

AUSTRALIA

Non-Government Organisations Follow-up Report to the United Nations Committee on the Elimination of Discrimination Against Women

July 2012

In its 2010 review of Australia, the CEDAW Committee asked the Australian Government to report back in 2012 about actions taken to implement the Committee's recommendations on violence against women, and Aboriginal and Torres Strait Islander women. This report provides the views of, and is endorsed by, **xx** non-government organisations (please see **Annex A**). The report was coordinated by the Australian Women Against Violence Alliance (AWAVA) and the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA), which are Commonwealth-funded National Women's Alliances.



SUMMARY AND RECOMMENDATIONS

Section 1: Violence Against Women

Australian governments must maintain momentum, guarantee adequate resourcing, drive implementation, and establish independent monitoring *and* evaluation of the *National Plan to Reduce Violence Against Women 2010-22 (National Plan)* to ensure its success. Bi-partisan political support and leadership at state, federal and local government levels are essential for continual progression with the *National Plan* and its implementation at national and state/territory-level.

The *National Plan* needs:

- immediate and proper investment in vital services for **all** women and children who have experienced/are experiencing violence and abuse, to ensure their support and safety **and**
- a stronger focus on long-term, sustained primary prevention to address the root causes of violence against women and girls.

Section 2: Aboriginal and Torres Strait Islander women

Greater long-term investment, resourcing and support are needed for Aboriginal and Torres Strait Islander women to access: education and skills development at all levels; adequate health and social services; culturally- appropriate legal services; political, board and committee positions; and leadership training and opportunities.

Government needs to do more to ensure that the voices and views of Aboriginal and Torres Strait Islander women are included in consultations, and are listened to, in order to provide appropriate ideas and solutions for long term investment.

Recommendations

The Australian Government's report to CEDAW in response to its 2010 recommendations has not yet been made available; this report is based on the NGOs' perspective without reference to, and not as a direct response to, the Government's report.

Australia has a strong, committed and dedicated community sector that wants to see real commitment from the Australian Government, emulating the progress and leadership demonstrated in recent changes to the *Family Law Act 1975*¹. The recommendations below are based on consultations with non-government organisations (including an online survey) and are detailed in the full report.

Violence Against Women

1. State/Territory and Federal Implementation Plans for the *National Plan to Reduce Violence Against Women and Children* must be adequately resourced and implemented, and given cross-party endorsement to avoid compromising progress with any change of government
2. The Australian Government is urged to consult, engage, communicate and collaborate closely with the violence against women's sector on addressing **all forms** of violence against **all women**, particularly Aboriginal and Torres Strait

¹ See page 10 for recent revisions to the legislation

Islander women; and provide and publish regular reports on the implementation and progress of the *National Plan*

3. Independent monitoring *and* evaluation for **all** *National Plan* outcomes must be established as a matter of priority
4. The Australian Government should provide significant investment for:
 - a. Service provision suited to the needs of **all** women who have experienced/are experiencing violence, with growth funding to meet the increased demand which will be driven by awareness-raising and primary prevention activities
 - b. comprehensive primary prevention strategies to drive long-term social change through: compulsory education and teacher training, promoting gender and social equality at all levels of schooling; and challenging gender stereotypes, discrimination and violence against women in the wider community

Aboriginal and Torres Strait Islander Women

1. All levels of government (state, territory and federal) need to ensure adequate resources and support are provided for Aboriginal and Torres Strait Islander women to access education at **all levels**, regardless of geographical location or socio-economic status
2. Strategies must be implemented to ensure that Indigenous languages are preserved; and where necessary greater support and access is provided for literacy and numeracy training
3. The Australian Government is urged to work collaboratively with Aboriginal and Torres Strait Islander women, to seek their input and unique perspective in relation to issues that affect them including: education, health, domestic violence and justice. This commitment must be resourced adequately with long-term investment
4. The Australian Government is urged to develop long-term sustainable commitments to Aboriginal and Torres Strait Islander women in terms of leadership and representative-based development
5. The Australian Government must implement an affirmative action framework for the inclusion of Aboriginal and Torres Strait Islander women in all aspects of representation across government (state, territory and federal) and support ongoing gender equality work within the National Women's Alliances and the National Congress for First Australians
6. The Australian Government must invest in an education and awareness campaign to highlight the work of CEDAW and other international mechanisms, particularly as they relate to the lives of Aboriginal and Torres Strait Islander women

VIOLENCE AGAINST WOMEN

1. The CEDAW Committee's recommendations

The CEDAW Committee asked the Australian Government to report back in July 2012 on actions taken to implement paragraph 29 of the Committee's 2010 Concluding Observations:

29. The Committee encourages the State party to continue its efforts to tackle the persistent problem of violence against women and 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 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. 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. The Committee requests the State party to include under the Committee's follow-up procedure referred to in paragraph 50 of the present concluding observations available 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.

The response for this section of the report was coordinated by the Australian Women Against Violence Alliance and reflects key views of Australian NGOs that responded to an online survey regarding the recommendations in paragraph 29 and/or commented on the draft report.

2. Violence Against Women in Australia

The levels of violence against women in Australia are well-known: around one-in-three Australian women have experienced physical violence and almost one-in-five have experienced sexual violence since the age of 15.² For certain groups of women, including Aboriginal and Torres Strait Islander women, rates are much higher (see page 15). The Federal Government devolves the majority of responsibilities for addressing and providing a response to violence against women and their children to the state jurisdiction level, with state and territory governments determining the level of investment in community services for women who have experienced, or who are currently experiencing violence. The governments at federal and state/territory-level are highly dependent on the community sector to provide specialist support to these women – crisis and longer term support services for domestic violence and sexual assault victims for example. Any community service provider offering support, counselling, legal or other service to women who experience any form of violence against women will be referred to in this report as the 'violence against women sector'.

