments like unemployment and stuff like that ... I had to work there until I was able to find a different job.' Female worker, Speaking from Experience report³⁹

70. At the intersection of racist and gendered violence, each form of violence affects and amplifies the other to create unique experiences and forms of violence for culturally and racially marginalised women and children. For example, factors increasing the risk of violence against migrant and refugee women include a reliance on partners for residency status, language and cultural barriers to accessing help, an inability to access government supports due to visa status, a lack of culturally appropriate services, and an absence of trusted social networks in Australia.⁴⁰
71. The Commission has also heard that the intersection of gender and caste can shape culturally and racially marginalised women and girl's experiences of violence through social, cultural and economic factors that inform the increased prevalence of violence among lower caste women, including their lower social standing and restricted decision-making autonomy, their lower economic status, their partner's alcohol

consumption, as well as a lack of legal mechanisms to bring perpetrators to account.⁴¹

72. The intersection of race and gender raises specific barriers to seeking support. Migrant and refugee women accessing legal assistance during all stages of court proceedings specific to family violence also face barriers including legal knowledge in the Australian context and poor police responses.⁴² Appropriate response and support require tailored, culturally appropriate service and system responses.

LGBTIQA+ communities

'[I] had given up counting death threats because what is the point?' A trans woman in the Fuelling Hate report.⁴³

73. The First Action Plan acknowledged that violence against LGBTIQA+ communities is also gendered violence, and that drivers of violence against both LGBTIQA+ communities and women overlap. This inclusion also requires appropriate action. In our recent report, *Equal Identities*, LGBTIQA+ communities and women's services reflected on how limited practical guidance and inflexible funding arrangements have not incentivised collaborating on shared violence prevention initiatives, or on making existing gendered violence prevention initiatives inclusive of trans women and gender diverse people.⁴⁴
74. In noting that Australian society values equality, the Second Action Plan needs to explicitly recognise the unique and disproportionate violence experienced by LGBTIQA+ communities, including physical violence against gay and bisexual men, sexual violence against lesbian and bisexual women, and violence against trans and gender diverse people, particularly transgender women.
75. Transgender and nonbinary people disproportionately experience violence and face significant barriers to accessing support. The Commission has heard of situations where trans women, especially Aboriginal and Torres Strait Islander Sistersgirls and culturally and racially marginalised trans women, have been turned away from crisis accommodation while experiencing domestic and family violence. Similar gaps exist for both cisgender and transgender gay and bisexual men who are victim-survivors.

Women and children with disability

“Once you become disabled you become excluded from society in every way, shape and form.” Woman with disability⁴⁵

76. The Disability Lens, developed after and to accompany the First Action Plan, aimed to guide future implementation of the National Plan. It was developed in response to Recommendation 8.23 of the Disability Royal Commission’s Final Report, and fails to incorporate other Disability Royal Commission key recommendations.⁴⁶ It also lacks the necessary human rights framing to effectively address violence against women, girls and gender diverse people with disability. It is unclear how it could be used to monitor and measure the effectiveness of the National Plan.
77. The Disability Royal Commission recommended the importance in amending legislative definitions of gender-based violence to be explicitly inclusive of disability nationally, and at the State and Territory levels, which involves explicit mention of disability specific relationships and domestic settings.⁴⁷ The Second Action Plan needs to align with this recommendation so that it can capture and address domestic and family violence experienced by women and children with disability.
78. The participation of people with disability in public decision-making and matters that affect their lives and rights is a core human rights obligation and a vital component to realising the rights of people with disability.⁴⁸ The inclusion of women, girls, children and gender diverse people with disability in the early consultation phases of the Second Action Plan is a positive step to ensuring their perspectives and views are adequately captured. Participation of affected people, including those with disability, is critical across all aspects of the National Plan and the Section Action Plan work.
79. Women and girls with disability are often subjected to specific forms of gender-based violence, including violence that is legally authorised and regulated (lawful violence). Examples of lawful violence include the use of restrictive practices to ‘manage’ or ‘control’ the behaviour of a person with disability and forced or coercive medical treatments and interventions that are authorised via substitute decision-making arrangements. This means that people with disability in Australia can be subjected to medical practices and procedures without their consent that have repercussions on their sexual and reproductive health, including forced sterilisation, forced contraception or abortion, forced therapies, treatments and medications.

80. The Second Action Plan should include actions that look at prohibiting such forms of violence and include:
- adopting a national framework for the elimination of restrictive practices
 - prohibiting forced sterilisation, medical interventions and non-consensual administration of contraception and abortion procedures, and electroconvulsive therapy
 - promoting and advancing sexual and reproductive health rights of people with disability which ensure adequate family support is provided.

