



7 July 2026

The Committee Secretariat
Committee on Community Services
Legislative Assembly, Parliament of New South Wales
Inquiry into the Human Rights Bill 2025

Dear Committee,

Submission to the Inquiry into the Human Rights Bill 2025

Thank you for the opportunity to make a submission to the Committee on Community Services' inquiry into the Human Rights Bill 2025 (the Bill). With You We Can welcomes the introduction of a statutory human rights framework for New South Wales and, in particular, the Bill's express recognition of victims of crime as rights-holders.

About Us

With You We Can is a lived-experience led national advocacy organisation demystifying the police and legal systems for victims of sexual violence while working to improve them.

We provide an online education hub promoting equity of access to the law by making justice processes transparent, understandable and navigable for victims and their loved ones, and campaign to replace fragmented advocate services with comprehensive legal assistance throughout criminal proceedings.

In partnership with legal, academic and frontline services, we are calling for improved access to independent legal representation for victims of sexual violence across Australia, including increased government funding for free legal advice and representation services, and legislative reforms to ensure victims and their lawyers have standing to appear in criminal proceedings to protect victims' procedural rights.

Our report, 'What No One Told Us' outlines how critical gaps in legal literacy and legal advocacy drive justice failure and democratic erosion, and identifies reforms needed in every state and territory to strengthen the integrity of the system while improving outcomes for victims, including education about justice processes, accessible resources and access to independent legal representation.

Our Submission

This submission focuses on the provisions of the Bill that most directly affect victim-survivors of sexual, domestic and family violence: the express rights of victims of crime in clause 31, and the broader question of how the Bill can secure genuine, dignified participation for victim-survivors in the justice system. We make three points.



1. We strongly support the express recognition of victims' rights in the Bill

We welcome clause 31, which recognises that a victim of a criminal offence has the right to be acknowledged as a participant with an interest in criminal proceedings, to be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity, and to be protected from unnecessary trauma, intimidation and distress at every stage of the justice process, including when giving evidence. We also welcome clause 31(2), which provides that victims' rights are equal to every other right under the Act.

For too long, victim-survivors of sexual violence have been treated as mere witnesses to a case brought on the State's behalf, rather than as people whose safety, privacy, dignity and recovery are directly at stake. Existing Victims' Rights Charters have largely failed to shift this culture because they are not directly enforceable. Elevating these rights into substantive, enforceable human rights is an important step towards a criminal justice system that respects victim-survivors as rights-holders.

2. Recognition must be matched by standing and access to independent legal advice

Recognition of rights is hollow without the means to assert them. In our experience, and as documented in *What No One Told Us*, victim-survivors of sexual violence are routinely required to make consequential decisions about reporting, about the disclosure of their most sensitive personal information, and about giving evidence, without independent legal advice and without any right to be heard when their interests are directly affected.

Decisions about the disclosure of counselling notes, medical and therapeutic records, diaries, digital records and sexual history evidence are not abstract procedural matters. They determine whether intensely private information becomes part of a permanent record, they shape cross-examination, and they profoundly affect a victim-survivor's mental health, dignity and willingness to continue engaging with the justice system. When these decisions are made without the victim-survivor's knowledge or input, the result is secondary victimisation and re-traumatisation.

The Australian Law Reform Commission, in its 2025 report on justice response to sexual violence, recommended that victim-survivors have access to independent legal advice throughout the criminal process and standing to be heard in relation to applications to subpoena material that may contain a complainant's personal, sensitive or confidential information. We urge the Committee to ensure that the human rights framework created by the Bill supports - and does not sit in tension with - these reforms.

In this respect we caution against reading clause 31(1)(a)'s formulation that a victim is a participant "but not a party" too broadly. While victim-survivors are not parties to the prosecution in the ordinary sense, there is growing recognition, both in Australia and internationally, that victim-survivors require independent standing to be heard during the specific parts of proceedings where their own rights and interests are directly engaged. The Bill should not be interpreted or applied in a way that forecloses that development.



3. The Bill should embed a duty of equal access to justice

We support the inclusion of an express equal access to justice duty owed to individuals navigating the justice system, as proposed by the Australian Human Rights Commission. Such a duty should be owed to both accused persons and victim-survivors. For victim-survivors of gender-based violence, a failure to provide trauma-informed, culturally safe and appropriately supported access to the justice system (including independent legal assistance, interpreters and communication supports) can compromise their ability to report, participate and be believed, engaging fundamental rights including the rights to life, to family, and to freedom from cruel, inhuman or degrading treatment.

An equal access to justice duty would give practical content to the rights the Bill recognises, and would send a clear message that the voices and experiences of victim-survivors are an integral component of a fair and effective justice system.

Recommendations

Recommendation 1: Retain and strengthen the express rights of victims of crime in clause 31, including the equal-status provision in clause 31(2).

Recommendation 2: Ensure the Bill supports victim-survivors' access to independent legal advice, and their standing to be heard, in proceedings where their personal, sensitive or confidential information or their dignity and safety are directly at stake, consistent with Recommendation 10 of the Australian Law Reform Commission's inquiry into the justice response to sexual violence.

Recommendation 3: Include an express equal access to justice duty owed to both accused persons and victim-survivors.

Endorsement of the submission by Women's Legal Service NSW

With You We Can has had the benefit of reviewing an excerpt of the submission of Women's Legal Service NSW to this inquiry. We endorse their recommendations that the NSW Human Rights Act:

- include an express right to live free from gender-based violence (Recommendation 7);
- include express rights for victim-survivors of crime (Recommendation 8); and
- include an express equal access to justice duty (Recommendation 9).

Women's Legal Service NSW brings deep expertise from its daily work with victim-survivors of domestic, family and sexual violence, and its analysis of how a human rights framework can prevent violence, respond effectively when it occurs, and treat victim-survivors with dignity, fairness and respect. Our submission should be read as complementary to, and supportive of, theirs.



Conclusion

With You We Can was created because survivors told us that what harmed them most was not only the violence itself, but the silence, confusion and powerlessness that followed. This Bill presents Parliament with an opportunity to ensure that every victim-survivor in New South Wales can say: I have rights, I can access independent advice to understand them, and my voice must be heard. We urge the Committee to recommend that the Bill be strengthened accordingly.

We would welcome the opportunity to provide further information or to appear before the Committee.

Contact Us

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