3. National Plan to Reduce Violence Against Women and Children 2010-22

² Commonwealth of Australia (2011), *National Plan to Reduce Violence Against Women and their Children 2010-22*, Foreword

The Council of Australian Government's (COAG) *National Plan to Reduce Violence Against Women and Children 2010-22 (National Plan)* is welcomed by the non-government sector. Its strengths are identified as its national focus on violence against women, strong links between gender and other social inequalities and violence against women, and its focus on primary prevention.

Challenges and concerns

The non-government sector has a number of concerns about the resourcing, implementation and monitoring of the *National Plan*. These concerns were raised in the 2010 CEDAW review of Australia and have not since been adequately addressed. In particular, the *National Plan* will only be effective if:

- Service providers and communities are aware of the *National Plan's* existence and are consulted on the National Action Plan
- The National Plan Implementation Panel (NPIP), with its experts and key stakeholders, is effectively utilised in the design, development and implementation of the National Action Plan to help ensure it has maximum effect
- It is properly funded at both federal and state/territory-level
- It is implemented properly at both federal and state/territory-level, and progress is not compromised by changes of governments
- Its impact is monitored *and* evaluated, at both federal and state/territory-level, by an independent monitoring body
- Greater focus is directed to all forms of sexual violence, and all other forms of violence against women, whilst maintaining the strong focus on domestic and family violence
- Specific strategies are identified for particularly marginalised groups, with approaches and support services focussing on the needs of individual women and children and not trying to '*fit them into the system*' or treating women as a homogenous group
- It fully addresses violence against Aboriginal and Torres Strait Islander women, in close consultation and collaboration with Aboriginal and Torres Strait Islander communities (see **Section 2** of this report for more detail)

Fundamental to the success of the *National Plan* are:

- Appropriate funding for specialist support services for **all** women and children currently experiencing violence and abuse, wherever they live. Additionally, the capacity of such services to cater for increased demand needs to be strengthened substantially; increased demand can be driven by:
 - Improvements to justice system responses (for example police practice or legislative change)
 - Awareness-raising and primary prevention activities
 - Increased services and programs focusing on violence against women
- Primary prevention activities forming part of a comprehensive primary prevention strategy that focuses on sustainable and long-term social change

Awareness of National Plan

There is disparate awareness of the *National Plan* at community level. This was evident during Community Engagement Events, funded by the Commonwealth and hosted by AWAVA, to assist the implementation of the *National Plan* in five regional and remote areas in Australia, involving 137 members of the community in total.

Attendees were asked to rate their level of knowledge of the *National Plan* before and after the event: 62% across all events had no prior knowledge, or very little prior knowledge, of the *National Plan*. Fundamental to the success of the *National Plan* is community engagement on addressing violence against women and a firm understanding of the *National Plan* outcomes. Additionally, the first three-year action plan is intended to build momentum for primary prevention, particularly within communities; two years after its publication, the *National Plan* has not universally reached service providers on the ground or impacted on the wider regional, rural and remote communities. More work is needed on raising awareness of the *National Plan* and the state/territory-level plans.

Implementation

There is widespread concern about the lack of transparency, communication on – and evidence of – implementation, action, and progress reports from governments, federal and state, to the sector. There is a sense of disconnect between what the plan sets out to deliver and the reality on the ground as to whether the *National Plan* is being implemented adequately. Concerns include:

- Lack of involvement, consultation and collaboration with the violence against women sector in the development of the Implementation Plans at all levels
- Levels of buy-in and prioritisation of the *National Plan* and state-level plans vary across states/territories³; Tasmania's implementation plan is titled '*Reducing Violence*' without specific reference to women and children as intended by the *National Plan*. As a consequence, there is a high risk of a lack of cohesion between jurisdictional approaches
- Change of governments federally, and at state/territory-level, will impact adversely on the commitment to the national and state/territory-level implementation plans
- Funding threats to critical services and withdrawal of funding to services consistently undermine the *National Plan's* implementation
- Delay in publicly releasing jurisdictional implementation plans
- The delay in establishing the National Plan Implementation Panel (NPIP), which first met in year two of the first three-year Action Plan, and has only met once
- The need for transparency and accountability of the NPIP including how community organisations can provide input, and how the NPIP will provide feedback on their work to the wider community. Currently, the NGO appointees on the NPIP have to sign a confidentiality agreement which restricts open communication with the sector and limits informed and transparent representation
- The National Action Plan was developed without the input and advice of the NGO appointees on the NPIP

Funding

The majority view of the sector is that the *National Plan* has not been adequately funded. No new funding was announced with the *National Plan*, and the \$86 million often referred to by the Federal Government when referring to the *National Plan* includes initiatives dating back to April 2009. AWAVA submitted two pre-budget submissions⁴ for additional funding to address violence against women. Both were

³ A number of state and territory implementation plans are still to be finalised

⁴ One being a joint submission with the Equality Rights Alliance, another of the six National Women's Alliances; the other submission included projects improving equity of access to services proposed by NATSIWA and the Immigrant and Refugee National Women's Alliance

unsuccessful. Given AWAVA is Federally-funded as the specialist Alliance working and advising on violence against women, this was disappointing. There were no new commitments in the 2012 Federal Budget even though the budget was intended to protect ‘*the most vulnerable in our community and the frontline services Australian families rely on*’ and “*prioritising spending to ‘people most in need.’*”

The *National Plan* is suitably ambitious in its objectives but the low level of funding is an obstacle to its effective implementation. The level of investment needed far exceeds \$86 million; unless appropriate action is taken to prevent violence against women, the cost to the Australian economy is estimated to increase to \$15.6 billion per year by 2021-22.⁵ Additional concerns are:

- Federal funding: there were no new funding commitments for addressing violence against women in the 2012 Federal Budget
- The limited funding forces a narrowing of focus, restricts capacity to undertake significant research and analysis, and impacts on the *National Plan*’s effective coordination and implementation
- Increasing awareness and understanding of violence against women through prevention activities will increase demand for services. The current turn-away rate for refuge and shelter beds and specialist support is one-in-two on any given day, and there can be long waiting lists for sexual assault counselling and legal services. There is an urgent need for growth funding for specialist services which have not received growth funding in two decades. Some specialist organisations have not had any core, or ongoing funding, from any level of government
- Significant investment is needed for long-term primary prevention strategies
- Sustained investment is necessary for policing and justice system responses
- State/territory-level funding cuts to women’s services are an increasing concern, for example:
 - Queensland cut funding to *A Place to Call Home* program run by Sisters Inside, a service provider for women in prisons
 - Northern and Central Violence Intervention Programs, considered to be excellent integrated response programs in South Australia by the sector, were recently defunded
 - Victoria’s progressive Primary Prevention Strategy was dropped when there was a change of government. Funding cuts have also been made to the NGO women’s health sector which provides significant coordination and delivery of violence prevention work; additionally, funding was not renewed for *Project Respect*, a leading organisation working to support women in the sex industry, including women trafficked into the sex industry
- The future funding dedicated to the implementation of the *National Plan* at national and state/territory-level is unclear

Monitoring and Evaluation

Robust monitoring and evaluation of the *National Plan* is needed. An independent monitoring body, as recommended by the CEDAW Committee in 2010, needs to be established to undertake the monitoring *and* evaluation of progress against the *National Plan* outcomes. The current intention is for Commonwealth, state and territory ministers to oversee the *National Plan* implementation, monitor progress and develop further National Action Plans. The National Plan Implementation Panel

⁵ National Council to Reduce Violence Against Women and Their Children (2009) *The Cost Of Violence Against Women and Their Children*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra

(NPIP) is established to advise ministers (federal and state/territory-level) on the development and implementation of the *National Plan* and on emerging issues for subsequent National Action Plans, with a remit to ensure there is effective cross-government and cross-community collaboration. The NPIP includes Commonwealth, state and territory governments as well as 14 non-government appointees from agencies working with, or advocating for, women who have experienced violence or individuals appointed by the Minister, and other experts.

The NPIP was only established in year two of the first three-year National Action Plan, and does not include the features or resources that are necessary for independent monitoring *and* evaluation of the *National Plan*. Features considered important for monitoring *and* evaluation of the *National Plan* are:

- Independence from governments, with a body reporting to Parliament
- Accountability from both federal and state/territory-level governments
- Engagement with violence against women sector experts in metropolitan and regional, rural and remote areas, and the wider community; consultation with service providers working on the ground to identify and address disconnect between policy, need, implementation, delivery, impact and outcomes.
- Panel of experts representing the diverse needs of **all** women who experience **all forms** of violence
- Expertise in national policy development on violence against women, federal and state/territory-level budget development and how to actually influence the process
- Monitoring body to be fully-funded to undertake continual monitoring and scrutiny and evaluation of the *National Plan* implementation
- Publication of meaningful data to enable measurement of long term change across agencies and communities, with data disaggregated by state/territory and local regions as well as particular groups of women (for example Aboriginal and Torres Strait Islander, women from immigrant, non-English-speaking and refugee backgrounds and women with disabilities). Data to include quantitative and qualitative information. This should be through the establishment of the National Centre of Excellence referenced in the *National Plan* to “*build a strong and lasting evidence base*”. While it is in the *National Plan*, the Australian Government has not yet established this Centre. This Centre should be an independent body and should not duplicate the work of existing organisations
- Consistency in definitions and collection of data across states and territories to allow meaningful comparisons, as well as longitudinal consistency
- Annual evaluation

This independent monitoring body for the *National Plan* needs to be urgently established, given the current absence of rigorous monitoring and evaluation.

4. Strategies to prevent homelessness resulting from domestic or family violence and ensuring appropriate ongoing accommodation and integrated support

It is acknowledged that there have been improvements, as outlined in the *What works* section below; however, at both federal and state/territory-level, non-government organisations have expressed concern about the lack of adequate and appropriate crisis and ongoing supported accommodation and integrated support for women and children who are victims of domestic and family violence.

What works

- Specialist Women's Refuges and Domestic and Family Violence services and *Staying Home Leaving Violence/Stay Safe At Home* programs are strongly supported, but need to be expanded
- *B Safe* program is strongly supported as being an important program for some women to feel safe after violence
- Specialist Domestic Violence Units in police stations, particularly where adequate resources, training and organisational priority are given to the Units
- Specialist Family Violence Courts, which exist only in some states and territories
- Family Safety Meeting introduced in South Australia, helping to identify women facing domestic violence to all services, with prevention of homelessness a priority

What is not working

- The violence against women sector is massively under-resourced and has received no real growth funding for two decades; existing women's refuges and support services are under enormous pressure and stretched beyond capacity
- *The Road Home* - an ambitious plan for reducing homelessness across Australia, recognises the main structural driver of homelessness is domestic and family violence, but did not acknowledge existing pressures on services. Nor did the subsequent National Partnership Agreement on Homelessness have any core outputs specifically addressing homelessness driven by domestic and family violence
- Housing and supported accommodation options are limited, particularly in rural and remote areas, and for women from immigrant, non-English-speaking and refugee backgrounds, or Aboriginal and Torres Strait Islander backgrounds, women with disabilities, older single women, women leaving prison and for those under 18 that have experienced violence against women. Funding for the National Affordable Housing Agreement (NAHA) has not been able to grow supply of public and community housing stock to meet current demand
- There is a lack of integration across government and non-government sectors, including a lack of adequate resources for integrated work. For example, organisations are asked to provide integrated services but with no funds to actually set up integrated systems
- There is disconnect at the government level between different policy areas such as, domestic/family violence, housing, child protection and family law. The Australian Law Reform Commission review⁶ highlights the cross-jurisdictional challenges to implementing recommendations and legislative reforms nationally, particularly given the lack of shared definitions for family violence
- There is a lack of support workers that are trained in cultural competency in service provision

