

# Working Together for Equality

NGO Beijing+25 Review 2019

AUSTRALIA





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# Working Together for Equality

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## NGO Beijing+25 Review 2019

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*This document reflects views and perceptions of the Australian NGO Beijing+25 Caucus and endorsing members. To clarify points and issues, a number of individuals were invited to review the document.*

*No funding was received by government agencies for this review. Those conducting the study and those participating in the drafting, compilation of information and review process undertook all resourcing.*

*Throughout this report the words ‘Indigenous’ “First Nations” and ‘Aboriginal’ are used interchangeably to refer to Australia’s Aboriginal and Torres Strait Islander peoples. When referencing policy and research reports we use the terminology used within the report. When referring to specific Aboriginal groups we use local, language names. In using these all of these terms we acknowledge the diversity of Australia’s Aboriginal and Torres Strait Islander nations.*

*Throughout the development of this document, there were major challenges in outreach to indigenous women. It is recognised that reaching indigenous women requires longer timeframes, good communication, financial and other resources to ensure quality, inclusive engagement. These resources were not available at the time of drafting this document and as such it must be noted that indigenous women’s issues and voices are underrepresented in this study.*

*We acknowledge that within Australia, the discussion of just and inclusive society must address that indigenous Aboriginal and Torres Strait Islander people who are the first sovereign Nations of the Australian continent and its adjacent islands have never ceded sovereignty. Until there is substantive acknowledgment of this in Australia there will not be true reflection of the status of Australian peoples.*

*Terminology used in this paper includes : ‘Women with disabilities’ refers to all adult women, girls and adolescents.*

*Women with Disability Australia prepared a stand-alone paper which covers the 12 critical areas and disability, many of the points are included in this review document. This is an excellent resource and should be considered in analysis on Beijing+25 and moving forward. The document is ‘The Status of Women and Girls with Disability in Australia, Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action - Joint Position Paper from Disabled People’s Organisations (DPO) Australia and the National Women’s Alliances (September 2019)’*

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## Acronyms

A-HKFTA	Australia – Hong Kong Free Trade Agreement	CSA	Census and Statistics Act 1905
ABS	Australian Bureau of Statistics	CSE	Comprehensive Sexuality Education
ACE	Adult and Community Education	CSW	Commission on the Status of Women
AHRC	Australian Human Rights Commission	Cth	Commonwealth
ANROWS	Australia’s National Research Organisation for Women’s Safety	CVD	Cardiovascular Disease
ANU	Australian National University	DFAT	Department of Foreign Affairs and Trade
APWLD	Asia-Pacific Forum on Women, Law and Development	DFV	Domestic and Family Violence
ARENA	Australian Renewable Energy Agency	DSS	Department of Social Services
ASEAN	Association of Southeast Asian Nations	ECE	Early Childhood Education
ASNA	Australian System of National Accounts	ERA	Equality Rights Alliance
ATSI	Aboriginal and Torres Straits Islanders	eS4W	economic Security 4 Women
AUD	Australian Dollar	FGM / C	Female Genital Mutilation / Cutting
AWAVA	Australian Women Against Violence Alliance	ESCAP	Economic and Social Commission for Asia and Pacific (United Nations)
AWHN	Australian Women’s Health Network	FTA	Free Trade Agreements
B + 10	Beijing Platform for Action plus 10 years (2005) review	G20	Group of 20 (Government Leaders)
B + 15	Beijing Platform for Action plus 15 years (2010) review	GAD	Gender and Disaster
B + 20	Beijing Platform for Action plus 20 years (2015) review	GDP	Gross Domestic Product
B + 25	Beijing Platform for Action plus 25 years (2020) review	GEM	Gender and Emergency Management
B + 5	Beijing plus five years (2000) Political Declaration and Outcomes Document	GNI	Gross National Income
BNLA	Building a New Life Australia	GPI	Global Peace Index
BPFA	Beijing Declaration and Platform for Action	GRB	Gender Responsive Budgeting
CALD	Culturally and Linguistically Diverse	ICPD	International Conference on Population and Development
CDC	Cashless Debit Cards	IDC	Inter Departmental Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	IDM	Individual Deprivation Measure
CEFM	Child, Early and Forced Marriage	IESCR	International Convention on Economic, Social and Cultural Rights
CES	Conference of European Statisticians	IFR	Independent Final Review
CFoV	Complex Forms of Violence	ILO	International Labour Organisation
CLC	Community Legal Centres	ISDS	Investor State Dispute Settlement
COAG	Council of Australian Governments	IWDA	International Women’s Development Agency
CRA	Commonwealth Rent Assistance	ICRPD	International Convention on the Rights of Persons with Disabilities
		LGBTQI	Lesbian Gay Bisexual Transgender Queer and Intersex
		LGBTQI+	Lesbian Gay Bisexual Transgender Queer and Intersex (and others)
		M&E	Monitoring and Evaluation
		MP	Member of Parliament
		NAP	National Action Plan

NCSMC	National Council of Single Mothers and their Children	SV	Sexual Violence
NCVER	National Centre for Vocational Education Research	TAFE	Technical and Further Education
NDIS	National Disability Insurance Scheme	TAFE SA	Technical and Further Education South Australia
NEFTA	National Education Toolkit for Female Genital Mutilation	TCF	Targeted Compliance Framework
NFAW	National Foundation for Australian Women	TPP / A	Trans Pacific Partnership / Agreements
NGO	Non-Government Organisation	TURG	Time Use Survey Reference Group
NHHA	National Housing and Homelessness Agreement	TUS	Time Use Surveys
NRWC	National Rural Women's Coalition	UN	United Nations
NSW	New South Wales	UN ESCAP	United Nations Economic and Social Commission for Asia Pacific
NWA	National Women's Alliances	UNECE	United Nations Economic Commission for Europe
ODA	Overseas Development Assistance	UNFCCC	United Nations Framework Convention on Climate Change
OECD	Organisation for Economic Cooperation and Development	UNFPA	United Nations Population Fund
OfW	Office for Women	UNHCR	United Nations High Commissioner for Refugees
PM&C	Prime Minister and Cabinet	UNICEF	United Nations Children's Fund
PPL	Paid Parental Leave	UNSC	United Nations Statistical Commission
PwC	Pricewaterhouse Coopers	UNSCR	United Nations Security Council Resolution
RCEP	Regional Comprehensive Economic Partnership	VAW	Violence Against Women
SA	South Australia	VET	Vocational Education and Training
SCR	Security Council Resolution	WESS	Women's Economic Security Statement
SDG	Sustainable Development Goals	WGEA	Workplace Gender Equality Agency
SOGI	Sexual Orientation and Gender Identity	WoLFS	Work, Life and Family Statistics
SOGII	Sexual Orientation, Gender Identity and Intersex	WPS	Women Peace and Security
SRSS	Status Resolution Support Service	WRO	Women's Rights Organisations
SSCA	Safe Schools Coalition Australia Program	ERA YWAG	Equality Rights Alliance (ERA) Young Women's Advisory Group
STEM	Science Technology Engineering and Mathematics	YWCA YWC	YWCA Young Women's Council

*“The master’s tools  
will never dismantle  
the master’s house.  
They may allow us to  
temporarily beat him  
at his own game, but  
they will never enable  
us to bring about  
genuine change.”*

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*Audre Lorde*



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# Executive Summary

The “Working Together for Equality Beijing+25 Review 2019: Australia” is part of the ongoing Australian Civil Society monitoring and evaluation of women’s rights commitments made by the Australian Government and Civil Society to the advancement of women through use of agreed strategies from the Beijing Declaration and Platform for Action (BPFA) (1995), and the Beijing+5 Outcomes Document (2000). The purpose of this document is to measure Australia’s progress in the last 5 years (2014 - 2019) against the BPFA 25 years since it was agreed in 1995.

