



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-sixth session

12-30 July 2010

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

Australia

The pre-session working group considered the combined sixth and seventh periodic report of Australia (CEDAW/C/AUL/7).

General

1. Please provide further information on the process of preparing the report, including what Government departments and institutions were involved and whether the report was adopted by the Australian Government and presented to Parliament. Please also provide information on the nature and extent of the involvement of non-governmental organizations, particularly women's organizations, in this process.
2. Please provide updated information on the statistical data disaggregated by sex and ethnicity pertaining to the main areas and provisions of the Convention. Please indicate what steps have been taken to establish regular collection and analysis of data to capture the real situation of women belonging to disadvantaged groups, especially older women and women with disabilities.

Legislative and institutional framework

3. Please provide information in respect of the status of the Convention in the domestic legal order. Please also provide information on steps taken to implement the recommendations of the Committee in its previous Concluding Observations (CEDAW/C/AUL/CO/5, para. 11) in respect of the effective implementation of the Convention including through the enactment of legislation applicable in all states and territories.
4. Please provide information on cases in which the Convention has been invoked or referred to in national courts as well as the outcome of such cases. Please specify



what other measures, in addition to the preparation of educational material on the Convention as indicated in the State party report (see CEDAW/C/AUL/7, para. 1.17), have been taken, or are planned, to increase awareness about the Convention and Optional Protocol among the judiciary and legal profession in all states and territories.

5. According to the report, the Sex Discrimination Act 1984 will be reviewed (see CEDAW/C/AUL/7, para. 1.16). Please indicate whether the recommendations of the Senate Legal and Constitutional Affairs Committee were taken into account in the process of amending the Sex Discrimination Act. Please highlight the discriminatory provisions that have been identified in existing legislation and indicate how you propose to eliminate them to ensure that the revised Sex Discrimination Act complies with the State party's obligations under the Convention. Please also indicate whether the recommended reforms envisage preparation and implementation of a comprehensive national strategy for the proactive promotion of de facto gender equality including through addressing all grounds of discrimination faced by women in addition to discrimination on the grounds of sex and gender.

6. Please provide information about the assessment of the action plans, policies and programmes, as well as their impacts with regard to the practical realization of equality between men and women in all areas covered by the Convention.

Temporary special measures

7. The report indicates that Australia does not rely on targets or quotas, nor supports their adoption as recommended in the previous Committee's concluding observations. Instead, equal opportunity practices aimed at ensuring equal access of women to employment are encouraged through reporting obligations of bodies employing over 100 staff to the Equal Opportunity for Women in the Workplace Agency. Please explain why temporary special measures, as set out in article 4, paragraph 1, of the Convention and general recommendation No. 25 have not been recognized as an effective instrument for accelerating the achievement of de facto equality of women in areas where women are underrepresented or disadvantaged, both in public and private sectors. Please also provide information on any steps taken to familiarize the relevant officials with this concept and to increase their understanding of such measures.

Stereotypes

8. Please indicate whether the State party has conducted any assessment of the various initiatives taken regarding the elimination of gender stereotypes in the media. Please also indicate any measures taken to eliminate gender role stereotyping in the educational system including through the revision of text books and school curricula and in teacher's initial training, re-training and in-service training programmes.

Violence against women

9. Please provide information on how the State party intends to strengthen its efforts towards the elimination of all forms of violence against women, especially perpetrated against indigenous women. Please provide information on any specific legislative provisions that define and criminalize acts of domestic violence. Please

indicate the number of the convictions and sanctions imposed on perpetrators, including the number of reported cases of murders of women by their current husbands, partners or ex-partners. Do women victims of violence, in particular women belonging to vulnerable or disadvantaged groups, such as indigenous women, women with disabilities, older women, rural women, migrant women and women disadvantaged due to their sexual orientation and gender identity, have equal and adequate access to shelters and other protection and support services in all states and territories?

10. Please provide detailed information on the time frame for the implementation of the National Plan of Action to reduce Violence against Women and their Children. Please indicate if the recommendations of the 2008 Family Violence and Homeless report have been taken into account in the implementation of the National Plan of Action.

11. The report states that according to data sourced from the 2005 Personal Safety Survey, 90 per cent of women who had experienced sexual assault did not access crisis support, legal help or other support services, including telephone help lines. What measures have been taken to address factors preventing women from availing themselves of these support services and to encourage them to seek justice. Please indicate, if available, the conviction rates with regard to sexual assault cases reported by women per year. Please provide information on any initiatives designed to address sexual abuse of women with disabilities who, according to information provided in the report, are among the groups with the highest risk of assault, rape and abuse.

12. The report indicates that all state and territory Governments have criminalized female genital mutilation and that most health professionals are required to report when they believe children are at risk of this criminal offence. Community education, information support and assistance to women and girls affected by, or at risk of female genital mutilation are also reported to be available. Please provide information on the extent of women and girls affected by this form of violence against women and results achieved through prevention of female genital mutilation.

13. Please indicate what progress has been made in ensuring that corporal punishment of girls is explicitly prohibited in all settings as recommended by the Committee on the Rights of the Child, the United Nations Study on Violence against Children and the Committee's general recommendation No. 19.

