

Protecting the rights and safety of women and children through a federal *Human Rights Act*

YWCA Australia's supplementary submission for the
Second Action Plan to the National Plan to End
Violence against Women and Children 2022-2032

August 2026



I. About YWCA Australia

YWCA is a national feminist organisation and Tier 2 Community Housing Provider with more than 140 years of experience supporting women, gender-diverse people and their families. We build, buy and manage social and affordable housing, deliver specialist homelessness, domestic and family violence and early intervention services, create pathways for young women's leadership and voice, and advocate for systems change.

Nationally, YWCA provides more than 500 safe homes and manages 553 active social and affordable housing tenancies. Through 27 specialist programs across 19 operational locations, we support more than 6,000 people each year, providing over 130,000 nights of accommodation and 64,000 hours of specialist support annually.

Our point of difference is that we do the doing. Our housing and frontline services give us direct insight into how housing insecurity, homelessness, gender-based violence and economic insecurity intersect in people's lives. We see where systems work, where people fall between them, and where policy, funding and service responses need to be better connected.

We combine this frontline experience with gender expertise, lived experience, research and economic evidence to identify practical solutions and advocate for systems change. Our **[Housing That Pays Back](#)** research demonstrates the broader value of this approach, finding an average \$2.02 in measurable public benefit for every \$1 invested in YWCA housing, alongside an estimated \$6.3 million in avoided health and justice expenditure annually.

Lived experience is also embedded in how YWCA develops its advocacy and contributes to policy conversations. Through our [Young Women's Council](#), [Digital Activist Community](#) and [Amplifying Voices](#) program, young women, gender-diverse people and people with lived experience have structured pathways to identify system barriers and influence policy and decision-making. This submission has been informed by those perspectives, including consultation with our Amplifying Voices advocates in the Northern Territory.

This combination of housing delivery, specialist services, gender expertise, research and lived experience informs YWCA's contribution to the Second Action Plan and our proposition that safe and secure housing is essential infrastructure for preventing and responding to gender-based violence. Housing and the right to an adequate standard of living is one thread in a fabric of human rights which afford women and children safety from violence.

YWCA Australia is a supporter of an Australian Human Rights Act and a member of the Australian Human Rights Act campaign. We submit that the introduction of a federal Human Rights Act for Australia is critical to realising the goal to end violence against women and children, and to ensuring the rights of First Nations women and children are centered in that process.

II. A Human Rights Act as National Infrastructure to Realise the Objectives of the *National Action Plan*

Australia is the only remaining liberal democracy without a national Human Rights Act.

This gap contributes to the lowering of protections and widening of violence against women and children across the nation. Human rights legislation in other nations, such as the United Kingdom, have been successful in creating a system of protections where public authorities have the legal responsibility to act and make decisions in a way that is compatible with the protected human rights of women and children.

The introduction of a Human Rights Act for Australia is essential for the realisation of the goal to reduce the incidence and severity of harm against women and children towards the overarching goal of ending violence against women and children in a generation.

At its core, the ***National Action Plan to End Violence against Women and Children*** is a human rights document – one aimed at preventing the loss of life and freedoms of women and children. A Federal Human Rights Act would be the key national infrastructure to ensuring that commitment to ending violence against women and children extends beyond the Department of Social Services across public bodies with powers or functions under Commonwealth law.

The rights of women and children to be free from domestic, family and sexual violence are at the heart of human rights legislation. Amongst others, rights under the proposed Australian Human Rights Act model, ***Free & Equal***, include the right to life and protection of children.¹ These rights are all directed to protecting the lives and experiences of women and children. In addition to articulating rights, a Human Rights Act will be a powerful tool for women and children to have avenues to challenge injustice if their rights are violated. As an ecosystem, a federal human rights framework provides a profound mechanism to realise the goals of the ***National Action Plan*** and the forthcoming actions of the ***Second Action Plan***.

