United Nations CEDAW/C/SR.1602*

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 July 2018

Original: English

Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1602nd meeting**
Held at the Palais des Nations, Geneva, on Tuesday, 3 July 2018, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Australia

* Reissued for technical reasons on 21 September 2018.
** No summary record was issued for the1601st meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-11088 (E) 210918

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Australia (CEDAW/C/AUS/8; CEDAW/C/AUS/Q/8 and CEDAW/C/AUS/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

2. **Ms. Bergin** (Australia), presenting Australia's eighth periodic report, said that her country would continue to engage with international forums in fulfilment of its commitment to, and leadership in, promoting gender equality in Australia and abroad. The Government's three priorities for gender equality were: to strengthen women's economic security; to increase the number of women in leadership positions; and to ensure that women and their children were safe from violence.

3. Aboriginal and Torres Strait Islander women and girls presented specific challenges as their life pathways tended to differ from those of non-indigenous women and they often took on caring responsibilities at a younger age, disrupting their education and affecting employment prospects. In recent years, the Government had made progress on supporting young indigenous people to attain a year 12 qualification and enrol in higher education, with the greatest improvements seen for young women. Indigenous female students had a higher rate of school attendance than their male counterparts and outperformed boys in literacy, mathematics and science. In 2017, the Government had set aside more than 40 million Australian dollars ($A) for a girls' science, technology, engineering and mathematics (STEM) scholarship fund and other activities specific to women and girls under an education package commemorating the fiftieth anniversary of the landmark 1967 referendum on constitutional amendments relating to indigenous Australians. Further ways to improve the lives of indigenous women and girls included the national "Women's Voices" project and "Closing the Gap" framework, aimed at overcoming disadvantage experienced by indigenous people.

4. Following her 2017 visit, the Special Rapporteur on violence against women, its causes and consequences had stated that the "Closing the Gap" campaign did not apply a gender lens. In response, the Government was working with state and territory governments and local communities on a new framework, targets and performance indicators to refresh the "Closing the Gap" agenda, which would be ready by October 2018.

5. Further to the information provided in the report on the National Plan to Reduce Violence against Women and their Children 2010–2022, a third three-year action plan for the period 2016–2019 under the National Plan had been launched, designed to have a positive effect on attitudes, beliefs and social norms in order to confront controlling, aggressive and violent behaviour and advance gender equality. Preparatory work on the Fourth Action Plan (2019–2022) under the 12-year National Plan had begun. Broad consultations on that action plan would begin in 2018. Aboriginal and Torres Strait Islander women, migrant and refugee women and women with disabilities were disproportionately affected by domestic, family and sexual violence and would be a focus in the plan. Significant funding had been put in place by Australian federal, state and territory governments, and the recent establishment of the Office of the eSafety Commissioner and eSafety Women, a platform designed to help women to manage technology risks, had been noted with appreciation by the Special Rapporteur.

6. The Committee had previously recommended that Australia should take appropriate legislative measures to criminalize, prosecute and respond to domestic violence. Accordingly, in May 2017, the Council of Attorneys-General Family Violence Working Group had been formed to improve the interaction between family law, child protection and family violence systems. In November 2017 the National Domestic Violence Order Scheme had come into effect, which was a significant step towards protecting families as they built new lives, safe and free from violence. The Committee had also urged Australia to adopt measures to combat sexual harassment at work, which continued to affect Australian workplaces. The Australian Human Rights Commission had announced that it would

conduct a national inquiry into sexual harassment in Australian workplaces, to be led by Australia's Sex Discrimination Commissioner.

7. Regarding women's financial security, the Government was taking steps to bridge the gender pay gap, which continued to favour men in every industry and at all occupational levels. Individual solutions were not possible: all stakeholders — government, business and the community — must take action jointly to find a remedy. The government strategy to boost women's workforce participation addressed five pertinent areas, including: ensuring affordable child care; improving workplace diversity and flexibility; supporting women entrepreneurs; strengthening women's economic security; and enhancing financial incentives to work. Progress had been made in increasing the number of women in leadership roles, with 27.7 per cent of board positions in the 200 largest companies listed on the Australian Stock Exchange being held by women, up from 15.8 per cent five years previously. The Government itself had set a target of 50 per cent of government board positions to be held by women, with a minimum of 40 per cent of women on each individual board. At the end of 2017, 44.5 government board positions were held by women. In 2018, the Australian Public Service, the country's federal civil service, had achieved gender parity in its highest ranks, with 9 out of 18 Commonwealth agency heads being women. The Workplace Gender Equality Act 2012, which had a reporting requirement for all businesses of over 100 employees, had resulted in the collection of extensive data, which was collated by the Workplace Gender Equality Agency and which showed continuing momentum and progress towards gender equality. The Agency had also established an "Employer of Choice for Gender Equality" citation to encourage gender equality in the workplace.