To gain the information in this report, an Australian NGO Beijing+25 Caucus meeting was convened by Carole Shaw, (Asia Pacific Women’s Watch (APWW) & International Access Networks) on the 10th July 2019 with the intention of investigating Civil Society interest in producing a Beijing+25 Parallel Report. From the 51 organisations, networks, alliances and individuals represented in the teleconference it was agreed to work together to produce a report on the 12 critical areas and emerging and persistent areas for presentation to Australian Civil Society and the Australian Government by October 2019, one month prior to the Inter-Governmental Meeting on Beijing+25 due to be held at UN ESCAP 26 to 29 November, 2019 in Bangkok. This report is the result of this collaborative work.

This report builds on the findings from the B+20, B+15, B+10 and B+5 civil society Australian reviews of the BPFA and presents collaborative thought, analysis and advocacy for the advancement of women and girls in all their diversity to achieve gender equality in Australia.

*‘From the outset, we must acknowledge that within Australia, the discussion of just and inclusive society must address that indigenous Aboriginal and Torres Strait Islander people who are the first sovereign Nations of the Australian continent and its adjacent islands have never ceded sovereignty. Until there is substantive acknowledgment of this in Australia there will not be true peace’.*<sup>1</sup>

The issues and language highlighted in this document reflect the voices of those represented by the networks, alliances, organisations and peak bodies who participated in this review process. Throughout this report the words ‘Indigenous’ ‘First Nations’ and ‘Aboriginal’ are used interchangeably to refer to Australia’s Aboriginal and Torres Strait Islander peoples. When referencing policy and research reports we use the terminology used within the report. When referring to specific Aboriginal groups we use local, language names. In using these all of these terms we acknowledge the diversity of Australia’s Aboriginal and Torres Strait Islander nations.

Throughout the development of this document, there were major challenges in outreach to indigenous women. The National Aboriginal and Torres Strait Islander and other indigenous networks were approached. Engaging with indigenous women requires longer timeframes, good communication, financial and other resources to ensure quality, inclusive engagement. These resources were not available at the time of drafting this document and as such it must be noted that indigenous women’s issues and voices are underrepresented. The contribution of the National Aboriginal and Torres Strait Islander Women’s Alliance in reviewing and providing input to the document was particularly important in this context.

Terminology used in this paper also includes: ‘Women with disabilities’ refers to all adult women, girls and adolescents. Women with disabilities are not an homogenous group. They include indigenous women; refugee, migrant, asylum seeker and internally displaced women; women

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1 Uluru Statement From The Heart. 2017. <https://www.referendumcouncil.org.au>

in detention (hospitals, residential institutions, juvenile or correctional facilities and prisons); women living in poverty; women from different ethnic, religious and racial backgrounds; women with multiple disabilities and high levels of support; women with albinism; and lesbians, bisexual, transgender women and intersex persons. The diversity of women with disabilities also includes all types of impairments which is understood as physical, psychosocial, intellectual or sensory conditions which may or may not come with functional limitations. Disability is also understood as the social effect of the interaction between individual impairment and the social and material environment (Article 1 ICRPD).

This intersectional review received no government funding. Organisations and individuals conducting this work undertook all resourcing. Teleconferencing was supported by economic Security4Women (eS4W) and document design, layout and artwork sourced by International Access Networks.

Given time frames, resourcing and the challenges of working with networks, data is presented and analysed against the 12 Critical Areas of the BPFA. Each Critical Area is framed to present information for the BPFA, the Sustainable Development Goals (SDGs), CEDAW and the International Convention on the Rights of Persons with Disabilities (ICRPD) which now frame much of our national policy work.

The findings from this review are freely available for civil society and government information and advocacy. In particular, the review deadlines were in anticipation of sharing the information at the Asia Pacific Beijing+25 Civil Society Forum (24 – 26 November, 2019); the UN ESCAP High Level Government Forum (Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing+25 Review) (27 – 29 November, 2019) and the Commission on the Status of Women (CSW) 64th Session (9 – 20 March, 2020). This national report will also be shared with UN Women (New York) to feed into the Generation Equality Global Forum to be held in June 2020 in France.

This report is presented in three sections.

**Section One:** Contains the rationale, scope and overarching context of this report.

**Section Two:** Contains In depth monitoring and evaluation of the 12 Critical Areas of the Beijing Platform for Action (BPFA) since the previous review in 2014. Each critical area outlines the contemporary issues for women and girls in Australia under that specific critical area.

**Section Three:** Contains stand-alone papers developed to allow a more in-depth insight into particular aspects of the 12 Critical Areas. These areas are emerging and persistent areas for women in Australia today and highlight the recognised need to address harmful gender stereotypes in order to promote gender equality.

## Overarching findings from this review

Each Critical Area Chapter presents it's own situational review and recommendations for those issues. Below are the eight overarching areas that cross-cut across all sections of the document.

**The need for intersectional policy review / development.** Gender equality is central to human rights. Equality is a fundamental human rights principle that is inherently relative and context specific. Ensuring the human rights of women requires a comprehensive understanding of the social structures and power dynamics that frame laws and policies, as well as the economy, social dynamics, family and community life and cultural beliefs. Intersectional discrimination recognises that individuals do not experience discrimination as members of a homogeneous group but rather, as individuals with multidimensional layers of identities, statuses and life circumstances. An intersectional review / lens on policy will acknowledge the lived realities and experiences of



heightened disadvantage of individuals caused by multiple and intersecting forms of discrimination, which requires targeted measures with respect to disaggregated data collection, consultation, policymaking, enforceability or non-discrimination and provision of effective remedies<sup>2</sup>.

**The need to increase civil society space in an environment of shrinking space and push-back on human rights.** Despite Australia pushing for civil society space at UN forums such as CSW, there is a need to increase civil society space for substantive interactions around policy development and gender equality measures. Civil society interaction is a pre-requisite for changing culture and achieving gender equality. There is a lack of opportunity, space and resources to work collaboratively with Government on informed policy making. Mainstream national initiatives are often lacking in inclusive practices and engagement approaches and there is an urgency to address the ways that multiple forms of discrimination intersect and deny the rights of women, girls and non-binary people. Shrinking civil society space is likely to halt or reverse progress towards gender equality. To ensure no one left behind, to insure inclusion, and to improve sustainability, it is essential to build strong linkages with civil society and increase opportunities for inclusion in meaningful dialogue. This includes broader dialogue in National Action Plans such as the National Plan to Reduce Violence Against Women and their Families and the National Action Plan on Women Peace and Security.

**The need to broaden the concept of Violence Against Women** to ensure the rights of women and girls in all their diversity are enshrined into all legal and criminal practices and procedures. For women with disabilities this includes a means of communication to effectively communicate to legal institutions such as the police and courts. There is a need to properly address the diversity of women in Australia, recognising the multiple and interacting forms of marginalisation as well as the different kinds of resources that people can draw on in building communities free of violence. It is imperative that “an intersectionality lens”<sup>3</sup> is used throughout every priority area in efforts to reduce VAW. It is essential that prevention, intervention and responses to address violence against diverse group of women are co-designed with communities. More work needs to be done to increase awareness, and to “address discrimination based on multiple and intersecting factors which places women at a greater risk of violence”<sup>4</sup> and improve responses to other forms of VAW excluded from the focus on a conventional understanding of domestic and family violence (Section 2, Chapter 2.3). This communication needs to include a broader definition of violence to harmful and cultural practices, including dowry abuse, virginity testing, etc as well as institutional violence.