We note the particular importance of human rights protections for First Nations women and children who are disproportionately impacted by gender-based violence and who experience significantly higher rates of homicide. A Human Rights Act would centre the human rights of First Nations women, children and peoples which are critical to the realisation of ***Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036 (Our Ways – Strong Ways – Our Voices)***.

Recommendation – Implement a federal Human Rights Act

YWCA Australia recommends that the Second Action Plan includes a Human Rights action to implement the recommendations of the Parliamentary Joint Committee of Human Rights in their report: ***Inquiry into Australia's Human Rights Framework***, including the introduction of a federal Human Rights Act.

¹ Australian Human Rights Commission 2023, ***Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023***. See Parliamentary Joint Committee on Human Rights, ***Inquiry into Australia's Human Rights Framework***, 2024. We join in the calls for a national Human Rights Act to include an express right to live free from gender-based violence and specific rights for victim-survivors of gender-based violence: Women's Legal Service NSW, ***Submission in response to the Inquiry into Human Rights Bill 2025 NSW***, 3 July 2026, Submission 97.

III. The Fundamental Human Rights of Women, Children and First Nations Peoples

Australia is a signatory to several United Nations human rights treaties:

- **International Convention on Civil and Political Rights** (ICCPR);
- **International Convention on Economic, Cultural and Social Rights** (ICESCR);
- **Convention on the Elimination of all forms of Discrimination against Women** (CEDAW);
- **Convention on the Rights of the Child** (CRC);
- **International Convention on the Elimination of all forms of Racial Discrimination** (CERD);
- **Convention against Torture and other Cruel, inhuman or Degrading Treatment or Punishment** (CAT);
- **Convention on the Rights of Persons with Disabilities** (CRPD).

Steer to the implementation of these treaties are informed their respective Committees. Of particular relevance to Australia's goal to reduce and end the rates and severity of violence against women and children, is the advice and recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW Committee).

Australia has also announced our support of the United Nations **Declaration on the Rights of Indigenous People** (UNDRIP). The Declaration is the most comprehensive international instrument on the rights of Indigenous Peoples. It establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world, and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of Indigenous Peoples.

The UNDRIP alongside the CEDAW are referenced in **Our Ways – Strong Ways – Our Voices, Thread 1: Centring voice, self-determination and agency:**

‘Elevating community voice and lived experience also means empowering Aboriginal and Torres Strait Islander leadership, especially for women and girls, and embedding fundamental human rights, supporting the guiding principles underpinning the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Critically, this includes elevating the voices of children and young people to inform and develop the policies, programs and service responses that impact their lives. This ensures that policies and programs are not only effective but uphold the dignity and rights of Aboriginal and Torres Strait Islander peoples.’²

Whilst Australia is a signatory to the seven major United Nations treaties, and a supporter of the UNDRIP, we need to introduce a Human Rights Act and framework at the national level to implement these shared international obligations and human rights protections.

² **Our Ways, Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to end Family, Domestic and Sexual Violence 2026 – 2036**, 44.

The rights upheld by these treaties, and the Committees responsible for steering their implementation, include:³

- The right to live free from gender-based violence;⁴
- The right to life;⁵
- The right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment;⁶
- The right to equality before the law;⁷
- The right to self-determination of First Nations people;⁸
- The right to live free from discrimination,⁹ including discrimination on the basis of being a victim-survivor of gender-based violence;¹⁰
- The right to family and to not be subjected to arbitrary or unlawful interference with family;¹¹
- The right to housing and an adequate standard of living;¹²
- The right to health;¹³
- The right to culture;¹⁴
- The right to social security;¹⁵
- The right of children to safety and protection from violence.¹⁶

The intention to protect these rights are manifest in the **National Action Plan to End Violence against Women and Children**, and in the priorities of the **Second Action Plan**. The introduction of a Federal Human Rights Act would provide the national infrastructure to enable to protection of those rights for women and children. In doing so, a Human Rights Act would accelerate our national goal to end violence against women and children and support the principles of centring voice, self-determination and agency of First Nations peoples.

