



Australian
Human Rights
Commission

Information for List of Issues on Australia

**Submission by the Australian Human Rights Commission to the
Committee on the Elimination of Discrimination against Women**

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1 Introduction

1. This submission is made by the Australian Human Rights Commission. The Commission is an 'A status' national human rights institution established and operating in full compliance with the Paris Principles.
2. The submission is based on work that has been undertaken by the Commission in accordance with our mandate and functions.¹ The material provided here has been publicly reported in Australia and has been brought to the attention of the Australian Government.²
3. The Commission thanks the Committee for the opportunity to provide a written contribution prior to its adoption of the List of Issues (LOI) on Australia.
4. The recommended issues for consideration in the LOI are contained in the body of the submission and compiled in **Attachment 1** of the submission.

2 General comments

5. Australia's record on gender equality is mixed. Despite very high attainment in education, Australia's overall position on the Global Gender Gap Index is comparatively low at 46th. Economic participation and opportunity is one of the areas where Australia lags most significantly - it is 42nd on the World Economic Forum's global gender gap index.
6. This picture is reflected in the experiences of Australian women that the Sex Discrimination Commissioner heard from during consultations conducted across the country in 2016.³ Common themes raised throughout these conversations included gender inequality in economic security, low representation of women in leadership, lack of diversity in decision-making, and violence against women.
7. There are a range of gender equality gaps in Australia:
 - Women and girls continue to be disproportionately affected by family and domestic violence.⁴
 - The national gender pay gap is currently at 15.3% (based on full time, adult, Average Weekly Ordinary Time Earnings)⁵
 - Australian women continue to be underrepresented in the workforce, with 78.3% of men aged 20–74 participating in work, compared with 65.1% of women.⁶
 - Women continue to spend more time on unpaid domestic and care work than men (in the 2016 census, 11.7% of men reported doing 15 or more hours of unpaid domestic work per week, compared to 32.6% women).⁷
 - Women retire with significantly less retirement savings than men.⁸

- When employed, women are more likely to work in part-time or casual roles than men. Women comprise 40.7% of full-time employees, while men comprise 69.1%.⁹
- Women continue to be under-represented in leadership and board positions.¹⁰

3 Violence against women and girls and their health and wellbeing (concluding observations paras 28–29 and CEDAW Articles 1–4, 12 and 16)

3.1 Family and domestic violence

8. Family and domestic violence (FDV) in Australia remains endemic and continues to negatively affect the realisation of gender equality.
9. The Commission commends efforts made to address violence against women and girls under the *National Plan to Reduce Violence against Women and their Children 2010–22* (the National Plan),¹¹ and additional funding committed in 2015 to both prevention and response measures and services.¹²
10. The Commission is concerned about the lack of Australia-wide data on FDV related deaths. The Commission has highlighted the importance of the FDV death review process and welcomes the Government's funding to examine measures to ensure national coherence and collection of data on FDV deaths.¹³
11. The intersection of gender with other forms of inequality results in women with disability, Aboriginal and Torres Strait Islander women, lesbian, bisexual, trans and intersex women, and women from culturally and linguistically diverse backgrounds experiencing higher rates of FDV and additional barriers to seeking help and support.¹⁴

Issues for consideration in the LOI:

- **Information on steps taken by the Australian Government to strengthen national FDV data collection and reporting mechanisms.**
- **Information on specific research undertaken to understand the nature and prevalence of FDV, sexual assault and sexual harassment for women and girls experiencing intersectional discrimination, and specific actions to explicitly address those intersectional causes.**

3.2 Violence against Aboriginal and Torres Strait Islander women (concluding observations paras 40–41 and CEDAW Articles 1 and 16)

12. Aboriginal and Torres Strait Islander women are at higher risk of violence, compared to the general population.¹⁵ They are hospitalised for family violence-related assault at 30 times the rate of non-Indigenous women.¹⁶

13. The Commission notes that the National Plan builds on the Council of Australian Government's (COAG) commitment under the Close the Gap framework.¹⁷
14. Action on FDV against Aboriginal and Torres Strait Islander women should be developed in close consultation with Aboriginal and Torres Strait Islander women and other relevant stakeholders.