Areas to strengthen

Increase supply of affordable and appropriate housing: Suggested actions include:

⁶ Australian Law Reform Commission review terms of reference and recommendations (2010), www.alrc.gov.au/inquiries/family-violence/

- Supported, safe and affordable housing options, including ‘*Safe at Home*’ programs run by the specialist domestic and family violence sector who are experts in risk identification and risk management
- Access to support services that are ‘wrapped around’ individual woman’s needs, including legal advice and counsellors; and linked to best practice perpetrator programs for men that focus on ensuring the safety of women and children and men’s accountability for their use of violence
- Australian Government to develop strong links, synergy and joint outcomes between the *National Plan* and the Homelessness Agenda
- Funding for the National Rental Affordability Scheme should be increased by at least another 50,000 homes, and investment in social housing to increase availability of affordable and accessible housing across Australia

Securing women’s and children’s safety: Suggested actions include:

- Improving victims access to legal services, including increasing funding for specialist women’s legal services, including Aboriginal and Torres Strait Islander women’s legal services, and legal aid, which continues for the duration of the legal process
- Strengthening responses to, resources, and accountability measures for, men who use violence, through community-based men’s behaviour change programs which work to appropriate standards
- Requiring mandatory training for Child Protection Services, police, magistrates and judiciary to ensure a good understanding of violence against women and the impact on the safety of women and children

Equity of access to service: This is essential, particularly for Aboriginal and Torres Strait Islander women, women from immigrant, non-English-speaking and refugee backgrounds, and women with disabilities, wherever they live. This includes:

- Support services being available, and accessible to, women in all areas (especially in regional, rural and remote areas)
- Genuine community consultation with Aboriginal and Torres Strait Islander and women from immigrant, non-English-speaking and refugee backgrounds to develop culturally appropriate programs and responses
- Improving cultural competence of mainstream and specialist services to address the needs of Aboriginal and Torres Strait Islander women, in consultation with Aboriginal and Torres Strait Islander women
- Strategies to address the specific needs of **all** women experiencing violence in **all locations**, including violence against women with disabilities; Aboriginal and Torres Strait Islander women; women from immigrant, non-English-speaking and refugee backgrounds; women who identify as bi-sexual, lesbian, same-sex attracted, queer or transgender; younger women; older women; women in prison (given 89% of women in incarceration have been sexually assaulted at some point in their lives⁷), and women who are, or have been in the sex industry, including those trafficked. Accessible services must exist in urban, rural, regional and remote areas and be accessible by public transport
- Providing cultural competency training and education on violence against women and funding for interpreters handling disclosures from women from non-English speaking, immigrant and refugee backgrounds

⁷ Kilroy, Debbie (2001) “When Will You See the Real Us?” Women in Prison Journal ,October 39.

- Fully accessible accommodation and support, along with improved awareness of the issues women with disabilities experience; addressing violence against women and girls with disabilities in institutions – group homes, supported accommodation, prisons, psychiatric institutions, hospitals or schools

Primary prevention needs greater investment: A comprehensive primary prevention strategy is needed, including both whole-of-school and whole-of-community approaches. Respectful relationship programs need to be:

- targeted to all students from pre-school to tertiary level
- underpinned by education about gender and other social inequalities
- reinforced by teachers and embedded in the everyday curriculum through the provision of both pre and in-service training
- reflected in responsible media reporting and media portrayals of women, and
- sustained by long-term social marketing campaigns (over at least 10 years) to drive changes in community attitudes and behaviour
- supported by community engagement on addressing violence against women

Investing in primary prevention responsibly: All services supporting women who have experienced violence, must be appropriately resourced to respond to increased demand resulting from community awareness-raising and improved system responses. Turn-away at domestic and family violence services or long waiting lists for sexual assault services must not continue or increase. There needs to be investment in services to address women and children currently experiencing violence in a timely and appropriate way, *and* help to incorporate primary prevention activities into their core business as they are the specialists best placed to do this work. Primary prevention activities undertaken without specialist guidance can result in further risk or harm to women and their children.

5. Adequacy of existing federal and state/territory-level legislation addressing domestic/ family violence and/or sexual violence or assault

There have been significant improvements in federal and state/territory-level legislation and there is legislation criminalising domestic violence, but improvements are still needed. One example is that provocation as a form of defence still exists in some state/territory jurisdictions. The Australian Government is to be commended for its recent changes to the *Family Law Act 1975*, which prioritise the safety of children and provides a more detailed and specific definition of family violence, which includes stalking, financial abuse, property damage, witnessing abuse and abuse of pets.

