

AUSTRALIA'S INPUT

United Nations Commission on Crime Prevention and Criminal Justice

Introduction

Australia notes the resolution *Taking action against gender-related killing of women and girls*, approved by the Economic and Social Council and recommended for adoption by the General Assembly on 25 July 2013.

Australia is committed to working with the international community to address the challenges posed by gender-related killing of women and girls.

Femicide in Australia

The Australian Government has a zero tolerance policy towards violence against all women and their children. Australia's National Plan to Reduce Violence against Women and their Children was released in February 2011. It brings together the efforts of government across Australia and the community to make a real and sustained reduction in the levels of violence against women and children.

The Australian Institute of Criminology published a research paper in 1999 titled *Femicide: the killing of women in Australia 1989-1998*. The paper considered factors associated with the occurrence of femicide and found that:

- in general, females have a lower risk of homicide victimisation than males in Australia. During the period under review, females in Australia were killed at an average annual rate of 1.4 per 100,000 population and males at an average annual rate of 2.4 per 100,000 population.
- when women were killed intentionally by another, they were more likely than not to die at the hand of an intimate partner.

Domestic legislation

Australia has comprehensive offences covering assault, rape, manslaughter and homicide. Australia is not considering introducing specific offences for femicide as there is no evidence to suggest that the current offence regime is insufficient. This is in line with a general principle of Australian criminal law policy, that an offence covering a specific type of behaviour should not be created where a general offence is sufficient.

Criminal offences — Murder and manslaughter

In Australia, responsibility for criminal law and law enforcement is split between the Commonwealth and the States and Territories. In general, States and Territories are responsible for crimes against individuals (such as assault, rape and murder).

All Australian States and Territories have homicide offences (including murder and manslaughter). Murder in these jurisdictions can be committed in four ways: killing with intent to kill; killing with intent to cause really serious injury (grievous bodily harm); reckless murder; and killing while committing a crime of violence (felony murder). Australia also has separate offences covering the crime of manslaughter which falls into two separate classes: voluntary manslaughter where death or grievous bodily harm is intended and involuntary manslaughter where neither death nor grievous bodily harm is intended.

In all jurisdictions, the maximum penalty for murder is life imprisonment. In the Australian legal system, life sentences should only be imposed if the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met by imposition of that sentence. Many States also have in place defined term schemes, which specify the standard non-parole-period for which an offender is sentenced to imprisonment before being eligible for parole. For murder, the standard minimum non-parole period is generally 20 years' imprisonment but can vary in certain circumstances.

Human trafficking and slavery

The Australian Government has taken a comprehensive, whole-of-government approach to combating human trafficking and slavery. Since 2004, 216 suspected victims of human trafficking and slavery have been identified by Australian authorities - the majority of these suspected victims have been women trafficked for the purpose of sexual exploitation.

Australia has strong anti-trafficking laws with severe penalties ranging from 4 years' imprisonment for debt bondage to 25 years' imprisonment for slavery and trafficking in children. Australia's anti-trafficking laws have extended geographical jurisdiction, and may cover the conduct of Australian citizens, residents or corporations overseas.

On 8 March 2013, the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* came into force. The Act strengthens Australia's legislative framework for human trafficking and slavery, including by introducing new offences of forced marriage. Forced marriage is a crime that, globally, overwhelmingly affects young women and girls. These offences mean that coercing, threatening or deceiving a person into marriage, without his or her full and free consent, will be punishable by up to seven years in gaol.

Since the establishment of Australia's strategy to combat human trafficking and slavery in 2003, the Australian Government has provided more than \$150 million to support a range of domestic, regional and international anti-trafficking initiatives. Key measures include:

- specialist teams within the Australian Federal Police to investigate human trafficking and slavery matters, and an *Australian Policing Strategy to Combat Trafficking in Persons*
- a victim support program which provides individualised case management support
- visa arrangements to enable suspected victims and witnesses of human trafficking and slavery to remain in Australia and support the investigation and prosecution of offences
- regional activities to deter human trafficking and slavery, train law enforcement officials, and assist victims under Australia's overseas aid program.
- regional engagement in the Asia-Pacific on human trafficking issues through the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*

While Australia's strategy to combat human trafficking and slavery applies equally to men, women and children, gender sensitive approaches are adopted as necessary. For example, victim support provided through the Support for Trafficked People Program is tailored to meet gender specific needs.

Female genital mutilation

In the broader context of the protection of women's rights, Australia is taking action on Female Genital Mutilation (FGM) nationally, through multi-sector efforts and collaboration, and is contributing to international efforts to end the practice. This includes supporting a number of resolutions and agreements that encourage coordinated action on FGM and support for the women, girls and communities affected.

A recent review of FGM laws found that Australia has a comprehensive legal framework in place to criminalise FGM. The Commonwealth and state and territory governments will continue to monitor these laws to ensure an effective legal regime is maintained.

Conclusion

Australia is committed to working with the international community to address the challenges posed by gender-related crime.

Australia thanks the Commission for the opportunity to exchange views and ideas on ways to respond to these challenges and looks forward to the recommendations arising from the intergovernmental expert group.