**The increasing feminisation of poverty continues.** There is great concern about the Australian Government’s approach to poverty and social protections. 3.05 million people or 13.2% are living in poverty in Australia, and women are over-represented in this number.<sup>5</sup> Australian social protections are not gender responsive, and payment structures are punitive toward women who perform the majority of unpaid work and care. Structural factors which combine to increase the economic insecurity of women include the gender pay gap, gender discrimination in the workplace, over-representation in unpaid work and care, and domestic violence. Further, Australia’s superannuation guarantee system is based on lifetime earnings, meaning that adequate retirement savings are generally only available to workers who have a stable continuous work pattern over their working life, which is not the experience of many women. The role of the age pension in the retirement income system as a safety net for retirees without adequate superannuation must be recognised and protected.<sup>6</sup> Quality housing remains a key challenge in this area.

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2 CRPD/C/GC/3 (2016)

3 2016, A/HRC/33/10, HRC Resolution 33/10. The human rights to safe drinking water and sanitation, OP9 (d)

4 2017, A/RES/71/170, GA Resolution 71/170, Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence, OP.11

5 Davidson, Peter, Saunders, Peter, Bradbury, Bruce and Wong, Melissa. (2018). Poverty in Australia, 2018. Sydney: ACOSS.

6 Equality Rights Alliance. (Forthcoming). National Plan for Gender Equality: Economic Wellbeing. Canberra: ERA.

The issue of **women's equal access to and participation in education and decent work** is a critical concern for Australian women today. Australia ranks among the leading countries in terms of women's access to and participation in education. However, major barriers remain for Indigenous women, migrant and refugee women and women with disability. It is also notable that education is still highly segregated in Australia, with comparatively fewer women completing degrees in sectors such as science, technology, engineering and maths (STEM). Also, this relative success in education does not translate to women's access and participation to decent work.

Australia has made many advances in **sexual and reproductive health and rights**, but significant gaps remain for our most vulnerable populations. Sexual and reproductive health, including maternal health, is a human right. There is a need to consider sexual and reproductive health within the social and cultural context of women's lives. A national integrated and intersectional approach is needed to the provision and support of sexual and reproductive health services for all women.

**Reproductive coercion** is an emerging issue in Australia at the intersection of sexual and reproductive health and domestic, family and sexual violence. Reproductive coercion occurs both interpersonally and is driven by structurally by policy and legislation which restrict or coerce reproductive choice.<sup>7</sup> Reproductive coercion must be embedded in existing and new policies and plan responding to gender-based violence, and a national Sexual and Reproductive Health Strategy which includes actions to respond to reproductive coercion must be implemented.<sup>8</sup>

There remains the need for easily accessible gender-responsive data and statistics. The ABS Gender Indicators should publish **intersectional, disaggregated data**. The recent commitment to undertake A Time Use Survey is a great leap forward. While this is a welcome measure, it is recognised that the TUS will only be useful as a source of data if it is adequately resourced and conducted at regular intervals. Regular TUSs allow cross-national comparisons and the study of trends.<sup>9</sup> Women's organisations in Australia are calling for a commitment to conducting the TUS at six-yearly intervals, enabling tracking of changes over time.<sup>10</sup> Full resourcing of ongoing and regular time-use surveys are essential to build a robust gender evidence.

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7 Marie Stopes Australia, Hidden Forces: Shining a light on Reproductive Coercion in Australia: White Paper, Australia: Marie Stopes, 2018.

8 Marie Stopes Australia, Hidden Forces: Shining a light on Reproductive Coercion in Australia: White Paper, Australia: Marie Stopes, 2018.

9 economic security4women, 2018-2019 Pre-Budget Submission (Australia: economic Security4Women, 2017).

10 Sarah Squire, "Increasing women's workforce participation: An analysis of the Women's Economic Security Statement", Power to Persuade 23 November 2019, <http://www.powertopersuade.org.au/blog/increasing-womens-workforce-participation-an-analysis-of-the-womens-economic-security-statement/23/11/2018> (30.07.19)

# Working Together for Equality

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NGO Beijing+25  
Review 2019

## Section 1: Introduction and Context Setting for the NGO Beijing+25 Review



## 1.1 Background

The year 2020 will mark 25 years since the United Nations Fourth World Conference on Women (FWCW) was held in Beijing, China in 1995. The Beijing Platform for Action (BPFA) which came out of the Conference is, along with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the major blueprint for global gender equality and the empowerment of women. In March 2020, a global review and appraisal of the implementation of the BPFA will take place at the 64th Session of the UN Commission on the Status of Women (UN CSW) in New York. In June 2020 a Global Forum: Generation Equality will take place in Mexico and France. UN member states in the Asia and Pacific region have begun their review and appraisal of the outcomes of the FWCW and are submitting their national reports to UN Women and the UN Economic and Social Commission for Asia and the Pacific (UN ESCAP). ESCAP will convene the Asia-Pacific regional intergovernmental meeting on Beijing+25 in Bangkok on 27 - 29 November 2019.

A most special feature of the Beijing Conference was its highly participatory nature. The preparations for the Conference involved a complex consultation process at national, regional and global levels. The partnership with NGOs throughout the process, though not without tension, was unparalleled. The observance of and preparations for Beijing+25 in this national review have been equally as participatory. The observance of and preparations for the global meetings for Beijing+25 into 2020 should be highly participatory as well.

## 1.2 The Australian NGO Beijing+25 Caucus

The Australian NGO Beijing+25 Caucus was organised to facilitate a systematic and coordinated engagement by feminists and women's organisations in the official review of the outcome of the BPFA in Australia, the Asia and Pacific Region and in preparation for the Commission on the Status of Women (CSW) 64th Session and the Generation Equality Forum to be held in 2020.

The Australian NGO Beijing+25 caucus was established in July 2019 coordinated through International Access Networks – an Australian member organisation of Asia Pacific Women's Watch, and a partnership organisation of economic Security for Women (eS4W). The Caucus consists of 51 organisations, networks, alliances and individuals working collaboratively to contribute an Australian civil society perspective to the Beijing+25 process. Work by the Caucus has been coordinated remotely with teams of drafters working together utilising a shared drive to facilitate input across all areas and an Intersectional Review Team established to jointly edit the document before finalisation. The Caucus also shared information around the Beijing+25 regional and international processes and will remain in communication following the completion of this report to maintain dissemination of up to date information and actions.

The Caucus discussed how women's movements in Australia want to engage in the review process and how this involvement should be organised. The Caucus also sought to ensure that women's groups / networks / Alliances in Australia, especially the younger generation of feminists, can substantially participate in this review and appraisal process.

This report is the sum of that participation. It is recognised that given the short time frame of four months to prepare this report and the capacity and resources of many of the groups in Australia to prepare such a document, the drafting teams have undertaken a mammoth task to draft sections and bring the voices of their member organisations into this document.

It is also recognised that a major challenge throughout this process was the outreach and engagement of Aboriginal and Torres Strait Islanders and other indigenous women's networks. Engaging with Indigenous women requires longer timeframes and financial and other resources to ensure quality, inclusive engagement. Indigenous women's issues and voices are underrepresented in this document. The contribution of the National Aboriginal and Torres Strait Islander Women's Alliance in reviewing and providing input to the document was particularly important in this context.

*From the outset, we must acknowledge that within Australia, the discussion of just and inclusive society must address that indigenous Aboriginal and Torres Strait Islander people who are the first sovereign Nations of the Australian continent and its adjacent islands have never ceded sovereignty. Until there is substantive acknowledgment of this in Australia there will not be true peace.<sup>11</sup>*

## 1.3 Overarching context – Global

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For the last 25 years feminists and gender equality advocates, human rights defenders and feminist groups have been actively involved in shaping a new development agenda that adequately addressed human rights, including women's rights and gender equality. As the development agenda changes and the goal posts rise, spaces for activism and advocacy also shift and change. The negotiation processes are complex, frustrating and at times dangerous but with each new development paradigm new opportunities arise to re-shape global understandings of development in a struggle towards social, economic, ecological and gender justice. With the current Post 2015 Development Agenda now 5 years in place, and the Sustainable Development 2030 Agenda and Goals succeeding the unfinished business of the Millennium Development Goals (MDGs) women's groups and networks are reassessing strategies and actions while navigating a global context of 'multiple intersecting global crises coupled with increasing inequality and militarism.'<sup>12</sup>

Despite the gains achieved through the Beijing Platform for Action (BPFA), The Convention on All Forms of Discrimination Against Women (CEDAW) and UN Security Council Resolution (UNSCR) 1325, over the past two decades feminist groups and networks have experienced increasingly harsher push back in civil society participation in National, Regional and Global processes, including across UN bodies and processes.

