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**Committee on the Elimination of All Forms of  
Discrimination against Women**

By email: [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

**NGO Shadow Follow Up Report to CEDAW**

We refer to recommendation 46 from CEDAW's 2018 Concluding Observations in respect to Australia which we understand has been identified by CEDAW for follow up consideration.

***46. The Committee recommends that the State party... (b) Reinstate funding to services that focus on women's rights and to women's organizations, including to those which focus on the rights of indigenous women.***

Feminist Legal Clinic's submission to CEDAW dated 11 June 2018 raised a variety of concerns including the following:

*Women's refuges and domestic violence counselling and legal services have been steadily eroded and increasingly mainstreamed so that they are unable to provide adequate support for women in these circumstances. For example, the NSW Women's Refuge Movement has been largely dismantled in recent years following implementation of a government policy "Going Home, Staying Home", which involved putting feminist run refuges out to tender and then often awarding the management contracts to large religious charities to run. Most of the refuges have then been converted into generic homelessness services with reduced hours, and stripped of specialist domestic violence workers and children's programs.*

*Women's Refuges and domestic violence services must be restored, expanded and adequately funded to provide the level of support required for women to escape abusive relationships and raise children on their own when necessary.<sup>i</sup>*

However, in 2019, the year following Australia's report to CEDAW report, the **NSW Government proceeded to defund the Women's Family Law Court**

**Support Service (WFCLSS)** operating in the Sydney Family Court. This service was originally established by the women's refuge movement 10 years earlier and provided a safe room in the Sydney Family Court and a support and referral service for many women experiencing domestic violence. It was distinct from the government's Legal Aid support services (including the new Family Advocacy Support Service or FASS) in being operated exclusively for and by women and being guided by a feminist framework. The cost of this service was only \$120,000 each year to pay for one employed coordinator and basic operating expenses.

An independent evaluation of this service conducted by Dr Lesley Laing of the University of Sydney and launched by Professor Rosalind Croucher of the Australian Law Reform Commission in 2011 had concluded that "*They should have this in every court.*"<sup>ii</sup> However, the service was never expanded as recommended and struggled throughout its existence to retain funding. In correspondence to Feminist Legal Clinic Inc. the NSW Attorney General acknowledged WFCLSS was as an "essential service" and the Commonwealth Attorney General also described it as "invaluable". Nevertheless, both refused to continue funding a women's service that was operated independently from the State-run Legal Aid.

The NSW Government proceeded to defund the service despite a campaign to save it which included the provision of extensive client testimonials, letters of support from key services within the sector, representations by the shadow minister for domestic violence and other members of parliament, a petition signed by over 3,000 people, a statement of support from the Chief Justice of the Family Court itself and media coverage by ABC News.<sup>iii</sup>

In June 2019 we wrote one last time to the NSW Attorney General when we noted:

*Unlike NSW Legal Aid's services, WFLCSS is operated exclusively by and for women and is guided by a feminist framework. The United Nation's requires States to provide appropriate support services to women who are victims of violence or are at risk of violence. The CEDAW Committee has specifically recommended that Australia allocate adequate resources to ensure the availability of women-only and women-led support services for victims of gender-based violence.*

Our reference to CEDAW's recommendation 28(d) in the 2018 Concluding Observations was to no avail and the government proceeded to defund the service. Feminist Legal Clinic Inc., which is itself an unfunded service operated by volunteers, stepped in and negotiated with the Family Court to continue operating the WFLCSS with a roster of volunteers. However, we cannot provide the level of service and continuity that was provided by a full-time paid staff member.

This is just one case study of how the Australian Government is flagrantly ignoring CEDAW's recommendations. Feminist Legal Clinic cannot conduct the necessary research to document the extent of the breaches, but anecdotal evidence suggests similar cuts are taking place throughout Australia<sup>iv</sup> including media reports that a similar service in Victoria has also been defunded.<sup>v</sup>

The NSW Government has also continued to use other means to undermine women's services. The "Going Home, Staying Home" reforms in 2014 had the impact of transforming most of the women's refuges established in the 1970s into generic homelessness services. Many of these refuges established by feminists are now operated by religious charities that actively promote male headship and restrictions on women's sexual and reproductive autonomy. Not only has nothing been done to restore the feminist management of these refuges, but steps have been taken to dismantle further services.<sup>vi</sup> In 2019 the NSW Government called for tenders for the Women's Domestic Violence Court Advocacy Services (WDVCAS) which operate in our Local Courts and this resulted in at least one further service now being managed by a religious agency. WDVCAS are also increasingly compromised by the constraints placed on them by Legal Aid as their funding body and their close relationship with other government agencies including the police.<sup>vii</sup>

Aboriginal women's services have also been subjected to a similar process and the Federal Government has cut funding to their peak body representing Indigenous survivors of domestic violence. The National Family Violence Prevention and Legal Service (NFVPLS) had its \$244,000-a-year funding withdrawn from June 2020.<sup>viii</sup> The Federal Government has also recently axed funding for an award-winning women's safety program WESNET Safe Connections despite an external review highlighting its success in providing free, prepaid and secure smartphones to women impacted by sexual assault, domestic or family violence.<sup>ix</sup> Other specialist domestic violence counselling services have also been impacted.<sup>x</sup>

Meanwhile, rather than funding autonomous women's services, the Federal Government is ignoring women's voices and directing funding to couples counselling that is inappropriate for abuse perpetrators and their victims.<sup>xi</sup> Furthermore, the rapid adoption by Australian governments of legislative and policy changes which conflate biological sex with socially constructed concepts of gender identity work to undermine the very definition of "woman" and thereby the ability to operate services which provide services exclusively to females.<sup>xii</sup>

In view of all the above, we submit that CEDAW's recommendation 46 of CEDAW is "**not implemented**" and indeed "**information or measures taken are contrary to or reflect rejection of the recommendation**".



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Principal Solicitor

<sup>i</sup>[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31446\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31446_E.pdf)

<sup>ii</sup> <https://www.alrc.gov.au/news/they-should-have-this-in-every-court-womens-family-law-support-service-evaluation/>

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- iii <https://www.abc.net.au/news/2019-06-15/womens-family-law-support-service-funding-ends/11211026>.
- iv <https://womensagenda.com.au/latest/why-are-family-violence-services-losing-government-support/>
- v <https://www.lawyersweekly.com.au/biglaw/27726-i-would-have-died-without-that-support-victoria-takes-away-vital-court-funding>
- vi <https://www.smh.com.au/national/nsw/womens-refuges-uncontactable-afterhours-survey-20160310-gnfdlt.html>
- vii <https://feministlegal.org/save-wdvcas/>
- viii <https://www.abc.net.au/news/2019-12-06/aboriginal-domestic-violence-survivors-peak-body-defunded/11773066>
- ix <https://nit.com.au/federal-government-cuts-funding-for-more-domestic-violence-services/>
- x <https://alhr.org.au/human-rights-lawyers-warn-crisis-conditions-specialist-domestic-violence-services-women-children/>
- xi <https://www.theguardian.com/society/2019/jul/28/domestic-abuse-survivors-angered-by-federal-funding-for-couples-counselling>
- xii See <https://feministlegal.org/wp-content/uploads/2020/06/WHRC-UPR-Submission.pdf>  
<https://feministlegal.org/first-dog-on-the-moon-on-womens-refuges/>