Improvements needed:

- Improving the rates of charging, prosecuting and sentencing for men who perpetrate violence against women (for example in areas of partner rape and non-physical violence, such as economic emotional and psychological abuse)
- Eliminating secondary victimisation of women and children going through the courts; through, for example, Witness Assistance initiatives based in Offices of Public Prosecutions in Victoria
- Training for police, judiciary and magistrates, particularly as the level of convictions remains low for sexual violence and sex trafficking crimes
- Ensuring legislation in all states and territories includes a definition of 'domestic violence' that addresses violence against women with disabilities

- Including domestic violence as a ground of discrimination in the consolidated Commonwealth Anti-Discrimination Laws to provide an express protection in the workplace, or in securing accommodation or services, for victims of domestic violence
- Including further amendments in the *Family Law Act 1975* to remove any lingering presumptions about shared parenting which can be poorly interpreted through the courts. Each family, and each individual child in each family, is unique and has different needs. This is especially true for children who have experienced violence and abuse. There should be no single starting position for working out the best interests of each child. This should be determined on a case-by-case basis
- Providing Commonwealth, state and territory funding to provide technology safety training across Australia to improve the safety of women and children and improve the use of technology as evidence against perpetrators. Technology is increasingly being used to stalk, harass and locate women and children. Women and advocates need to be trained to be more aware of tracking devices and how they can protect themselves and collect evidence to support their case. WESNET, through Safety Net Australia, in collaboration with the US National Network of Ending Violence, are providing much needed training to the sector

ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN

1. The CEDAW Committee's recommendations

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) has coordinated this section of the report on the Australian Government's implementation of paragraph 41 of the 2010 CEDAW Committee's Concluding Observations, noting that paragraph 41 makes reference to temporary special measures outlined in paragraph 27.

41. The committee reiterates its previous recommendation that the State party adopt and implement targeted measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No.25, to improve Indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests. 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. 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.

27. The Committee reiterates its recommendation in its previous concluding observations (CEDAW/C/AUL/CO5, para 17) that the State party fully utilize the Sex Discrimination Act and consider the adoption of temporary special measures, in accordance with article 4 paragraph 1, of the Convention and the Committee's general recommendation No.25, 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 and women from ethnic minorities.

"As a group, black women are in an unusual position in this society, for not only are we collectively at the bottom of the occupational ladder, but our overall social status is lower than that of any other group. Occupying such a position, we bear the brunt of sexist, racist and classist oppression."⁸

Aboriginal and Torres Strait Islander women have for many years continued to experience a level of discrimination, racism and disadvantage in Australia. The extent of this disadvantage and discrimination is also compounded by individual experiences, cultural identity and geographical positioning.

The Australian Indigenous population makes up 2.5% (548,370 approximately) of the total Australian population. The Indigenous women's population makes up 50.70% (278,038) of the overall Indigenous Australian population. Almost 49% of the Indigenous population are under the age of 20 and a further 16% are between 20 and 30 years. Additionally, almost two-thirds of Indigenous people live outside the major cities. These are important considerations that contextualise the responses for this report. The terms 'Aboriginal and Torres Strait Islander' and 'Indigenous' are used interchangeably throughout.

⁸ Bell hooks, b. 2000. *Feminism is for everybody: passionate politics*.

After consultation with key stakeholders in developing this report, it is apparent that there is little knowledge of the 2010 CEDAW Concluding Observations amongst Aboriginal and Torres Strait Islander women. Whilst there is basic knowledge of international forums, much of the focus is on the United Nations Permanent Forum on Indigenous Issues (UNPFII) rather than on CEDAW or the Commission on the Status of Women (CSW). There is limited information or promotion (aside from the material produced by YWCA and some of the National Women's Alliances) of specific CEDAW recommendations that impact directly on Aboriginal and Torres Strait Islander women. This is of critical concern to NATSIWA and its members, as CEDAW and CSW are important mechanisms for inclusion and advocacy work to leverage from in relation to gender equality. These International mechanisms are the cornerstone of accountability for the Australian Government and their responsibility to deliver on these measures are vitally important to the well-being of Aboriginal and Torres Strait Islander people.

This report addresses each aspect of the Concluding Observations paragraphs under separate sections.

2. Quality education: including post-graduate education and vocational training

In recent years there have been slight increases in the numbers of Aboriginal and Torres Strait Islander women accessing education opportunities. This is in line with a steady increase overall in relation to Indigenous access to education and retention rates in High Schools and tertiary institutions. Recent 2011 Census data⁹ on Aboriginal and Torres Strait Islander education indicates that there are 5,582 people accessing Technical and Further Education with a further 3,326 people accessing University or other tertiary institutions. This is still a low percentage of only 1.62% accessing tertiary education. However, it is also evident that literacy and numeracy issues continue to be a significant factor in accessing education opportunities. In consultations with NGOs they noted that access to some tertiary courses and vocational training seemed to have improved slightly, but most courses were '*too expensive*' for people to fully participate in. This, coupled with minimum entry requirements and lack of support, often hindered people's progress with education. Additionally, investment in education should also occur at a more practical level, in terms of building self-esteem, mentoring programs, understanding legal and political processes etc. as these were also seen as vital to success and informed action further down the track

Challenges and concerns

The non-government sector and particularly NATSIWA continue to be concerned with the level of access and support for Indigenous women to access appropriate training and education opportunities. Resources and funding continue to be a significant obstacle for Aboriginal and Torres Strait Islander women to afford to undertake further study and training. This coupled with implications of transport, access to childcare, and ongoing family and cultural responsibilities continue to see Aboriginal and Torres Strait Islander women marginalised or excluded from quality education opportunities. Education will remain the cornerstone to advancement and inclusion and must see:

⁹ Aboriginal and Torres Strait Islander community profile data
www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/0?opendocument&navpos=230

- Further targeted funding and resources for Aboriginal and Torres Strait Islander women to access education at all levels including secondary, tertiary and vocational. But also community and individual education programs to empower and strengthen our women's self-esteem and motivation are equally important
- Consideration must be given to providing alternative methods of education for rural and remote locations, and consideration of special entry provisions to provide greater access to education options
- Appropriate infrastructure must be in place to support distance education opportunities and language diversity
- See section on justice for issues relating to education and the legal system

3. Adequate health and social services

Australia's peak Indigenous and non-Indigenous health bodies, NGOs and human rights organisations have worked together towards improving health and life expectation equality for Aboriginal and Torres Strait Islander peoples. As part of this focus, the Close the Gap campaign was developed to address the poorer health of Australia's Aboriginal and Torres Strait Islander peoples. As part of the fundamental aims of the campaign, the intent is to close the health and life expectancy gap between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians within a generation.