Intimidations, restrictions and reprisals have been common tactics used by States to silence and fragment women's groups and networks. This is recognised by the UN and clearly articulated in UN General Assembly Resolution (A/RES/53/144)<sup>13</sup>. At the opening session of the Commission of the Status of Women (CSW) 63rd Session in New York (2019) the Secretary General of the United Nations in his opening remarks made note of the increasingly changing

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11 Uluru Statement From The Heart. 2017. <https://www.referendumcouncil.org.au>

12 Abelenda, Anna Ines, (2014) 'A Feminist Perspective on the Post-2015 Development Agenda' Equal Rights Review, Vol. p117

13 United Nations General Assembly Resolution A/RES/53/144 (1999) 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' Article 5; Article 18.

and restrictive environment for civil society activism and called for stronger coalitions to rise to push back on the push back on human rights and especially on women's rights.

Over recent years, civil society advocates have been facing an increasingly repressive and securitised environment. Individual and collective activism is facing a global pushback from States, corporations and the politically Far Right. This push back is felt at the national, regional and international levels.

**Australia is one of the few countries who support and advocate for civil society space** in UN Fora such as the Commission on the Status of Women. This is seen as good practice and should be continued and expanded where possible.<sup>14</sup>

## 1.4 Overarching Context – Australia

### 1.4.1 Shrinking Civil Society Space

The lack of civil society space to interact and communicate with government departments in Australia is at times harshly felt by feminist groups, women's groups and organisations. Over the last 5 years civil society advocates have struggled in an environment of shrinking resources and funding of the women's sector, an increasing demand for specialist services, increasing conditionality on social protections and a general erosion of social protections in Australia.

As funding and resourcing of both the Australian Government Office for Women (OfW) and the women's sector generally are being reduced, we are witnessing an increasing gap between policy and lived experience. This is contributing to patterns of growing inequality, increased social isolation and an increase in the feminisation of poverty. The issues of 'creeping poverty' reported in the Beijing+20 Australian Civil Society Report are increasing and while 'creeping poverty' includes women and men, girls and boys, the feminisation of poverty discussed in this report, is not only a consequence of lack of income, but is also the result of deprivation of opportunities and gender biases present in both society and government. The feminisation of poverty is evident across all social and cultural groups within both rural and urban contexts.

It is well known that working with civil society groups can lead to informed policy making and increased safety and security of marginalised populations. Civil society and non-government organisations have the power to influence individual behaviour, to mobilise people and act as a bridge between policy makers and community. In Australia the women's sector compete for ever shrinking funds, with very little general funding or resources available for groups outside the National Women's Alliances (NWAs) framework<sup>15</sup>.

The NWAs are a strong model for Australia, with the potential to contribute to improve policy outcomes for civil society and Government. The NWAs also provide strong evidence of how groups with similar interests / identities can work together effectively. It must be added however, that not all service providers and NGOs link into the National Women's Alliances and this is a

<sup>14</sup> However, the Australian government has reduced the number of civil society representatives at CSW in recent years.

<sup>15</sup> In Australia, the federal OfW funds six NWAs, with a focus on differing populations and issues. The issues-based Alliances are: economic Security4Women (eS4W), Equal Rights Alliance (ERA), and Australian Women Against Violence Alliance (AWAVA). The sector-based Alliances are: National Rural Women's Coalition (NRWC), National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) and Harmony Alliance. The role of the Alliances is to bring together women's and feminist organisations to share information, identify issues that affect them and identify solutions, as well as engaging with the Australian government on policy issues as part of a dialogue between the women's and feminist sector and government.

lost opportunity for the government to improve informed policy, services and legislation. The Australian B+25 NGO Caucus (made up of NWAs and non-Alliance NGOs, women's groups and individuals) provides an example which illustrates that in times of stress a lot can be done to work to improve the situation of diverse women and girls and to hold governments accountable for their international and national human rights obligations.

Lack of participation by young people in decision making and political engagement is also evident. Traditional platforms for engagement with government are not often accessible, or are hostile for young people. Young individuals create unique and innovative initiatives and make good use of crowd sourcing and social media networks, but this is often ignored or discounted by Government and Community Leaders. The recent call for "schools for climate action" is a clear shout out to governments in Australia that young people, particularly young women are not feeling heard and wish to amplify their voices. Young people are the voters and representatives of the future, youth led policy forums and the resourcing and support to participate in such programs should be available and effective for young people to speak to policy issues that impact most on themselves.

The shrinking civil society space is also mirrored in an increasingly securitising space in Australia where the freedom of the press, whistle-blowers and the national protection for human rights has been challenged.<sup>16</sup>

## 1.4.2 Increasing Feminisation of Poverty

Australia is a high-income country, with most measures of lifestyle and well-being amongst the highest in the world. Continued economic growth and rising wealth have been the hallmarks of the economy over many decades. The benefits of these favourable economic fundamentals have not been evenly shared, with women continuing to lag behind men in terms of jobs, incomes and superannuation balances.

Feminisation of poverty is increasing as drivers of discrimination in workforce participation, increase in casualisation of the workforce, and conditionality of welfare and lack of essential services prevail.

The major forces that impact most severely in this area are:

- Deeply rooted prejudice regarding gender social norms, practices and stereotypes
- Lack of access to decent work
- The reality of care work
- Erosion of social protections in Australia
- Lack of intersectional approach to policy further impacts women and vulnerable groups
- Lack of appropriate support services and
- High prevalence of domestic and family violence.

Deeply rooted prejudice regarding social norms, practices and stereotypes are evident at all levels of family, community, workplaces and government, and are preventing diverse women from enjoying the full spectrum of their human rights. There is a lack of opportunity, space and resources to work collaboratively with Government on informed policy making. Mainstream national initiatives are often lacking in inclusive practices and engagement approaches and there is an urgency to address the ways that multiple forms of discrimination intersect and deny the rights of women, girls and non-binary people. International and national laws and policies

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16 Hardy, K. Press freedom in Australia needs much more than piecemeal protection. The Interpreter, Lowy Institute. 16 August 2019. [www.lowyinstitute.org](http://www.lowyinstitute.org); Tingle, L. Australia's national security laws should protect the country, not its politicians in power. 24 June 2019. <https://abc.net.au>



on disability have historically neglected aspects related to women and girls with disabilities. This has meant laws and policies addressing women have traditionally ignored disability. This invisibility has perpetuated the situation of multiple and intersecting forms of discrimination against women and girls with disabilities.

The increasing feminisation of poverty reflects not only the minimal and insufficient financial resources on which women survive, but also the fact that these already restricted resources are continuing to contract. The increasing contraction of resources is the result of the rising economic discrimination and disadvantage women experience across their lifecycles. For example, the overrepresentation of women in casual, part time and insecure work; high rates of female unemployment; gender segregation across many industries and sectors and the subsequent undervaluation of perceived feminised sectors.

### 1.4.3 Women's Work – Decent Work

The issue of women's equal access to and participation decent work is a critical concern for Australian women today. With a couple of notable exceptions, such as being Indigenous, being a woman with a disability, or migrant and refugee women, Australia ranks among the leading countries in terms of women's access to and participation in education. It is noted, however, that education is still highly segregated in Australia, with comparatively fewer women completing degrees in sectors such as science, technology, engineering and maths (STEM). Also, this relative success in education does not translate to women's access and participation to decent work. There remain significant barriers, socially and in policy to women's accessibility to access decent work and financial security. Economic insecurity among older women is increasing and leading to increasing numbers of older women in situations of homelessness.