Issues for consideration in the LOI:

- **Information on steps taken by the Australian Government to reduce violence against Aboriginal and Torres Strait Islander women and children, including prevention and early intervention initiatives as an urgent priority issue.**

3.3 Violence against women and girls with disability (concluding observations paras 42–43 and CEDAW Articles 1 and 16)

15. Women and girls with disability experience intersectional inequality and violence at higher rates than the general population.¹⁸
16. The Commission welcomes the COAG Advisory Panel Report, *Reducing Violence Against Women and their Children* (2016 COAG Report)¹⁹ and the *Third Action Plan (2016-19)* (Third Action Plan) under the National Plan to “improve support to women with disability who experience or are at risk of violence by working with them, the disability sector, specialist family and domestic violence services and mainstream services”.²⁰ However, the Commission is concerned that the Third Action Plan fails to address other forms of violence perpetrated against women and girls with disability.²¹
17. The Commission is also concerned about the under-resourcing of accommodation and support services for women and girls with disability experiencing violence.²²
18. The Commission notes that a 2015 Senate inquiry recommended that the National Plan should be updated to include institutional and disability accommodation settings.²³ This was not accepted by the Government.²⁴
19. The Commission refers to the Stop the Violence Project,²⁵ which provides an evidence base to support future reform in service provision to better respond to the needs of women and girls with disability experiencing violence.
20. The Commission also remains concerned that sterilisation of women and girls with disability, without consent, continues to occur in Australia.²⁶

Issues for consideration in the LOI:

- **Information on efforts to ensure that subsequent Action Plans to the National Plan continue to support prevention and early intervention initiatives, and improve the provision of support and services for people experiencing gendered disability violence, including implementation of**

relevant recommendations from the Stop the Violence Project, the 2015 Senate inquiry and the 2016 COAG Report.

- **Information on progress towards a national response to violence against women in institutional and disability accommodation settings.**
- **Information on legal protections to prevent sterilisation of women and girls with disability without consent.**
- **Information on the provision of adequate resources for accommodation and support services for women and girls with disability experiencing violence.**

3.4 *Sexual harassment and sexual assault in the workplace and in university settings*

21. In 2012, the Commission's national telephone survey on workplace sexual harassment found that 21% of people in Australia had been sexually harassed since the age of 15, with the majority (68%) experiencing this harassment in the workplace.²⁷ The survey also found that sexual harassment affects more women than men. One-third of women (33%) had been sexually harassed since the age of 15, compared to 9% of men.²⁸
22. The Commission commends the Government for funding the Commission's 2017 survey, currently underway.
23. The Commission conducted a national survey on sexual assault and sexual harassment in Australian universities and released the findings in 2017 (Change the Course report). The Commission found that 51% of all university students were sexually harassed on at least one occasion in 2016, and 6.9% of students were sexually assaulted on at least one occasion in 2015 or 2016.²⁹

Issues for consideration in the LOI:

- **Information on efforts to ensure there are adequate protections in place to address sexual harassment in the workplace, with consideration of the identified strategies in the Commission's 2012 survey report and the forthcoming outcomes of the 2017 survey.**
- **Information on the Australian Government's engagement with universities on the implementation of the Change the Course report recommendations to reduce the prevalence of sexual assault and sexual harassment in Australian universities.**

3.5 *Health and wellbeing of women and girls*

24. The rate of suicide in women and girls is increasing, and reached a 10-year high in 2015 at a rate of 6.1 deaths per 100,000 people. Differences between males and females are most apparent in the youngest age group, with a

higher proportion of female deaths occurring among those 15 to 19 years of age.³⁰

25. Young mothers are an at-risk group who frequently experience negative consequences such as poverty and long term welfare dependency,³¹ poor emotional health and wellbeing,³² and inability to complete study or gain secure employment.³³ The National Children's Commissioner is currently examining this issue.

Issues for consideration in the LOI:

- **Information on national efforts to understand and address the increasing rate of suicide in women and girls.**
- **Information on national action to support, and improve outcomes for, young mothers and their children.**

4 Medical interventions involving intersex women and girls (CEDAW Articles 2, 5)

26. The Commission is concerned that women born with intersex variations remain subject to medically unnecessary medical interventions in circumstances where they are unable to provide full and informed consent.³⁴ The Commission notes that the Senate Community Affairs Committee conducted an inquiry into the involuntary or coerced sterilisation of intersex people in Australia in 2013.³⁵ The Commission remains concerned that many of the recommendations have not been implemented; particularly at the state and territory level.