Visibility of older women and their experiences

Ageism, age discrimination in the workplace, homelessness and factors leading to elder abuse all impact on older women.' Former Age Discrimination Commissioner⁴⁹

81. Australia has an aging population, and it is critical that older women are given visibility in the Second Action Plan. Older women often simultaneously experience ageism, and a loss of visibility, voice and empowerment in later life. Older women have unique experiences and characteristics that need to be made visible and addressed, in ways that are empowering and promote connection to family and community.
82. Ageism is a serious problem in Australia which profoundly affects people's rights, can contribute to an environment of disrespect towards older people, and can enable or contribute to deficiencies in service design and delivery. Ultimately ageism can lead to older people, particularly women, being more susceptible to abuse, exploitation and violence.⁵⁰
83. More than 1 in 10 older women experience intimate partner violence in their older age in Australia.⁵¹ While 1 in 6 older women are subjected to violence and abuse from other family members, most commonly their adult sons,⁵² they are often forgotten in the national gender-based violence conversation.
84. Help seeking is uncommon among those who experience elder abuse, and the majority do not seek help or advice, with only 3 in 10 people experiencing financial elder abuse seeking help,⁵³ and only a quarter of older women who have experienced sexual abuse seeking help. This contrasts with 50% of women in the general population who have experienced sexual assault seeking help.⁵⁴
85. Older women with intersecting characteristics - such as older women who are First Peoples, LGBTIQ+, with disability, and are culturally and racially

marginalised, face additional complex barriers to seeking help and obtaining appropriate help.⁵⁵

86. It is essential that the Second Action Plan addresses ageism, and incorporates and builds on the work of the Australian Government's National Elder Abuse Plan.⁵⁶

Recommendation 13: The Second Action Plan should include and address the specific actions that are needed for victim-survivors in all their diversity, particularly those who have intersecting and unique characteristics.

Recommendation 14: Recognising the high experience of domestic and family violence within First Peoples communities, the Second Action Plan should specifically focus on prevention, early intervention and service delivery for communities. It should focus on funding successful models, and identifying successful Police initiatives with these communities.

7 Addressing gender-based violence at work

Workplace sexual harassment is a form of gender-based violence

87. As noted in the Consultation Paper, workplace sexual harassment is a form of gender-based violence. Workplace sexual harassment occurs at unacceptably high levels, and has a disproportionate impact on women. The fifth national survey on sexual harassment in Australian workplaces identified that 1 in 3 people have experienced sexual harassment at work in the last 5 years. We also know that this number is almost 1 in 2 for First Peoples, culturally and racially marginalised people, people with disability, young people and LGBTIQ+ people.⁵⁷
88. We know that workplace sexual harassment is pervasive: it occurs in every industry, in every location and at every level, in Australian workplaces. The Commission's Speaking from Experience project heard from First Peoples workers, culturally and racially marginalised workers, workers with disability, young workers and LGBTIQ+ workers who had experienced workplace sexual harassment. Contributors described what was helpful when workplace sexual harassment occurred, what was unhelpful and what needs to change to make workplaces safer.
89. The Commission recommends that the recommendations from the *Speaking from Experience: What needs to change to address workplace sexual harassment* (Speaking from Experience) report informs the development of the Second Action Plan. The Commission has also consistently heard that non-disclosure agreements (NDAs) and confidentiality agreements are used as a way to silence victim-survivors and protect perpetrators. By silencing those who experience workplace sexual harassment, identifying and addressing problems becomes very difficult. It perpetuates a culture of silence. Reform is needed to centre the rights and needs of victim-survivors.
90. Recommendation 8 of the Speaking from Experience report recommends reform in the use of NDAs to address these barriers. In 2025, Victoria introduced legislation limiting how NDAs can be used in workplace sexual harassment cases.⁵⁸ Reform across Australia is needed to address how NDAs and confidentiality agreements act as a barrier to taking action in instances of workplace sexual harassment.
91. The Commission reiterates its recommendation in its Universal Periodic Review submission, that there is a need to 'undertake awareness raising and education measures to address sexual harassment that are accessible for people from marginalised backgrounds'.⁵⁹ In adopting an intersectional approach to harm in the workplace, the Commission

recommends that the Australian Government implement the workplace related recommendations in the Commission's *National Anti-Racism Framework*, which would provide an intersectional approach to eliminating violence in workplaces.⁶⁰ While these recommendations do not explicitly mention women and children, they are applicable to women and children in the workplace.

