



CEDAW ACTION PLAN

FOR WOMEN IN AUSTRALIA

*A resource pack to improve the human rights of women
in Australia, in line with the 2010 CEDAW Committee's
Concluding Observations on Australia*





WOMEN'S LEGAL SERVICES NSW

From 2009–2011 YWCA Australia was the lead agency on an Australian Government contract to develop a CEDAW Shadow Report, an Aboriginal and Torres Strait Islander Women's CEDAW Shadow Report, and follow-up materials. A large CEDAW Project Advisory Group, comprised of representatives from community and women's organisations, met throughout the duration of the project. The views in this document reflect those of the CEDAW Project Advisory Group.

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'From Local to Global and Back Again: Using the CEDAW NGO Report in domestic and international advocacy' (the CEDAW Project) was funded by the Australian Government through the Women's Leadership and Development Program. YWCA Australia also gratefully acknowledges the support of Women's Legal Service NSW and Kingsford Legal Centre.

ACRONYMS USED IN THIS DOCUMENT

CALD	culturally and linguistically diverse
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COAG	Council of Australian Governments
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of People with Disabilities
DEEWR	Department of Education, Employment and Workplace Relations
DRIP	Declaration on the Rights of Indigenous Peoples
ICCPR	International Convention on Civil and Political Rights
ICERD	International Convention on the Elimination of Racism
ICESCR	International Convention on Economic, Social and Cultural Rights
ILO	International Labour Organization
LGBTIQ	lesbian, gay, bisexual, transsexual, intersex and queer
NGO	non-government organisation
UN	United Nations
VET	vocational education and training

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CEDAW Concluding Observations on Australia

What is CEDAW?

The United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) is the international bill of rights for women. It is a comprehensive program to eliminate discrimination against women in public and private life. It is a way of holding governments to account for the work they do to achieve equality for all women in their community.

CEDAW establishes a series of obligations for governments to help them not only to eliminate discrimination against women but to achieve equality for women. To do this, they must:

- use temporary special measures, or affirmative action, to address the impact of long term discrimination against women
- implement and support policies and programs that support women's equality and
- eliminate negative gender stereotypes and cultural attitudes

Governments must also take action in

- both the public and private sectors
- all areas of women's lives, including political participation, health, education, employment, marriage, family relations and the legal system and
- for all women, regardless of their age, race, sexual orientation, culture, religion, disability, income status or other factors that have an impact on how other people treat them

Australia's review under CEDAW

Australia has ratified CEDAW, which means that Australia has agreed to be legally bound by CEDAW. Every four years or so, the CEDAW Committee reviews Australia to check it is complying with the treaty and implementing it into its laws and policies.

Australia was last reviewed on 20 July 2010. The Australian Government provided a report to the CEDAW Committee and sent a large delegation to the review in New York. Non-government organisations (NGOs) also provided two reports to the Committee—the *Australian NGO Report* and the *Aboriginal and Torres Strait Islander Women's Parallel Report*. These reports were the product of 17 consultations held across Australia with around 400 women. They were endorsed by over 135 organisations.

A diverse NGO delegation presented the reports at Australia's review. A large number of the NGOs' priorities were included in the CEDAW Committee's recommendations, or 'Concluding Observations', on Australia. Despite the best efforts of the NGO delegation, not all priority issues were included, in particular issues relating to lesbian, gay, bisexual, transsexual, intersex and queer women, older and younger women, and single mothers.

The CEDAW Action Plan is the result of collaboration amongst women's and community organisations, led by YWCA Australia.

The Government has to report back to the CEDAW Committee on violence against women and Aboriginal and Torres Strait Islander women by July 2012, and all the other issues discussed in the Concluding Observations by July 2014.

You can find more information, including links to the Concluding Observations, NGO reports and lobbying materials, at www.ywca.org.au/advocacy-policy/our-united-nations-work

About these resource sheets

These sheets have been developed by the CEDAW Project Advisory Group to highlight some of the key issues that the CEDAW Committee addressed in its recommendations, or 'Concluding Observations', on Australia.

You can use the Committee's comments on Australia in your own advocacy in many ways. You can include their comments in your advocacy reports, media strategies, alliance building, political lobbying, budget analyses, funding submissions, policy submissions and public meetings.

We must all hold the Government to account and make sure they protect all of our human rights!

What did the CEDAW Committee say about Australia?

SOME THINGS ARE WORKING

The CEDAW Committee commended the Government on a number of new developments, including

- support for several international human rights treaties, including the Optional Protocol to CEDAW, the UN Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Peoples with Disabilities
- the new *Fair Work Act* and paid parental leave scheme
- the National Aboriginal and Torres Strait Islander Women's Health Policy and the National Primary Healthcare Strategy
- promoting women in leadership, and achieving a female Prime Minister and Governor-General
- supporting non-government organisations, including the six national women's alliances
- initiatives to 'close the gap' in disadvantage experienced by Aboriginal and Torres Strait Islander people
- support for the National Congress of Australia's First People

SOME THINGS ARE NOT WORKING

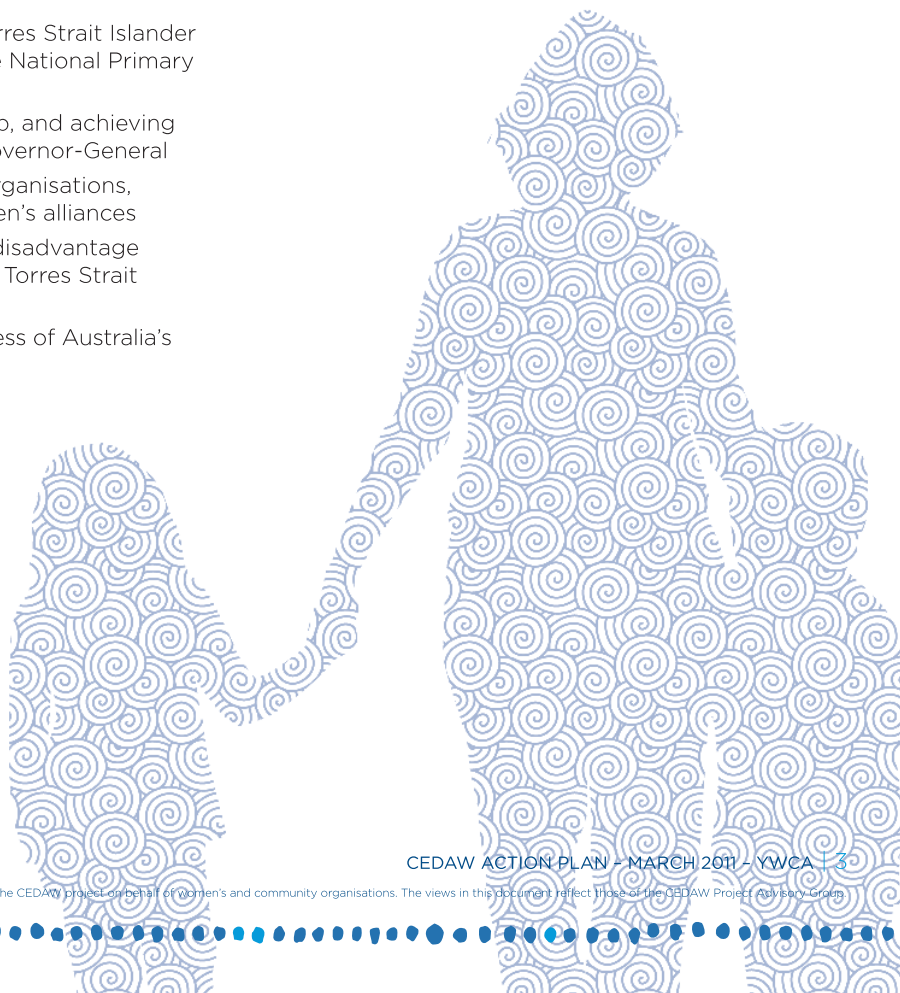
The CEDAW Committee also identified a number of areas where Australian can do better, and made recommendations for the Government to follow up.