³ YWCA Australia notes this list builds upon the advocacy of Women's Legal Services NSW in their submission to the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework. See Women's Legal Service NSW, **Submission in response to the Inquiry into Human Rights Bill 2025 NSW**, 3 July 2026, Submission 97, 5. The proposed rights reflected in a Human Rights Act for Australia can be viewed in Australian Human Rights Commission 2023, **Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023**, 55 at Table 5: Rights reflected in the Human Rights Act. We join in the calls for a national Human Rights Act to include an express right to live free from gender-based violence and specific rights for victim-survivors of gender-based violence: Women's Legal Service NSW.

⁴ UN Committee on the Elimination of Discrimination against Women ('CEDAW Committee') (26 July 2017), **General Recommendation No.35 (On gender-based violence against women, updating general recommendation No. 19 (1992))**, CEDAW/C/GC/35, p6 [15]. See also CEDAW Committee, **CEDAW General Recommendation No. 19: Violence against women**, (1992).

⁵ ICCPR, Article 6.

⁶ Ibid, Article 7.

⁷ Ibid, Article 26.

⁸ **United Nations Declaration on the Rights of Indigenous Peoples**, Article 4; see also general right to self-determination in ICCPR Article 1; ICESCR Article 1.

⁹ ICCPR Article 2; CEDAW Article 2.

¹⁰ CEDAW Article 2. Note that the CEDAW Committee identifies gender-based violence as a form of discrimination against women in **General Recommendation No. 19: Violence against women**, [1].

¹¹ ICCPR Articles 17 and 23; ICESCR Article 10.

¹² ICESCR Article 11.

¹³ Ibid, Article 12.

¹⁴ ICCPR Article 27; ICESCR Article 15; CERD Article 5(e)(vi); CEDAW Article 13(c); CRC Article 30 & 31; CRPD Article 30

¹⁵ ICESCR Article 9; CEDAW Article 11(1)(e), 14(2)(c); CRC Article 26.

¹⁶ CRC, Article 19.

IV. The Operation of a Human Rights Act

The Australian Human Rights Commission's model is the launchpad for the design of a Human Rights Act for Australia. The Commission proposes that the Human Rights Act should be a dialogue model:¹⁷

1. The HRA should be a 'dialogue' model

- A positive duty on the Executive ('public authorities') to consider human rights and act compatibly with human rights
- Parliament required to consider human rights in the HRA when making and debating laws, through existing parliamentary scrutiny measures
- The judiciary required to interpret laws in a way that is compatible with the Human Rights Act where it is reasonably possible to do in light of Parliament's intention. The judiciary would also review the executive's compliance with the positive duty in relation to particular decisions and issue remedies for breaches of the Human Rights Act.
- When a court, in the course of making a judgment, has found a parliamentary intention to override human rights contained in the HRA, the Attorney-General should be required to trigger a process for reviewing the law in question.

In addition to incorporating the rights derived from the ICCPR, ICESCR and other major international treaties, the Commission's proposal also includes cross-cutting procedural duties:

- Participation duty
- First Nations peoples (embedding UNDRIP principles)
- Children (embedding CRC principles)
- Persons with disability (embedding CRPD principles)
- Equal access to justice duty.

These duties prioritise balancing the scales to the needs and rights of First Nations peoples, children, persons with disability, and victim-survivors. In this way, a Human Rights Act would support the delivery of rights aligned with the calls to action in the **National Action Plan to End Violence against Women and Children** and this **Second Action Plan**.

¹⁷ Australian Human Rights Commission 2023, *Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023*, Appendix 2: Summary – Model Human Rights Act for Australia, 185 – 192.