Trafficking

14. Please provide detailed information on any additional measures taken to address the persistence of trafficking in human beings, both internal and international, particularly in women and girls, and the results achieved.

15. Please provide more detailed information on the responses of the State party to the previous committee's concluding observations with regard to the protection and assistance available to women suspected victims of trafficking who are not able or willing to help law enforcement authorities, or where their evidence is insufficient to help a trafficking investigation or prosecution. Such information should include data on women in this category who were returned home in comparison to women of the same category who were able to remain in Australia under another class of visa. Has the Australian Government undertaken or planned any comprehensive review of

the visa regime, eligibility for the support and repatriation programmes in order to ensure achievement of its stated protection and prevention objectives.

16. Please provide information on the number of reported cases on trafficking in women and girls and the rate of conviction.

17. In its previous concluding observations, the Committee recommended the development of strategies to discourage the demand for prostitution, prevent women from entering into prostitution and establish programmes of rehabilitation and support for women and girls who wish to leave prostitution. Please provide information of any comprehensive strategies and programmes adopted in this regard and results achieved through their implementation.

Participation in decision-making and representation at the international level

18. Please provide information on the results of the various initiatives regarding rural and indigenous women, especially Torres Strait Islander women, in respect of political participation and decision-making.

19. Please indicate what actions have been carried out for the implementation of the United Nations Security Council resolution 1325 and explain the results achieved.

Education

20. Please provide information on the measures taken to tackle the persistent disparity which indigenous women face in accessing the educational system, including those living in remote areas. Please also provide information on measures taken to improve the quality of education for girls and women living in remote areas, in particular those belonging to indigenous groups and other disadvantaged groups such as students with disabilities. Please indicate results achieved through implementation of such measures and programmes.

21. Please provide information on whether preschool education is equally accessible and affordable to all girls and boys throughout the State party.

22. The report indicates that in 2007, there were approximately 23 per cent of women among academic staff in the Above Senior Lecturer category. Please indicate measures undertaken to increase the participation of women as senior academic lecturers.

Employment

23. Please provide information on the employment situation of women belonging to indigenous groups, asylum seekers, migrants and women with disabilities and on the results of programmes and measures designed to address barriers to the enjoyment of their right to work. Please also provide information on measures taken to protect these women from exploitation. Please also indicate steps taken to address significantly lower incomes of employed indigenous women in comparison to non-indigenous employed women.

24. The report indicates that workplace bullying and discrimination were addressed mainly through online training programmes as well as the publication of a guide for public service leaders and employees. However, the report is silent about sexual harassment in the workplace. Was any research on the extent of women

experiencing sexual harassment at work carried out? What measures were taken to prevent sexual harassment at work, to protect women experiencing sexual harassment and to support them in their claims?

25. Please provide information on any steps taken to review the State party's reservation to Article 11(2) and the introduction of a compulsory maternity leave scheme with pay or with comparable social benefits throughout Australia.

26. Please indicate whether there are any planned initiatives aimed at implementing the principle of equal pay for work of equal value and provide information on the findings, if available, on the report of the House of Representatives Employment and Workplace Relations Committee, entrusted by the Australian Government to enquire into and report on pay equity.

Health

27. Please provide detailed information on the steps taken to improve the health situation of indigenous women and on progress achieved in meeting their health needs.

28. The report refers to several health programmes regarding the health situation of women living in rural and remote areas and older women. Please indicate how the implementation of these strategies is monitored to ensure their positive impact on the lives of these women.

29. Please provide information on the allocation of resources available for mental health services and other support measures for women with mental health concerns, in particular those belonging to disadvantaged groups, including indigenous women and women held in detention facilities.

30. The sexual and reproductive health needs of women are not equally met within all the states and territories of the State party. What is the policy of the National Government towards adopting harmonious laws relating to the termination of pregnancy? Please indicate what progress has been achieved in ensuring equal access to sexual and reproductive health services of high standards. Please also provide information on steps taken with regard to education, information and awareness-raising for both women and men, girls and boys, on sexual and reproductive health and rights, including with regard to sexually transmitted diseases, and results achieved.

Vulnerable groups of women

31. Please provide information on progress achieved regarding the situation of women living in poverty, especially those belonging to vulnerable groups such as indigenous women, women asylum-seekers and women with disabilities. Please indicate whether the State party is developing any comprehensive poverty reduction strategy and social inclusion strategy to address poverty among women belonging to these vulnerable groups.

32. In its previous concluding observations, the Committee recommended that the State party take more effective measures to eliminate discrimination against refugee, migrant and minority women and girls and strengthen its efforts to combat and eliminate xenophobia and racism in the State party. The Committee also encouraged the State party to be more proactive to prevent and eliminate discrimination against

these women and girls within their communities and in society at large. Please provide information on steps taken in this regard.

33. The report is silent about women in immigration detention and on treatment of women in onshore detention centres. Please provide information on the situation of these women, including information on their access to adequate medical services and gender appropriate support services.