Presently, there are over 70 specific Aboriginal and Torres Strait Islander Medical Services in Australia and peak organisations that support the health and wellbeing of Aboriginal and Torres Strait Islander peoples. Many of these services focus specifically on community health matters and employ a number of Aboriginal and Torres Strait Islander health professionals to address the health issues facing Aboriginal and Torres Strait Islander peoples. In 2010, the Australian Women's Health Network also established the National Aboriginal and Torres Strait Islander Health Strategy to address the linkages between low socio-economic disadvantage and poor health outcomes, particularly amongst minority groups. This is important work and an area of which NATSIWA will be a strong advocate and stakeholder.

Additionally, through the Close the Gap campaign there has been a concerted effort from all stakeholders in playing a critical role in improving health outcomes for Indigenous Australians. In the 2012 Shadow Report¹⁰, there have been two events that will be vital to achieving positive outcomes:

- Aboriginal and Torres Strait Islander health peak bodies working through the National Congress of Australia's First peoples established the National Health Leadership forum. This is to advise the Congress in health matters, but also be the Congress' partnership vehicle when working with Australian governments to improve Aboriginal and Torres Strait Islander health; and
- The Australian Government announced its intention to develop an Aboriginal and Torres Strait Islander Health Equality Plan in partnership with Aboriginal and Torres Strait Islander peoples and their representatives through Congress

Challenges and concerns

¹⁰ 2012 Shadow Report (on the Australian Governments' progress towards closing the gap in life expectancy between Indigenous and non-Indigenous Australians), Australian Government

NATSIWA is a member of the National Congress and through this representation will provide input into these key processes on behalf of Aboriginal and Torres Strait Islander women. However, more needs to be done to ensure that voices and views of Aboriginal and Torres Strait Islander women are included in consultation and are placed at the fore of policy and service development.

- We note that changing health standards is a long-term goal and as such, adequate funding and resources remain critical to improving the life expectancy of Indigenous Australians and this must continue beyond the commitment of Close the Gap campaign

4. Legal literacy and access to justice

Aboriginal women are 35 times more likely to be hospitalised due to family violence and are 45 times more likely to experience domestic violence if they are living in rural and remote areas of Australia. Statistics also show that Aboriginal and Torres Strait Islander women experience severe levels of sexual assaults with one in three women reporting this level of abuse and violence. These continue to be alarming statistics and are an all too common experience for Indigenous women. The *National Plan to Reduce Violence Against Women and their Children* goes some way in addressing the issue of family, domestic and sexual violence in communities and recognises the need for culturally-appropriate responses. It is noted that Outcome 3 is focused on *Strengthening Indigenous Communities* and provides some practical measures for Aboriginal and Torres Strait Islander women. The *National Plan* does not go far enough and more needs to be done to protect the lives of Aboriginal and Torres Strait Islander women and children. Views and areas of concern for Aboriginal and Torres Strait Islander women on domestic and family violence are also captured in **Section 1** of this report.

It is evident that there are strong linkages between Aboriginal and Torres Strait Islander women's experiences with family, domestic and sexual violence and their interactions with the justice system. In many cases we are now seeing the criminalisation of women as victims in the judicial process. The type of legal services that are available in rural and remote locations varies from state to state, however, there are a small number of Aboriginal and Torres Strait Islander women's legal services established to address the specific and cultural needs of Indigenous women.

Despite the recommendations of the CEDAW committee, in the past few years there has been no expansion to the number of services available, nor any growth for existing services. In consultation with Aboriginal and Torres Strait Islander women's legal service, most identified that in recent times there has actually been a decrease to their funding and resources. Some of this can be attributed to increase in award wages, insufficient supplementary income and rising costs to meet day-to-day expenses. The demand on these services continues to grow, and it is becoming more difficult for the services to adequately respond to the needs of their client group. Demand for these services remains high and it is often difficult for clients to access due to location, access to transport, support and resources. Additionally, the consultations highlighted a lack of Indigenous legal practitioners to work within these and other legal services. There also needs to be a more concerted effort in educating Aboriginal and Torres Strait Islander women about the legal process, understanding their rights and encouraging more women to seek justice.

Sisters Inside is a national advocacy and rights organisation that supports women in prisons based in Queensland. Under the new state government two funded programs have ceased. These programs specifically assist women in the state prisons (with over 80% of the women in prisons being Aboriginal and/or Torres Strait Islander, and 90% being unable to read and write). Additionally, a second program has ceased that provided support to women going through the Special Circumstance Court in Queensland. This further marginalises and potentially leads to the greater criminalisation of Aboriginal and Torres Strait Islander women, with flow on effects to family and children's safety.

It is recognised that Aboriginal and Torres Strait Islander women are predominately the victims of violence and their access to gender and culturally-appropriate services remains limited. The Australian Government must do more to ensure that women are able to access safe houses, discuss 'women's business' in a safe (and culturally-safe) environment, access legal practitioners that are attuned to women's situations and be mentored and encouraged through the justice system. This will also help in preventing the numbers of Aboriginal and Torres Strait Islander women being criminalised and incarcerated due to poor legal representation.