A Human Rights Act would embed UNDRIP principles and in doing so support the self-determination principles of ***Our Ways – Strong ways – Our Voices***¹⁸

3. The HRA should reflect key rights and principles in the United Nations Declaration on the Rights of Indigenous Peoples

UNDRIP should be reflected in the following manner, subject to further consultations with First Nations peoples:

- A 'participation duty' applicable to the executive, to reflect principles of self-determination through practical measures by public authorities, to complement a Voice to Parliament mechanism.
- The inclusion of cultural rights, non-discrimination rights and ICESCR rights, alongside the participation duty. These should be included with a standalone cause of action, and representative standing.
- First Nations participation reflected in parliamentary scrutiny processes through the requirement to list in Statements of Compatibility steps taken to ensure that participation of First Nations peoples has occurred
- A clause enabling human rights in the Human Rights Act to be interpreted in light of UNDRIP in cases where the rights of First Nations peoples have been affected.
- The right to self-determination articulated in a preamble to the Human Rights Act as an overarching principle of the instrument.

A Human Rights Act would be guided by a positive duty on public authorities and strengthened by participation duties.¹⁹

4. There should be a positive duty on public authorities

- A Human Rights Act would create a legislative obligation for public authorities to act compatibly with the human rights expressed in the Human Rights Act and to give proper consideration to human rights when making decisions.
- Public authorities would also be required to engage in participation processes where the 'participation duty' is relevant, as part of the 'proper consideration' limb (see below)
- Compliance with the positive duty would be reviewable by courts.

7. The HRA should include key procedural duties – a 'participation duty' and an 'access to justice' duty. It should also account for technological decision-making

Participation duty

- There should be an overarching 'participation duty' be introduced into a Human Rights Act. The participation duty would primarily operate as an aspect of the binding positive duty on public authorities. It would also apply to proponents of legislation in a non-binding respect, reflected in Statements of Compatibility and assessed by the PJCHR
- International law requires specific participation measures to be undertaken regarding decisions affecting the rights of First Nations peoples, children and persons with disability. The participation duty would require public authorities to ensure the participation of these 3 groups and individuals in relation to policies and decisions that directly or disproportionately affect their rights in the HRA.

¹⁸ Ibid.

¹⁹ Ibid.

- The Commission has developed a set of guidelines that encompass key considerations for determining the quality of a general participation process. Such objective criteria can be applied by the courts when determining whether the Human Rights Act was breached due to failure to consult in relation to particular right(s).
- As with substantive rights in the Human Rights Act, the participation duty could be justifiably limited through the application of the limitations clause.

Equal access to justice duty

- In addition to an overarching participation duty, the Commission proposes a complementary 'equal access to justice duty' for public authorities
- This duty would mean that public authorities have a positive duty to realise access to justice principles – that is, to meet minimum requirements associated with the right to a fair hearing, overlayed by non-discrimination principles that require the provision of certain key supports and services within the justice system to protect equality before the law
- It would be the role of public authorities to provide sufficient access to legal assistance, interpreters and disability support to individuals navigating the justice system.
- The duty may arise as part of a consideration of whether related Human Rights Act rights were breached by public authorities due to a failure to implement minimum justice guarantees.

Technology and decision-making

- Increasingly, public authorities are utilising technology, such as artificial intelligence, when making decisions, including decisions that directly affect people's rights.
- The same procedural fairness principles and rights consideration apply to all decisions made by public authorities, regardless of how the decision is made

These duties create an ecosystem where public authorities are committed to a standard of human rights. The participation duty is essential to addressing the fundamental issue of inadequate engagement with the people most impacted by policies in the design and development of those policies at a federal level. The equal access to justice duty would be particularly empowering for victim-survivors of domestic, family and sexual violence – including to ensure that processes are adapted to address trauma and other impacts on victims of violence.

Overall, the mechanisms of implementing a Human Rights Act centre the rights and needs of women and children, First Nations people, and victim-survivors of domestic, family and sexual violence. In doing so, a Human Rights Act would support the delivery of the **National Action Plan, Second Action Plan** and **Our Ways – Strong Ways – Our Voices** federally.