Despite a more focused gender lens in this area over recent years, women and girls continue to perform the greater amount of unpaid care work that results in loss of income and superannuation over women's lifecycles, rendering unpaid care work invisible to key decision-makers, including policy makers, politicians and economists. The impact of care on young women and girls' lives is palpable. In 2016 an estimated 5% of young people in Australia under the age of 25 regularly cared for a family member with an illness, a disability, a mental illness or an alcohol or drug addiction. Upholding and affirming rigid gender stereotypes during childhood and into adulthood can severely impact on career prospects, healthy emotional life and the capacity to engage in equal and respectful relationships thus prolonging the cycles of poverty that are emerging.

### 1.4.4 Social Protections in Australia

Social protections in Australia provide a crucial safety net for women and other vulnerable groups. Despite the introduction of Australia's Paid Parental Leave Scheme in 2011, and renegotiation of Australia's national housing and homelessness policies in 2018, there continues to be great concern about the Australian Government's approach to poverty and social protections. Australian social protections are not gender responsive and payment structures are punitive towards women who perform the majority of casual and unpaid work.

Since the BPFA +20 review in 2015, there has been a gradual undermining of Australia's social protection system through an increasingly punitive system of conditional provision and the limiting of eligibility for support / payments. Australian Government approaches to poverty and social protections are not gender responsive, and payment structures are punitive towards women who perform the majority of unpaid work and care. Welfare conditionalities and the

Targeted Compliance Framework (TCF) regularly fail to take into account ill health, intimate partner violence and disability. There is a strong argument that conditionalities and the TCF undermine social security rights, this, combined with the lack of flexibility and failure to provide for waiver of payment suspensions on the basis of financial hardship means that people are left unable to provide for themselves and their families.

There is a need to address key and emerging barriers that impact on the growing feminisation of poverty and access to services, participation and inclusion for women. The marginalisation and inequality women experience must be understood in relation to intersectionality, oppression and inequality within a rising conservatism that supports and strengthens deeply rooted prejudice regarding social norms, practices and stereotypes. To counteract this an intersectional approach to policy making and service delivery is crucial.

It is important to recognise and operationalise the interconnectedness of measures to achieve gender equality with ensuring economic security, ending violence against women, combating racism, homophobia, transphobia, biphobia, and ableism with an absence of gender and intersectionality lenses in government budgeting and policies, some measures while designed with specific goals, in reality serve only exacerbate poverty, disempower and disadvantage women especially in situations of domestic and family violence (DFV).

Without recognising the context of oppression and privilege arising from the intersection of racism, colonisation, classism, sexual orientation and gender identity, ethnicity, religion, disability and age, Australia will remain with a 'one policy' fits all mentality and populations will continue to lag behind with the largest impact being on women and girls. There is an urgency to apply an intersectional gender lens to social protection systems and policy development in Australia.

Australia continues to have a shortage of effective and appropriate support services, funding and lack of coordination between already existing services. This is especially evident in the areas of mental health, domestic and family violence, specialist services and sexual and reproductive health services. There continues to be a major challenge in integrating and mainstreaming gender into Australian health policies. Visa status, residency and citizenship also pose significant challenges to eligibility for essential services.

Access to services in rural areas is limited, and is further compounded by geographic location which has a significant impact on women and their children, as well as people with multiple and intersecting identities, who face even greater barriers to accessing culturally safe and appropriate services. In the face of increasing natural disasters, evidence shows that women, people with disability, LGBTIQ people and people from migrant and refugee backgrounds experience disproportionate impacts and greater struggles in accessing post-disaster services.

Despite updates in the Women's Health Strategy (2020 – 2030), the Implementation Steering Group has not been set up or resourced. Prevention of illness or public health are activities that focus on prevention, promotion and protection rather than treatment, on population rather than on individuals and on the factors and behaviours that cause illness and injury rather than injury itself. The current system is largely funded for episodic interventions after evidence of disease occurs. Lack of major policy and funding focus on health and illness prevention is a major issue. There remain specific groups of women whose health is significantly compromised by their exposure to risk and social experiences. In particular, the poor standards of health of Indigenous women, refugee women and women with disabilities raises concerns about the capacity of health services to meet their needs. Comprehensive sexuality education in Australia is piecemeal, and is failing the needs of young women and non-binary young people, with impacts for young people to realise their sexual and reproductive health rights and freedom from coercion and violence.

## 1.4.5 Violence Against Women and Girls

Significant progress has been made in Australia in relation to the government commitments to reduce all forms of violence against women and girls (see Chapters 2.4; 3.5 and 3.6 of this report for more discussion), the prevalence rates remain high. It is widely recognised that family, domestic and sexual violence is an endemic problem in Australian society.<sup>17</sup> Progress has been made in the area of primary prevention of violence against women, including embedding a focus on primary prevention in Australia's National Plan to Reduce Violence against Women and their Children (2010 – 2022) now in its fourth and final strategic direction. Specialist women's and family violence services deliver the bulk of prevention and support to women and girls experiencing Domestic, Family Violence and Sexual violence. However, despite government commitments to strengthening and supporting services to end Violence Against Women and Girls, efforts at the national level funding under the National Plan has not sufficiently supported specialist women's services to meet the challenges of maintaining best practice service models in an environment of rising demand.

Domestic and family violence negatively impacts on the economic wellbeing and financial independence of women and girls.

- Price Waterhouse Coopers has estimated that violence against women in Australia imposes a financial cost of \$21.7 billion a year, with victims/survivors bearing the main burden of this cost.<sup>18</sup> If appropriate action is not taken, this toll could rise to \$323.4 billion by 2045.
- It costs \$18,000 for a victim/survivor to leave violent relationship and establish safety. This would include costs associated with reallocation, safety upgrades, legal costs and medical costs.<sup>19</sup>
- It takes an average of six years for women to recover financially from a divorce.<sup>20</sup>
- Separation for victim/survivors of domestic and family violence results in significantly reduced assets.<sup>21</sup>
- Perpetrators of domestic and family violence leave victim/survivors responsible for repaying jointly accumulated debts.<sup>22</sup>

While, over the last 5 years, there has been some progress made to address violence against specific groups of women facing multiple forms of discrimination in particular Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, LGBTQI people and women with disability, these efforts tend to treat diverse groups in isolation, without applying an intersectional analysis and without meaningful community consultation and co-design of policies and response.

In addition, Harmful and Cultural Practices / Complex Forms of Violence (CFoV) are a rising issue in Australia with few services to support those affected by these forms of violence (see

17 Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW; ABS 2017b. Personal Safety Survey 2016. ABS cat. no. 4906.0. Canberra: ABS; Bryant & Bricknell 2017. Homicide in Australia 2012–13 to 2013–14: National Homicide Monitoring Program Report. Canberra: AIC; <https://anrows.org.au/resources/media/media-releases/intimate-partner-violence-contributes-highest-health-risk-women-aged>; <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/clients-services-and-outcomes>

18 PWC (2015) Economic case for preventing violence against women. A high price to pay. <https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>

19 Australian Council of Trade Unions submission on the Family and Domestic Violence Leave to the Fair Work Commission. <https://www.actu.org.au/media/886617/actu-submission-to-fwc-family-and-domestic-violence-leave.pdf>

20 De Vaus, D., Gray, M., & Stanton, D. (2014). The Economic Consequences of Divorce in Australia. *International Journal of Law, Policy and Family* 28(1), 26-47.

21 Braff, R. & Myering, I. B. (2011). Seeking security: Promoting women's economic wellbeing following domestic violence. Department of Families, housing, Community services and Indigenous Affairs, University of New South Wales. Australian Domestic and Family Violence Clearinghouse.