Stronger anti-discrimination laws and mechanisms

- comprehensive protection against all forms of discrimination against women
- stronger powers for Sex Discrimination Commissioner
- education for judges about CEDAW
- need for a Human Rights Act
- removing reservations to CEDAW

Equal participation in public and political life

- under-representation of women
- equal participation in leadership and decision-making
- access to education, employment and health
- steps especially required for Aboriginal and Torres Strait Islander women, women with disabilities, women from culturally and linguistically diverse backgrounds, women from remote or rural communities and other vulnerable groups of women



Violence against women

- implementation, funding and independent monitoring of a national plan of action
- homelessness and appropriate ongoing accommodation and integrated support
- prosecution and punishment of perpetrators

Trafficking of women

- a human rights framework
- improved coordination between agencies
- review of return and reintegration of trafficked women, and police guidelines for repatriation
- accommodation for trafficked women

Education

- segregation in areas of higher and vocational education
- disaggregated data needs to be collected to identify ways to eliminate sex-based disparities

Employment

- occupational segregation
- pay gap between women and men
- sexual harassment in the workplace
- expansion of paid parental leave
- comprehensive child care policy

Aboriginal and Torres Strait Islander women

- participation and representation in all areas of public and political life
- high levels of violence against women
- access to education, training, health care and justice

Women with disabilities

- participation and representation in all areas of public and political life
- high levels of violence against women
- non-therapeutic sterilisation without consent

Culturally and linguistically diverse women

- participation and representation in all areas of public and political life
- violence against women and appropriate support services
- workplace participation and rights of migrant workers
- health services



A 15-point Action Plan for implementing the 2010 CEDAW Concluding Observations

The CEDAW Action Plan in brief

To adequately respond to the CEDAW Committee before the next CEDAW report is due, the Australian Government must:

1. Make sure that the national human rights framework protects women's human rights
2. Make changes to the *Sex Discrimination Act*, the major piece of national legislation that protects women in Australia
3. Improve the representation of specific groups of women on public and private boards
4. Fund programs that specifically aim to increase the role of Aboriginal and Torres Strait Islander women in public and political life
5. Implement, fund, monitor and evaluate the *National Plan to Reduce Violence against Women and Children*, and other legal reforms and policy initiatives that better protect women from violence
6. Provide sufficient funding to address violence-related homelessness
7. Expand the scope of paid parental leave and remove the reservation to paid parental leave under CEDAW
8. Implement a targeted campaign to improve the reporting rates of sexual harassment in the workplace
9. Develop a comprehensive childcare policy, and have the Productivity Commission review the financing of childcare
10. Make sure that disaggregated data on the educational outcomes of specific groups of women is collected and available, and implement a national vocational education and training policy
11. Provide specific funding for culturally appropriate Aboriginal and Torres Strait Islander women's legal services, and continue to support Aboriginal and Torres Strait Islander peak advisory bodies
12. Commission and fund an assessment of the situation of women with disabilities in Australia
13. Prohibit the non-therapeutic sterilisation of children, and of women without consent
14. Initiate a program that enables women with disabilities to take on leadership positions
15. Improve the rate of culturally and linguistically diverse women's participation in the workforce through increasing access to appropriate services and bridging courses

The CEDAW Action Plan in full

The following points are proposed as an Action Plan to focus on in implementing the CEDAW Committee's Concluding Observations of the July 2010 Australian Government review.

We call on the Australian Government to:

1. Formally respond to this Action Plan and make a commitment to accept each of its points.
2. Respond in detail to each point in this Action Plan, including indicating a timeline for implementation and the Government department, statutory body or officer responsible for the implementation.
3. Provide an interim progress report on each of these Action Points as part of its two-year CEDAW reporting period in 2012.
4. Provide detailed written reasons for the rejection of any point in this Action Plan.

ANTI-DISCRIMINATION AND HUMAN RIGHTS PROTECTIONS

Action Plan Point 1: In order to ensure a stronger human rights framework for Australian women, the Federal and State/Territory Governments must ensure that, by the 2014 CEDAW reporting period

- a. the consolidation and harmonisation of anti-discrimination laws retains all of the current anti-discrimination protections contained in the *Sex Discrimination Act*, and the recommendations of the 2008 Senate Committee report are implemented.
- b. the National Action Plan on Human Rights comprehensively addresses all the gender and intra-gender analysis gaps in human rights protection in Australia, and includes implementation of structures for proper recording and measuring of the enjoyment of human rights.
- c. a national Human Rights Act is enacted which protects the full range of civil, political, economic, social and cultural rights.

Action Plan Point 2: The amendment bill to the *Sex Discrimination Act* should be passed by Federal Parliament by mid-2011, and should reflect the recommendations of the 2008 Senate Committee report.

PARTICIPATION IN PUBLIC AND POLITICAL LIFE

Action Plan Point 3: To contribute to the equal participation of specific groups of women on public and private boards, the following initiatives should occur:

- a. Data on women's participation on public and private boards must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location and be made publicly available.
- b. The Federal Government must allocate funding to the Australian Institute for Company Directors to meet at least 25 per cent of demand for training (as established in the 2010 application process), and establish within this process targets for scholarships to support training for Aboriginal and Torres Strait Islander women, women with disabilities, and CALD women to improve their representation on public and private boards.*
- c. As part of the broader discussion around a 30 percent target for female board participation, additional targets must be set within two years to ensure the participation of Aboriginal and Torres Strait Islander women, women with disabilities and CALD women.

Action Plan Point 4: A special temporary measure must be introduced that specifically aims to increase the role of Aboriginal and Torres Strait Islander women in public and political life. This should take the form of an annual grant round made available to NGO- and community-led programs, and funded to the amount of 25 per cent of the current funding allocated to Government-led leadership programs for Aboriginal and Torres Strait Islander women. After five years, the grant program should be reviewed.

* In 2010, the AICD received 2,000 applications for 70 scholarship places.

VIOLENCE AGAINST WOMEN

Action Plan Point 5: In preparation for the 2012 CEDAW reporting period, Australian Governments must

- a. implement and adequately fund the *National Plan to Reduce Violence against Women and Children*, including domestic and family violence specialist services that are culturally appropriate for Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities and older women.
- b. establish and fund an independent body to monitor and evaluate the National Plan's implementation, which includes involvement from the Australian Women Against Violence Alliance.
- c. amend the family law system and legislation to better protect the safety of women and children.*
- d. make publicly available the information on the number and nature of reported cases of domestic violence, on the conviction and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence. This data must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location.
- e. review State procedures for crimes compensation that are available to survivors of human trafficking and establish a harmonised system to enable trafficked persons to access these rights by November 2011.

Action Plan Point 6: The Federal Government must provide sufficient funding to alleviate violence-related homelessness. This commitment should be reflected in

- a. a 20 per cent reduction in the turn-away rate of family violence shelters by the 2012 reporting period; and
- b. inclusion in the implementation of the National Plan of specific and culturally appropriate measures to alleviate homelessness for Aboriginal and Torres Strait Islander women, particularly those in rural and remote areas.

EMPLOYMENT

Action Plan Point 7: In relation to paid parental leave, the Federal Government must

- a. remove Australia's reservation to paid maternity leave under article 11(2) of CEDAW by the July 2012 reporting deadline to the CEDAW Committee.
- b. ensure that the outcomes of the two-year review of the *Paid Parental Leave Act* include the introduction of superannuation, leave for fathers, an extended period of paid leave and an increased level of payment.

Action Plan Point 8: Implement a targeted campaign to significantly improve the rates of reporting of sexual harassment in the workplace within two years.

Action Plan Point 9: The Federal Government must develop a comprehensive childcare policy, which includes out of school hours and vacation care, and referring the development of a more transparent and equitable approach to financing childcare to the Productivity Commission for review, by the 2014 CEDAW reporting period.

EDUCATION

Action Plan Point 10: To significantly improve the employment-related outcomes of the education system for Australian women

- a. the intersectionality of educational outcomes for specific groups of women (including Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities, older women and single mothers) must be reflected in the collection, quality assurance, analysis and public reporting of disaggregated data, in addition to the categories being implemented in line with the Martin indicators, and this data made publicly available and accessible as a matter of course within two years and thereafter.
- b. COAG must update and implement a national vocational education and training policy for women, including strategies for increasing the affordability and access of vulnerable groups of women to VET, by the 2014 CEDAW reporting period.

* As reflected in the Women's Legal Services Australia and Australian Women Against Violence Alliance joint submission to the Commonwealth Attorney-General's Family Violence Bill public consultation, dated 14 January 2011: see <http://awava.org.au/>.

ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN

Action Plan Point 11: By the 2012 CEDAW reporting period, the Federal Government must:

- a. commit to and provide for a budgetary allocation for culturally appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia to assist victims of sexual assault and family violence, in addition to current funding for Aboriginal Legal Services and Family Violence Units.
- b. continue to support the establishment of peak advisory bodies, including the National Congress and NATSIWA, and strengthen their role in policy development, advocacy and accountability especially through gender balanced representation on these bodies.

WOMEN WITH DISABILITIES

Action Plan Point 12: The Federal Government must commission and fund a comprehensive assessment of the situation of women with disabilities in Australia within two years, in order to establish a baseline of disaggregated data against which future progress towards CEDAW rights can be measured.

Action Plan Point 13: The Federal Government must enact universal, national legislation which prohibits non-therapeutic sterilisation of any child unless there is a serious threat to health or life, and prohibits non-therapeutic sterilisation of any woman in the absence of fully informed and free consent, by the 2014 CEDAW reporting period.

Action Plan Point 14: The Federal Government must instigate a temporary special measure to enable women with disabilities to take on leadership positions, in the form of a program that is separate to training for board and sector-specific advisory group representation, with targets for participation in mainstream advisory groups by 2014.

CULTURALLY AND LINGUISTICALLY DIVERSE WOMEN

Action Plan Point 15: In order to improve workplace participation rates of CALD women, the Federal Government should, by the 2014 CEDAW reporting period

- a. allocate specific funding to Centrelink to contract CALD-appropriate employment service providers as part of the Job Services Australia network, in order to significantly increase the rate of access of CALD women to employment opportunities.
- b. through the services provided by Australian Education International's National Office of Overseas Skills Recognition (DEEWR), increase the availability and affordability of bridging courses to increase the rate of migrant women attaining requalification in Australia.
- c. ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

The Concluding Observations made further recommendations to the Australian Government covering a broader range of issues than those included above. Also, this Action Plan relates specifically to the CEDAW Committee's Concluding Observations of July 2010, and does not attempt to cover the full range of women's advocacy issues in Australia.

The following pages are a number of resource sheets that collate the CEDAW Committee's concerns about the implementation of CEDAW in Australia into particular theme areas.

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The Committee further urges the State party to give due consideration, with a view to further protecting women's human rights, to the adoption of a Human Rights Act encompassing the full range of civil, cultural, economic, political and social rights

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Anti-discrimination and human rights protections

The human rights framework

CEDAW requires the governments of countries that sign the treaty to ensure that laws, policies, customs and practices do not discriminate against women, either directly or indirectly. Where women are discriminated against the Government has an obligation to ensure that the person or organisation discriminating against women can be punished.

CEDAW requires governments to protect and also to promote both formal and substantive equality. Formal equality focuses on whether laws and policies enable people to be treated equally. For example, a formal equality approach looks at whether there are laws that prohibit companies from hiring women or from allowing women to drive or vote.

Substantive equality is a broader concept than formal equality. It goes further and asks whether a law, policy or practice has a discriminatory impact. For example, do funding cuts to sole parent payments have a disproportionate impact on women because there are more single mothers than single fathers?

A substantive equality framework also recognises that simply eliminating discriminatory treatment will not ensure women's equality. Steps must be taken to eliminate the long-term impact of having treated women, and activities traditionally understood as 'women's work', as less worthwhile than men or 'men's work'. Australia has two 'reservations' to CEDAW about rights for women in armed forces and the right to paid maternity leave. This means that Australia has not agreed to have these CEDAW rights apply in Australia.

A number of other human rights treaties also provide obligations to eliminate discrimination and promote gender equality. For example, the International Covenant on Social, Economic and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)—two of the most broad-ranging international human rights instruments—require governments to ensure equality for women in relation to all the rights protected by these two treaties.

> CEDAW requires governments to protect and also to promote both formal and substantive equality.

What did the CEDAW Committee say about Australia?

The Committee welcomed the Government's support for a number of international human rights treaties, including the Optional Protocol to CEDAW, the Convention on the Rights of Persons with Disabilities and the Declaration on the Rights of Indigenous Peoples. It also welcomed the steps taken to strengthen the *Sex Discrimination Act* and implement a National Human Rights Framework. It also had some significant concerns and made a number of recommendations to strengthen anti-discrimination and human rights protections.

[The Government must strengthen discrimination laws and provide comprehensive protection against all forms of discrimination against women](#)

"The Committee urges the State party, as a matter of priority, to re-table the bill [to amend the *Sex Discrimination Act*] before the new Parliament as soon as possible after the elections and to ensure that the bill takes into account the key recommendations of the 2008 Senate report [on the effectiveness of the Act] in order to ensure that the Bill contains provisions which will provide comprehensive protection against all forms of discrimination against women" (para 21)

"The Committee urges the State party ... to strengthen the promotion and protection of human rights, including through the elaboration of a National Action Plan on Human Rights and the consolidation and harmonization of federal anti-discrimination law into a single act" (para 25)

The Government should give the Sex Discrimination Commissioner greater powers

"The Committee also recommends that the State party consider expanding the mandate of the Sex Discrimination Commissioner to address all issues of gender equality" (para 21)

The Government should properly fund its Australian Human Rights Framework

"The Committee urges the State party to provide adequate funding for the implementation of the Human Rights Framework" (para 25)

State and Federal Governments should adopt Human Rights Acts

"The Committee further urges the State party to give due consideration, with a view to further protecting women's human rights, to the adoption of a Human Rights Act encompassing the full range of civil, cultural, economic, political and social rights" (para 25)

> The Government should properly fund its Australian Human Rights Framework.

Judges should be trained to understand and apply CEDAW

"[T]he Committee notes that although the Convention has been invoked in a number of decisions by the courts in Australia including in the High Court, judicial decision-making could be further guided by the provisions of the Convention, the Optional Protocol and the General Recommendations of the Committee" (para 22)

"The Committee recommends that the National Judicial College of Australia include specifically the Convention and its Optional Protocol and the Committee's general recommendations in its continuing education programme for judges, magistrates, tribunal members and members of the legal profession" (para 23)

Australia should withdraw its reservations to CEDAW about paid maternity leave rights and rights of women in the armed forces

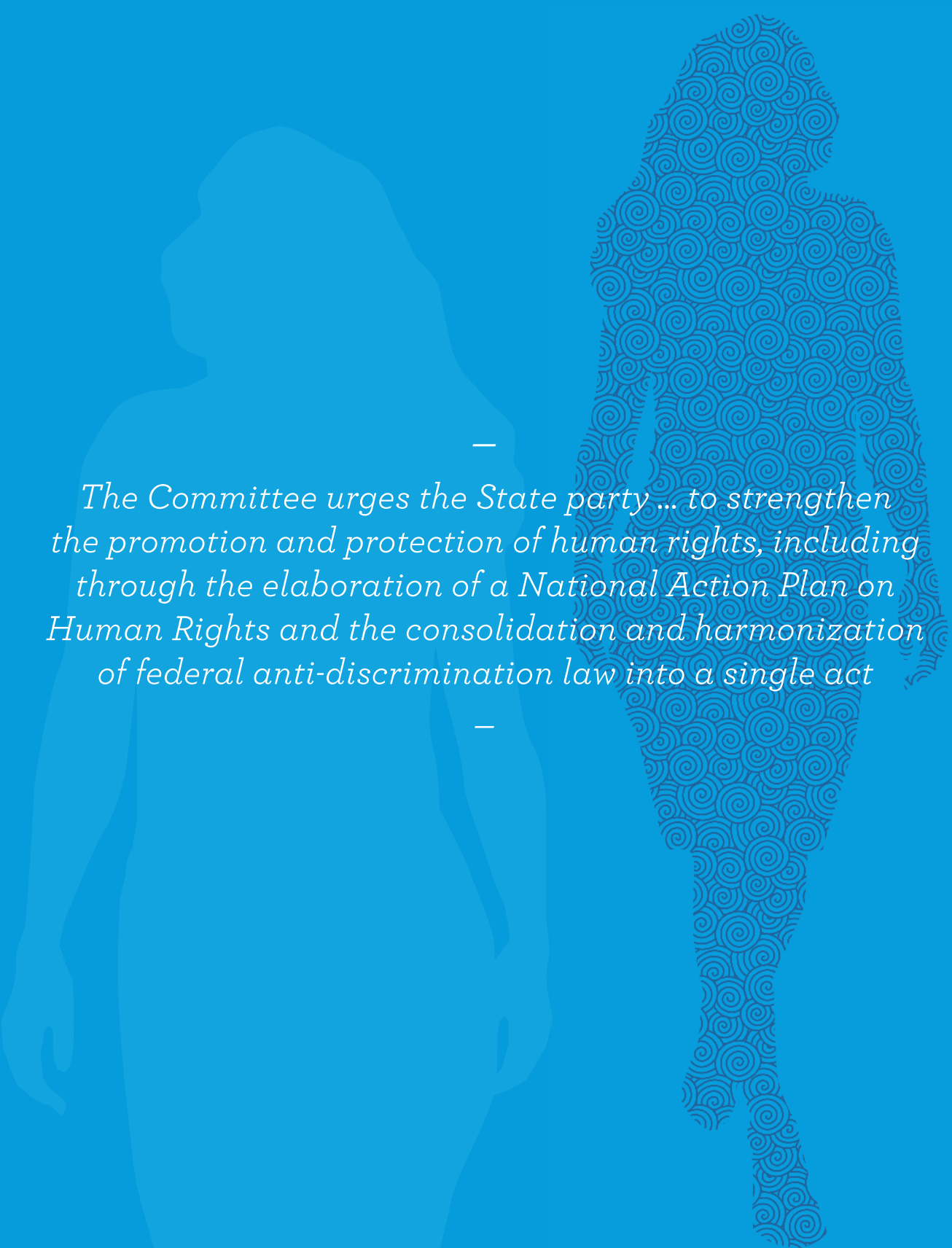
"The Committee recommends that the State party withdraw its two reservations as soon as possible" (para 19)