Articles 1 to 6

8. **Ms. Schulz** said that many of the Committee's 2010 recommendations had not been implemented. Noting that the absence in Australia of a bill of rights or national human rights act affected women more than men, she asked whether Australia was ready to incorporate the provisions of the human rights treaties it had ratified into its national legislation, as the Australian Human Rights Commission had recommended in its national human rights consultation report in 2009. She wished to know if the Government intended to follow the Australian Human Rights Commission proposals made under the 2015 universal periodic review and improve the effectiveness of the Sex Discrimination Act 1984 and whether there was a time frame for doing so. The Parliamentary Joint Committee on Human Rights required reinforcement so that it could carry out its function of assessing the level of compliance of Australian legislation with the country's human rights obligations. She asked whether the Government intended to strengthen the Committee accordingly.

9. Regarding the legal situation of indigenous peoples, she asked: whether the Government would ensure recognition of indigenous people in the Constitution and abrogate its section 51 (xxvi), commonly known as the "race power" article, empowering Parliament to make special laws with respect to people of any race; whether the Government would engage in true dialogue towards indigenous self-determination, with equal participation by women in all negotiations leading to a treaty or other agreement on self-determination, providing the required community-led services and guaranteeing sufficient funding for the National Congress; and whether the Government was ready to implement the recommendations of the 1996 Australian Law Reform Commission report on the recognition of Aboriginal customary laws, especially in respect of family issues, custody of children, resolution of conflicts and sentencing.

10. On the issue of women asylum seekers and refugees, she wished to know: whether the Government would cease offshore processing on Nauru and, if so, by when; what measures would be taken to combat violence, including sexual violence, against women there, and to put a stop to the impunity of perpetrators of such violence; whether the Government would accept refugees without visas arriving by boat to Australia, rather than continuing to send them to Nauru, or would seek a third State to accept them. She also asked whether the Government intended to review the refugee assessment process to ensure full compliance with international humanitarian law, including for lesbians, bisexual

women, transgender and intersex persons, whose sexual orientation or gender identity exposed them to risks in their home countries, whether the Government would cease its practice of intercepting vessels carrying refugees and asylum seekers on the high seas, which prevented the proper examination of claims for asylum, and whether the Government would reconsider the cuts to the budget of the Status Resolution Support Services programme, which threatened to deprive large numbers of refugees of basic assistance.

11. **Ms. Haidar**, said that, according to international analysts, in 2017 Australia had not reached the objective of holding the increase in the global average temperature to 2°C, in line with the Paris Agreement, much less pursuing efforts to limit the temperature increase to 1.5°C. Given the foreseeable impact that climate change would have on women's rights, she asked whether the Government intended to strengthen its emission reduction goals, in compliance with the Paris Agreement. The Committee was concerned at the harmful effects of the Australian extraction industry activities in Papua New Guinea, in particular the ExxonMobile gas production operations in the country. The Government had failed to learn the lessons taught by the 10-year civil war in Bougainville, Papua New Guinea, and she invited it to establish good practices to prevent discrimination, exclusion and marginalization of women, armed conflict and high levels of gender-based violence against women in the region. She wished to know whether Australia would fulfil its responsibility to provide compensation to the women and people of Bougainville for the deaths, disappearances, environmental damage and loss of livelihood caused by the decade-long civil war in the 1990s, which had been triggered by tensions over an Australian-owned copper mine. She also wished to know what measures Australia would take to ensure a more ethical approach to ongoing and future extraction industry projects, which should include compliance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

12. With reference to points raised under the 2015 universal periodic review, she asked whether the Government would consider establishing an inquiry to examine how to reduce the barriers to judicial remedies in Australia for foreign victims of human rights abuses by Australian companies abroad and whether the Government could ensure that victims of corporate human rights abuses had access to an independent, transparent, accountable and adequately resourced non-judicial body for the investigation and resolution of complaints and the provision of effective remedies.

