

AUSTRALIAN NGO DELEGATION RECOMMENDATIONS FOR CONCLUDING OBSERVATIONS

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PRIORITY ISSUES TO BE ADDRESSED IN THE FOLLOW-UP REPORT

Aboriginal and Torres Strait Islander Women

The Committee recognises that Aboriginal and Torres Strait Islander women continue to experience discrimination and disadvantage in most facets of their lives, including in the disparity of life expectancy, issues associated with representation, health, law and justice, education and employment outcomes. To address these issues, the Committee urges the State party to engage actively in negotiations and partnerships with Aboriginal and Torres Strait Islander women based on genuine respect for cultural identity and self determination, including through the National Congress of Australia's First Peoples and National Aboriginal and Torres Strait Islander Women's Alliance. The Committee urges the State party to use the benchmarks established in the Declaration on the Rights of Indigenous Peoples to create accountability mechanisms for the conduct of these relationships and the outcomes generated by them and to provide ongoing and resourced mechanisms.

Violence against Women

The Committee urges the State party to implement and fund adequately a comprehensive National Plan to Reduce Violence against Women and Children, including a mechanism for independent monitoring. In particular, the Committee urges the State party to implement specific strategies within the National Plan to address violence against Aboriginal and Torres Strait Islander women, including funding culturally-appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia. The Committee further urges the State party to take steps to increase access to family violence and sexual assault services for women in rural and remote areas. Within the National Plan, the Committee urges the State party to address heterosexist violence and intimate partner violence experienced by lesbian, bisexual, transgender or intersex women. The Committee also urges the State party to address violence against women with disabilities living in institutions and supported accommodation and ensure that accessible and appropriate services are available. The Committee further urges the State party to enact national legislation prohibiting, unless there is a serious threat to life or health, the use of non-therapeutic sterilisation of children, regardless of whether they have a disability, and of adults with disability in the absence of their fully informed and free consent. Finally, the Committee urges the State party act to ensure better integration across the child protection, family violence and family law jurisdictions.

OTHER PRIORITY ISSUES

Lesbian, Bisexual, Transgender, Transsexual and Intersex Issues

The Committee urges the State party to extend marriage to same-sex couples and work with State and Territory governments towards a nationally consistent and non-discriminatory approach to relationship recognition, that includes same-sex and mixed-sex couples equally, and to eliminate discrimination against lesbian couples in relation to adoption. The Committee also urges the State party to enact comprehensive legislation prohibiting discrimination on the basis of sexual orientation or gender identity, and remove discriminatory exemptions in existing anti-discrimination frameworks. The Committee also urges the State party to ensure that the National Women's Health Policy, and its other health programs, policies and research, are sensitive to the particular health needs and risks of lesbians, bisexual, transgender, transsexual and intersex people. The Committee further urges the State party to ensure health services, resources and policies are inclusive and accessible to lesbians, bisexual, transgender, transsexual and intersex people through proper resource allocation. Finally the Committee urges the State party when implementing the National Plan to Reduce Violence Against Women and Children to address heterosexist violence and intimate partner violence experienced by lesbian, bisexual, transgender, transsexual or intersex people.

Women with Disabilities

The Committee recognises the ongoing discrimination and exclusion affecting women with disabilities across numerous policy and service areas. The Committee urges the State party to address continuing stereotypes of women with disabilities as weak and burdens of care, which enable the practice of non-therapeutic sterilization, deny the right to home and family, and increase the likelihood of removal of their children into long term care – all in direct contravention of the Convention on the Rights of Persons with Disabilities. The disparity in support across a range of services between women and men with disabilities indicates a continuing lack of data collection which is disaggregated by gender and disability, and the Committee, in line with its 2006 Concluding Comments, urges the State party to significantly improve data collection across all programs and services to ensure mechanisms to address this are effective. In relation to disability services, the Committee urges the State party to ensure that disability funding frameworks do not result in the allocation of more funding to services that benefit men with disabilities than to services benefiting women with disabilities. The Committee urges the State party to develop mechanisms to improve the participation of women with disabilities in public life, leadership and representative roles to increase their visibility within the community. The Committee urges the State party to build universal access principles into all aspects of election and voting policy and practice, and also urges the State Party to fund leadership, development and mentoring programs specifically for women with disabilities.

