

Universal Periodic Review of Australia – Joint NGO Coalition

Fact Sheet 3

Women's rights

Consolidation of equality laws

Suggested Question

How will the proposed consolidation of Australia's anti-discrimination laws ensure the adequate protection of CEDAW rights, substantive equality and effective remedies against systemic and intersectional discrimination?

Background

The *Sex Discrimination Act 1984* (SDA) does not adequately address systemic discrimination or promote substantive equality – there is no general prohibition on sex discrimination; the burden for addressing sex discrimination is on individual complainants; intersectional discrimination is not adequately addressed; and exemptions to the Act, such as those for religious institutions, perpetuate unfair and unreasonable discrimination against women. Protection from discrimination against women in the workforce remains inadequate, particularly in the areas of pregnancy and family responsibilities. Proposed changes to the SDA, which will improve protections against sexual harassment, and discrimination on the basis of breastfeeding and family responsibilities, are welcome but further improvements are needed, such as those recommended in the 2008 Senate Committee Inquiry into the SDA. The Australian Government has committed to consolidating and harmonising federal anti-discrimination law into a single Act and to considering the unimplemented Inquiry recommendations as part of this process, but it is not yet clear how this will happen.

Proposed Recommendation

That Australia's consolidation and harmonisation of anti-discrimination laws be based on broad consultation and undertaken in a manner that strengthens anti-discrimination laws, including by addressing all prohibited grounds of discrimination, promoting substantive equality, providing effective remedies against systemic and intersectional discrimination, and implementing the remaining recommendations of the 2008 Senate Committee inquiry into the *Sex Discrimination Act*.

Under-representation of women

Suggested Question

*Will Australia consider introducing quotas to address the significant under-representation of women at board and managerial levels; and implement and fund the recommendations of the pay equity report, *Making it Fair*, as a matter of priority?*

Background

Women remain significantly underrepresented on boards and at senior management level. In 2010, only 8.4% of directors of the largest 200 publicly listed companies in Australia and 33.4% of government boards are women. Australia has recently introduced a new gender diversity target of 40% representation for both women and men on Australian Government boards. However the target of 40% applies when looking at the *total* number of women and men across all Australian Government boards – it does not address representation on individual government boards and may therefore have little impact.

The gender pay gap continues to widen, with women earning 82 cents in the male dollar (the biggest gap since 1994), and the gap is as big as 35% in some industries. The gender pay gap affects current incomes, living standards and the capacity of women to save for retirement. The report of the 2008-09 Parliamentary Committee Inquiry into pay equity, *Making it Fair*, made a large number of recommendations to which the Government has not yet responded.

Proposed Recommendation

That Australia: (1) adopt targets of at least 30% representation of women on public and private sector boards, with a view to adopting compulsory quotas if targets are not met after three years; and (2) implement and fund the recommendations of the pay equity report, *Making it Fair*, as a matter of priority.

Needs of particular groups

Suggested Question

What strategies have been and will be put in place to ensure that the particular human rights issues that affect Aboriginal and Torres Strait Islander women, rural women, women with disability, women identifying as lesbian, bisexual, transgender, transsexual or intersex, and women from culturally and linguistically diverse backgrounds are addressed?

Background

High rates of violence against women remain a major issue, with almost one-in-three Australian women experiencing physical violence and almost one-in-five women experiencing sexual violence in their lifetime. The government-appointed National Council to Reduce Violence Against Women and Children delivered its report in April 2009. In August 2010, the Australian Government released a draft National Plan to Reduce Violence against Women and Children, but this has yet to be implemented fully.

Women from different population groups experience particular difficulties. There is limited access to family violence and sexual assault services in rural and remote areas. Women from culturally and linguistically diverse backgrounds face difficulties in reporting violence and accessing culturally appropriate accommodation. Violence against women with disabilities often goes undetected, unreported or uninvestigated, and there is a lack of access to appropriate services, including crisis accommodation, for women with disabilities. Violence against women identifying as lesbian, bisexual, transgender, transsexual or intersex within relationships often goes unacknowledged by national anti-violence strategies. Aboriginal and Torres Strait Islander women also experience high rates of violence (see further below).

Three major government-commissioned reports have found that the family law system does not respond effectively to issues of family violence. As part of its election platform, the Australian Labor Party committed to amending legislation responding to these reports but has not done so since being re-elected.

Proposed Recommendation

That Australia, as a matter of priority, implement and adequately fund a National Plan to Reduce Violence Against Women and Children, a mechanism for independent monitoring, and amend the family law system and legislation to better protect the safety of women and children.

Violence against women

Suggested Question

What steps has Australian taken to reduce violence against Aboriginal and Torres Strait Islander women and ensure that culturally appropriate and accessible services are available to such women?

Background

Aboriginal and Torres Strait Islander women experience horrific levels of violence and are 35 times more likely to be hospitalised as a result of spousal or partner violence than non-Indigenous women. Violence against Aboriginal and Torres Strait Islander women is associated with a number of factors, including racism, dispossession, disadvantage and poor living conditions. Australia provides funding to Aboriginal and Torres Strait Islander Legal Services, however Aboriginal and Torres Strait Islander women experience difficulties in accessing and gaining representation from these services. Australia has also funded family violence prevention legal services to provide services to Aboriginal and Torres Strait Islander people, however these services are not available in all parts of Australia, including urban areas, and are not adequately funded for law reform and policy development work.

Proposed Recommendation

That Australia fund culturally-appropriate Aboriginal and Torres Strait Islander women's legal services in urban, rural and remote areas of Australia and a peak body to ensure coordinated law reform and policy development.