13. **Ms. Haddad** (Australia) said that her country had long been at the forefront in terms of establishing and protecting human rights. The right to equality and freedom from discrimination were provided for in legislation, policies and programmes at the federal, state and territorial levels. Federal anti-discrimination legislation, which included the Sex Discrimination Act 1984, details of which were provided in paragraphs 2.2–2.8 of her country's periodic report, prohibited discrimination on the basis of sex, sexual orientation, relationship status and family responsibilities and applied to all Australian jurisdictions. Several amendments had been made to the legislative framework since 2011, including to ensure equal protection from gender-based discrimination for women and men, introduce breastfeeding discrimination as a separate form of discrimination and allow same-sex marriages. The Government had no plans to introduce a national human rights act or bill of rights, since the existing anti-discrimination legislation combined with the Human Rights (Parliamentary Scrutiny) Act of 2011, which had been introduced to ensure that bills before Parliament were consistent with the country's human rights obligations, already provided for the effective protection of human rights.

14. **Ms. Bergin** (Australia) said that the implementation of the Sex Discrimination Act, which covered both direct and indirect discrimination, was also considered to be effective. Moreover, the recent amendments demonstrated the Government's willingness to continuously review the Act to ensure that its provisions reflected the social reality of the country. While the Act promoted the principle of equality between women and men, it also provided for certain exemptions, such as for religious bodies or for services that were provided only to members of one sex. The Act provided for special measures which were intended to achieve equality and were therefore not considered to be discriminatory. For example, it was not considered to be unlawful sex discrimination against a man to grant a

right or privilege to a woman in connection with pregnancy or childbirth in certain circumstances.

15. **Ms. Haddad** (Australia) said that, in line with the Government's policy to regularly review its international commitments, including reservations to human rights treaties, efforts were currently being taken to identify what, if any, legislative steps were necessary in order to comply with article 11 (2) (b) of the Convention, concerning paid maternity leave. The reservation to article 11 (1) (b) and (c), regarding the exclusion of women from combat roles, was no longer consistent with Australian policy; there had been no gender restrictions on combat roles in the Australian Defence Force since January 2016. A bill to amend the Sex Discrimination Act to remove women's exclusion from combat roles would be brought before the Senate in September 2018. The Australian Government was also working to withdraw the reservation concerned.

16. **Ms. Lannen** (Australia) said that the recognition of indigenous peoples in the Constitution was a national priority. The Government was committed to changing the Constitution in that regard, although such proposals needed to be approved first by Parliament and then by public referendum. A parliamentary select committee on constitutional recognition relating to Aboriginal and Torres Strait Islander peoples had been established to identify and recommend appropriate constitutional amendments, taking account of the needs of indigenous peoples and garnering parliamentary and public support for the proposed changes. The Committee was due to submit its final report in that regard in November 2018.

17. **Ms. Haddad** (Australia) said that funding for the Parliamentary Joint Committee on Human Rights, which was responsible for examining bills before Parliament to ensure their compatibility with the country's human rights obligations, came from the parliamentary budget. Thus, no separate funding was provided. Every effort was made to ensure that the Committee was able to examine each and every bill before Parliament, although it was not always possible. In general, the Committee submitted its assessment in the form of a report to Parliament, which might subsequently be discussed by ministers. Regarding climate change, Australia was a party to various international agreements, including the Paris Agreement. The country had achieved its first target under the Kyoto Protocol and was on track to meet its 2020 target. It was also on course to fulfil its 2030 target under the Agreement, namely to halve per capita emissions and obtain a two-thirds reduction in emissions intensity, targets that were some of the most ambitious set by parties to that accord. Regarding extractive industries and the regulation of extraterritorial activities, Australia provided various types of support to Papua New Guinea, including development assistance, which placed a priority on gender issues and sought to ensure that women were involved in the negotiation of agreements for extraction projects. The Government expected all companies involved in extraterritorial activities to abide by the relevant laws and best practices and was working with companies to manage the impact and revenues of extractive processes in Papua New Guinea.