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 1: In order to ensure a stronger human rights framework for Australian women, the Federal and State/Territory Governments must ensure that, by the 2014 CEDAW reporting period

- a. the consolidation and harmonisation of anti-discrimination laws retains all of the current anti-discrimination protections contained in the *Sex Discrimination Act*, and the recommendations of the 2008 Senate Committee report are implemented.
- b. the National Action Plan on Human Rights comprehensively addresses all the gender and intra-gender analysis gaps in human rights protection in Australia, and includes implementation of structures for proper recording and measuring of the enjoyment of human rights.
- c. a national Human Rights Act is enacted which protects the full range of civil, political, economic, social and cultural rights.

Action Plan Point 2: The amendment bill to the *Sex Discrimination Act* should be passed by Federal Parliament by mid-2011, and should reflect the recommendations of the 2008 Senate Committee report.



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The Committee urges the State party... to strengthen the promotion and protection of human rights, including through the elaboration of a National Action Plan on Human Rights and the consolidation and harmonization of federal anti-discrimination law into a single act

—

Participation in public and political life

The human rights framework

RIGHT TO PARTICIPATION

Many international human rights treaties protect the rights of women to participate fully and equally in all areas of political and public life. The International Covenant on the Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights set out many relevant human rights obligations that are related to participation in political and public life. The Convention on the Rights of Persons with Disabilities promotes full and effective participation and inclusion in society. The UN Declaration on the Rights of Indigenous Peoples also protects the rights of Indigenous people to full and effective participation and, in particular, to participation in decisions about matters that affect their rights.

CEDAW includes a gendered perspective, requiring governments to ensure that women can participate on an equal basis with men in areas such as voting, forming and implementing government policy, non-government organisations and businesses, and public international work.

> The Convention on the Rights of Persons with Disabilities promotes full and effective participation and inclusion in society.

TEMPORARY SPECIAL MEASURES

CEDAW requires governments to adopt temporary special measures to address the impact of long-term discrimination against women. An example is the quotas in some political parties to ensure a minimum level of participation of women in politics.

The CEDAW Committee has issued an interpretative statement on temporary special measures (General Recommendation 25). It explains that laws and policies penalising and prohibiting discrimination against women are not enough. Sometimes special measures for women will be necessary to change the gender stereotypes and structures that are ingrained in society and that reinforce gender inequality. As steps are taken to eliminate discrimination and promote equality, the needs of women may change and the special measures will no longer be needed. Some groups of women may be discriminated against not just because they are a woman, but also because of their ethnicity, age, disability or other factors.

Special measures may also be needed for these groups to eliminate the multiple forms of discrimination they experience and the compounded impact that it has on them. For example, there could be targets or quotas specifically to ensure that Aboriginal and Torres Strait Islander women are appointed to leadership positions and employed in key decision making, policy and advisory positions.

What did the CEDAW Committee say about Australia?

The Committee welcomed the promotion of women in leadership roles, and especially the appointment of a female Prime Minister and Governor-General. It commended the Government on its support for non-government organisations, including through funding six national women's alliances. The Committee also had some significant concerns and made a number of recommendations for change to strengthen women's participation in public and political life.

The Government must use temporary special measures to increase women's participation

"The Committee continues to be concerned that the State party does not favour adoption of temporary special measures in the form of compulsory targets and quotas to address the under-representation of women in decision-making bodies, in political and public life and the persistent inequality of their access to education, employment opportunities and health care services... The Committee reiterates its recommendation in its previous concluding observations that the State party fully utilize the *Sex Discrimination Act* and consider the adoption of temporary special measures ... to increase further the number of women in political and public life" (paras 26 and 27)

"The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life" (para 35)

The Government must take steps to ensure the equal participation of vulnerable groups

"The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health" (para 26)

"The Committee reiterates its recommendation in its previous concluding observations that the State party ... consider the adoption of temporary special measures ... to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities" (para 27)

"The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life, with a particular focus on Aboriginal and Torres [Strait] Islander women and women with disabilities" (para 35)

The Government must take steps to ensure the equal participation and representation of Aboriginal and Torres Strait Islander women

"The Committee reiterates its previous recommendation that the State party adopt and implement targeted measures ... to improve indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests" (para 41)

The Government must take steps to ensure the equal participation and representation of women with disabilities

"The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities.... The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets" (paras 42 and 43)

> The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions.

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 3: To contribute to the equal participation of vulnerable groups on public and private boards, the following initiatives should occur:

- a. Data on women's participation on public and private boards must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location and be made publicly available.
- b. The Federal Government must allocate funding to the Australian Institute for Company Directors to meet at least 25 per cent of demand for training (as established in the 2010 application process), and establish within this process targets for scholarships to support training for Aboriginal and Torres Strait Islander women, women with disabilities, and CALD women to improve their representation on public and private boards.*
- c. As part of the broader discussion around a 30 percent target for female board participation, additional targets must be set within two years to ensure the participation of Aboriginal and Torres Strait Islander women, women with disabilities and CALD women.

Action Plan Point 4: A special temporary measure must be introduced that specifically aims to increase the role of Aboriginal and Torres Strait Islander women in public and political life. This should take the form of an annual grant round made available to NGO- and community-led programs, and funded to the amount of 25 per cent of the current funding allocated to government-led leadership programs for Aboriginal and Torres Strait Islander women. After five years, the grant program should be reviewed.

Action Plan Point 11(b): By the 2012 CEDAW reporting period, the Federal Government must continue to support the establishment of peak advisory bodies, including the National Congress and NATSIWA, and strengthen their role in policy development, advocacy and accountability especially through gender balanced representation on these bodies.

Action Plan Point 14: The Federal Government must instigate a temporary special measure to enable women with disabilities to take on leadership positions, in the form of a program that is separate to training for board and sector-specific advisory group representation, with targets for participation in mainstream advisory groups by 2014.

* In 2010, the AICD received 2,000 applications for 70 scholarship places.



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The Committee ... urges the State party to adopt national legislation and adopt, implement and adequately fund as a matter of urgency the National Action Plan to Reduce Violence against Women and their Children including a mechanism for independent monitoring...

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Violence against women

The human rights framework

The human rights system was slow to recognise violence against women as a human rights issue. However, in the 1990s the human rights system finally caught up to the reality of women's lives. UN members negotiated and adopted the Declaration on the Elimination of All forms of Violence Against Women and they appointed an independent expert to examine the prevalence of violence against women, the Special Rapporteur on Violence Against Women.