Issues for consideration in the LOI:

- **Information on legal and policy protections to prevent medically unnecessary and/or harmful medical interventions on women and girls born with intersex variations.**

5 Discrimination faced by Muslim women (CEDAW Articles 1-3)

27. Australian research has continued to find that Muslim women are frequent targets of bigotry and discrimination because of their visibility with the Islamic headscarf. They are particularly vulnerable when unaccompanied, with children or pregnant at the time of the incident.³⁶
28. An earlier report by the Commission in 2003, *Isma — Listen: National consultations on eliminating prejudice against Arab and Muslim Australians*, also found that people readily identifiable as Muslim because of their dress or appearance were particular targets of racist violence and abuse. Muslim women who wear the hijab, niqab or chador have been especially at risk.³⁷ Women identified as Muslim by their dress were especially afraid of being abused or attacked in public. Many restricted their movements in public, spending much more time inside their homes.³⁸

Issues for consideration in the LOI:

- **Information on steps taken to safeguard the rights of Muslim women and to eliminate the particular discrimination that they face.**

6 Women in rural, regional and remote areas (CEDAW Article 14)

29. In 2016 the Sex Discrimination Commissioner heard from Australian women in consultations conducted across the country.³⁹ The experiences of women living in rural, regional and remote Australia highlighted that negative and discriminatory gender-based stereotypes and attitudes are amplified for women living in these communities.⁴⁰ There was also a clear gender gap in leadership, economic security and education; and higher rates of violence, sexual harassment and sexism towards women in rural, regional and remote areas.⁴¹

Issues for consideration in the LOI:

- **Information on initiatives to address the particular discrimination faced by women in rural, regional and remote areas, specifically in the areas of violence against women and sexual harassment, and strategies to address economic insecurity.**

7 Older women and homelessness (CEDAW Articles 1 and 11)

30. The Commission's *Willing to Work National Inquiry into Employment Discrimination against Older Australians and Australians with Disability* (Willing to Work Report)⁴² found that, while labour force participation for older people has been growing in recent years, particularly for older women, labour force participation continues to decline with age.⁴³
31. To date, there has been no formal Government response to the Willing to Work Report and no Government-led action plan to implement its recommendations.
32. The Commission notes that older, single women are increasingly vulnerable to housing stress, insecurity and homelessness.⁴⁴ The Age Discrimination Commissioner has identified the issue of homelessness among older women as a key priority, acknowledging that this is a growing issue and one that extends across all socio-economic status groups.⁴⁵
33. The Commission is also concerned about elder abuse, which can include psychological/emotional abuse; physical abuse; sexual abuse; financial abuse; and neglect.⁴⁶ Women, along with a number of other vulnerable groups, have heightened vulnerability to elder abuse.⁴⁷
34. The Commission welcomes the Australian Law Reform Commission's (ALRC) report *Elder Abuse—A National Legal Response*⁴⁸ and other relevant independent and government-funded studies,⁴⁹ as well as the Government's

commitment to developing a national plan to better protect the rights of older Australians.⁵⁰

Issues for consideration in the LOI:

- **Information on the Australian Government's response to the recommendations in the Willing to Work Report.**
- **Information on strategies to address women's economic insecurity in retirement.**
- **Information on the Australian Government's implementation of recommendations from the ALRC's report on Elder Abuse; including the development of a national plan to tackle elder abuse.**

8 Human trafficking and modern slavery (concluding observations paras 30–31 and CEDAW Article 6)

35. The Commission commends the Government's development of a *National Action Plan to Combat Human Trafficking and Slavery 2015–2019*⁵¹ and supporting initiatives.⁵² The Commission notes that full implementation of the National Action Plan requires adequate funding.
36. The Commission welcomes the Interdepartmental Committee on Human Trafficking and Slavery,⁵³ and commends legislative amendments that strengthen Australia's response to human trafficking, including by recognising various slavery-like practices as offences⁵⁴ and extending witness protections to victims of trafficking.⁵⁵ The Commission welcomes the Interim report of the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into establishing a Modern Slavery Act in Australia, as well as the Government's proposal to 'introduce legislation that will make it a requirement for large businesses to report annually on their actions to address modern slavery'.⁵⁶
37. The Special Rapporteur on trafficking in persons recommended the Australian Government establish a federal, comprehensive compensation scheme for survivors of trafficking.⁵⁷ The Commission supports this recommendation.⁵⁸
38. The Commission notes that unregulated international surrogacy arrangements raise concerns about the potential for the trafficking of women and children.⁵⁹ The Commission acknowledges the recent parliamentary inquiry and report into the regulatory and legislative aspects of international and domestic surrogacy arrangements, *Surrogacy Matters*.⁶⁰