18. **Ms. Schulz** said that, since Australia was the only Western country not to have a national human rights act or bill of rights, she failed to understand how the State party could claim to be at the forefront of human rights protection. She would appreciate replies to several questions previously raised, including as to whether there were plans to: amend the Sex Discrimination Act to tackle systemic and intersectional discrimination; engage in a real dialogue with the country's indigenous peoples regarding self-determination; take measures to protect women and girl asylum seekers; and end the practice of detaining asylum seekers offshore at the Nauru Regional Processing Centre.

19. **Ms. Haidar** said that, despite the State party's commitment to international climate change agreements, the fact was that it produced 1.4 per cent of global greenhouse gas emissions and yet was home to just 0.3 per cent of the world's population. She was concerned that the impact of those emissions would be felt most notably by several of the small island States neighbouring Australia. Moreover, the State party's stringent migration policy did not seem to take account of the possible influx of environmental refugees. Thus, more needed to be done to mitigate the effects of climate change. Regarding the extractive industry in Papua New Guinea, she wished to know whether gender analyses and impact assessments were conducted before such works could commence and what lessons had

been learned since the Bougainville conflict of the 1990s. The monitoring of similar projects, such as the large Papua New Guinea liquid natural gas project, was simply not enough; reports suggested that conflict among landowners in the region affected was already escalating. She would be interested to know what specific measures were being taken to avert the further deterioration of the situation. Lastly, noting that budget cuts had been made in a number of areas, she asked how the Government balanced austerity measures with the need to mobilize greater resources in the context of the 2030 Agenda for Sustainable Development.

20. **Ms. Halperin-Kaddari** said that, according to the report of the Government's own Productivity Commission inquiry into access to justice arrangements, major budget cuts to legal aid services had disproportionately affected women's and indigenous peoples' access to justice. She wished to know what action the Government had taken to implement the findings of the Commission, in particular regarding the recommendation to increase funding for legal assistance services by $A 200 million.

21. **Mr. McGlynn** (Australia) said that his country's migration policy was based on the concept of safe, orderly and regular migration. Between 2008 and 2013, however, more than 50,000 people had made the perilous journey on unauthorized boats to Australia, with some 1,200 drowning in the attempt. To prevent further loss of life and irregular migration, Operation Sovereign Borders had been introduced in 2013. All policies relating to Operation Sovereign Borders, including the use of regional processing centres and boat turnbacks, had been devised in line with the country's international obligations, including the principle of non-refoulement. The Government had made it clear that persons intercepted at sea would not be settled in Australia while their claims were assessed. Robust arrangements were in place, however, to ensure that the treatment of those persons was consistent with international standards. For example, the Status Resolution Support Services programme provided comprehensive support to non-citizens who were unable to support themselves while their immigration status was being resolved. The programme not only provided basic services, such as accommodation and health care, but also access to education for children and English classes for adults. Regarding the questions raised concerning climate change, in the face of extreme weather events such as storms, Australia had developed a significant humanitarian programme that ranked as one of the best in the world. The region had long been affected by such events and Australia had traditionally been a good neighbour to affected States through its humanitarian efforts.

22. **Ms. Stratford** (Australia), referring to the offshore processing in Nauru of refugees and asylum seekers, said that, during the process of screening irregular migrants and asylum seekers, individuals had the opportunity to disclose any reasons why they should not be transferred to another country, which included a particular country's treatment of people with diverse sexuality and gender. If verified, the minister concerned was then able to intervene to prevent the transfer. Under a memorandum of understanding signed in 2013, Nauru had committed to treating women and girls in its processing centre in accordance with international standards. Moreover, Nauru was a party to the Convention and to other international human rights conventions. Responsibility for meeting those obligations was therefore a matter for Nauru; as things stood, the Australian Government had no plans to review the current process. There were no regional processing centres in Papua New Guinea.

23. **Ms. Schulz** said that, while the State party clearly held its international obligations in high regard, she was concerned that it seemed unreceptive to recommendations, made time and again, to abolish certain aspects of its asylum policy that were at variance with international humanitarian law. The State party's current approach was putting women and girl asylum seekers at risk.