The Declaration on the Elimination of All forms of Violence Against Women defines violence against women as

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (art 1)

While there is no reference in CEDAW to violence against women, the CEDAW Committee has adopted interpretative statements that argue that gender based violence is a form of discrimination (General Recommendations 12 and 19). These state that governments have an obligation to take positive measures to eliminate all forms of violence against women by private actors.

“States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation” (General Recommendation 19, para 9)

> Governments have an obligation to take positive measures to eliminate all forms of violence against women by private actors.

What did the CEDAW Committee say about Australia?

The Committee welcomed the Government's establishment of a national council to advise on the development of a national plan to reduce violence against women and their children. It also had some significant concerns and made a number of recommendations for change.

The Government must report back to the CEDAW Committee in July 2012 on what steps it has taken to implement its recommendations on violence against women.

Levels of violence against women are unacceptably high in Australia

"The Committee notes with concern the unacceptably high levels of violence against women that persist in Australia, with one in three Australian women experiencing physical violence in their lifetime and one in five experiencing sexual violence" (para 28)

The Government must do more to tackle violence against women, including legislation

"The Committee ... urges the State party to adopt national legislation and adopt, implement and adequately fund as a matter of urgency the National Action Plan to Reduce Violence against Women and their Children including a mechanism for independent monitoring ..."

"The Committee recommends that the State party take appropriate measures, including specific legislative measures criminalizing acts of domestic violence, prosecute acts of domestic violence and punish the perpetrators of such acts" (para 29)

The Government must do more to prevent homelessness

"The Committee further recommends that the State party develop strategies to prevent homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate ongoing accommodation and integrated support" (para 29)

The Government must do more to address violence against Aboriginal and Torres Strait Islander women

"The Committee is concerned that indigenous women and girls face the highest levels of violence, especially at home where indigenous women are thirty five times as likely to be hospitalized as a result of family violence related assaults as non indigenous females..."

"It 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 indigenous women's legal services in urban, rural and remote areas of Australia" (paras 40 and 41)

The Government must do more to address violence against women with disabilities in institutions and supported accommodation, and must prohibit non-therapeutic sterilisation without consent

"The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation"

"The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent" (para 43)

The Government must do better to protect culturally and linguistically diverse women from violence

"The Committee ... notes with concern the prevailing high level of violence experienced by migrant women..."

"The Committee recommends that the State party intensify its efforts to prosecute acts of domestic violence and to provide adequate support services including shelters for the victims" (paras 44 and 45)

> The Committee ... notes with concern the prevailing high level of violence experienced by migrant women.

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 5: In preparation for the 2012 CEDAW reporting period, Australian governments must

- a. implement and adequately fund the *National Plan to Reduce Violence against Women and Children*, including domestic and family violence specialist services that are culturally appropriate for Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities and older women.
- b. establish and fund an independent body to monitor and evaluate the National Plan's implementation, which includes involvement from the Australian Women Against Violence Alliance.
- c. amend the family law system and legislation to better protect the safety of women and children.*

- d. make publicly available the information on the number and nature of reported cases of domestic violence, on the conviction and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence. This data must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location.
- e. review State procedures for crimes compensation that are available to survivors of human trafficking and establish a harmonised system to enable trafficked persons to access these rights by November 2011.

Action Plan Point 6: The Federal Government must provide sufficient funding to alleviate violence-related homelessness. This commitment should be reflected in

- a. a 20 per cent reduction in the turn-away rate of family violence shelters by the 2012 reporting period; and
- b. inclusion in the implementation of the National Plan of specific and culturally appropriate measures to alleviate homelessness for Aboriginal and Torres Strait Islander women, particularly those in rural and remote areas.

* As reflected in the Women's Legal Services Australia and Australian Women Against Violence Alliance joint submission to the Commonwealth Attorney-General's Family Violence Bill public consultation, dated 14 January 2011: see <http://awava.org.au/>.

Employment

The human rights framework

Issues relating to women's economic security are addressed not only in the human rights framework but also through the work of the International Labour Organisation (ILO).

SECURING EQUAL PAY

Women and men should not be paid differently if they are doing the same job or a job of equal value. The legal basis for this is found in a range of treaties, including the general prohibition on sex discrimination in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), and the specific prohibitions on wage discrimination in CEDAW and the ILO's Discrimination (Employment and Occupation) Convention.

FAMILY FRIENDLY WORKPLACES

Paid work and other areas of life often collide, particularly for women who are still the primary care givers in our community. The ILO and UN have both tried to address this collision by identifying strategies which support women and men to reconcile their work in caring for families with their paid work. Five key steps have been identified:

1. Prohibition of pregnancy based discrimination at work (CEDAW and ILO Maternity Leave Convention; provisions on sex discrimination in the ICESCR, ICCPR and ILO Equal Remuneration Convention)
2. Provision of paid maternity leave, for a period not less than 14 weeks with a minimum period of six weeks (ICESCR, CEDAW and ILO Maternity Leave Convention for provision of paid maternity leave; ILO Maternity Leave Convention for timeframe)

> Women and men should not be paid differently if they are doing the same job or a job of equal value.

3. Terms and conditions which reflect the needs of workers with family responsibilities, including through prohibiting maternity based discrimination, strategies to support parents at work, and prohibiting family responsibilities as grounds for dismissal (CEDAW, ILO Maternity Leave Convention, ILO Workers with Family Responsibilities Convention)
4. Promotion, development or provision of child and family care by public or private means (CEDAW and ILO Workers with Family Responsibilities Convention)
5. Education to challenge social, economic and cultural values on family responsibilities and the function of maternity and paternity (CEDAW and ILO Workers with Family Responsibilities Convention)

Of the treaties mentioned above, Australia has signed up to all but the ILO Maternity Leave Convention and has not agreed that the requirement under CEDAW to provide paid maternity leave should apply in Australia. This may change with the introduction of paid parental leave.

What did the CEDAW Committee say about Australia?

The Committee welcomed the new *Fair Work Act* and paid parental leave scheme. It also had some significant concerns and made a number of recommendations for change.

The Government must take steps to eliminate the pay gap

"The Committee [is] concerned about ... the persistence of the pay gap with women working full time earning eighteen percent less than their male counterparts"

"The Committee ... urges the State party to develop a National Pay Strategy and establish a specialized unit within the new wage setting body of Fair Work Australia to develop and monitor pay gaps mechanisms"

"It further requests that the State party provide a comprehensive assessment of the effectiveness of the *Fair Work Act* in eliminating pay gap in its next periodic report" (paras 38 and 39)

The Government must work to eliminate occupational segregation

"The Committee [is] concerned about the labour force which continues to be segregated by gender ... The Committee urges the State party to take concrete measures to eliminate occupational segregation including by removing barriers to women in all sectors and to ensure equal opportunities for, and equal treatment of, women and men in the labour market" (paras 38 and 39)

The Government must review its paid parental leave scheme and consider increasing the payment and providing superannuation

"The Committee calls on the State party to ensure that the statutory independent review of the *Paid Parental Leave Act* gives due consideration both to an increase in compensation and to the provision of superannuation on paid leave in order to protect better women's financial security and to encourage equal participation of both parents in child care" (para 39)

> The Government must develop a comprehensive child care policy to include out of school hours and vacation care.

The Government must develop a comprehensive child care policy

"The Committee [is] concerned about ... the caring responsibilities which continue to affect women's labour force participation ... The Committee urges the State party to develop a comprehensive child care policy to include out of school hours and vacation care and to increase the supply of affordable and quality child care" (paras 38 and 39)

The Government must do more to combat sexual harassment in the workplace

"The Committee urges the State Party to adopt appropriate legislative measures as well as a preventive strategic plan in order to combat sexual harassment in the workplace" (para 39)

The Government must take steps to remove barriers to culturally and linguistically diverse women's workforce participation

"The Committee urges the State party to take targeted measures to address existing barriers to workplace participation of migrant women, to develop a policy of equal access to effective job training and placement services that are not limited to traditional employment areas" (para 45)

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 7: In relation to paid parental leave, the Federal Government must

- remove Australia's reservation to paid maternity leave under article 11(2) of CEDAW by the July 2012 reporting deadline to the CEDAW Committee.
- ensure that the outcomes of the two-year review of the *Paid Parental Leave Act* include the introduction of superannuation, leave for fathers, an extended period of paid leave and an increased level of payment.