Culturally and Linguistically Diverse Women

The Committee urges the State party to ensure that health services, resources and policies are inclusive and accessible by providing resources to health services to enable them to respond to the needs of women from culturally and linguistically diverse backgrounds. Furthermore the Committee urges the State Party ensure that information materials are in accessible formats and languages, that adequate funding for interpreters is available, and training is provided to service providers to ensure that they are able to respond to the different health needs of different groups of women. The Committee urges the State party to adopt initiatives to address underlying structural barriers to culturally and linguistically diverse women participating in the workforce. The Committee urges the State party abolish the mandatory detention of asylum seekers and to restart processing visa applications from asylum seekers from Afghanistan. The Committee urges the State party to review its policies and procedures regarding asylum seekers to eliminate any race and gender-based discrimination in the visa application process. To strengthen the protections afforded to women, the Committee urges the State party to publish detailed reports on women's refugee claims; to update the Gender Guidelines to ensure they reflect best-practice, including through binding decision-makers to apply the Guidelines in determination processes; to improve migration law to enable women invoking protection obligations to be considered individually in situations of family violence and in the absence of a personal claim; and to amend migration law to incorporate women's gender based harm into the grounds for protection.

Discrimination and Human Rights

The Committee urges the State party to adopt laws and policies that provide for comprehensive protection, without any permanent exceptions, of the right to equality and non-discrimination and to provide effective remedies against systemic and intersectional discrimination. To support this, the Committee further urges increased funding and functions to the Australian Human Rights Commission to better address systemic discrimination. The Committee further urges the State party to develop and release a draft Human Rights Act that makes explicit reference to the Convention, economic, social and cultural rights and substantive equality for women, before its review of the Human Rights Framework in 2014. The Committee also urges the State party to ensure that, in implementing its project to consolidate and harmonise Australia's anti-discrimination laws, it does this on the basis of broad consultation and in a manner that strengthens anti-discrimination laws. Noting the suspension of the Racial Discrimination Act as part of the Northern Territory Emergency Response Intervention, the Committee also urges the State party to immediately reinstate the Act throughout all of Australia. The Committee also urges the State party to enact comprehensive legislation prohibiting discrimination on the basis of sexual orientation or gender identity, and remove discriminatory exemptions in existing anti-discrimination frameworks.

Representation and Participation

The Committee urges the State party to take measures, with targets and clear timeframes, to increase the number of women in political and public life, at all levels and in all areas, in the light of its general recommendation No. 23 on women in political and public life, particularly focusing on increasing the participation of Aboriginal and Torres Strait Islander women, women with disabilities, women from culturally and linguistically diverse backgrounds and young women. The Committee also urges the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to strengthen its efforts to promote women to positions of leadership on public and private sector boards. To this end, the Committee urges the State party to consider setting targets of 40 per cent participation on public and private sector boards within three years and to consider quotas if these targets have not been met; and to increase the availability of training and capacity-building programmes for women wishing to contribute to public and private sector boards and to enhance its awareness-raising campaigns on the importance of women's participation in political and public life.

Trafficking

The Committee urges the State party to use a human rights framework to addressing trafficking to ensure that its approach addresses the protection of victims of trafficking, as well as criminal justice measures and the prosecution of traffickers. The Committee further urges the State party to review its visa regime and support programs to ensure transparency in visa allocation and revocation and the provision of adequate support services to all victims, including those who do not cooperate with the authorities, and urges the State party to grant victims of trafficking indefinite leave to remain. In particular, the Committee calls upon the State party to address shortcomings in the emergency and ongoing accommodation available for victims of trafficking.