V. The Impact of a Human Rights Act

A Human Rights Act as a legal framework would protect human rights, ensuring that the impact of laws, policy and practice on people's human rights are always considered. It would prevent violations to human rights with Parliament, government and public officials being held to account for how they consider human rights impacts in their decision-making. It would also provide effective relief for breaches of human rights.²⁰

A Human Rights Act could robustly uphold the rights of women and children, and First Nations peoples through the following actions:²¹

- The implementation of rights towards ending violence against women and children, including the right to life and the right to live free from gender-based violence, and the right to children of safety and protection from violence.
- A duty on public authorities to comply with human rights, and access to remedies for non-compliance. Public authorities would need to take human rights seriously and comply with them. As shown in the international case study below, the United Kingdom has found police to have violated victims' rights by failing to properly investigate sexual assaults.
- A duty on public authorities to ensure the participation of First Nations peoples, children and people with disabilities in policies that directly or disproportionately impact their rights. This participation duty could be extended to women and victim-survivors of domestic, family and sexual violence. Parliament would need to consider how laws impact on human rights, and ensure participation with people who are consistently excluded and disproportionately impacted by policies and decisions, including First Nations peoples.
- A duty on public authorities to ensure equal access to justice. This duty would embed procedural fairness and civil rights protections into decision making and court processes, so that people are equally able to access justice. This may include processes adapted to address trauma and other impacts on victims of violence. Reasonable adjustments would be built into the administration of justice so that victim-survivors, First Nations peoples, children, persons with a disability, people from migrant and multicultural communities, among others, have equal treatment in the operation of the civil and criminal justice systems, and administrative review.

The introduction of a Human Rights Act in Australia would have real impacts for the lives of women and children across Australia, with particular recognition afforded to the rights of Aboriginal and Torres Strait Islander women and children.

²⁰ Australian Human Rights Commission 2023, **Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023**, Figure 5: The impact of a Human Rights Act, 50.

²¹ We again note the leading advocacy of Women's Legal Services in shaping this conversation for the rights of women as victim-survivors of domestic, family and sexual violence. See Women's Legal Service NSW, **Submission in response to the Inquiry into Human Rights Bill 2025 NSW**, 3 July 2026, Submission 97, 2.

International Case Study

As stated, Australia is the only liberal democracy without a Human Rights Act. Other countries, like the United Kingdom, have national human rights legislation in place which has been building in application to protect the rights of victim-survivors and to hold public authorities, including police, to account in the process.

Case: UK Supreme Court rules that police violated victims' rights by failing to properly investigate sexual assaults²²

Commissioner of Police of the Metropolis v DSD and Another [2018] UKSC 11 (21 February 2018)

The United Kingdom Supreme Court awarded damages to two victims of crime who brought proceedings against the Metropolitan Police Service for substantial failures to conduct an effective investigation into a number of sexual assaults. The decision aligns with a consistent line of authorities from the European Court of Human Rights regarding the nature and scope of the State's duty under article 3 of the ***European Convention for the Protection of Human Rights (ECHR)***.

The applicants were victims of serious sexual assaults by the same offender, a London cab driver. The sexual assault of one applicant occurred in 2003 and other occurred in 2007. The offender committed "a legion of sexual offences on women" between 2003 and 2008. There were significant failures in the police investigation of the crimes. Prior to this human rights action, the applicants had both received an award of compensation from the Criminal Injuries Compensation Authority and recovered compensation from the offender.

The applicants brought a claim against the Metropolitan Police Service for an alleged failure to conduct effective investigations pursuant to the:

- ***Human Rights Act 1998*** (UK), sections 7 and 8, which together allows an individual who claims that a public authority has acted in a manner that is incompatible with their rights under the ***ECHR*** to bring proceedings and be awarded damages; and
- ***European Convention for the Protection of Human Rights***, article 3, which provides that no person should be subjected to torture or to inhuman or degrading treatment or punishment.

The court found that article 3 of the ***ECHR*** contained a positive obligation for police to conduct effective investigations into crime committed by individuals that caused harm to another individual.