22 Corrie, T. & McGuire, M. (2013). Economic abuse: Searching for solutions. A Spotlight on Economic Abuse research report. Collingwood: Good Shepherd Youth & Family Service. Retrieved from [https://www.goodshep.org.au/media/1223/economic-abuse\\_final-report.pdf](https://www.goodshep.org.au/media/1223/economic-abuse_final-report.pdf)

Chapter 3.6 of this report for more discussion). CFoV have complex and often varied impacts on domestic and family violence including the economic well-being of the family; pressure to secure visas for family members overseas; and deeply rooted prejudice resulting in strict gendered stereotypes of women and girl child's role in the family. In addition, Australia's migration laws and rules have been found to inadvertently act as enablers in domestic and family violence and entrenching of CFoV in Australia (see Chapter 3.6 for more discussion). There is a need for further research and policy development in this area and greater recognition of these complex forms of violence as a form of gender-based violence and domestic and family violence in both legislation and policies at a national level. There is also a need for better resourcing and availability of specialist services to support victims/survivors.

## 1.4.6 Human Rights

In Australia national human rights and anti-discrimination law remains inconsistent and outdated. This can best be addressed by the introduction of a comprehensive Human Rights Act or Bill/ Charter of Rights, and an Equality Act that consolidates and modernises existing discrimination protections, and incorporates Australia's international human rights obligations into domestic law, to ensure the human rights of women and girls are protected across Australia. Such an approach would strengthen and protect the role of an independent Australian Human Rights Commission, and work to effectively address the freedom of the press, to ensure an open civil society.

Key areas of concern in relation to human rights for women and girls include:

- refugee and asylum seeker women and girls, where it is urgent that all women and girls on Nauru are brought to safety in Australia, and reunited with families; and that offshore processing centres are closed and refugees and asylum seekers are brought to Australia.
- women and girls in criminal justice systems, where laws and policies need to be addressed where they unfairly contribute to the growing number of women and girls in prison, particularly Aboriginal and Torres Strait Islander women and girls.
- women's reproductive health rights, where there is a need to decriminalise abortion and replace it with laws that respect women's autonomy, and ensure safe and private access to abortion services.
- LGBTIQI women and girls, where there is need to implement programs to reduce violence, bullying and harassment experienced by LGBTIQI women and girls, and improve access to legal recognition of gender that respects a person's gender identity.

## 1.5 Women's Rights and Gender Equality

Over the 25 years since the UN 4th World Conference was held in Beijing in 1995, the language of women's rights and gender equality has begun to merge and/ or to be used interchangeably. This represents a shifting and increasing understanding and acceptance of women's rights and gender equality, as well as the recognition that at times there is a tension arising between advocating for Women's Rights and advocating for Gender Equality, as there are shifting feminist discussions, and there is a need to look more critically at pragmatically implementing a right based approach for all diverse women and girls.

This can be seen in some of the gains achieved for Women's Rights, and also the shift in language since the inception of the Millennium Development Goals (MDGs) and Sustainable

Development Goals (SDGs) to Gender Equality. This shift is also reflected in UN discussions of 'Gender Equality and Women's Rights' with broader references to Gender Equality now being more prominent.

In recent years, women in Australia have made significant gains towards equality with men. This is evident in Universities, workplaces, boardrooms and in government offices, where growing numbers of women have taken leadership roles. However, Australia is still at a stage where policy does not allow all women in their diversity to enjoy their full human rights.

Gender equality is one of the objectives of the United Nations Universal Declaration of Human Rights. World bodies have defined gender equality in terms of human rights, especially women's rights, and economic development. There is also a shift across the women's sector in Australia. And yet, for many women in Australia equality is still just a dream. In New South Wales in September 2019 Australians are still battling for anti-abortion laws and the right for women to control their sexual and reproductive rights without punitive recourse.

In the 2018 'From Girls to Men: social attitudes to gender equality issues in Australia' Report<sup>23</sup> 88% of Australians (who participated in the study) agreed inequality between women and men remains a problem in Australia. This finding is comparable with surveys conducted nationally since 2009.

*'The evidence presented .. suggests that many women are still being held back by traditional beliefs, with social norms continuing to push women into traditional roles. And although tradition no longer has a vice like grip both men and women occupying the moderate value system still share clearly defined and often stereotypical views of what men and women are better at in the home and the workplace. There has been a twist in the tale in the sense that moderate men want to push gender equality forward, but they appear to be held back by their fear of change and increased economic insecurity.'*<sup>24</sup>

The tensions between rights and equality, values and stereotypes remain open and raise some further important questions which need to be addressed:

- what are the different positions around women's rights and gender equality;
- how does the discussion of women's rights capture the rights and needs of LGBTIQ people and issues, which have increased in profile and advocacy in recent years, as well as being a point of focus for an intersectional feminist movement; and
- how can the focus and action on "rights" be maintained and increased for all diverse women and girls?

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23 <https://www.5050foundation.edu.au/assets/reports/documents/From-Girls-to-Men.pdf> downloaded 30 September 2019. p 12, 50.

24 Ibid. p 50.

*“It is time that we all see gender as a spectrum instead of two sets of opposing ideas. We should stop defining each other by what we are not and start defining ourselves by who we are.”*

*Emma Watson*

# Working Together for Equality

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NGO Beijing+25  
Review 2019

## Section 2: In-depth Monitoring and Evaluation of the 12 Critical Areas of the Beijing Platform for Action (BPFA)

13

- A Women and Poverty
- B Education and Training of Women
- C Women and Health
- D Violence Against Women
- E Women and Armed Conflict
- F Women and the Economy
- G Women in Power and Decision Making
- H Institutional Mechanisms for the Advancement of Women
- I Human Rights of Women
- J Women and Media
- K Women and the Environment
- L The Girl Child/Young Women





## 2.1 Critical Area A – Women and Poverty

### 2.1.1 Gains, gaps and challenges

The key challenges contributing to women's poverty in Australia are the failure to value unpaid work and care, and the gradual undermining of Australia's social protection system. The inequitable distribution of unpaid work and care constitutes a significant barrier to women's ability to access employment and financial security, and is undervalued socially and in policy. Social protections in Australia are being undermined through an increasingly punitive system of conditional provision, and the limiting of eligibility for payments. Yet, social protections provide a crucial safety net for women and other vulnerable groups, and must be viewed as human rights obligations rather than discretionary expenditure.

There is a need for an intersectional lens on women and poverty, which responds to some women's and people's exposure to more severe and specific poverties. For example, people who identify as transgender are more likely to experience poverty and more likely to be discriminated against in employment;<sup>25</sup> same gender attracted-women are less likely to be out at work than either same gender-attracted men or gender diverse people.<sup>26</sup> Aboriginal and Torres Strait Islander women are paid an annual average of \$11,200 less than non-Indigenous women;<sup>27</sup> and some women (especially Aboriginal and Torres Strait Islander women) are forced to use cashless debit cards without access to cash, with impacts on their ability to get free of domestic violence;<sup>28</sup> between 38-41% of people living in poverty are people with disability;<sup>29</sup> women with disability experience lower rates of employment and pay than men with disability and are more likely than men with disability to be in informal, subsistence and vulnerable employment.<sup>30</sup> The Australian income, tax and welfare system is blind to the additional costs of healthcare incurred by women with a disability over their lifetime.<sup>31</sup> Similarly, women from culturally and linguistically diverse backgrounds are over-represented in insecure employment fields;<sup>32</sup> and extended waiting periods for migrants to access social security increase migrant women's dependence on partners and families, making them more at risk of controlling and violent behaviour.<sup>33</sup>

25 NSW Council of Social Services, Beyond the myth of 'pink privilege': Poverty, disadvantage and LGBTI people in NSW (NSW: NCOSS, 2015).