Issues for consideration in the LOI:

- **Information on the Australian Government's implementation of the *National Action Plan to Combat Human Trafficking and Slavery 2015–2019*; including consideration of the development a federal compensation scheme for survivors of human trafficking and slavery; and development of a regulatory regime addressing international surrogacy arrangements.**

- **Information on the development of a National Action Plan on Business and Human Rights, with clear links with the *National Action Plan to Combat Human Trafficking and Slavery 2015–2019*.**
- **Information on any steps taken to develop a Modern Slavery Act in Australia.**

9 Aboriginal and Torres Strait Islander women’s rights (CEDAW Articles 1–4, 11, 13 and 15)

39. The Commission congratulates the Australian Government for appointing the first Aboriginal woman to the role of the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission.
40. The Commission will soon be undertaking national consultations with Aboriginal and Torres Strait Islander women and girls, to elevate their voices and enable governments to better support Aboriginal and Torres Strait Islander women and girls as active citizens and positive change-makers.⁶¹ The Commission looks forward to reporting on this nationally significant project in the next Committee reporting period.

9.1 *Incarceration of Aboriginal and Torres Strait Islander women*

41. At 34% of the adult female prison population, Aboriginal and Torres Strait Islander women are the fastest growing and most overrepresented prison population.⁶²
42. As has been noted in numerous *Social Justice Reports*, none of the recommendations of the Royal Commission into Aboriginal Deaths in Custody specifically addressed the circumstances of Indigenous women.⁶³
43. The Commission has consistently recommended that the Australian Government establish nationally agreed justice targets and strategies aimed at significantly reducing the number of Aboriginal and Torres Strait Islander people in detention or gaol.⁶⁴

Issues for consideration in the LOI:

- **Information on steps taken by the Australian Government of work with Indigenous women to address the challenges facing Aboriginal and Torres Strait Islander women and the justice system.**
- **Information on steps taken by the Australian Government to establish national justice targets aimed at reducing the overrepresentation of Indigenous peoples in the justice system, including Aboriginal and Torres Strait Islander women.**

9.2 Supporting Aboriginal and Torres Strait Islander women and their families

44. 2017 commemorates the 20 year anniversary of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* conducted by the Commission (the Bringing Them Home Report).
45. The Commission is concerned about the vulnerability of Aboriginal and Torres Strait Islander women and their children given the current overrepresentation of Indigenous children in Australia's child protection system.⁶⁵
46. The Commission has welcomed the establishment of the Royal Commission into the Protection and Detention of Children in the Northern Territory, which includes an examination of child protection in the Northern Territory,⁶⁶ as well as the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse in 2012 to investigate the sexual abuse of children within private, public and non-government institutions, including an examination of abuse of children in out of home care. These Royal Commissions are both due to report later this year.

Issues for consideration in the LOI:

- **Information on steps taken by the Australian Government to support Aboriginal and Torres Strait Islander women, children and their families to stay together and to reduce high rates of contact with the child protection system.**
- **Information on State, Territory and Federal Government's responses to the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory, and the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly as they relate to child protection issues.**

9.3 Social security

47. The Commission has previously reported on the Cashless Debit Card and its impact on the exercise and enjoyment of human rights of Aboriginal and Torres Strait Islander peoples, including women, in the last two Social Justice and Native Title Reports.⁶⁷
48. While the Commission commends the Australian Government in their intentions to reduce individual, family and community harm, particularly resulting from alcohol use, evidence shows that income management is not a satisfactory method to address the core drivers of addiction and harmful behaviours.⁶⁸
49. The Commission also remains concerned that the overall impact of the card continues to disproportionately impact Aboriginal and Torres Strait Islander individuals and families, and where the Cashless Debit Card takes a blanket mandatory approach and is not a community-led initiative, this

disproportionately impacts the most vulnerable such as Aboriginal and Torres Strait Islander women and single parents.⁶⁹

Issues for consideration in the LOI:

- **Information on consideration of changes to the Cashless Debit Card model to an opt-in welfare income management measure, which is community-led.**

10 Immigration and citizenship (CEDAW Article 16)

50. The Commission has concerns about a range of immigration policies which can lead to prolonged family separation, with detrimental impacts on (often vulnerable) women and children. These include: provisions of the *Migration Act 1958* (Cth) which permit visa cancellation on broad character grounds, including in cases where people have family links in Australia;⁷⁰ restrictions on access to family reunion opportunities for some humanitarian entrants;⁷¹ immigration detention arrangements which lead to family separation;⁷² and the practice of transferring people from regional processing countries to Australia for medical treatment without their families.⁷³
51. The Commission is also concerned by recent policy announcements indicating that some groups of asylum seekers will no longer receive government-funded income support and rental assistance.⁷⁴ The groups affected, which include vulnerable women and children, are likely to be at significant risk of financial hardship.