The above case study impresses the importance of human rights legislation to protecting the rights of victim-survivors and establishing remedies following police and public authority failures to protect them. Australia would benefit from the introduction of a federal Human Rights Act with a standard of strong protections for victim-survivors and remedies for failures to uphold those protections. A national Act could then become the blueprint for a human rights model and standard across the remaining Australian states and territories without human rights legislation.

²² Case Summary extracts sourced from Human Rights Law Centre and authored by Nicola Thomas-Evans, ***UK Supreme Court rules that police violated victims' rights by failing to properly investigate sexual assaults***, available at: <https://www.hrlc.org.au/case-summaries/>

National Case Studies

The human rights of all people should be protected no matter where they are in Australia.

Currently, however, Australia has a patchwork implementation of human rights and individual states and territories which are leading the implementation of human rights legislation in the absence of a federal Human Rights Act.

The advice of the Australian Human Rights Commission is that in light of Australia's constitutional structure and the existing Human Rights Act instruments in states and territories, a federal Human Rights Act should be restricted to federal laws and federal public authorities. The Human Rights Act instruments in place across states and territories should not be affected by a federal Human Rights Act. The remaining states and the Northern Territory should be encouraged to adopt a Human Rights Act that mirrors the federal Human Rights Act.²³

The current states and territories that have implemented Human Rights Acts include Victoria, Queensland, and the ACT. New South Wales is conducting an inquiry and report on a **Human Rights Bill** for the State.²⁴ There is also a push within Tasmania for the introduction of a Human Rights Act for the State.²⁵

The Human Rights Law Centre is leading the campaign for a Human Rights Act for Australia. To support this campaign, the Centre has developed **'101 Cases of How Human Rights Acts Make our Lives Better'**.²⁶ The **101 Cases** set out here highlight the benefits Human Rights Acts and Charters have brought to people in the ACT, Victoria and Queensland. These cases also highlight the need for a national Human Rights Act, as well the need for Acts or Charters in states and territories which do not yet have them.

These cases demonstrate the important role that Human Rights legislation can play in achieving the objectives of the **National Plan** and forthcoming **Second Action Plan** and **Our Ways – Strong Ways – Our Voices**.

Case 2 of 101 Cases: Domestic violence survivor avoids eviction to homelessness

Tenants Queensland used the Queensland Human Rights Act to help a single mother who had experienced domestic violence to avoid eviction. The tenant's housing provider had sought to terminate her lease for serious breaches caused by her ex-partner who refused to leave the premises. Tenants Queensland assisted the mother to draft a letter of complaint under the Human Rights Act and submissions in response to the application for termination. The tribunal granted an adjournment which allowed the parties to negotiate a transfer of tenancy. The housing provider then withdrew the application for termination.

Source: The First Annual Report on the Operation of Queensland's Human Rights Act 2019-20, p. 112.

²³ Australian Human Rights Commission 2023, **Revitalising Australia's Commitment to Human Rights: Free & Equal Final Report 2023**, 54.

²⁴ Parliament of New South Wales, **Human Rights Bill 2025**, Committee on Community Services inquiry, available at: [https://www.parliament.nsw.gov.au/YWCA Australia contributed to the inquiry led by the NSW Committee on Community Services in July 2026](https://www.parliament.nsw.gov.au/YWCA%20Australia%20contributed%20to%20the%20inquiry%20led%20by%20the%20NSW%20Committee%20on%20Community%20Services%20in%20July%202026). That submission is available to read at this link: <https://www.ywca.org.au/wp-content/uploads/2026/07/YWCA-Australia-Submission-on-the-Inquiry-into-the-Human-Rights-Bill-2025-NSW.pdf>

²⁵ Tasmanian Legislative Council call on the Tasmanian Government to commence drafting a Bill for a Tasmanian Human rights Act in accordance with Tasmanian Law Reform Institute reports.