24. **Ms. Haidar** said that humanitarian aid could not undo all the damage caused by the increase in greenhouse gas emissions or mitigate the impact of climate change on vulnerable small island States. Australia had a responsibility to provide greater help to those at-risk nations.

25. **Ms. Verges**, regarding article 3 of the Convention, said that she wished to know what measures the State party had taken to strengthen the authority of, and ensure adequate

human and financial resources for, the Office for Women, which was part of the national machinery for the advancement of women. Given its limited number of staff, she wondered to what extent the Office was able to fulfil its mandate to advance gender equality at the federal, state and territorial levels and ensure a coordinated approach to gender policy across all government departments. She would also like to know whether any evaluation of the work of the Office had been conducted.

26. She was concerned at reports that the Australian Human Rights Commission had faced severe budget cuts and that its former President had been criticized by high-level officials. Moreover, in the light of the fact that the Commission was currently unable to bring cases ex officio and that its recommendations were not binding, she asked what measures had been taken or were envisaged to ensure that it had the independence, authority and resources it required to fulfil its mandate.

27. **Ms. Hayashi**, recalling that the Committee had expressed concern in the previous concluding observations (CEDAW/C/AUS/CO/7) that the State party did not favour the adoption of temporary special measures in the form of compulsory targets and quotas to address the underrepresentation of women, said she wondered how such measures were designed within the constitutional and legal framework and what accounted for the Government's cautious approach to such measures. She asked whether time frames were in place for the attainment of targets set under such measures and whether penalties were imposed where such targets were not reached. She also asked whether special measures had been adopted in the areas of health care, education and the judiciary. She would like further information on the new guidelines on special measures in employment to improve women's economic security.

28. **Ms. Bergin** (Australia) said that the Office for Women had been relocated from the Department of Social Services to the Department of the Prime Minister and Cabinet, thereby enabling the Office to play a more central role in policymaking throughout the government and to assess the impact of a wider array of policy proposals on women's and gender issues. The Office was working with governmental agencies to address the issue of domestic violence, women's safety and economic empowerment, and the obstacles to women's participation in the country's economic and political life. The Office also worked with the various state and territory offices on initiatives, such as the formulation of the fourth action plan relating to violence against women. A working group under the Office had been established to share best practices with other offices, identify challenges and determine further action. The Office worked to ensure that the relevant policies were implemented at the ministerial level. It cooperated closely with state and territory governments, civil society and non-governmental organizations (NGOs), and a number of government-funded national women's alliances to hear the voices of women and exchange views. Despite current budget constraints, the Office had worked with other government agencies to ensure that it had as great an impact on policy as possible with the funding available to it.

29. The annual budget of the Australian Human Rights Commission was currently more than $A 22 million, over $A 16 million of which came from government funds, which was an increase of over $A 1.8 million in funding from the Government as compared with the previous financial year. The Government and the Commission had been working to improve relations and restore confidence. While the relationship had been under significant strain, the Government had not sought to terminate the appointment of any member of the Commission. The Commission had adequate resources to discharge its functions. The Government had provided additional funding, for example, to the Sex Discrimination Commissioner to conduct the national inquiry into sexual harassment in the workplace.

30. Turning to the issue of temporary special measures to ensure that women were fairly represented, she said that the target set by the Government to ensure women's representation on government boards, to take one example, had been increased to 50 per cent, following the achievement of the 40 per cent target. While no time frame had been set in that regard, the gender units of government departments such as the Department of Foreign Affairs and Trade were required to review all board nominations to ensure that there were enough women candidates. Five departments had surpassed the 50 per cent target and others were close to meeting it. The Government was also close to achieving the

target set by the Group of 20 (G-20) in 2014 to reduce the gender gap in workforce participation from 12.1 per cent to 9.1 per cent. She took issue with the assertion that the Government was cautious about temporary special measures. By way of example of her Government's bold approach to the use of such measures, the federal police had recently launched a first-ever nationwide women-only recruitment drive.

31. **Ms. Hayashi** asked whether the scholarships in STEM subjects awarded under the indigenous education package referred to in the opening statement were available exclusively to indigenous women and girls. She wished to know what measures had been taken to reduce the gender gap in labour force participation rates by 25 per cent by 2025, as agreed by G-20 leaders under G-20 presidency of Australia in 2014.

