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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Thirty-fourth session**

16 January-3 February 2006

**List of issues and questions with regard to the  
consideration of periodic reports**

**Australia**

**Introduction**

The pre-session working group examined the combined fourth and fifth periodic report of Australia (CEDAW/C/AUL/4-5).

**General**

1. Please provide information on the process of preparing the combined fourth and fifth periodic report. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was presented to Parliament.
2. Please provide updated information and statistical data disaggregated by sex and ethnicity on the main provisions of the Convention for the period that is not covered by the report.

**Constitutional, legislative and institutional framework and status  
of the Convention**

3. Other treaty bodies have consistently expressed concern about the status of international human rights treaties in Australia's domestic legal system and the absence of entrenched constitutional provisions to give effect to these treaties (see for example the concluding observations of the Human Rights Committee (A/55/40, paras. 514 and 518), the Committee on Economic, Social and Cultural Rights (E/2001/22, para. 379) and the Committee on Racial Discrimination (CERD/C/AUS/CO/14, para. 9)). Please provide information on what measures are being considered to provide for an entrenched guarantee against discrimination on

the basis of sex in line with the Convention that would override the law of the Commonwealth and the states and territories, and what mechanisms are in place for Australia to fulfil its obligation to ensure that Convention rights are respected and given full effect in all states and territories.

4. The report makes reference to judicial education programmes, including diversity training to identify and address gender bias in the legal system (paras. 530 and 531). Please provide more details on these training programmes, including whether any training is provided for judges on the application of the Convention in domestic decision-making.

5. Please provide details of any cases in which the Convention has been used or relied on in the courts.

6. In its previous concluding comments,<sup>1</sup> the Committee expressed concern about the reduction in funding for the Office of the Status of Women and the Human Rights and Equal Opportunities Commission, and the weakened role of the national machinery for the advancement of women in providing policy advice on equality and on monitoring the effective implementation of such policies (para. 391). The Committee recommended that the State party monitor the impact of these policy changes for inclusion in its next periodic report (para. 398). Please provide updated information in this regard, including whether the budget and the role of the national machinery for the advancement of women, including the Office of the Status of Women, has been improved and strengthened since the last report.

7. Australia maintains its reservations over article 11 (2) of the Convention. The report discusses the reservations in several places but does not state whether the Government is considering their withdrawal. Please indicate the intention of the Government in this regard, and the steps that are being taken to begin the process of consultation necessary for the removal of the reservations described in paragraph 19 of the report.

### **Violence against women**

8. Despite the significant achievements of the Government in its efforts to combat violence against women, the Special Rapporteur on violence against women reported a rise in the number of sexual assaults from 2000 to 2001 and noted that the 1996 Women's Safety Survey carried out by the Australian Bureau of Statistics had found that 9 out of 10 victims of sexual assault did not report the assault to the police (E/CN.4/2003/75/Add.1, para. 918). Please provide updated statistics and information on the incidence of sexual assault in Australia, including the reporting and conviction rate, and indicate what is being done to encourage women to make use of the criminal justice system to report incidents of sexual assault.

9. The Special Rapporteur on violence against women reports that the most significant group of women suffering domestic violence are indigenous women, followed by refugee and migrant women, as they are not able to benefit from the strong legislative framework and comprehensive support systems to address domestic violence (ibid.). Please provide information on what programmes are in place to enable indigenous, refugee and migrant women to take advantage of legislation and support systems to address domestic violence and the progress made in the initiative to tailor-make strategies to combat domestic violence for these groups of women. Please also provide information on the progress of efforts to

systematize the domestic violence law and of initiatives aimed at strengthening law enforcement.

### **Trafficking and exploitation of prostitution**

10. In its previous concluding comments,<sup>1</sup> the Committee noted the differing state provisions relating to prostitution and encouraged the Government to assess the effectiveness of varying measures in reducing the exploitation of prostitution (para. 403). Please provide information on whether this study has been undertaken and, if so, the outcome.

11. Please provide updated information on measures to reduce paedophilia and sex tourism involving Australia men, primarily in Asian countries, and the situation of women brought to Australia as brides.

### **Participation in political and public life**

12. In its previous concluding comments,<sup>1</sup> the Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in decision-making, politics and administration and the judiciary (para. 404). Please provide this information.

13. The report states that measures to increase the number of women in political and public life have not relied on prescription or compulsory quotas and that Australian women are selected on their merits to the highest levels (para. 112). In the light of recommendation 25 on article 4, paragraph 1 of the Convention on temporary special measures, please indicate why quotas or targets are not used to increase the number of women in political and public positions, particularly for those who may be or are subject to multiple forms of discrimination, such as women belonging to ethnic minorities and immigrant women.

### **Stereotypes and education**

14. The report indicates that the Government has given priority to the elimination of harmful gender stereotypes in the Beijing Plus Five Action Plan 2001-2005 (para. 68), but does not provide any details of the strategies that have been adopted for the eradication of patriarchal norms and stereotypes in Australia, nor of the measures in place to combat the acceptance of stereotypical roles of men and women. Please provide details on whether a comprehensive strategy exists to address the prevalence of stereotypes that inhibit the full participation of women in Australia, and the efforts the Commonwealth, state and territorial governments have taken to eliminate stereotypes across all sectors and spheres, in accordance with article 5 (a) of the Convention.