26 GLEE@PwC. 2018. Perspectives on LGBTI inclusion in the workplace: A 2019 pulse check. PricewaterhouseCoopers Ltd.: 2018, available from: <https://www.pwc.com.au/publications/pdf/perspectives-on-workplace-inclusion-2018.pdf>, accessed 5 September 2019.

27 Howlett, M, M Gray and B Hunter, 2016, 'Wages, Government Payments and Other Income of Indigenous and Non-Indigenous Australia', Australian Journal of Labour Economics, vol 19, no.2 pp. 53-76.

28 'Submissions Received by the Senate Community Affairs Legislation Committee into the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017, available at [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/CashlessDebitCard/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/CashlessDebitCard/Submissions), accessed 8 August 2019.

29 Australian Council of Social Services, Poverty in Australia 2018 (NSW: ACOSS, 2018), 58.

30 Women With Disabilities Australia. An Overview of the Status of Women With Disabilities in Australia, available at <http://wwda.org.au/about/snapshot/>, accessed 23 September 2019.

31 DPO Australia, National Women's Alliance. 2019. The Status of Women and Girls with a Disability: Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), September 2019.

32 Federation of Ethnic Communities' Councils of Australia, 2017. 'Submission to Independent Inquiry into Insecure Work', (ACT: FECCA). Available at [http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv\\_02.pdf](http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv_02.pdf)

33 Harmony Alliance, 'Open Letter to Female Members of Parliament and Senators', 22 May 2018, Available at [http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv\\_02.pdf](http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv_02.pdf), accessed 8 August 2019.

## 2.1.2 Inclusive development, shared prosperity and decent work

We welcome efforts made to eliminate discrimination in women's employment through ongoing funding and support for the Workplace Gender Equality Agency (WGEA) under the Workplace Gender Equality Act 2012. It is encouraging to see the Australia gender pay gap at a low of 14.0%, from 18.5% in 2014,<sup>34</sup> but further efforts are needed to eliminate discrimination against women's employment (see F Women and the Economy).

## 2.1.3 Workforce participation and poverty

The feminisation of poverty and the creeping poverty experienced by women in Australia is evidenced by the higher rates of female unemployment compared to men. Women's employment rate is 64% in comparison with 75% for men, and women aged 30-34 years old are three times more likely than men to be out of the labour force.<sup>35</sup> In 2016-17, the labour force participation rate of people aged 20-74 years was 66 per cent for women and 78 per cent for men. While young women aged 15-19 were slightly more likely than young men the same age to be working or looking for work, proportions of men participating in the labour force outstripped those for women in every age group from 20 years and over.

## 2.1.4 Accumulation of poverty

Economic insecurity among older women is increasing, particularly among older single women.<sup>36</sup> Changes to the age pension payment which increased the age of eligibility to 60 to 65 have had further impacts for poverty among older women. The age group most reliant on unemployment payments are those aged 55-64, with women outnumbering men as recipients in this age bracket (in comparison with people on unemployment payments aged under 35, where men are in a clear majority, and in middle age groups, where numbers are relatively even).<sup>37</sup> Similarly, in the decade between 2006-07 and 2016-17, the workforce participation rate for women aged 60-64 increased from 34 per cent to 50 per cent, an increase of 16 per cent: the highest increase in all age groups for both men and women over this time<sup>38</sup> and indicating women's offsetting of the delayed access to the age pension through employment participation. At the same time, homelessness among women aged 55 and over has grown by 31% since 2011.<sup>39</sup> These figures are evidence of older women's increased risk of economic security and poverty.

Structural factors which combine to increase the economic insecurity of women include the gender pay gap, gender discrimination in the workplace, over-representation in unpaid work and care, and domestic violence. Further, Australia's superannuation guarantee system is based on lifetime earnings, meaning that adequate retirement savings are generally only available to workers who have a stable continuous work pattern over their working life, which is not the experience of many women. The role of the age pension in

34 Workplace Gender Equality Agency (WGEA), 2019, 'Gender workplace statistics at a glance 2018-19', available from: <https://www.wgea.gov.au/data/fact-sheets/gender-workplace-statistics-at-a-glance-2018-19>, accessed 26 August 2019.

35 ABS 6224.0.55.001 Labour Force, Australia: Labour Force Status and Other Characteristics of Families, June 2016.

36 Senate Economics References Committee (2016). A Husband is Not A Retirement Plan: Achieving Economic Security For Women In Retirement. Canberra, Australia.

37 Data on Recipients of Newstart Allowance by Age and Gender, by Rate, Duration on Payment and Earnings, as at 30/03/2018, provided to ERA on request by Australian Government Department of Social Services.

38 ABS [www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4)

39 National Older Women's Housing and Homelessness Working Group. 2018. Retiring into Poverty - A National Plan for Change: Increasing housing security for older women. ACT: YWCA Canberra.

the retirement income system as a safety net for retirees without adequate superannuation must be recognised and protected.<sup>40</sup>

## 2.1.5 Poverty eradication, social protection and social services

There is great concern about the Australian Government's approach to poverty and social protections. 3.05 million people or 13.2% are living in poverty in Australia, and women are over-represented in this number.<sup>41</sup> Australian social protections are not gender responsive, and payment structures are punitive toward women who perform the majority of unpaid work and care.

## 2.1.6 Rate of unemployment payments

Women make up 49.3% of people in receipt of unemployment payments in Australia, known as Newstart, and are more likely to be in receipt of payments for longer periods. This reflects a broader trend of women in Australia experiencing poverty for longer periods than men.<sup>42</sup> Women also make up 66% of part-rate recipients of unemployment payments, which indicates that those payments are a crucial supplement to the low income, part-time and casual work in which women are over-represented.<sup>43</sup>

Unemployment payments in Australia have not increased with real wages for 25 years, and constitute a little over half of the full-time minimum wage.<sup>44</sup> Poverty among households relying mainly on unemployment payments rose by 17% between 1999 and 2015, and 84% of recipients report skipping meals to cope.<sup>45</sup> Further, in 2013 changes to eligibility for Australia's parenting social security payments transferred 80,000 sole parents onto unemployment payments. Rates of poverty among unemployed sole parents increased by 24% from 2013 to 2015.<sup>46</sup> The ramifications are gendered, as 83% of single parent families are led by single mothers.<sup>47</sup>

From March 2020, social security payment structures in Australia are changing with specific payments including a Bereavement Allowance (for individuals whose partner has recently deceased), and Sickness Allowance (for people with a job who are unable to work due to illness), ending, and recipients being transferred to age pension and unemployment payments. The changes to Bereavement Allowance for recipients moved to unemployment payments are of particular concern for women and include a lower rate of payment and the potential for conditionalities including meeting job search activity requirements to qualify for payments. As a result of the gendered division of labour in Australia, women are less likely to be primary-income earners and more likely to require social security payments in the event of their partner's death.

40 Equality Rights Alliance. (Forthcoming). National Plan for Gender Equality: Economic Wellbeing. Canberra: ERA.

41 Davidson, Peter, Saunders, Peter, Bradbury, Bruce and Wong, Melissa. (2018). Poverty in Australia, 2018. Sydney: ACOSS.

42 Australian Government, "Indicator 1.2.1 Proportion of population living below the national poverty line, by sex and age" Sustainable Development Goals Data. 17 July 2018, <https://www.sdgdata.gov.au/goals/no-poverty/1.2.1> (accessed 24/10/18)

43 Equality Rights Alliance. (2019). Pre-Budget Submission of the Equality Rights Alliance, 8 February 2019. Canberra: ERA.