A positive duty to prevent harm

92. In December 2022, in line with recommendations of the *Respect@Work report*, a positive duty was introduced into the *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act). This is an important preventative measure for gender-based violence in the workplace. The positive duty imposes a legal obligation on organisations and businesses to take proactive and meaningful action to prevent and respond to sexual harassment, sexist behaviour, sex discrimination and related victimisation from occurring in the workplace or in connection to work. This means organisations and businesses must act to prevent problems, not just respond after they happen.
93. The positive duty represents a major cultural shift, away from responding to individual incidents after they occur to taking proactive steps to eliminate unlawful conduct as far as possible. This includes some forms of gender-based violence. The Commission's regulatory powers to ensure compliance with the positive duty commenced in December 2023. The Commission has developed [guidelines](#) for complying with the positive duty, as well as [other resources](#) to assist employees and organisations and businesses.
94. Since the introduction of this positive duty and other changes arising out of Respect@Work, complaints under the Sex Discrimination Act are the highest they have been. In the FY2025-26 period, Sex Discrimination Act complaints increased 21% from last year. In the last 5 years there has been an increase in Sex Discrimination Act complaints by 51%, that is from FY2020-21 to FY2025-26. In FY2025-26, 84% of the Sex Discrimination Act complaints related to employment.
95. This rise in complaints may be due to the increased awareness as a result of the positive duty as well as funded working women's centres in each State and Territory. Mechanisms such as positive duties, along with the necessary education and awareness-raising, help ensure workplaces are proactive in making sure workers are safe, and know what to do if their rights are violated.
96. Positive duties to take all reasonable steps to eliminate discrimination exist in the Northern Territory, Victoria and the ACT. Adopting a positive

duty across all protected attributes to eliminate harm in a range public areas of life, including employment, will implement an intersectional approach to achieving safety. The Commission is advocating for positive duties to take preventative steps on the basis of disability,⁶¹ race,⁶² and age.⁶³ If introduced, this will strengthen an intersectional approach to preventing violence in the workplace.

Recommendation 15: The Second Action Plan, in noting the unacceptably high prevalence rate of workplace sexual harassment, should be informed by the recommendations from the Commission's Speaking from Experience report, including on the need to reform the use of NDAs and confidentiality agreements.

8. Engaging men and boys

97. Engaging men and boys in all measures to eliminate violence is critical. Rigid gender stereotypes and ideas of masculinity and femininity limit and harm everyone, including men and boys. They shape how we think we are expected to behave, what roles we're allowed to take on, and how freely we can express who we are. In recent years, we have seen a shift in how gender norms are absorbed by young people, both online and in real life. Recognising this and involving men and boys in the conversation is a vital first step in creating solutions. The Second Action plan needs to identify key intersecting factors which may contribute to the use by men of violence, such as gambling, substance abuse. It should also focus on identifying protective factors, and how services can be shaped to help men to stop using violence, using these protective factors.
98. In its Universal Periodic Review recommendation, The Commission stated the importance of adequate funding of 'evidence-based, community-led efforts to prevent gendered violence for all communities and identify[ing] the role of men in prevention'. Efforts must promote cultural safety, adopt place-based approaches and respect the self-determination of First Peoples women.⁶⁴

Gender stereotypes must be challenged and dismantled

99. Gender stereotypes – rigid ideas, attitudes and beliefs that are often perpetuated in systems – limit everyone. They can take root in people's lives early, and can have far-reaching consequences. Education is a critical tool to challenge stereotypes, from pre-school to university. The Commission has received Australian Government funding to conduct a national survey on consent and sex education, with the survey findings to be reported to the Australian Government later this year. To have a culture of safety and respect, we need to invest in comprehensive and inclusive relationships and consent education from early childhood, so our children grow up learning empathy, emotional awareness and respect. This requires Australian Government commitment to ongoing funding for consistent, inclusive and evidence-based education addressing respectful relationships, consent and sexual and reproductive health. Along with this commitment, is the commitment to monitor implementation and assess effectiveness of the education. We recognise that the Australian Government entered into a multi-year funding program in March 2026 which funds each State and Territory to deliver respectful education. We recommend that each State and Territory be tasked with evaluating the effectiveness of their work, given this funding program does not include monitoring and evaluation of each program.