15. The report notes that Australia established a new set of National Goals for Schooling in the Twenty-First Century (para. 213), but does not provide any information on what priorities and strategies have been identified to tackle specific issues relating to girls' education and national plans to eradicate stereotypes through the education system. Please provide this information. In addition, please provide information on any evaluation of the National Women's Vocational and Educational Training Strategy (1996) and the New Apprenticeship Reforms (paras. 223-224), focusing on how indigenous women have benefited from these programmes.

16. The report states that while young women perform better than young men at schools and are better represented in higher education, women still have inferior labour market outcomes owing to a variety of factors (para. 222). What strategies has the Government put in place or considered to ensure that young women seek and retain jobs commensurate with their academic achievements?

17. Please provide information on the gender differentiated impact of the Higher Education Support Act (2003), which increases university fees by 25 per cent, and the Higher Education Support Amendment Bill (2005), which limits essential services on campuses, such as affordable and flexible childcare, welfare, accommodation and counselling services.

18. Please indicate what steps are taken to ensure full access for and retention of indigenous girls at schools across all states and territories and their level of achievement.

### **Employment**

19. In its previous concluding comments,<sup>1</sup> the Committee recommended an evaluation of the Workplace Relations Act of 1996, including an assessment of its impact upon women of different age groups, different educational levels and in different occupational groups. The Committee particularly required an assessment of the impact of the Act on part-time and casual work, on women workers' benefits and on workers with family responsibilities, particularly women's ability to obtain maternity leave (para. 399). Please indicate whether such an evaluation has been conducted and its results. Please also indicate the impact of the Equal Opportunity for Women in the Workplace Act of 1997.

20. Australia does not have legislation providing for paid maternity leave, and according to the report, only 38 per cent of women workers have access to paid maternity leave (para. 254). The report also indicates that a study was conducted in 2001 by the Human Rights and Equal Opportunities Commission on the options available for implementing a national paid maternity leave scheme in Australia (para. 255). Please indicate what options are presently being considered to institute paid maternity leave across all states and territories in Australia.

21. In its previous concluding comments, the Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in the workforce (A/52/38/Rev.1, para. 404). Please provide these data as well as details on steps taken to develop a policy on equal opportunities and details on financial resources that have been allocated to the Indigenous Employment Programme.

22. The Committee on Economic, Social and Cultural Rights expressed its concern that homeworkers, who are predominantly women, do not enjoy any social protection and earn substantially less than the minimum wage (E/2001/22, para. 383). Please indicate what measures the Government has taken to address the position of homeworkers, including measures to ensure that they receive the official minimum wage and that they benefit from adequate social security.

## **Health**

23. In its previous concluding comments,<sup>1</sup> the Committee requested that the Government provide data and indicators on health disaggregated by sex, age, ethnicity, rural/urban areas and other distinctions (para. 400). Please provide this information, including information on maternal mortality rates, incidence of sexually transmitted diseases and cancers affecting women and rate of screening of such cancers.

24. As requested by the Committee in its previous concluding comments (para. 400), please provide data on the impact on women of the shift in responsibility for health care from the federal to the state level. In light of the trend towards privatization of hospitals and health services, please provide information regarding affordability of health services for women as indicated by average individual amount spent on health care in relation to income, length of waiting period and government expenditure on health services based on gender and ethnicity and services for disabled women and women living in remote areas.

25. The report states that the Government is providing funding to improve indigenous peoples' access to comprehensive primary health-care services (para. 370). Please provide information on what other strategies, including awareness-raising, are in place to improve Aboriginal and Torres Strait Islander women's access to health care services.

## **Rural, indigenous and migrant women**

26. Please provide information on the impact of national initiatives described in the report (paras. 141-142 and 477-478) on rural women's participation in decision-making.

27. In its previous concluding comments, the Committee was concerned that the situation of Aboriginal and Torres Strait women, as well as those of migrant women, had been further compromised by an apparent rise in racism and xenophobia in Australia (para. 397). Please indicate whether any studies have been conducted to indicate the impact of racism and xenophobia on women and what strategies the Government has considered to alleviate their impact on women.

28. The Committee on the Elimination of Racial Discrimination expressed its concern about the mandatory detention of illegal immigrants and asylum-seekers, in particular in the case of women and children (CERD/C/AUS/CO/14, para. 23). Please provide information on how many women are in mandatory detention and for how long, and what is being done or contemplated to alleviate the plight of women in mandatory detention.

29. The Committee on the Elimination of Racial Discrimination noted that indigenous women constitute the fastest-growing prison population (CERD/C/AUS/CO/14, para. 21). Please indicate the reasons for this trend and what is being done to remedy the situation.

**Optional Protocol**

30. The report does not provide any information on steps that are being taken or considered to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please indicate any progress made with respect to ratification of the Optional Protocol.

*Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38 (A/52/38/Rev.1).*