Action Plan Point 8: Implement a targeted campaign to significantly improve the rates of reporting of sexual harassment in the workplace within two years.

Action Plan Point 9: The Federal Government must develop a comprehensive childcare policy, which includes out of school hours and vacation care, and referring the development of a more transparent and equitable approach to financing childcare to the Productivity Commission for review, by the 2014 CEDAW reporting period.

Education

The human rights framework

The right to education has been recognised in the international human rights framework since the Universal Declaration of Human Rights in 1948. Rights to secondary, tertiary and vocational education have been further enshrined in subsequent human rights treaties, including the International Covenant on Social, Economic and Cultural Rights (ICESCR). The ICESCR Committee has also made an interpretative statement about the right to education (General Comment 13), which includes different levels of protection for different levels of education:

- primary education must be compulsory and free to all
- secondary education must be generally available and accessible to all, with free education progressively introduced
- higher education must be equally accessible to all, with free education progressively introduced

CEDAW obliges governments to ensure women have equal rights with men in accessing education, including adult education. The Convention on the Rights of the Child (CRC) also protects the rights of children to education. The CRC Committee has elaborated on these rights in an interpretative statement (General Comment 1).

> The Committee is also concerned with segregation of fields of study in higher education and vocational training which ultimately results in occupational sex segregation of the labour market.

What did the CEDAW Committee say about Australia?

The Committee welcomed the well-resourced initiatives to eliminate discrimination against girls and women at all levels in the education system. It also had some significant concerns and made a number of recommendations for change.

[The Government must collect data about education that can be broken down on the basis of sex, ethnicity and geographic location](#)

“The Committee recommends that data related to school retention, completion and achievement in literacy and numeracy be disaggregated and cross-tabulated on the basis of sex, ethnicity and geographical location to ensure that the needs of specific groups can be identified and appropriate interventions applied to eliminate sex-based disparities” (para 37)

[The Government must encourage girls and women to study areas that are traditionally dominated by men](#)

“The Committee is also concerned with segregation of fields of study in higher education and vocational training which ultimately results in occupational sex segregation of the labour market” (para 36)

“The Committee urges the State party to allocate resources to encourage females to pursue programmes of study and professional development in areas which are traditionally dominated by men” (para 37)

The Government must take steps to ensure equal access to education for vulnerable groups of women

"The Committee is however concerned that information, as provided, does not always allow for a full understanding of ways in which multiple forms of discrimination impact outcomes for specific groups such as indigenous women and girls" (para 36)

"The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring ... their equal access to education" (para 26)

"The Committee reiterates its recommendation in its previous concluding observations that the State party ... consider the adoption of temporary special measures ... to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities" (para 27)

The Government must address access to quality education for Aboriginal and Torres Strait Islander women

"The Committee also continues to be concerned that indigenous women have fewer opportunities and more restricted access to quality education.... It recommends that the State party pay particular attention to ensuring access to quality education, including post-graduate education, [and] vocational training" (paras 40 and 41)

The Government must take steps to ensure equal access to education for women with disabilities

"The Committee is concerned that women with disabilities ... continue to be disadvantaged with regard to educational and employment opportunities" (para 42)

"The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life, with a particular focus on ... women with disabilities" (para 35)

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 10: To significantly improve the employment-related outcomes of the education system for Australian women

- a. the intersectionality of educational outcomes for specific groups of women (including Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities, older women and single mothers) must be reflected in the collection, quality assurance, analysis and public reporting of disaggregated data, in addition to the categories being implemented in line with the Martin indicators, and this data made publicly available and accessible as a matter of course within two years and thereafter.
- b. COAG must update and implement a national vocational education and training policy for women, including strategies for increasing the affordability and access of vulnerable groups of women to VET, by the 2014 CEDAW reporting period.

> The government must address access to quality education for Aboriginal and Torres Strait Islander women

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The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life, with a particular focus on Aboriginal and Torres [Strait] Islander women ...

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Aboriginal and Torres Strait Islander women

The human rights framework

Recognition of the human rights of Indigenous peoples at the UN has a long and difficult history. After more than two decades of work, the UN adopted the Declaration on the Rights of Indigenous People (DRIP) in June 2007. Article 22 says that

States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination

Prior to DRIP, the human rights of Aboriginal and Torres Strait Islander women have mostly been addressed in the human rights framework through the fundamental principle of non-discrimination on the basis of race and gender. The key documents have been CEDAW and the International Convention on the Elimination of All forms of Racial Discrimination (ICERD).

However, while the commitment to eradicating racial discrimination and sex discrimination is strong, it is only recently that an understanding of the 'intersectional' nature of discrimination has been recognised. Intersectional discrimination recognises that a woman may be subject to discrimination based on several aspects of her identity at the same time.

Although CEDAW does not explicitly refer to Aboriginal and Torres Strait Islander women, the CEDAW Committee has often raised issues relating to Aboriginal and Torres Strait Islander (or other Indigenous women) in their recommendations and have referred to the particular forms of discrimination they experience in some of their interpretative statements.

What did the CEDAW Committee say about Australia?

The Committee welcomed a number of Government initiatives, including

- the National Aboriginal and Torres Strait Islander Women's Health Policy and the National Primary Healthcare Strategy
- funding the National Aboriginal and Torres Strait Islander Women's Alliance
- endorsing the UN Declaration on the Rights of Indigenous Peoples
- supporting Megan Davis's election to the UN Permanent Forum on Indigenous Issues
- 'close the gap' initiatives
- supporting the establishment of the National Congress of Australia's First People

It also had some significant concerns and made a number of recommendations for change.

The Government must report back to the CEDAW Committee in July 2012 on what steps it has taken to implement its recommendations on Aboriginal and Torres Strait Islander women.

[The Committee is worried about the very high level of disadvantage of Aboriginal and Torres Strait Islander women](#)

"The Committee notes with concern that, despite strengthened efforts to address the issue since the last report, socio-economic indicators consistently show that the Aboriginal and Torres [Strait] Islander communities continue to be amongst the most disadvantaged amongst Australians, with indigenous women being particularly disadvantaged" (para 40)

The Government must take steps to ensure Aboriginal and Torres Strait Islander women can participate and be represented equally in all areas of public and political life

"The Committee ... remains concerned that the measures taken to enhance the participation of Aboriginal and Torres [Strait] Islander women ... in public life remains inadequate" (para 34)

"The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life, with a particular focus on Aboriginal and Torres [Strait] Islander women ..." (para 35)

"The Committee reiterates its previous recommendation that the State party adopt and implement targeted measures ... to improve indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests" (para 41)

"The Committee reiterates its recommendation in its previous concluding observations ... that the State party... consider the adoption of temporary special measures ... to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women" (para 27)

The Government must do more to address violence against Aboriginal and Torres Strait Islander women

"The Committee is concerned that indigenous women and girls face the highest levels of violence, especially at home where indigenous women are thirty five times as likely to be hospitalized as a result of family violence related assaults as non indigenous females..."

"It 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 indigenous women's legal services in urban, rural and remote areas of Australia" (paras 40 and 41)

The Government must address access to education, training, health, social services and justice

"The Committee notes that a number of well-resourced initiatives have been undertaken to eliminate discrimination against girls and women at all levels in the education system. The Committee is however concerned that information, as provided, does not always allow for a full understanding of ways in which multiple forms of discrimination impact outcomes for specific groups such as indigenous women and girls" (para 36)

"The Committee recommends that data related to school retention, completion and achievement in literacy and numeracy be disaggregated and cross-tabulated on the basis of sex, ethnicity and geographical location to ensure that the needs of specific groups can be identified and appropriate interventions applied to eliminate sex-based disparities" (para 37)

"The Committee also continues to be concerned that indigenous women have fewer opportunities and more restricted access to quality education, health care and legal aid services.... It recommends that the State party pay particular attention to ensuring access to quality education, including post-graduate education, vocational training, adequate health and social services, legal literacy and access to justice" (paras 40 and 41)

> The Committee [is] concerned about the limited access to job opportunities for Indigenous women.