²⁶ Human Rights Law Centre, Human Rights Act – 101 Cases of How Human Rights Act Make our Lives Better, available at: <https://www.humanrightsact.org.au/101-cases>

Case 4: Expectant mother holds on to her tenancy

Tenants Queensland assisted a single mother, who was 7 months pregnant, to respond to an application for termination of her tenancy due to a serious breach which was based on the conduct of her ex-partner who was involved in alleged illegal activity. The mother filed a human rights complaint, citing the protection order she had obtained against her ex-partner. The housing provider failed to respond to the complaint. Ultimately, the provider withdrew their termination application, and the mother was able to remain in the property.

Source: The First Annual Report on the Operation of Queensland's Human Rights Act 2019-20, p. 112

Case 34: A woman uses Charter to negotiate culturally appropriate crisis accommodation

A woman seeking assistance from a crisis accommodation service advised that, as a practising Muslim, she could not reside in a premises with men. The service proceeded to refer her to a backpacker's hostel where most residents were men. The woman felt intimidated and harassed having to share bathrooms and kitchen facilities with men, and it was Ramadan at the time. She contacted the Homelessness Advocacy Service at the Council of Homeless Persons for assistance. The advocacy service contacted the crisis accommodation service raising the woman's cultural and religious rights under the Charter. As a result, the service agreed to find appropriate crisis accommodation and ultimately found her a long term place in a women's rooming house.

Source: 2014 Report on the Operation of the Charter of Human Rights and Responsibilities, p. 31.

Case 44: Aboriginal children returned to the care of their grandmother

Four Aboriginal siblings were placed in protective care because of concerns for their safety. At first, the children were placed in a non-Aboriginal home and separated from one another. Their mother then successfully applied to have the siblings reunited and returned to the care of their maternal grandmother. The court considered (among other things) how this decision would impact on the human rights of the children, and, in particular, their cultural and spiritual identity and connection with their Aboriginal family and the wider community. The court upheld the decision to return the children to their grandmother.

Source: **Secretary to the Department of Human Services v Sanding [2011] VSC 42.**

Case: Helping child victims give evidence

In this case, the Director of Public Prosecutions raised children's rights under the Charter to support seeking an extension of time to allow a child who was the victim/survivor of sexual assault to give evidence via audio-visual recording. This method of giving evidence is designed to reduce stress and trauma for the victim/survivor.

The Court took the Charter into account in agreeing to the extension. The Court decided that the application of the Charter led, in part, to the conclusion that it was

in the interests of justice to grant the extension. This issue has now been raised in a number of similar cases.

Source: **Director of Public Prosecutions v Pottinger (County Court of Victoria, 2011)**.²⁷

VI. Dedication to Victim-Survivors of Gender-Based Violence

YWCA Australia concludes with a dedication to victim-survivors of domestic, family and sexual violence. We mourn the women and children who have been murdered. We recognise the women and children facing domestic, family and sexual violence and those who are living with the impacts of trauma from domestic, family and sexual violence. We stand in solidarity with women and children across Australia who are vulnerable to the national crisis of gender-based violence. We acknowledge the disproportionate harm and violence against First Nations women and children. We acknowledge the young First Nations woman and artist whose life was taken this week. She should be here today.

All women and children have the right to life and the right to live freely from gender-based violence. First Nations women and children have the right to self-determination, to have agency and to be centered in actions on the target to end all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children.

The recognition and protection of the human rights of women and children – including the cultural rights and self-determination of First Nations women and children – is a critical next step for Australia. As such, YWCA Australia reiterates our recommendation:

Recommendation – Implement a federal Human Rights Act

YWCA Australia recommends that the Second Action Plan includes a Human Rights action to implement the recommendations of the Parliamentary Joint Committee of Human Rights in their report: ***Inquiry into Australia's Human Rights Framework***, including the introduction of a federal Human Rights Act.

²⁷ A case highlighted by the Human Rights Law Centre referenced in, **Advancing** the rights of victim/survivors of crime using Victoria's Human Rights Charter: **Your Advocacy Guide**, 2025.