Issues for consideration in the LOI:

- **Information on measures to prevent family separation resulting from immigration policies.**
- **Information on measures to ensure the welfare of vulnerable women and children seeking asylum who will no longer receive government-funded income support and rental assistance.**

11 Women and work (concluding observations paras 38–39 and CEDAW Article 11)

52. There are a range of gender equality gaps in Australia that affect women's right to work, right to just and favourable conditions of work and right to adequate standard of living for themselves and their family.⁷⁵
53. The Commission has highlighted issues for women in the workplace, including occupational segregation, the gender pay gap, unpaid caring work, the absence of superannuation from paid parental leave and the gender gap in retirement savings.⁷⁶
54. Women are still significantly underrepresented in senior leadership positions right across public, private and community sectors, and in parliament, which continues to perpetuate the gender pay gap.⁷⁷ A survey undertaken by Chief Executive Women found that women hold just 12% of line roles and 30% of

functional roles in executive leadership teams.⁷⁸ In the public service, women make up 58.7% of employees, but only 41.8% of the Senior Executive Service.⁷⁹

55. The Commission commends the Australia Government's commitment to a gender diversity target of women holding 50% of Australian Government board positions overall, with at least 40% representation of women and 40% men on individual boards.⁸⁰
56. The Commission understands that there is currently uncertainty about future iterations of the Australian Bureau of Statistics (ABS) Time Use study, which is an important record of women's work and provided accurate data concerning the extent and distribution of unpaid work and its intersection with paid work.⁸¹ A Senate inquiry into gender segregation in the workplace and its impact on women's economic equality recommended that the ABS Time Use study recommence on a regular basis.⁸²

Issues for consideration in the LOI:

- **Information on the Australian Government's efforts to support women in paid work, unpaid caring roles, access to affordable childcare, paid parental leave and to reduce gender gaps in workforce participation, wages and retirement incomes and savings.**
- **Information on future iterations of the ABS Time Use study, to collect accurate data concerning the extent and distribution of unpaid work and its intersection with paid work.**

11.1 Gender segregation in the workforce

57. Gender segregation in the workplace is a persistent feature of the Australian workforce.⁸³ Gender segregation occurs at occupation, role and industry levels. In 2015, less than 30% of workers in the Workplace Gender Equality Agency's reporting organisations worked in gender balanced organisations.
58. Statistics demonstrate that women are more likely to be employed in lower paying and insecure jobs, while men are more likely to work full-time and in the highest paid industries. This significantly impacts on women's economic security and the gender pay gap, and the high levels of poverty experienced by many older Australian women.
59. The Commission acknowledges the release of the Australian Government's Women's Workforce Participation Strategy, which outlines the practical work undertaken by the Australian Government to increase the opportunities for women to work, and the Government's commitment to reduce the gender participation gap by 25% by 2025.⁸⁴

Issues for consideration in the LOI:

- **Information on specific actions to reduce gender segregation in Australian workplaces.**

11.2 Family and domestic violence leave and related protections

60. Women who experience FDV may face adverse treatment in the workplace that is specifically related to their experiences of violence. For example, they may be denied leave or flexible work arrangements to attend violence-related matters, such as moving into a shelter; they may have their employment terminated for violence-related reasons; or they may be transferred or demoted for reasons related to violence.⁸⁵ This treatment can exacerbate the costs and consequences of FDV.⁸⁶
61. As of 2013, over one million employees could access leave and other protections made available through domestic violence clauses in agreement or award conditions.⁸⁷ All Australian governments have introduced domestic violence protections for their public servants, some of which include paid leave.⁸⁸ Many Australian businesses also provide for FDV leave within company policy.⁸⁹
62. As part of Australia's Fair Work Commission's review of all modern awards,⁹⁰ the Australian Council of Trade Unions sought variations to all modern awards to insert specific provisions relating to FDV leave.⁹¹ This was supported by the Commission.⁹²
63. The Fair Work Commission did not grant this claim for paid FDV leave, however accepted that employees should be entitled to unpaid FDV leave.⁹³

Issues for consideration in the LOI:

- **Information on the Australian Government's support for workplaces to introduce and implement FDV policies and programs.**
- **Information on including FDV leave in the National Employment Standards and modern awards.**
- **Information on recognising FDV as a protected attribute within existing anti-discrimination legislation and federal employment laws.**

11.3 Paid Parental Leave

64. The *Paid Parental Leave Act 2010* (Cth) came into effect as a result of the Productivity Commission's 2009 Inquiry report, which recommended a paid postnatal period of 18 weeks.⁹⁴ The Productivity Commission also recommended that superannuation entitlements be provided to mothers, subject to certain conditions, a recommendation also supported by the Commission.⁹⁵
65. International best practice suggests that extending father/partner leave quotas (on a 'use it or lose it' basis), in addition to providing sufficient paid parental leave which may be shared by either partner increases gender equity.⁹⁶

66. The Commission's submission to the Productivity Commission's inquiry recommended that, following a review period of the initial scheme, paid leave measures should be introduced so that in total the scheme provides for:
- 34 weeks of additional paid parental leave, of which 4 weeks may only be taken by the supporting parent, in addition to
 - 18 weeks paid parental leave, to be initially paid to the mother, and
 - 2 weeks supporting parent leave to be taken concurrently at the time of birth.⁹⁷
67. The Sex Discrimination Commissioner has also advocated for the relaxation of existing laws that require women to work for 12 months before they are eligible to access parental leave.⁹⁸

Issues for consideration in the LOI:

- **Information on efforts to:**
 - **Improve access to paid parental leave, including extending paid leave to fathers/partners**
 - **Review the qualifying period for leave**
 - **Provide superannuation entitlements as part of paid leave, and**
 - **Allow for greater flexibility in how and when to take the leave.**

12 Women in defence (CEDAW Articles 8 and 11)

68. Since 2014, the Commission has been working in a collaborative relationship with the Australian Defence Force (ADF) to encourage cultural reform and enhance the participation of women. This builds on cultural reform initiatives in Pathway to Change, an implementation strategy for cultural change across the ADF.⁹⁹ The Commission welcomes the commitment of the Government to remove the reservation to CEDAW on women in defence combat roles.

Issues for consideration in the LOI:

- **Information on the progress of cultural reform and the participation of women in the ADF, and of removing the relevant reservation to CEDAW.**

13 Attachment 1 – Compilation of issues for consideration in the LOI

- **Information on steps taken by the Australian Government to strengthen national FDV data collection and reporting mechanisms.**
- **Information on specific research undertaken to understand the nature and prevalence of FDV, sexual assault and sexual harassment for women and girls experiencing intersectional discrimination, and specific actions to explicitly address those intersectional causes.**
- **Information on steps taken by the Australian Government to reduce violence against Aboriginal and Torres Strait Islander women and children, including prevention and early intervention initiatives as an urgent priority issue.**
- **Information on efforts to ensure that subsequent Action Plans to the National Plan continue to support prevention and early intervention initiatives, and improve the provision of support and services for people experiencing gendered disability violence, including implementation of relevant recommendations from the Stop the Violence Project, the 2015 Senate inquiry and the 2016 COAG Report.**
- **Information on progress towards a national response to violence against women in institutional and disability accommodation settings.**
- **Information on legal protections to prevent sterilisation of women and girls with disability without consent.**
- **Information on the provision of adequate resources for accommodation and support services for women and girls with disability experiencing violence.**
- **Information on efforts to ensure there are adequate protections in place to address sexual harassment in the workplace, with consideration of the identified strategies in the Commission’s 2012 survey report and the forthcoming outcomes of the 2017 survey.**
- **Information on the Australian Government’s engagement with universities on the implementation of the Change the Course report recommendations to reduce the prevalence of sexual assault and sexual harassment in Australian universities.**
- **Information on national efforts to understand and address the increasing rate of suicide in women and girls.**
- **Information on national action to support, and improve outcomes for, young mothers and their children.**
- **Information on legal and policy protections to prevent medically unnecessary and/or harmful medical interventions on women and girls born with intersex variations.**
- **Information on steps taken to safeguard the rights of Muslim women and to eliminate the particular discrimination that they face.**