The Government must address access to job opportunities

"The Committee [is] concerned about ... the limited access to job opportunities for ... indigenous women ... The Committee urges the State party to take concrete measures to eliminate occupational segregation including by removing barriers to women in all sectors and to ensure equal opportunities for, and equal treatment of, women and men in the labour market" (paras 38 and 39)

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 3: To contribute to the equal participation of specific groups of women on public and private boards, the following initiatives should occur:

- a. Data on women's participation on public and private boards must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location and be made publicly available.
- b. The Federal Government must allocate funding to the Australian Institute for Company Directors to meet at least 25 per cent of demand for training (as established in the 2010 application process), and establish within this process targets for scholarships to support training for Aboriginal and Torres Strait Islander women, women with disabilities, and CALD women to improve their representation on public and private boards.*
- c. As part of the broader discussion around a 30 percent target for female board participation, additional targets must be set within two years to ensure the participation of Aboriginal and Torres Strait Islander women, women with disabilities and CALD women.

Action Plan Point 4: A special temporary measure must be introduced that specifically aims to increase the role of Aboriginal and Torres Strait Islander women in public and political life. This should take the form of an annual grant round made available to NGO- and community-led programs, and funded to the amount of 25 per cent of the current funding allocated to government-led leadership programs for Aboriginal and Torres Strait Islander women. After five years, the grant program should be reviewed.

Action Plan Point 5(a): In preparation for the 2012 CEDAW reporting period, Australian governments must implement and adequately fund the *National Plan to Reduce Violence against Women and Children*, including domestic and family violence specialist services that are culturally appropriate for Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities and older women.

Action Plan Point 6(b): The Federal Government must provide sufficient funding to alleviate violence-related homelessness. This commitment should be reflected in inclusion in the implementation of the National Plan of specific and culturally appropriate measures to alleviate homelessness for Aboriginal and Torres Strait Islander women, particularly those in rural and remote areas.

Action Plan Point 10: To significantly improve the employment-related outcomes of the education system for Australian women

- a. the intersectionality of educational outcomes for specific groups of women (including Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities, older women and single mothers) must be reflected in the collection, quality assurance, analysis and public reporting of disaggregated data, in addition to the categories being implemented in line with the Martin indicators, and this data made publicly available and accessible as a matter of course within two years and thereafter.
- b. COAG must update and implement a national vocational education and training policy for women, including strategies for increasing the affordability and access of vulnerable groups of women to VET, by the 2014 CEDAW reporting period.

Action Plan Point 11: By the 2012 CEDAW reporting period, the Federal Government must:

- a. commit to and provide for a budgetary allocation for culturally appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia to assist victims of sexual assault and family violence, in addition to current funding for Aboriginal Legal Services and Family Violence Units.
- b. continue to support the establishment of peak advisory bodies, including the National Congress and NATSIWA, and strengthen their role in policy development, advocacy and accountability especially through gender balanced representation on these bodies.

* In 2010, the AICD received 2,000 applications for 70 scholarship places.



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The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets

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Women with disabilities

The human rights framework

The Convention on the Rights of Persons with Disabilities (CRPD) is the most comprehensive statement on the human rights of people with disabilities. The Convention uses a social model of disability (which identifies oppressive social structures rather than the individual's impairment or medical condition as the cause of disability). It establishes a series of general principles, including equality between women and men, and sets out a series of steps to ensure a broad range of human rights of people with disabilities.

The CRPD is groundbreaking in its approach to women with disabilities. It has both a specific focus on women with disabilities (in a separate article/paragraph on women) and integrates gender concerns throughout the text. For example, the paragraphs on health and violence particularly address the gender dimensions of these issues.

CEDAW does not specifically mention women with disabilities. However, the CEDAW Committee has issued an interpretative statement on women with disabilities (General Recommendation 18) and has addressed the accessibility of health services to women with disabilities in their interpretative statement on women and health (General Recommendation 24). The Committee argues that governments should take particular actions to secure the rights of women with disabilities in the areas of employment, education, health services and social security.

What did the CEDAW Committee say about Australia?

The Committee welcomed the Government's support of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It also had some significant concerns and made a number of recommendations for change.

[The Government should review the situation of women with disabilities in Australia](#)

"The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia" (para 43)

> [The Government must do more to address violence against women with disabilities in institutions and supported accommodation.](#)

The Government must take steps to ensure women with disabilities can participate and be represented equally in all areas of public and political life

“The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including ... women with disabilities, there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health” (para 26)

“The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities” (para 42)

“The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, ... to ensure the equal participation and representation of women in public and political life, with a particular focus on ... women with disabilities” (para 35)

“The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets” (para 43)

The Government must do more to address violence against women with disabilities in institutions and supported accommodation

“[The Committee] is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation.... The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation” (paras 42 and 43)

The Government must prohibit non-therapeutic sterilisation without consent

“The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent” (para 43)



Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 3: To contribute to the equal participation of specific groups of women on public and private boards, the following initiatives should occur:

- a. Data on women's participation on public and private boards must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location and be made publicly available.
- b. The Federal Government must allocate funding to the Australian Institute for Company Directors to meet at least 25 per cent of demand for training (as established in the 2010 application process), and establish within this process targets for scholarships to support training for Aboriginal and Torres Strait Islander women, women with disabilities, and CALD women to improve their representation on public and private boards.*
- c. As part of the broader discussion around a 30 percent target for female board participation, additional targets must be set within two years to ensure the participation of Aboriginal and Torres Strait Islander women, women with disabilities and CALD women.

Action Plan Point 5(a): In preparation for the 2012 CEDAW reporting period, Australian governments must implement and adequately fund the *National Plan to Reduce Violence against Women and Children*, including domestic and family violence specialist services that are culturally appropriate for Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities and older women.

Action Plan Point 10: To significantly improve the employment-related outcomes of the education system for Australian women

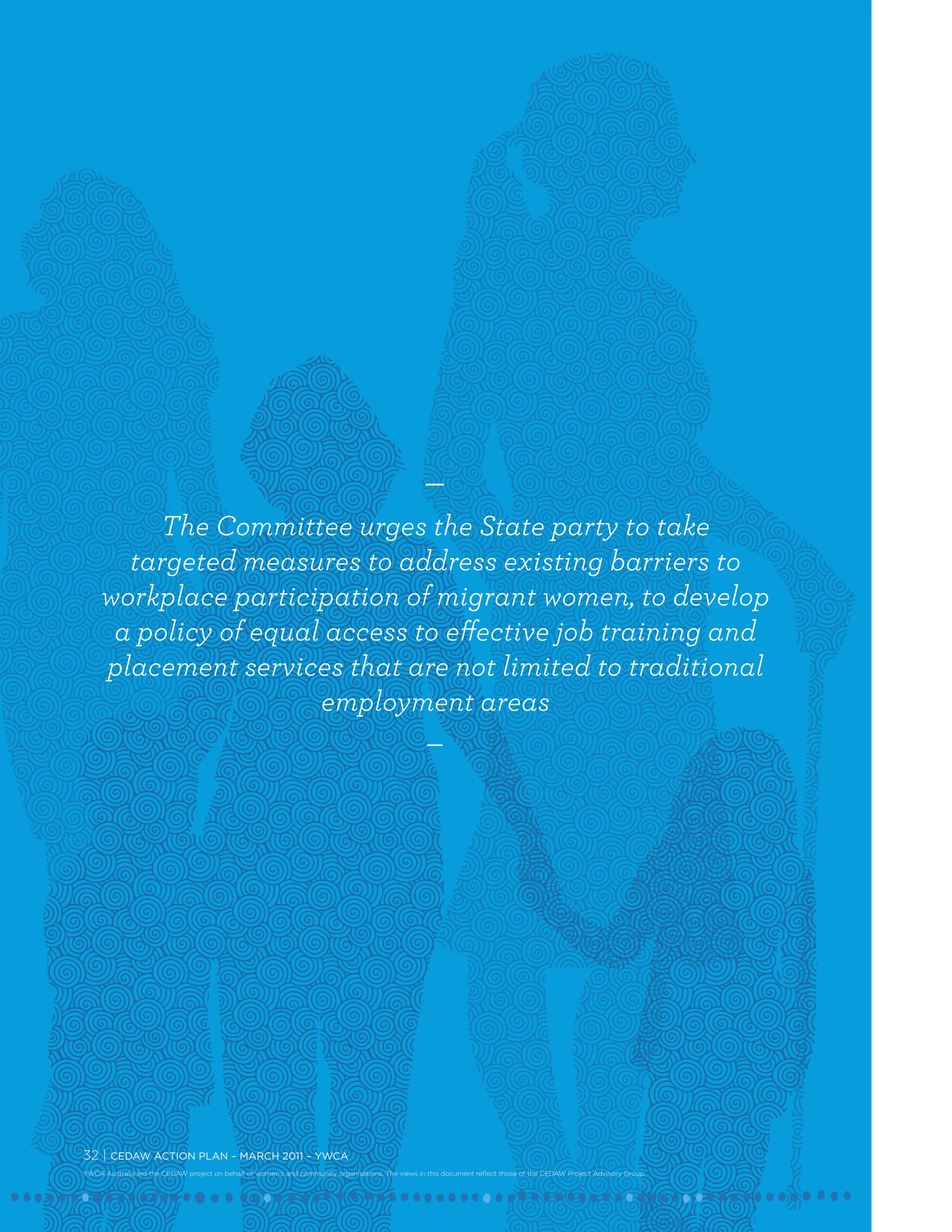
- a. the intersectionality of educational outcomes for specific groups of women (including Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities, older women and single mothers) must be reflected in the collection, quality assurance, analysis and public reporting of disaggregated data, in addition to the categories being implemented in line with the Martin indicators, and this data made publicly available and accessible as a matter of course within two years and thereafter.
- b. COAG must update and implement a national vocational education and training policy for women, including strategies for increasing the affordability and access of vulnerable groups of women to VET, by the 2014 CEDAW reporting period.

