

**46th session of the Committee on the Elimination of Discrimination Against Women**  
**Australian NGO statement and delegation**

19 July 2010

**[Check against delivery]**

*The following text will not be read out:*

*The Australian NGO delegation has been selected by a coalition of Australian NGOs to present the Aboriginal and Torres Strait Islander Women's Parallel NGO Report and the Australian NGO Report, which have been endorsed by over 130 Australian NGOs and are the results of Australia-wide consultations.*

*Presented by:*

- *Michelle Deshong, National Rural Women's Coalition and Network*
- *Christina Ryan, Women with Disabilities Australia*
- *Edwina MacDonald, Women's Legal Services NSW; Women's Legal Services Australia*

*Other delegation members:*

- *Anna Cody, Kingsford Legal Centre*
- *Caroline Lambert, YWCA Australia*
- *Julie McKay, Australian National Committee for UNIFEM*
- *Sela Taufa, Network of Immigrant and Refugee Women Australia*

***Michelle Deshong***

Madame Chair, my colleagues and I are presenting a statement on the *Aboriginal and Torres Strait Islander Women's Parallel NGO Report* and the *Australian NGO Report*. These reports have been endorsed by over 130 organisations and are the results of Australia-wide consultations.

There are a number of positive achievements to report on, including those that NGOs have advocated for. Some of these are the introduction of a paid parental leave scheme, formal support for the Optional Protocol to CEDAW and other international human rights instruments, the funding of six NGO Alliances to provide policy advice on women's issues to Government, and the removal of the ban on aid funding to agencies that provided abortion services.

I will now turn to the ongoing challenges in the implementation of CEDAW in Australia. Mechanisms for the participation of Aboriginal and Torres Strait Islander women in Australian public life and the formulation of Australian public policy remain inadequate. There are no Aboriginal or Torres Strait Islander women represented in the Australia Parliament and few in state parliaments. Furthermore, lack of participation and consultation with Aboriginal and Torres Strait Islander women continues to lead to poor policy outcomes.

The most significant example of this during the past reporting cycle is the Government's Northern Territory Intervention, which sought to address disadvantage in Aboriginal

communities in the Northern Territory.<sup>1</sup> Women attending our sessions spoke of grossly inadequate consultation in developing the Intervention and the unfairness of a strategy which required the suspension of the Racial Discrimination Act. Women attending our consultations asked us to bring their concerns to the attention of this Committee. These measures continue to apply to these communities and have also been extended to vulnerable social security recipients across Australia, including women affected by domestic violence. These measures have a disproportionate impact on women.

The recent developments in relation to the establishment of the National Aboriginal and Torres Strait Islander Women's Alliance and the National Congress for First Australians are seen as important steps in ensuring that Aboriginal and Torres Strait Islander women are represented at the national level and can directly raise issues of importance with the government and other stakeholders.

However, it is not enough simply to establish these bodies. A new model of political engagement is required, one in which Australian governments engage actively in negotiations and partnerships with Aboriginal and Torres Strait Islander women based on genuine respect for cultural identity and self determination. In establishing these new ways of work governments must use benchmarks established in the *Declaration on the Rights of Indigenous Peoples* to create accountability mechanisms for the conduct of these relationships and the outcomes generated by them.

There must also be a commitment to act on the policy advice received, a commitment to be accountable for changes that need to be implemented, and a commitment to continue to respond to and fund these advocacy bodies and consultation opportunities. Without this, the unacceptably high levels of discrimination and disadvantage for Aboriginal and Torres Strait Islander women will continue to exist.

I will now handover to my colleague Christina Ryan.

### **Christina Ryan**

The rate of violence against women remains unacceptably high in Australia.<sup>2</sup>

Women from culturally and linguistically diverse backgrounds, women with disabilities, Aboriginal and Torres Strait Islander women, lesbians, and women in rural, regional and remote areas continue to report particular issues relating to violence. Women in all these population groups often experience violence at higher rates, violence often goes unreported, and it is often unacknowledged in national anti-violence strategies.

Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised due to family violence and related assaults. To go some way to remedying this, funding must be provided to ensure culturally-appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia.

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<sup>1</sup> The Racial Discrimination Act was suspended in relation to the Northern Territory Intervention under the special measures provision. The Northern Territory intervention saw the introduction of a range of measures that impacted on Aboriginal and Torres Strait Islander communities in the Northern Territory including: Mandatory Income Management, Health checks for children, prohibition of pornography, lifting of land permits and alcohol bans. (These measures were only applied to specific communities with high Aboriginal and Torres Strait Islander populations.)

<sup>2</sup> Almost one in three Australian women experiencing physical violence and almost one in five women experiencing sexual violence in their lifetime.

Violence against women with disabilities often goes undetected, unreported and uninvestigated, especially in group residential settings or supported accommodation. The rate of sexual assault in these settings is as high as 90 percent. To go some way to remedying this, funding must be provided to ensure that accessible and appropriate services are available for women with disabilities.

Women from culturally and linguistically diverse communities reported to us that they are inadequately supported in refuges. Funding must be provided to ensure that workers are trained in cultural sensitivity.

Rural women have very limited access to domestic violence and sexual assault services and may have to travel hundreds of kilometres to access them. Funding must be provided to increase access to family violence and sexual assault services for women in rural and remote areas.

Further, a number of government commissioned inquiries have identified that the family law system does not adequately protect women who have experienced domestic violence once they have separated.

While the Australian Government has taken steps to address some of these issues, it must implement and adequately fund a comprehensive National Plan to Reduce Violence Against Women as a matter of priority. The federal budget allocated from 2009 to 2013 to address violence against women has not increased since the previous four-year period. The Plan must include mechanisms for independent monitoring. It is disappointing that, 15 months after committing to the development of a National Plan to Reduce Violence Against Women, the Plan has not been released, particularly as the election has now been called.

Finally, we note that non-therapeutic sterilisation of people with disabilities remains an ongoing practice in Australia. National legislation which bans the sterilisation of women with disabilities, unless there is a serious threat to life or health, should be adopted.

I now hand over to my colleague Edwina MacDonald

***Edwina MacDonald***

There continue to be significant gaps in legislative protection of human rights and against discrimination. The gaps include inadequate protection against intersectional discrimination, inadequate systemic mechanisms, no national human rights or equality legislation, and no national protection against discrimination on the basis of sexual orientation or gender identity. Australian governments should adopt laws and policies that provide for comprehensive protection of the right to equality and non-discrimination, and address these issues, as a matter of priority.

Representation also remains an important issue for women. In relation to the leadership of women in the public and private sector, we note that the percentage of women board directors in the top 200 publicly listed companies declined by half a percent to 8.3 per cent in 2008. Targets of 40 per cent participation should be set, with quotas to be introduced after three years if targets are not met.

The gender pay gap in Australia also continues to widen, with women working full time earning 18 per cent less than men. This is the widest pay gap since 1994. To address this, the Australian Government should continue to take proactive measures to eliminate occupational segregation and to close the pay gap between women and men, including through the establishment of a Pay Equity Unit in Fair Work Australia and implementing

recommendations from the Parliamentary *Making it Fair* Inquiry.

Further, proposed reforms of the taxation system, including measures to improve retirement incomes, should address the impact of pay inequity on women's retirement incomes and special consideration should be given to the context of Aboriginal and Torres Strait Islander women's lower life expectancy.

Other actions to address the gender pay gap include providing more and improved childcare facilities, including for after school hours and vacation care; referring the question of childcare financing to the Australian Productivity Commission; and encouraging men to share responsibility for childcare.

Thank you for the opportunity to address the Committee.