32. **Ms. Verges** said that in view of the challenges relating to policy coordination, faced by all states and territories, priority should be given to the development of overarching objectives, which should be monitored by the Office for Women to prevent discrepancies between the states and territories. She wondered if the tense relations between the Government and the Office for Women reflected a reluctance to accept the independence of the Office.

33. **Ms. Schulz** said that current draft legislation before Parliament seemed to threaten to undermine the thriving debates in civil society and government transparency in Australia, namely a bill on whistle-blowers and a bill on foreign funding for charities. She would appreciate it if the delegation could explain how it reconciled those bills with the stated commitment of the Government to freedom of expression and the protection of human rights defenders. She asked why, according to reports, funding had been cut for advocacy activities for NGOs, thus silencing the voices of those who dealt with the most vulnerable groups of women and girls in society.

34. **Ms. Lannen** (Australia) said that $A 25 million had been invested in the establishment of the STEM scholarship fund for girls, which was part of a broader government priority to attract more women to those fields of study.

35. **Ms. Bergin** (Australia) said that a range of initiatives had been introduced to foster the participation of all women and girls — not exclusively indigenous women and girls — in science, technology, engineering and mathematics. A number of such activities had been introduced under the previous budget, including the development of a strategy and plan for women in science, and the establishment of the "Curious Minds" mentoring programme for girls aged 14 to 16. Under the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015, all agencies were required to report on the programmes they funded and their performance, in accordance with the international obligations assumed by Australia.

36. **Ms. Haddad** (Australia) said that the election funding and disclosure reform bill would not have an impact on the overseas work of humanitarian and development non-governmental organizations, which was highly valued by the Government. Under the proposed legislation, Australian charities would still be entitled to receive foreign donations to support international humanitarian work overseas and undertake advocacy work in the country with Australian funding. The Government was currently considering the recommendations of the Joint Standing Committee on Electoral Matters on the bill.

37. **Mr. McGlynn** (Australia) said that the Government upheld the advocacy rights of NGOs and provided funding to a number of such organizations, including those involved in policy and programme development and review, despite the overall cuts to government funding. However, limited funds meant that priority was given to delivery of frontline services. The National Partnership Agreement on Legal Assistance Services 2015–2020, for example, ensured that government funding was provided for legal aid for the most vulnerable segments of the population and could not be allocated for advocacy in other sectors. The Not-for-Profit Sector Freedom to Advocate Act 2013 prohibited Commonwealth agreements from restricting or preventing not-for-profit entities from commenting on, advocating support for or opposing changes to Commonwealth law. In the same vein, a law had been passed in South Australia protecting the right of not-for-profit entities to comment on or oppose changes to state law. Furthermore, certain charities had

been endorsed as deductible gift recipients, thereby enabling them, under taxation law, to receive income tax deductible donations from private donors.

38. **Ms. Verges** asked what targeted measures had been adopted or were envisaged to address stereotypes in society. She asked how policies and strategies for women and indigenous peoples took into account particularly vulnerable populations, such as Muslim women who wore a veil, asylum seekers, and lesbian, gay, bisexual, transgender and intersex persons, in order to facilitate their access to essential services. She said she wished to know what measures were in place to ensure funding for the accommodation of girls who had been subjected to harmful practices, particularly forced and early marriage; and what strategies were envisaged to identify the risk of those practices and provide training in that regard to all relevant State authorities. In view of the absence of convictions for forced marriage, despite the significant number of cases that had come before the courts since 2013, she would like to know what mechanisms had been developed to identify cases of forced marriage. Given the absence of data on female genital mutilation, which nevertheless existed in the country, she asked what data-collection mechanisms would be set up and what legislative measures had been established to combat that harmful practice. She asked what accounted for the storage of records of female genital mutilation in private case files and the failure to criminally prosecute those cases.