Examples that can be cited include:

- In the Northern Territory and Western Australia there are inadequately prepared legal representatives due to the circuit model of fly-in and fly-out ¹¹
- In some circumstances, there have been situations where Aboriginal and Torres Strait Islander women have not had adequate access to legal representation through the Aboriginal and Torres Strait Islander legal services. This is in part due to conflict of interest but also a male-dominated structure and culture within the service
- Substantial funding cuts across the legal sector have a disproportionate effect on Aboriginal and Torres Strait Islander women
- Language and cultural diversity also remain critical to women accessing appropriate legal representation. Particularly where services cover a large geographical area, it can be difficult to access skilled workers and translators to assist women through the legal process

Challenges and concerns

Indigenous women face significant barriers in accessing the family court system and adequate legal support and need targeted education programs to identify their rights and to navigate the legal system

- Many Aboriginal women are in prison for breaches of Domestic Violence Orders (DVOs) from protecting themselves against violent partners; orders that were intended to protect women are being used to criminalise them
- Women are remaining in unsafe relationships and not reporting domestic violence to avoid arrest for outstanding fines/warrants; the incidence of domestic violence must take priority over fines
- There is a need to increase funding and support for specialist programs including crisis response, refuges, housing and continue funding to those already providing services; including Aboriginal and Torres Strait Islander women in the

¹¹ The circuit court model is specifically designed to provide legal services and conduct court hearings in remote locations. They are placed on a schedule where all matters will be heard for that region on a particular date and time.

development of appropriate services and ensuring that mainstream services are culturally-aware and sensitive

- There is a need to better fund services to employ Aboriginal and Torres Strait Islander women in domestic/family violence specialist services to tackle the problem, in line with the prevalence data and longer term impacts
- Greater understanding is needed of the impacts of colonisation and ongoing intergenerational trauma on Aboriginal women and their communities, addressing this within a model of self-determination
- Any initiatives must be planned and implemented in collaboration with, and in recognition of the intersecting disadvantage on, Aboriginal and Torres Strait Islander communities
- A national consultation with law societies should be undertaken, particularly to discuss with Law Societies¹², Indigenous members and the Bar to establish employment pathways for Aboriginal and Torres Strait Islander qualified legal representatives
- It needs to be widely understood that addressing violence against Aboriginal and Torres Strait Islander women is a generational change process

5. Adoption of temporary special measures

The Australian Government has made a fundamental commitment to implementing gender equality principles to increase the numbers of women in public and political life. However, this has not resulted in the adoption of temporary special measures on a broader scale, or with a particular focus on Aboriginal and Torres Strait Islander women. This intersectionality is of high importance however, there does not seem to be any progress on behalf of the Government in this regard. There is a great deal of work to be done and temporary special measures presents a substantial challenge in trying to change the status quo and create meaningful and legitimate opportunities for women.

In the Australian Federal Parliament there has been a slight increase in the number of women holding representative positions, however, this has still not improved for Indigenous women. Both the Labor and Greens parties have adopted an affirmative action strategy that ensures a high percentage of women candidates are pre-selected in 'safe' seats to ensure a consistent representation of women. The Liberal/National Party (LNP) however, does not have the same affirmative action principles and as a result has fewer women in the Parliament. In the State of Queensland we have seen the substantial impact of this occur in that there were 49% of women in the Labor government, which then shifted to only 18% in the LNP following the 2012 state elections. Further to that, no parties have adopted an affirmative action strategy for the inclusion and increase in representation of Aboriginal and Torres Strait Islander peoples. Since CEDAW 2010 we have not seen an increase in Aboriginal and Torres Strait Islander women's representation at either federal or state-level.

Similarly, the Australian Government also developed a number of strategies to increase the representation of women on boards and committees, in particular, the top 200 Companies in Australia. Part of this strategy has been to provide scholarships to women to access the Company Directors training and affirmative action principles. Sadly, this again has not resulted in an increase for Aboriginal and

¹² Law societies are representative bodies for solicitors. They service solicitors and community and promote the fair practice of law.

Torres Strait Islander women, as there appears to be no sub-strategies that seek to engage and promote Aboriginal and Torres Strait Islander women to these roles and positions. In fact, there is no evidence available that indicates any Aboriginal or Torres Strait Islander women were awarded any of the scholarships available.

6. 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

It is encouraging to see that there have been some advancements in terms of gender equality principles. With the recent establishment of the National Congress of Australia's First Peoples¹³, they have adopted gender equality principles at all levels including a male and female co-chair to help address the inconsistency in representation of Aboriginal and Torres Strait Islander women. This was a consistent message received through national consultations to develop a new model for inclusion and representation for Indigenous peoples, ensuring equal participation of Indigenous women in governance and decision making. *"There was strong support for equal representation of women in any structure for the new National Representative Body – however it is constituted. This should not displace appointment processes that are based on merit"*¹⁴. Since its inception, the Congress has implemented these gender equality principles but has done little to advance the conversation in other regards. The National Congress must now take on a fundamental role in advancing gender equality into action for formulating policy positions, advocating for a gendered perspective and holding the Government to account in implementing actions in line with International obligations around gender equality and Indigenous participation. NATSIWA will also work with Congress to encourage more Aboriginal and Torres Strait Islander women's organisations to join Congress to represent women's interests more broadly.

The Australian Government, through the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) has been running an Aboriginal and Torres Strait Islander Women's Leadership Program. This program was designed to help support Aboriginal and Torres Strait Islander women's aspirations in leadership and increase knowledge and skills to pursue further leadership roles. There have been a substantial number of Aboriginal and Torres Strait Islander women who have accessed this program (over 500), although many women who have undertaken the program note that it is an introductory-level program and is not accredited, and therefore does not necessarily lead to other advanced leadership or learning opportunities. In recent years the funding to this program has been reduced and there are now fewer courses available at this time, therefore further limiting the opportunities for education and development for Aboriginal and Torres Strait Islander women.

The Australian Indigenous Leadership Centre (AILC) has also run a range of accredited programs in Leadership for Aboriginal and Torres Strait Islander peoples. Whilst the courses have not been specifically targeted to women, the AILC has seen a high percentage of women participating (above 70%) which shows a positive approach to learning. The AILC is a not-for-profit organisation that relies on recurrent funding from the government and corporate sector so that it can offer the

¹³ The *National Congress of Australia's First Peoples* was established in 2010 as peak National Representative body. *National Congress of Australia's First Peoples Fact Sheet*. 2011.