100. In our Speaking from Experience project, we heard that perpetrators often use the targeted blending of racist and sexist stereotypes in how they perpetrate workplace sexual harassment, and how this can often be dismissed as 'just a joke' or 'a cultural misunderstanding'.⁶⁵ This dismissal is also often steeped in stereotypes, such as Australia having a culture of being unserious, so nothing said should 'be taken seriously'.
101. Caring and household responsibilities are an area where we see gendered expectations. Research indicates that involvement of men in care work can have a role in supporting in violence prevention.⁶⁶ To create a society that sees caregiving as a shared responsibility, we must move away from rigid ideas that men are the breadwinners and women are the caregivers, and acknowledge that being both a worker and a carer is the reality for most people.
102. Homophobia, biphobia and transphobia target those who do not conform to stereotypical ideas of gender, and can begin in early childhood and become entrenched in adolescence, discouraging non-conformity.
103. Addressing gender stereotypes in all spheres of our lives helps to eliminate gender inequality.

Recommendation 16: The Second Action Plan should focus on research to build understanding of the use of violence by boys and men, as well as their experience as victim survivors to ensure effective early intervention, prevention and response for them.

Recommendation 17: The Second Action Plan should identify key intersecting factors which may contribute to the use by men of violence, such as gambling, and substance abuse. It should also focus on identifying protective factors, and how services can be shaped to help men to stop using violence, using these protective factors.

Recommendation 18: The Second Action Plan should ensure the review and evaluation of current respectful relationship and consent education in early education, primary and secondary school. This includes that each State and Territory be tasked with evaluating the effectiveness of these education programs they deliver in their jurisdictions.

9. Harm in online environments

104. Online environments have become a significant driver of harmful attitudes, abuse and violence against women, children and young people. Technology-facilitated gender-based violence (TFGBV) includes everything from online harassment, stalking, image-based abuse, coercive control, threats to the growing misuse of artificial intelligence to generate deepfake sexual abuse material. These harms are not separate from offline violence; rather, they frequently reinforce and extend existing patterns of domestic, family and sexual violence. The Second Action Plan, in recognising that online environments are both a site of harm and an important area for prevention, is well placed to provide targeted investment in digital literacy, respectful online engagement and evidence-based initiatives that challenge misogyny, gender-based hatred and harmful online cultures before they become entrenched.
105. Research indicates that First Peoples women, gender-diverse people, culturally and racially marginalised women, women with disability and women who live in rural areas are more likely to experience technology-facilitated violence.⁶⁷ Older women experience additional and different forms of technology facilitated or related abuse which can be exacerbated because of their lower levels of digital literacy, and because they can be deliberately excluded from having access to technology, such as phones or laptops. This can be used as a form of coercive control and social isolation.⁶⁸
106. The Office of the eSafety Commissioner has reported on the experience of LGBTIQ+ teens and the fact that they are more likely than the national average to have experienced hurtful and hateful online interactions.⁶⁹ This, in part, is a result of LGBTIQ+ teens being online more frequently, due to the sense of safety and, sometimes, anonymity the online world provides them to connect, explore, seek support and express themselves.⁷⁰
107. The Commission supports a systems-based approach that places greater responsibility on platforms to identify and mitigate reasonably foreseeable harms, including a Digital Duty of Care in Australia.⁷¹
108. Human rights impact assessment (HRIA) tools assess how a new product, service, law or policy will engage human rights. They also provide a framework for ensuring adequate rights protections. HRIA tools are useful when developing or deploying AI tools which may have human rights impacts on all people, including women and girls.

109. Alongside regulatory reform, support for research, education and early intervention initiatives that help young people develop healthy online behaviours, critically engage with harmful content and build respectful relationships in both digital and offline environments, is critical.

Recommendation 19: The Second Action Plan should provide targeted investment in digital literacy, respectful online engagement and evidence-based initiatives that challenge misogyny, gender-based hatred and harmful online cultures before they become entrenched.

Recommendation 20: The Australian Government should legislate a Digital Duty of Care that requires social media platforms to identify, assess and mitigate foreseeable risks arising from recommender systems and monetisation practices.

Endnotes

¹ UN *Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

² Special measures: In promoting principles of non-discrimination and equality, there are circumstances that require some people to be treated differently, compared to others. This means: allowing measures to be taken to promote the enjoyment of human rights by particular groups; and requiring governments to take actions to address inequality through the adoption of special measures.

To comply with the terms of international treaties in good faith, special measures should be informed by the views of the groups in question and be in aid of improving their enjoyment of their rights. It is therefore vital that vulnerable groups are provided with opportunities to be part of decision-making.

³ CEDAW requires all ratifying States to eliminate discrimination against women and girls in all areas and promote women's and girls' equal rights. The CEDAW Committee's General Recommendation 19, adopted in 1992, recognised that discrimination against women, as defined under Article 1 of CEDAW, includes gender-based violence. General Recommendation 35, adopted by the CEDAW Committee in 2017, went even further to note that violence against women can take a number of forms and occur in a range of settings, "from private to public, including technology-mediated settings": UN Committee on the Elimination of Discrimination Against Women, CEDAW General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 27 July 2017.

