



## **Tools to Build African-Australian & CaLD Men as Leaders in the Prevention of Domestic Violence Project**

### **EXTRACT**

#### **Australian Human Rights Commission (Extract). Family and Domestic Violence as a Human Rights Issue**

<https://www.humanrights.gov.au/our-work/family-and-domestic-violence/about-family-and-domestic-violence> (accessed 24/07/2018)

Violence against women is a human rights issue, and the failure to articulate it as such has long term social and economic consequences.

In Australia, it is estimated that

- approximately one woman is killed by her current or former partner every week, often after a history of domestic and family violence.<sup>[1]</sup>
- 17% of women have experienced violence from *a current or former partner* since the age of 18 (compared to 5.3% of men).<sup>[2]</sup>
- family and domestic violence is present in 55% of physical abuses and 40% of sexual abuses against children.<sup>[3]</sup>

Freedom from violence (whether sexual, mental, emotional, financial or physical) is a fundamental human right.<sup>[4]</sup> The right to protection from violence and to security and liberty of person is recognised in the major human rights agreements including the:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention on the Elimination of all Forms of Discrimination against Women
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Rights of Persons with Disabilities
- Declaration on the Rights of Indigenous Peoples.

Domestic and family violence violates a wide range of human rights including:

- The right to life.
- The highest attainable standard of physical and mental health.<sup>[5]</sup>
- The right to decent work.<sup>[6]</sup>
- Freedom of expression and the right to hold opinions without interference.<sup>[7]</sup>
- A child or young person's right to leisure and play.<sup>[8]</sup>
- The right to education.<sup>[9]</sup>

- The right to be free from torture and other cruel, inhuman or degrading treatment or punishment.<sup>[10]</sup>

See [CEDAW Committee, General Recommendation No. 19: Violence against Women, UN Doc. A/47/38 \(1992\), para 7.](#)

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[1] UDHR,1948, art 5; ICCPR,1966, art ; CRC,1989, art, 19; Committee on the Elimination of All forms of Discrimination Against Women, Violence Against Women, General Recommendation No. 12 eighth session, (1989) notes that violence directed against a woman because she is a woman or violence that affects women disproportionately is discrimination.

[2] UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 25; International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, art 12(1); CRC,1989, art 24.

[3] UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 23; ICESCR arts 6 and 7.

[4] UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 19; ICCPR,1966, art 19.

[5] CRC, 1989, art 31.

[6]UDHR GA Resolution 217A (III), UN Doc A/810 (1948), art 26; ICESCR,1966, art 13(1); CRC, 1989, art 29; Committee on the Rights of the Child, *General Comment no. 1- The Aims of Education*, (2001) art 29 (1) para 8.

[7] ICCPR,1966, art 7.

[8] See J Dearden & W Jones, *Homicide in Australia: 2006 – 07 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology (2008), p 2.

[9] Australian Bureau of Statistics, 4906.0 - Personal Safety, Australia, 2012 (2013). At: <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4906.0Main%20Features12012?opendocument&tabname=Summary&prodno=4906.0&issue=2012&num=&view=> (viewed 20 November 2013).

[10] K Richards, ‘Children’s exposure to domestic violence in Australia’ (2011) 419 *Trends and Issues in Crime and Criminal Justice*, p 2