¹⁴ Australian Human Rights Commission. *Our Future in Our hands: Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander*. Australian Human Rights Commission. 2009. 16

courses at no cost to the participants. This demonstrates the high demand from women to access education opportunities, but also indicates a high success rate due to the funding model. There needs to be continued funding and support for institutions such as this, not only to increase access to education, but to provide practical tools to help foster leadership development amongst Aboriginal and Torres Strait Islander women.

One of the most successful programs is the OXFAM program *Straight Talk* which was established three years ago. *Straight Talk* is an event that gives Aboriginal and Torres Strait Islander women the opportunity to learn about how to use the Australian political system to bring about broad and lasting positive change to their communities. As part of the program, participants get to meet with female parliamentarians with the intention of breaking down barriers to access, and establishing ongoing relationships. It is hoped that this then translates into Aboriginal and Torres Strait Islander women taking on participation in public and political life in the future. Over 250 Aboriginal and Torres Strait Islander women have participated in the program and follow up consultations have identified that some participants have returned to communities, joined political parties, stood for election in formal and informal ways, taken on leadership roles and have continued to work with parliamentarians to advocate for their communities and needs.

This identifies some of the main nationally targeted programs that exist for Aboriginal and Torres Strait Islander women, and there are many more examples that can be cited at a local, regional and state level. It also highlights the disparity between access to accredited and non-accredited training. Whilst the non-accredited programs are valuable and need to remain accessible, there is also a need to ensure that all education and training opportunities are recognised as valuable and skills-based development. Underpinning all of these programs is the need for ongoing funding, support and resources to support the long-term investment in Aboriginal and Torres Strait Islander women, coupled with opportunities to put these skills into practice, to advance careers and develop leadership capability.

Challenges and concerns

A large focus of work in the Aboriginal and Torres Strait Islander Affairs portfolio focuses specifically on social justice reform and very little on the increased capacity of women generally. There is little discussion around the implementation of temporary measures or gender equality principles and how they relate to Aboriginal and Torres Strait Islander women. There also appears not to have been any substantial long-term commitments to increase the participation of Aboriginal and Torres Strait Islander women in public and political life. Substantial and long-term investment is the only way that there will be change in this regard. Providing focussed education and skill development will be the first step in ensuring that Indigenous women have access to opportunities, but also providing opportunities on boards and committees will be critical to strategic and socio-economic growth. In particular, more must also be done to support an increase in Aboriginal and Torres Strait Islander women taking on formal representative roles at all levels of government and within State and Federal Parliaments.

Evaluation mechanisms for leadership programs, which are reflective of Aboriginal and Torres Strait Islander women's experiences and journeys into different phases, is also an important process to consider. This then provides the framework for new

programs to increase the level of participation in leadership and movement through different tiers, and formal and informal structures, e.g. community representation, into state representation and on to national and international opportunities.

NATSIWA has been established as one of the six National women's Alliance as part of the Government's commitment to gender equality and inclusion. NATSIWA's role is to represent the interests of Aboriginal and Torres Strait Islander women and provide input into key policy development and social development; however, this work must also be in conjunction with other service providers. In particular, NATSIWA sees the National Congress for First Australians to have a lead role on the inclusion of gender equality in policy and service provisions and taking steps to ensure that the Government remains accountable.

Ongoing funding for already established programs such as the Australian Indigenous Leadership Centre and *Straight Talk* will also be vital in building capacity at all levels within Aboriginal and Torres Strait Islander communities. Additionally, support to foster an internship program for Aboriginal and Torres Strait Islander women will provide exposure to the mechanism of the government and political systems and provide an invaluable learning opportunity to increase the participation of Aboriginal and Torres Strait Islander women in public and political life.

Annex A: Organisations Endorsing NGO Follow-Up Report



economic
Security4Women



Endorsement extension
until 9/8/12

National Rural Women's Coalition



Equality Rights
Alliance

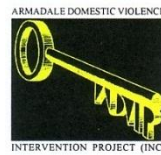


Network of Immigrant and Refugee
Women Australia Inc.

Organisation



Annie North Inc.



Organisation

Armadale
Domestic
Violence
Intervention
Project Inc.



Association of
Women Educators
(AWE)



Australasian
Council of Women
and Police
(ACWAP)



Carnarvon Family
Support Service



Centre for Non-
Violence (CNV)



Coalition of
Women's Domestic
Violence Services
of SA Inc.



Domestic
Violence Legal
Workers Network



Domestic Violence
Victoria (DV Vic)



Federation of
Community Legal
Centres Victoria



Gippsland
Community Legal
Service



Human Rights
Law Centre
(HRLC)



Kingsford Legal
Centre



Multicultural
Services Centre of
W.A. Inc.



National Council of
Jewish Women
Australia Ltd
(NCJWA)



New South Wales
Women's Refuge
Movement (NSW
WRM)



North Queensland
Domestic Violence
Resource Service
(NQDVR)



Patricia Giles
Centre Inc.



Peninsula
Community Legal
Centre



Sera's Women's
Shelter

Contacted 2/8/12 for logo

Stirling Women's
Refuge



Sydney Women's
Homelessness
Alliance



Top End Women's
Legal Service



Women's Health
Goulburn North
East



Women's
International
League for Peace
& Freedom -
Australian Section
(WILPF)
Women's Legal
Services Australia
(WLSA)



Women's Law
Centre of WA



Women's Legal
Service (Brisbane)



Women's Legal
Services NSW



Women's Legal
Services Victoria



Women's
Services Network
(WESNET)



Women With
Disabilities Australia
(WWDA)



Zena Women's
Services Inc.