Action Plan Point 12: The Federal Government must commission and fund a comprehensive assessment of the situation of women with disabilities in Australia within two years, in order to establish a baseline of disaggregated data against which future progress towards CEDAW rights can be measured.

Action Plan Point 13: The Federal Government must enact universal, national legislation which prohibits non-therapeutic sterilisation of any child unless there is a serious threat to health or life, and prohibits non-therapeutic sterilisation of any woman in the absence of fully informed and free consent, by the 2014 CEDAW reporting period.

Action Plan Point 14: The Federal Government must instigate a temporary special measure to enable women with disabilities to take on leadership positions, in the form of a program that is separate to training for board and sector-specific advisory group representation, with targets for participation in mainstream advisory groups by 2014. Background information: Australia's review under CEDAW

* In 2010, the AICD received 2,000 applications for 70 scholarship places.

The background of the page features three stylized silhouettes of people, likely representing a family or a group of individuals. These silhouettes are filled with a dense, repeating pattern of small, concentric circles or spirals, creating a textured effect. The overall color scheme is a solid blue.

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The Committee urges the State party to take targeted measures to address existing barriers to workplace participation of migrant women, to develop a policy of equal access to effective job training and placement services that are not limited to traditional employment areas

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Culturally and linguistically diverse women

The human rights framework

The human rights of culturally and linguistically diverse (CALD) women have mostly been addressed in the human rights framework through the fundamental principle of non-discrimination on the basis of race and gender. The key documents are CEDAW and the International Convention on the Elimination of All forms of Racial Discrimination (ICERD).

However, while the commitment to eradicating racial discrimination and sex discrimination is strong, it is only recently that an understanding of the 'intersectional' nature of discrimination has been recognised. Intersectional discrimination recognises that a woman may be subject to discrimination based on several aspects of their identity at the same time. The human rights system struggles with the idea of intersectional discrimination because of the distinct nature and subject matter of each treaty. In preparation for the 2001 World Conference Against Racism the CEDAW Committee also issued a statement on 'intersectional discrimination'.

The human rights of CALD women have been addressed by the CEDAW Committee on many occasions, as a component of interpretative statements, decisions under the Optional Protocol and in recommendations from reviews of government reports. The CEDAW Committee often uses terms such as migrant, refugee or minority women to identify the target population for their concerns.

The CEDAW Committee made an interpretive statement on women migrant workers in 2008 (General Recommendation 26). The Committee argues that while governments are entitled to control their borders and regulate migration, they must also comply fully with their human rights obligations, including

"the promotion of safe migration procedures and the obligation to respect, protect and fulfil the human rights of women throughout the migration cycle. Those obligations must be undertaken in recognition of the social and economic contributions of women migrant workers to their own countries and countries of destination, including through caregiving and domestic work" (para 3)



What did the CEDAW Committee say about Australia?

The Committee welcomed the Government's funding of the Australian Immigrant and Refugee Women's Alliance. It also had some significant concerns and made a number of recommendations for change.

The Government must take steps to ensure CALD women can participate and be represented equally in all areas of public and political life

"The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including ... women from culturally and linguistically diverse backgrounds, ... there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health" (para 26)

"The Committee reiterates its recommendation in its previous concluding observations that the State party fully utilize the *Sex Discrimination Act* and consider the adoption of temporary special measures ... to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including ... women from ethnic minorities" (para 27)

The Government must take steps to remove barriers to CALD women's workplace participation

"The Committee ... notes with concern [migrant women's] low levels of participation in the labour market and their concentration in low-paid jobs" (para 44)

"The Committee urges the State party to take targeted measures to address existing barriers to workplace participation of migrant women, to develop a policy of equal access to effective job training and placement services that are not limited to traditional employment areas" (para 45)

Australia should support the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

"The Committee considers that the adherence of the State party to all nine of the major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Commonwealth Government to consider ratifying the treaties to which it is not yet a party, that is: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) ..." (para 49)

The Government must do better to protect CALD women from violence

"The Committee ... notes with concern the prevailing high level of violence experienced by migrant women..."

"The Committee recommends that the State party intensify its efforts to prosecute acts of domestic violence and to provide adequate support services including shelters for the victims" (paras 44 and 45)

The Government should make sure the specific health needs of CALD women are looked after

"The Committee ... notes [migrant women's] particular linguistic and cultural needs when accessing universally available health care services" (para 44)

"The Committee urges the State party to develop a broad framework for health services for migrant women which will take into account their specific health profiles" (para 45)

> The Committee urges the State party to develop a broad framework for health services for migrant women which will take into account their specific health profiles.

Actions required to implement the CEDAW Committee's recommendations

Action Plan Point 3: To contribute to the equal participation of specific groups of women on public and private boards, the following initiatives should occur:

- a. Data on women's participation on public and private boards must be disaggregated by gender, ethnicity, disability, age, socio-economic status and geographical location and be made publicly available.
- b. The Federal Government must allocate funding to the Australian Institute for Company Directors to meet at least 25 per cent of demand for training (as established in the 2010 application process), and establish within this process targets for scholarships to support training for Aboriginal and Torres Strait Islander women, women with disabilities, and CALD women to improve their representation on public and private boards.*
- b. As part of the broader discussion around a 30 percent target for female board participation, additional targets must be set within two years to ensure the participation of Aboriginal and Torres Strait Islander women, women with disabilities and CALD women.

Action Plan Point 10: To significantly improve the employment-related outcomes of the education system for Australian women

- a. the intersectionality of educational outcomes for specific groups of women (including Aboriginal and Torres Strait Islander women, CALD women, rural and remote women, LGBTIQ women, women with disabilities, older women and single

mothers) must be reflected in the collection, quality assurance, analysis and public reporting of disaggregated data, in addition to the categories being implemented in line with the Martin indicators, and this data made publicly available and accessible as a matter of course within two years and thereafter.

- b. COAG must update and implement a national vocational education and training policy for women, including strategies for increasing the affordability and access of vulnerable groups of women to VET, by the 2014 CEDAW reporting period.

Action Plan Point 15: In order to improve workplace participation rates of CALD women, the Federal Government should, by the 2014 CEDAW reporting period

- a. allocate specific funding to Centrelink to contract CALD-appropriate employment service providers as part of the Job Services Australia network, in order to significantly increase the rate of access of CALD women to employment opportunities.
- b. through the services provided by Australian Education International's National Office of Overseas Skills Recognition (DEEWR), increase the availability and affordability of bridging courses to increase the rate of migrant women attaining requalification in Australia.
- c. ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

* In 2010, the AICD received 2,000 applications for 70 scholarship places.



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YWCA Australia is the national association of YWCAs in Australia and is part of the world YWCA movement. We are a women-led organisation that achieves positive change by providing advocacy, programs and services for women, families and communities.

YWCAs undertake advocacy and deliver programs and services that develop the leadership and collective power of women and girls; support individuals, their families and communities at critical times; and promote gender equality and community strengthening.