



2 June 2010

Darren Dick
Acting Director
Policy and Programs
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

By Email: darren.dick@humanrights.gov.au

Dear Darren,

The Commission's draft Universal Periodic Review submission

1. Women's Legal Services NSW (WLS NSW) welcomes the opportunity to respond to the Australian Human Rights Commission's draft submission for Australia's appearance before the United Nations Human Rights Council's Working Group on the Universal Periodic Review (UPR) in January 2011.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. The following comments are based on the experiences of our clients.
3. Our submission to the Australian Government regarding issues for inclusion in the Australian Government's Report in the UPR Review of Australia is attached to this letter for your information. We make specific comments on the Commission's draft submission below.

Positive contribution

4. We congratulate you on a comprehensive coverage of human rights issues in Australia in your draft submission.
5. We particularly welcome your recommendation that the Australian Government ensures full participation of Indigenous peoples in decision-making that affects them and commits to specific targets and timelines as you have outlined. We also endorse reforms to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution. WLS NSW also supports the implementation of the recommendations made by Special Rapporteur, Mr James Anaya.

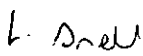


6. We echo your call for the Australian Government to provide adequate and sustainable funding of the implementation of the National Plan to reduce violence against women and children, including for the independent monitoring of the National Plan and the resourcing of community organisations to participate.

Suggestions of issues for inclusion

7. We suggest that the Commission consider including the following additional priority issues in its submission:
 - Access to justice: in particular, WLS NSW strongly supports recommending greater access to timely and appropriate legal services, including funding for separate Aboriginal Torres Strait Islander women's legal services as recommended by the Australian Law Reform Commission in their 1994 Inquiry 'Equality Before the Law: Justice For Women' and supported by the 2009 Access to Justice Inquiry.
 - Family law reform to better protect the safety of women and children: three recent government-commissioned reports into family law find that the family law system does not respond effectively to issues of family violence and recommend changes to improve the system and the law. WLS NSW recommends amending the Family Law Act to better protect the safety of women and children.
8. We also suggest that the Commission consider including additional aspects in its discussion of the following priority issues:
 - Equality before the law and non-discrimination: WLS NSW supports the Commission's existing recommendations and suggests that the Commission strengthen them by including a recommendation that the Australian Government enact an Equality Act to provide a comprehensive regime to promote equality, address all grounds of discrimination, recognise and address compounding forms of discrimination, identify and address systemic discrimination and strengthen enforcement mechanisms.
 - People in rural and remote communities (para 20): WLS NSW suggests that 'sexual assault services' be added to the list of services to which some rural and remote communities have little access. We are aware that due to the lack of qualified practitioners in western New South Wales (eg, Bourke, Walgett, Brewarrina), sexual assault victims are forced to travel hundreds of kilometres to towns such as Orange, Dubbo and Bathurst for forensic examinations. Victims are not able to shower, brush their teeth or change their clothes before being examined. Victims may also be uncomfortable being transported long distances alone with male police officers following a sexual assault. These factors discourage victims of sexual assault in these regions from participating in the forensic process, which has implications for charge and conviction rates for sexual assault.
9. For more information, please contact myself or Edwina MacDonald, Law Reform and Policy Solicitor, on 02 9749 7700.

Yours sincerely,


Liz Snell
Solicitor

Enclosed: WLS NSW's submission to the Australian Government