- **Information on initiatives to address the particular discrimination faced by women in rural, regional and remote areas, specifically in the areas of violence against women and sexual harassment, and strategies to address economic insecurity.**
- **Information on the Australian Government's response to the recommendations in the Willing to Work Report.**
- **Information on strategies to address women's economic insecurity in retirement.**
- **Information on the Australian Government's implementation of recommendations from the ALRC's report on Elder Abuse; including the development of a national plan to tackle elder abuse.**
- **Information on the Australian Government's implementation of the National Action Plan to Combat Human Trafficking and Slavery 2015–2019; including consideration of the development a federal compensation scheme for survivors of human trafficking and slavery; and development of a regulatory regime addressing international surrogacy arrangements.**
- **Information on the development of a National Action Plan on Business and Human Rights, with clear links with the National Action Plan to Combat Human Trafficking and Slavery 2015–2019.**
- **Information on any steps taken to develop a Modern Slavery Act in Australia.**
- **Information on steps taken by the Australian Government of work with Indigenous women to address the challenges facing Aboriginal and Torres Strait Islander women and the justice system.**
- **Information on steps taken by the Australian Government to establish national justice targets aimed at reducing the overrepresentation of Indigenous peoples in the justice system, including Aboriginal and Torres Strait Islander women.**
- **Information on steps taken by the Australian Government to support Aboriginal and Torres Strait Islander women, children and their families to stay together and to reduce high rates of contact with the child protection system.**
- **Information on State, Territory and Federal Government's responses to the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory, and the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly as they relate to child protection issues.**
- **Information on consideration of changes to the Cashless Debit Card model to an opt-in welfare income management measure, which is community-led.**
- **Information on measures to prevent family separation resulting from immigration policies.**
- **Information on measures to ensure the welfare of vulnerable women and children seeking asylum who will no longer receive government-funded income support and rental assistance.**

- **Information on the Australian Government's efforts to support women in paid work, unpaid caring roles, access to affordable childcare, paid parental leave and to reduce gender gaps in workforce participation, wages and retirement incomes and savings.**
- **Information on future iterations of the ABS Time Use study, to collect accurate data concerning the extent and distribution of unpaid work and its intersection with paid work.**
- **Information on specific actions to reduce gender segregation in Australian workplaces.**
- **Information on the Australian Government's support for workplaces to introduce and implement FDV policies and programs.**
- **Information on including FDV leave in the National Employment Standards and modern awards.**
- **Information on recognising FDV as a protected attribute within existing anti-discrimination legislation and federal employment laws.**
- **Information on efforts to:**
 - **Improve access to paid parental leave, including extending paid leave to fathers/partners**
 - **Review the qualifying period for leave**
 - **Provide superannuation entitlements as part of paid leave, and**
 - **Allow for greater flexibility in how and when to take the leave.**
- **Information on the progress of cultural reform and the participation of women in the ADF, and of removing the relevant reservation to CEDAW.**

¹ The submission has been presented according to selected thematic issues identified in the Committee's *Concluding Observations on Australia's sixth and seventh reports to the Committee* (UN Doc: CEDAW/C/AUL/CO/7), where they remain relevant.

The Committee on the Elimination of Discrimination against Women considered the combined sixth and seventh report of Australia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women at its 935th and 936th meetings, on 20 July 2010.

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⁵² Such as the reforms to the Human Trafficking Visa Framework (2015) and Australia's International Strategy to Combat Human Trafficking and Slavery (2016). This Human Trafficking Visa Framework reforms included: availability for survivors of slavery and slavery-like practices; enabling recipients to maintain their lawful status; waiving the Newly Arrived Resident's Waiting Period (which enables recipients to access English classes, social security payments and other services).

⁵³ The Interdepartmental Committee comprises of eleven government agencies that provide oversight of Australia's response to human trafficking, including the Attorney-General's Department, Australian Criminal Intelligence Commission, Australian Federal Police, Australian Institute of Criminology, Commonwealth Director of Public Prosecutions, Department of Employment, Department of Foreign Affairs and Trade, Department of Immigration and Border Protection, Department of Social Services, Department of Prime Minister and Cabinet and Fair Work Ombudsman. See Attorney-General's Department, Australian Government, *Australia's response to human trafficking*. At <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/Australias-response-to-human-trafficking.aspx> (viewed 11 September 2017).

⁵⁴ New offences were created through the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Cth), passed in 2012. The Act amends the *Criminal Code Act 1995* (Cth) to introduce offences of servitude (s 270.5), forced labour (s 270.6A), deceptive recruiting for labour or services (s 270.7), forced marriage (s 270.7B), organ trafficking (s 271.7A – 271.7E), and harbouring a victim (s 271.7F).

