

12<sup>TH</sup> WORLD CONFERENCE OF THE INTERNATIONAL OMBUDSMAN INSTITUTE  
“GIVING VOICE TO THE VOICELESS”  
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**Victims of gender-based violence or discrimination**

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**1. Introduction**

President of the IOI, Peter Tyndall, Secretary General of the IOI, Werner Amon, both outgoing and incoming members of the World Board of the IOI, Regional Presidents, esteemed colleagues and distinguished guests. I could not be more delighted to be with you, albeit virtually, for our 12<sup>th</sup> Quadrennial World Conference of the IOI as we seek to give voice to the voiceless.

I express my sincere appreciation to our President for inviting me to both Chair and speak on this incredibly important topic, *Victims of gender-based violence or discrimination*. Let us be under no misapprehension when we speak of gender-based violence or discrimination, we speak of violence and discrimination against women. However, I do want to very clearly acknowledge the ongoing discrimination faced by members of the trans, non-binary and intersex community – our commitment to you as Ombudsman is strong and will continue until that discrimination has been overcome.

I appear in this session with two powerful and leading women and they, along with every female Ombudsman in the world, will have no greater advocate than the IOI over the next four years in fighting against gender-based violence and discrimination. I personally intend to champion this issue during my term as President.

In the time I have today, I will first touch upon key aspects of the international context for the work in ending gender-based violence and discrimination. I will then go on to speak about work done at the local level.

**2. International level**

Violence against women, misogyny, sexism, discrimination and a lack of respect for women are sadly systemic features of societies all around the world.

The United Nations has, over a number of decades, sought to elevate the issue of gender-based violence to an issue of fundamental human rights requiring international attention. This has included adopting the *Declaration on the Elimination of Violence against Women* and the *Convention on the Elimination of All Forms of Discrimination against Women*, with gender-based violence considered a form of discrimination. More recently, the United Nations has established targets pertaining to the elimination of all forms of discrimination and violence against women and girls as part of the gender equality goal in their Sustainable Development Goals.

While gender-based violence and discrimination have of course always been intolerable, the issue has never been more relevant than it is today, in the context of the devastating and ongoing COVID-19 pandemic. Tragically, existing gender inequalities and vulnerabilities have been exacerbated by the pandemic, with a widely reported increase in gender-based violence that has been described by the United Nations as a 'Shadow Pandemic' alongside COVID-19.

The Ombudsman institution has an important role in preventing and reducing gender-based violence and discrimination and protecting the right of women and girls to live free of violence and discrimination.

While legislation that creates Ombudsmen will not always necessarily speak directly of a human rights role, the institution of the Ombudsman deals, on a daily basis, with matters of fundamental human rights. Ombudsmen offices investigate how the State respects and protects the inalienable rights and basic dignity of its citizens while mediating the relationship between the power of the state and the rights of individuals and communities.

### **3. The local level**

I now want to consider how Ombudsmen at a local level are addressing gender-based violence and discrimination. I could confidently point to the work of so many Ombudsmen offices in this regard, including work done by my fellow speakers today. However, I have chosen to focus on initiatives about which I can speak with the most confidence – those undertaken by my office, the office of the Western Australian Ombudsman. To do so, I will speak about two particular functions of my office.

To do so, I will first provide an overview of my office's family and domestic violence fatality review function. Second, I will discuss major own-initiative investigations.

### **4. Family and domestic violence fatality reviews**

The first function, to review all family and domestic violence fatalities in Western Australia, commenced on 1 July 2012. Our role is to review the circumstances in which family and domestic violence fatalities occur and why they occur, to identify patterns

and trends arising from reviews and to make recommendations about ways to prevent or reduce these tragic deaths.

In order for my office to do this, the Western Australian Police Force informs my office of all family and domestic violence fatalities and provides information about the circumstances of the death together with any relevant information of prior police contact with the victim and the perpetrator.

In response to issues identified during the review process, my office makes recommendations to prevent or reduce family and domestic violence fatalities. Additionally, during reviews, public authorities may, and do, voluntarily undertake to make improvements to public administration.

Extensive reporting of de-identified information arising from reviews is undertaken by my office, including each year in my office's Annual Report to Parliament.

My office actively monitors what steps have been taken to give effect to these recommendations. The results of this monitoring are extensively reported on in our Annual Report.

## **5. Own-initiative Investigations**

The second function is our major own-initiative investigations undertaken by my office in relation to family and domestic violence. These investigations are undertaken with all the power of a Standing Royal Commission and are tabled in Parliament following completion of the investigation.

The reports of major own-initiative investigations include extensive reporting of the reasons why investigations were undertaken, the methodology used in the investigation, a review of the literature considered in undertaking the investigation, the evidence we have gathered, our analysis of the evidence, our findings and our recommendations.

My office identified the need to undertake a major own-initiative investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities. This report was tabled in Parliament in November 2015. The report made 54 recommendations to four government agencies about ways to prevent or reduce family and domestic violence fatalities, all of which were agreed by the agencies the subject of the investigation.

In making recommendations arising from own-initiative investigations, I am of the view that if the evidence justifies a recommendation being made, and that recommendation is accepted by government agencies, then it is vital that an Ombudsman must determine whether steps have been taken to give effect to the recommendation and

report this to Parliament. Accordingly, twelve months after I tabled the report of my own-initiative investigation into issues associated with violence restraining orders and their relationship with family and domestic violence, I tabled in Parliament a report on the implementation of the 54 recommendations contained in the report.

Second, my office has identified the need to undertake a major own-initiative investigation into family domestic violence and suicide. This involves the tragic circumstance where a woman believes there is no alternative to escaping the cycle of abuse from the perpetrator other than to take her own life. The report of this investigation will be tabled in Parliament later this year.

## **6. Conclusion**

In conclusion, gender-based violence and discrimination is profoundly unacceptable. The rights of women and girls to live free of violence and discrimination is utterly inarguable. Tragically, however, gender-based violence and discrimination are a day to day reality for far too many women and girls throughout the world. At this critical time in our history, there is, in my view, never been a clearer and more compelling role for the institution of the Ombudsman, the IOI and every individual office of the Ombudsman.

Collectively, we stand resolute for the human rights of women. We stand united in our commitment to change. We stand ready for the change for which we should not just argue – we should lead. At a time of a ‘Shadow Pandemic’ of gender-based violence, the role of the Ombudsman institution in addressing the scourge of gender-based violence and giving voice to the too-often voiceless has, in my view, never been more important.

You have humbled me enormously by making me your next President and I commit my four-year term to advancing the interests of women everywhere and on every occasion.