Education

The Committee urges the State party to address the discrimination experienced by Aboriginal and Torres Strait Islander women at all levels of education. In this respect, the Committee urges the State party to develop a national strategy for increasing the numbers of Aboriginal and Torres Strait Islander people employed in the education sector and provide appropriate training and development in a culturally sensitive manner; take positive and necessary measures to ensure that Aboriginal and Torres Strait Islander people enjoy the right to identity and culture, including the maintenance and use of their traditional language; and support and fund community programs to assist Aboriginal and Torres Strait Islander girls to stay at school. The Committee also urges the State party to ensure that data relating to numeracy, literacy and school attendance is disaggregated by sex, ethnicity, ability, age and geographical location. The Committee further urges the State party to provide support to women living in rural and regional Australia to access quality education opportunities and minimise the need to move away from their communities and increase community capacity building. The Committee further urges the State party to ensure that accessible, affordable and relevant vocational education and training is available for women seeking to enter or re-enter the paid workforce. In this respect, the Committee urges the State party to update and implement a national vocational education and training policy for women, and undertake a gender analysis of the performance of the national vocational and education training system.

Health

The Committee urges the State party to ensure that the proposed National Women's Health Policy, and all other programs, policies and research, are sensitive to the particular health needs and risks of women with disabilities, women from cultural and linguistically diverse backgrounds, lesbians and women living in rural, regional and remote areas. While the Committee recognises the initiatives in the 'Closing the Gap' initiative, it urges the State party to ensure access to primary health care, appropriate housing, adequate sanitation and reliable supplies of clean water and fresh food for Aboriginal and Torres Strait Islander communities. To this end, the Committee urges the State party to ensure that health outcomes and programs are improved, including by collecting data disaggregated by sex, sexuality, gender identity, ethnicity, ability, age and geographical location. Specifically, the Committee urges the State party to allocate additional funds to recruit and train sufficient health care workers to ensure all Aboriginal and Torres Strait Islander women have access to appropriate medical services. In rural, regional and remote Australia, the Committee urges the State party to increase bulk-billing rates and to develop and implement strategies to attract medical specialists and health care workers to these areas. The Committee also urges the State party to examine schemes to address the barriers to access of sexual health services and education in these areas. With regards to mental health, the Committee urges the State party to design a system of mental health infrastructure that is gender sensitive in consultation with consumers, community, women's health services and specialists. Specifically, the Committee urges the State party to adopt the recommendations of the Senate Standing Committee on Community Affairs that relate to women's mental health concerns.

Reproductive Health

In line with its general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action, the Committee urges the State party to decriminalise abortion in all states and territories and to adopt harmonious laws on termination of pregnancy across jurisdictions. Noting that access to abortion is also related to affordability, the Committee urges the State party to increase funding for termination of pregnancy to address the growing gap between the Medicare Rebate and the cost of service provision, including through increasing the level of rebate available through the Medicare system; and to examine schemes to address the barriers to access of sexual health services and education faced by women in rural, regional and remote areas. The Committee also urges the State party to recognise the rights of women with disabilities as parents and to establish and recurrently fund a National Resources Centre for Parents with Disabilities to focus on pregnancy and birthing, adoption, custody, assisted reproduction, adaptive baby care equipment; specific programs to support parents with disabilities to retain their children within their own family homes; and barriers to reproductive autonomy and procreative choice.