⁵⁵ The *Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013* (Cth), extends existing vulnerable witness protections to adult victims of slavery, slavery-like and human trafficking offences, and includes specific protections for witnesses who may be vulnerable due to a particular characteristic such as a disability or their cultural background. The Act also places the burden of proving the defendant was aged 18 or over on the prosecution.

⁵⁶ The Hon Michael Keenan MP, Minister for Justice, Minister Assisting the Prime Minister for Counter Terrorism, and Chris Crewther MP, Federal Member for Dunkley and Chair - Foreign Affairs and Aid Sub-Committee, 'Proposed new laws to help end modern slavery' (Media Release, 16 August 2017). At: <https://www.ministerjustice.gov.au/Media/Pages/Proposed-new-laws-to-help-end-modern-slavery-16-August-2017.aspx>

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⁵⁸ Australian Human Rights Commission, Submission No 23 to Parliamentary Joint Committee on Law Enforcement, *Inquiry into Human Trafficking*, 4 March 2016. At <http://www.humanrights.gov.au/submissions/submission-inquiry-human-trafficking-2016> (viewed 11 September 2017).

⁵⁹ Unregulated surrogacy arrangements can interfere with a surrogate mother's right to bodily integrity and to be free from subjection to cruel, inhuman or degrading treatment or to medical or scientific experimentation without consent. Australian Human Rights Commission, Submission No. 67 to the House of Representatives Standing Committee on Social Policy and Legal Affairs *Inquiry into the Regulatory and Legislative Aspects of International and Domestic Surrogacy Arrangements*, 17 February 2016, 8 [25]-[27]. At <http://www.aph.gov.au/DocumentStore.aspx?id=dedb38e1-e23a-44fb-99be-9f4bea82f9ba&subId=409138> (viewed 11 September 2017).

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http://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Inquiry_into_surrogacy/Report (viewed 11 September 2017). The Committee's 10 recommendations concern improving access to well-regulated and lawful domestic surrogacy arrangements so that there is less need for Australians to travel overseas to engage in surrogacy (Recommendations 1-6), and to promote better protection of the human rights of birth mothers and the children they carry on behalf of Australian citizens involved in international surrogacy arrangements (Recommendations 7-10). If the recommendations are adopted, it will be a step towards more uniform domestic laws that provide increased access to well-regulated surrogacy arrangements in Australia, and increased scrutiny of the practices in other countries which should lead to better human rights outcomes.

⁶¹ The focus on the project is to:

- Elevate the voice of and effectively empower Aboriginal and Torres Strait Islander women and girls to take part in a human-rights-based process which is accessible and relevant to their lived reality.
- Capture the voices of Aboriginal and Torres Strait Islander women and girls with respect to their cultural, socio-economic and personal security, their key priorities, and the principles that they believe underpin effective policy and practice.
- Provide robust evidence and set out clear guidance for governments to improve their capacity to support Aboriginal and Torres Strait Islander women and girls as active citizens and positive change makers, and the best-practice considerations that need to be deployed throughout government policies and programs.

⁶² Australian Bureau of Statistics, Prisoners in Australia, 2016 (data tables) in *Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment*, Human Rights Law Centre and Change the Record, 10.

It is also important to note that 80% of Aboriginal and Torres Strait Islander women in prison are mothers: *Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment*, Human Rights Law Centre and Change the Record, 5.

⁶³ Dr William Jonas AM, *Social Justice Report 2002*, Australian Human Rights Commission, (2002) 136. Aboriginal and Torres Strait Islander women are still imprisoned and still die in prison at unacceptable rates. Current efforts around diversion must be strengthened so that women are not imprisoned for offences such as, but not limited to, fine default, public drunkenness, substance abuse and traffic offences. Consideration must be given to the need for a national Indigenous Women's Legal Service in order to address the chronic disadvantage experienced by Aboriginal and Torres Strait Islander women and their access to justice - Commonwealth of Australia, Senate Standing Committee on Legal and Constitutional Affairs References Committee, *Access to Justice* (2009) 8.124-8.126. Organisations such as the Family Violence Prevention Legal Services should be strengthened to increase the access of culturally appropriate services to Indigenous women across regional, metropolitan and remote areas - Sisters Inside, Submission 69 to the Senate Standing Committee on Legal and Constitutional Affairs References Committee, Parliament of Australia, *Inquiry into the value of a justice reinvestment approach to criminal justice in Australia*, (2013) 23.

⁶⁴ Change the Record, *Blueprint for Change*, Change the Record Steering Committee (2015).

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