⁴ UN Convention on the Elimination of All Forms of Racial Discrimination Committee, General Recommendation No. 25 on Gender-related Dimensions of Racial Discrimination, 2000.

⁵ Australian Human Rights Commission, 'Free & Equal: A Human Rights Act for Australia', (Position Paper, December 2022), p 12.

⁶ Australian Human Rights Commission, [Free and Equal: A reform agenda for federal discrimination laws](#) (2021).

⁷ Parliamentary Joint Committee on Human Rights, [Inquiry into Australia's Human Rights Framework](#), Parliament of Australia (2024), p xxi.

⁸ See *Charter of Human Rights and Responsibilities Act 2006* (Vic); *Human Rights Act 2019* (Qld); *Human Rights Act 2004* (ACT); *Human Rights Act 1993* (NZ); *Canadian Human Rights Act*, RSC 1985 c H-6; *Human Rights Act 1998* (UK).

⁹ See for example *Osman v United Kingdom* (1998) ECHR.

¹⁰ See for example [The First Annual Report on the Operation of Queensland's Human Rights Act 2019-20](#) (2020), p 112.

¹¹ *SF v Department of Education* [2021] QCAT 10.

- ¹² A commonly referenced human rights approach is the PANEL approach, which seeks to use the principles of: participation, accountability, non-discrimination and equality, empowerment, and legality. see Commission, [Human rights based approaches](#) [website], accessed July 2026.
- ¹³ Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (New Press, 2017).
- ¹⁴ See also Sumi Cho, Kimberlé Williams Crenshaw and Leslie McCall, 'Toward a field of intersectionality studies: Theory, applications, and praxis' (2013) 38(4) *Signs: Journal of Women in Culture and Society* 785, p 786.
- ¹⁵ See priority action 4.3 of the [National Plan to End the Abuse and Mistreatment of Older People, 2026 – 2036](#) (2026).
- ¹⁶ Australian Human Rights Commission, [Universal Periodic Review submission](#) (2025), p 11.
- ¹⁷ See for example the chapter entitled 'framing legal responses to elder abuse' which highlights the complexity of managing laws that relate to elder abuse in Australian Law Reform Commission, [Elder Abuse – A National Legal Response](#) (2017).
- ¹⁸ The Aged Care Royal Commission recommended that the Australian government ensure that the new aged care system makes specific and adequate provision for the diverse and changing needs of Aboriginal and Torres Strait Islander people, and that priority is given to existing and new Aboriginal and Torres Strait Islander organisations, including health, disability and social service providers, to cooperate and become providers of integrated aged care services: See *Royal Commission into Aged Care Quality and Safety* (Final Report, 1 March 2021) vol 3(a), 246.
- ¹⁹ Australian Human Rights Commission, *Wiyi Yani U Thangani: Women's Voices* (Report, 9 December 2020) ch 4.2, 97-100; *Royal Commission into Aged Care Quality and Safety* (Final Report, 1 March 2021) vol 3(a) 246 (Recommendation 47).
- ²⁰ Australian Human Rights Commission, *'We're talking about stopping violence before it begins'* Supporting Quality Engagement with Children, (2025).
- ²¹ Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice System Responses to Sexual Violence](#) (2025), Recommendation 64.
- ²² Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice System Responses to Sexual Violence](#) (2025), pp 584-5.
- ²³ Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice System Responses to Sexual Violence](#) (2025), p 584.
- ²⁴ Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice System Responses to Sexual Violence](#) (2025).
- ²⁵ Australian Law Reform Commission, [Safe, Informed, Supported: Reforming Justice System Responses to Sexual Violence](#) (2025).
- ²⁶ Australian Human Rights Commission, [Help way earlier! How Australia can transform child justice to improve safety and wellbeing](#) (2024), p 83.
- ²⁷ [The Australian Child Maltreatment](#) [website], accessed July 2026.
- ²⁸ AIHW, [Child Wellbeing Data Asset](#) [website], accessed July 2026.

- ²⁹ Australian Government, *Safe & Supported: The National Framework for Protecting Australia's Children 2021-2031* (2021), p 14.
- ³⁰ Out of the Shadows, "Out of the Shadows: Australia" [website], accessed August 2026.
- ³¹ Australian Human Rights Commission, 'We're talking about stopping violence before it begins' Supporting Quality Engagement with Children, (2025).
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