39. **Ms. Halperin-Kaddari** asked, in the light of the alarmingly high number of cases of domestic violence and the ineffectiveness of Government-led initiatives to address such violence, why the Government refused to develop a unified federal law to combat violence against women, as had been recommended by the Committee and other international treaty bodies. She asked how women could be expected to gain a clear understanding of the law on violence against women when the numerous legal frameworks in place set out different penalties for and definitions of such violence. She wondered, for example, whether stalking was covered and what punishment was in place for breaching a protection order. In such a context, how could a strong message be sent across law enforcement agencies, the judiciary and society that violence against women constituted a grave violation of women's rights? She asked whether it did not fall within the Government's constitutional powers to formulate laws to give effect to international treaties. She asked when the national data collection and reporting framework to address the lack of data on domestic violence would be up and running and why it was taking so long to establish. A gender-neutral approach had resulted in the disappearance of women-only and women-led services for women victims of violence, which were internationally acknowledged to be effective. She asked whether the Government intended to review that approach and study its impact on women's safety and welfare. She asked whether specific training was carried out for judicial officials on gender-based violence against women, not only domestic violence, and on gender and the law; and whether the judicial training programmes in place were compulsory for all judges.

40. **Ms. Acar** asked what percentage of women were harassed by men and what percentage of men were harassed by women in the workplace.

41. **Ms. Jahan** asked what action had been taken to investigate, prosecute and punish acts of human trafficking. She also wished to know what steps had been taken to introduce a comprehensive federal compensation scheme for victims of trafficking offences, especially women and children, and raise awareness of their rights. It would be particularly interesting to hear what efforts had been made to delink support for victims of trafficking from the criminal justice process and improve the visa system so that victims had at least 90 days for reflection and recovery. Information on the training provided to the police and the judiciary on the identification of victims of trafficking, the steps taken to raise awareness of trafficking among vulnerable populations, and the number of shelters available to victims of trafficking would also be welcome. Noting the introduction of the national strategy to combat human trafficking and slavery, she asked what steps had been taken to adopt legislation to combat modern slavery and slavery-like practices. Regarding the legalization of sex work, she wished to know what efforts had been made to ensure the de facto decriminalization of women engaged in sex work and guarantee their access to health care and legal services. It would also be interesting to know what measures had been adopted to discourage women and prevent girls from turning to prostitution and what strategies had

been put in place to address the demand for prostitution and support women wishing to escape it.

42. **Ms. Stratford** (Australia) said that the Government had introduced various education and awareness-raising programmes, including the "Stop It at the Start" campaign to combat negative gender stereotypes, promote gender equality and foster healthy, respectful relationships. Strenuous efforts had also been made to eliminate traditional harmful practices and tackle violence against women and children, including through the implementation of national anti-domestic violence measures and the establishment of the "Our Watch" national primary prevention organization. Additional support had also been made available to combat violence against Aboriginal and Torres Strait Islander women.

43. The definition of family and domestic violence contained in the Family Law Act had been broadened to include examples such as sexual assault, sexually abusive behaviour and stalking. The Government had also begun a study into the prevalence of female genital mutilation to collect more detailed data and gain a better insight into the problem. Regarding sexual harassment, the 2017 Australian Human Rights Commission report established that 71 per cent of acts of sexual harassment and 83 per cent of acts of sexual assault at universities across the country had been committed by men.

44. **Mr. McGlynn** (Australia) said that concerted action had been taken to prevent and eliminate modern slavery and slavery-like practices. The Interdepartmental Committee on Human Trafficking and Slavery reported annually to the Government and regular multi-stakeholder round tables on human rights had been held to review the Government's response to those types of crime. Some $A 1.246 million had been allocated to the Support for Trafficked People Programme which provided housing, legal and medical support to victims. Funding of $A 5.3 million had also been made available to NGOs working with victims of trafficking with a view to bolstering their outreach and support activities in that area.

45. The Commonwealth Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013 provided for the protection of vulnerable witnesses giving evidence in criminal proceedings, including victims of human trafficking and slavery. Victims of trafficking had the right to seek compensation under various state and territory schemes and were eligible to apply for statutory compensation under the national compensation scheme for victims of crime.

46. **Ms. Halperin-Kaddari** asked what efforts had been made to adopt a federal domestic violence act. She also wished to know whether training on gender-based violence against women, particularly within the family, had been provided to family court judges. Further clarification of the decision taken to abandon women-only support services in favour of gender-neutral services, including shelters and safe houses, would be particularly welcome in that context.