Gender Pay Gap

The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party continue to take proactive measures to eliminate occupational segregation and to close the pay gap between women and men, including through the establishment of Pay Equity Unit in Fair Work Australia and implementing recommendations from the Making it Fair Inquiry. The Committee also urges the State party to ensure that proposed reforms of the taxation system, including measures to improve retirement incomes, address the impact of pay inequity on women's retirement incomes, with special consideration given to the context of Aboriginal and Torres Strait Islander women's lower life expectancy. The Committee urges the State party to ensure that superannuation contributions are included in the paid parental leave scheme. The Committee urges that the State party to continue its efforts to assist women and men to reconcile family and professional responsibilities and for its promotion of equal sharing of domestic and family tasks by providing, inter alia, more and improved childcare facilities, including for after school hours and vacation care and to refer the question of childcare financing to the Productivity Commission. The Committee further urges the State party to encourage men to share responsibility for childcare, including through awareness-raising activities and by introducing paid paternity leave and extending provisions for paid parental leave.

Social Security

The Committee urges the State party to halt its compulsory income management scheme that applies to Aboriginal women in the Northern Territory and other vulnerable women across Australia, and ensure that any income management scheme is voluntary, developed in consultation with affected communities and part of a broader strategy to improve pathways out of poverty, social exclusion and unemployment. The Committee urges the State party to implement a system to ensure that access to the Age Pension and superannuation is available to Aboriginal and Torres Strait Islander women at an age that matches their life expectancy and guarantees a comparable period of life to be devoted to retirement activities. Noting the high risk of poverty for sole parents, the majority of whom are women, the Committee urges the State party to urgently address the exclusion of sole parents and single mothers from participation in socio-economic life, including through increasing the Parenting Payment Single in line with other pension increases.

Housing

The Committee urges the State party to increase funding, access and availability to appropriate forms of supported housing and accommodation, particularly housing which meets the needs of women with children, women with disabilities, women experiencing mental illness and older women. The Committee further urges the State party to review discriminatory practices against single mothers, women with disabilities, women on social security, Aboriginal and Torres Strait Islander women and culturally and linguistically diverse women in the public housing programs and develop community education programs to address similar discriminatory practices in the private rental markets. The Committee also urges the State party ensure that Aboriginal and Torres Strait Islander women are consulted on any housing policies affecting them to ensure culturally appropriate housing policies are developed.

Access to Justice

The Committee urges the State party to implement the 2004 and 2009 Access to Justice Inquiry reports. The Committee urges the State party to increase the ongoing funding to legal assistance programs to meet the legal needs of women who are disadvantaged in their access to justice. The Committee further urges the State party to conduct a comprehensive national survey of demand and unmet need for legal assistance services in Aboriginal and Torres Strait Islander communities, with particular identification of the needs of rural, regional and remote communities and women, and adequately fund and resource Aboriginal and Torres Strait Islander's women's legal services in all states and territories across Australia. The Committee further urges the State party to increase the availability of translating and deaf interpreting services for Aboriginal and Torres Strait Islander women to increase their access to justice. The Committee also urges the State party to ensure Aboriginal and Torres Strait Islander women are properly represented on the National Indigenous Law and Justice Advisory Body to ensure coordinated law reform and policy development.

Family Life

The Committee urges the State party to improve the family law system to better protect the safety of women and children, including by amending the Family Law Act 1975 and by implementing the key recommendations of recent Australian inquiries into this issue and increasing funding for key family law services. The Committee also urges the State party to address the issues faced by vulnerable women in realising their right to family life. In this regard, the Committee urges the State party to address the disproportionate number of Aboriginal and Torres Strait Islander children who are separated from their families by seeking the advice of Aboriginal and Torres Strait Islander women to review statutory child protection mechanisms. The Committee further urges the State party establish, and recurrently fund, a national resource centre for parents with disabilities that recognises that women with disabilities have the right to be parents and that focuses on pregnancy and birthing, adoption, custody, assisted reproduction, adaptive baby care equipment; specific programs to support parents with disabilities to retain their children within their own family homes; and barriers to reproductive autonomy and procreative choice. The Committee also urges the State party to extend marriage to same-sex couples and work with State and Territory governments towards a nationally consistent and non-discriminatory approach to relationship recognition, that includes same-sex and mixed-sex couples equally, and to eliminate discrimination against lesbian couples in relation to adoption.