47. **Ms. Jahan** said that she would like further information regarding the role played by NGOs working to support victims of forced marriage during the criminal justice process. She also wished to know what action had been taken to combat forced prostitution and gender-based violence involving refugee women held in offshore processing centres and the efforts made to investigate, prosecute and punish those offences. Lastly, she wondered what steps had been taken to bring to justice Australian nationals who had joined Islamic State in Iraq and the Levant and had subjected women to sexual slavery.

48. **Ms. Schulz** asked what steps had been taken to collect disaggregated data on persons with disabilities. In the light of the reportedly high levels of violence and abuse against persons with disabilities living in institutional and residential settings, she wondered why the State party had rejected calls to establish a royal commission into the matter. It would be particularly interesting to learn what measures had been taken to prohibit the involuntary sterilization of women and girls with disabilities and prevent forced abortions, including information on whether redress had been provided to those affected.

49. **Ms. Verges** asked whether specific programmes had been introduced to combat negative gender stereotypes of indigenous women and women from ethnic minorities. Noting that forced marriage had been defined as an offence since 2013, she wished to know

why no convictions had been handed down in recent cases of forced marriage brought before the courts.

50. **Mr. McGlynn** (Australia) said that the Human Trafficking Visa Framework provided for victims of trafficking to remain in Australia for an initial period of 45 days to rest and recover. That arrangement could subsequently be extended for a further 45 days to enable the victims to assist in the criminal justice process. The "criminal justice stay" and "witness protection (trafficking)" visas previously granted in such cases were now called "referred stay visas" so as to remove the stigma previously faced by victims of trafficking holding such visas. The visa eligibility threshold had also been lowered to make the application process more accessible. Between 2016 and 2017, some 20 referred stay visas had been granted, including 8 to victims of trafficking and 12 to their immediate family members.

51. The offshore processing centre in Nauru remained the only facility housing women and children. Residents had the right to come and go as they wished. Since the centre was located within Nauruan sovereign territory, it fell outside of Australian jurisdiction. Nonetheless, the Australian Government had signed a memorandum of understanding with the Nauruan authorities in 2013 to support the implementation of the regional processing arrangements.

52. Legalized sex work was regulated by the states and territories. Some states had implemented licensing schemes for sex workers. Various educational, health and employment support programmes had also been made available for women wishing to leave prostitution.

53. **Ms. Haddad** (Australia) said that states and territories assumed responsibility for criminal justice proceedings involving victims of domestic and gender-based violence. The adoption of a federal domestic violence act would consequently be incompatible with the current system of government. In-depth consultations with the Council of Australian Governments would need to be undertaken before any action could be taken in that regard.

54. **Ms. Stratford** (Australia) said that the Government had launched several schemes to tackle violence and abuse against persons with disabilities in institutional and residential settings, including the introduction of the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework. The Government therefore considered it unnecessary to establish a royal commission on the subject.

55. The Framework provided a harmonized approach to the treatment of persons with disabilities which facilitated the detection of and strengthened the response to cases of violence, abuse and neglect. The NDIS Quality and Safeguards Commission had been established to uphold the provisions of the Framework and would promote the rights of persons with disabilities to physical integrity and reproductive health services.

56. Sterilization procedures could only occur with the express consent of the patient, or the authorization of the court or guardianship tribunal in the case of persons declared legally incapable. The Australian Senate Community Affairs References Committee had conducted an in-depth inquiry into the involuntary or coerced sterilization of persons with disabilities and intersex persons and had published its findings. The Government did not propose any changes to the existing arrangements.

57. While there had been no convictions handed down in cases of forced marriage to date, there had been two convictions for acts of female genital mutilation. The Government had made additional funding available to the state of Victoria — where the majority of forced marriages had occurred — to establish a housing programme for women and girls at risk or victims of early or forced marriage. A 12-month pilot project had also been introduced to delink the support provided to victims of forced marriage from mandatory participation in the criminal justice process. The Government would evaluate the success of the pilot and decide on the appropriate course of action accordingly.

58. **Ms. Bergin** (Australia) said that the delegation would provide further replies to the Committee's questions in writing.

The meeting rose at 1 p.m.