44 <https://www.acoss.org.au/wp-content/uploads/2018/09/DAE-Analysis-of-the-impact-of-raising-benefit-rates-FINAL-4-September-...-1.pdf>

45 ACOSS, "More food for my kids"; "replace worn-through clothing"; "keep a car running to get a job" – ACOSS survey shows what a Newstart increase would really mean', ACOSS Media Release, 29 July 2019, available at: [https://www.acoss.org.au/media-releases/?media\\_release=more-food-for-my-kids-replace-worn-through-clothing-keep-a-car-running-to-get-to-a-job-acoss-survey-shows-what-a-newstart-increase-wou](https://www.acoss.org.au/media-releases/?media_release=more-food-for-my-kids-replace-worn-through-clothing-keep-a-car-running-to-get-to-a-job-acoss-survey-shows-what-a-newstart-increase-wou), accessed 16 August 2019.

46 ACOSS and UNSW Sydney, Poverty in Australia 2018. (Sydney, 2018). 12

47 ABS 6224.0.55.001 Labour Force, Australia: Labour Force Status and Other Characteristics of Families, June 2016.

## Case Study

### Juanita McLaren and the National Council of Single Mothers and their Children (NCSMC)

In 2018, Juanita McLaren and the NCSMC lodged the first individual complaint by an Australian under CEDAW to the UN Special Rapporteur on Extreme Poverty and Human Rights, regarding the practice of moving single parents to Newstart Allowance unemployment payment when their youngest child turns 8. At the 63rd Session of the UN CSW McLaren spoke about how the process devalued her unpaid work as a mother.

It is also important to note that 25-30% of people with a disability have been forced from the disability support pension onto lower rate unemployment payments, despite the additional healthcare and living costs they bear. Australian civil society organisations are currently campaigning to increase the rate of unemployment payments, which has led to a Parliamentary Inquiry which is due to report in March 2020.

### 2.1.7 Social housing and housing assistance payments

In 2018, Australia's national housing and homelessness policies were renegotiated, resulting in the National Housing and Homelessness Agreement (NHHA). This was a welcome move to enable greater accountability for housing expenditure. However, housing assistance in Australia requires reform, including a gender lens on policy development. Women in Australia are the main beneficiaries of housing support systems.<sup>48</sup> As a result, the relative under-resourcing of housing safety nets disproportionately impacts women and undermines the Australia's gender equality objectives.<sup>49</sup> In spite of the NHHA, social housing stock in Australia is at a historic low<sup>50</sup>, while alternative social security measures, such as the Commonwealth Rent Assistance (CRA) are insufficient to prevent housing stress.

21.5% of Aboriginal and Torres Strait Islander people live in social housing, and social housing availability has particular impacts for Aboriginal and Torres Strait Islander women leaving violence. Inadequate and unsafe homes, including where violence is present, are reasons for removing children from parental care under current legislation. Shortages in housing mean women risk child removal if staying in a violent situation, or when trying to leave.<sup>51</sup> Further, the proportion of people with a disability in public housing is double that of the mainstream population.<sup>52</sup> Lesbian, gay and bisexual people are twice as likely to experience homelessness and are more likely to be homeless when young. LGBTQ people experience misgendering, harassment, violence and discrimination in shared accommodation, housing services and private rentals.<sup>53</sup>

48 Australian Institute of Health and Welfare (2016) Housing Assistance in Australia 2016 Supplementary Data Table 6: Number of tenants in social housing by age, sex and program, at 30 June 2015; Data on rent assistance income units by sex provided by Department of Social Services; Australian Institute of Health and Welfare (2016) Specialist homelessness services 2015-16 supplementary data National Table CLIENTS 1

49 CEDAW/C/AUS/8 Australia's eighth periodic report to the Committee on the Elimination of Discrimination against Women, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/CEDAW\\_C\\_AUS\\_8\\_5910\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/CEDAW_C_AUS_8_5910_E.pdf)

50 RMIT ABC Fact Check. 'Have social housing levels fallen to historic lows', ABC News, 14 August 2019, available from <https://www.abc.net.au/news/2019-08-12/fact-check-social-housing-lowest-level/11403298>, accessed 26 August 2019.

51 Cripps, K. and Habibis, D. 2019. Improving housing and service responses to domestic and family violence for Indigenous individuals and families, AHURI Final Report No.320, Melbourne: Australian Housing and Urban Research Institute Limited, available from: <https://www.ahuri.edu.au/research/final-reports/320>, accessed 29 August 2019.

52 DPO Australia, National Women's Alliance. 2019.

53 McNair, R., Andrews, C., Parkinson, S. and Dempsey, D. 2017. LGBTQ Homelessness: Risks, Resilience and Access to Services in Victoria. Victoria: The University of Melbourne Faculty of Medicine, Dentistry & Health Services, Swinburne University of Technology, GALFA Housing & Homelessness.

A gender-responsive housing and homelessness strategy, including investment in public and social housing, and services that respond to women in their diversity, and gender diverse people, are needed.<sup>54</sup> The focus on the provision of housing assistance payments to support women to access housing through the private market, at the expense of income-based rent setting and the provision of public housing, undermines women's right to adequate housing. Forcing women into unaffordable rental markets and to accept housing based on cost alone, undermines access to housing that is adequate and appropriate.<sup>55</sup> That's to say, housing that is free from discrimination and violence, and which supports women's ability to access services, workplaces and transport, and which is in locations which allow women to connect with social networks.

### 2.1.8 Cashless Debit Cards (CDCs)

Cashless Debit Cards (CDCs) are a form of income management introduced to manage income support payments "in places where high levels of welfare dependence co-exist with high levels of social harm" such as alcohol, gambling and drug use.<sup>56</sup> The CDC is a debit card loaded with income support payments, but cannot be used to buy alcohol, gambling products, some gift cards or to withdraw cash. Only 20% of social security payments may be withdrawn as cash. In 2018-19 budget, the Australian Government announced that outstanding court-imposed fines will be compulsorily deducted from income support payments, including the CDC.<sup>57</sup> The program discriminates against Aboriginal and Torres Strait Islander people, with over half of participants identifying as Aboriginal and Torres Strait Islander.<sup>58</sup> Further the program disproportionately affects women, who represent 59% of participants.<sup>59</sup> There are concerns about women experiencing violence being unable to withdraw cash, which significantly curtails women's ability to leave violent relationships and risks a level of financial hardship which may force women back into violent relationships.<sup>60</sup> Australia's Joint Parliamentary Committee on Human Rights, the Australian Human Rights Commission, and the UN Committee on the Elimination of Racial Discrimination have all raised concerns about the discriminatory nature of CDCs for unjustifiably limiting rights to social security.<sup>61</sup> The Australian government is currently introducing legislation (2019) to expand the CDC program, in particular to the Northern Territory where Aboriginal and Torres Strait Islander people make up 30.3% of the population, in comparison with 3.3% of the total national population.

### 2.1.9 Extended waiting period for migrant women

The government early in 2019 passed legislation to increase a two-year waiting period for income support to a four-year waiting period called Newly Arrived Resident's Waiting Period. This means that most new permanent migrants apart from refugees are not able to access

54 Equality Rights Alliance. (Forthcoming). ERA National Plan for Gender Equality: Affordable and Appropriate Housing for Women. Canberra: ERA.

55 AWAVA and ERA. 2017. Australian Women Against Violence Alliance and Equality Rights Alliance Submission to the Productivity Commission Introducing Competition and Informed User Choice into Human Services Draft Report, 14 July 2017. Canberra: AWAVA, ERA.

56 Department of Social Services, 2019. 'Cashless Debit Card', (website), available from: <https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditionality/cashless-debit-card-overview>, accessed 28 August 2019.

57 Department of Social Services, 2018. Encouraging lawful behaviour of income support recipients. Canberra: Australian Government, available from: [https://www.dss.gov.au/sites/default/files/documents/02\\_2019/amended-budget2018-19-factsheet-encouraginglawfulbehaviourofincomesupportrecipients.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2019/amended-budget2018-19-factsheet-encouraginglawfulbehaviourofincomesupportrecipients.pdf), accessed 28 August 2019.

58 National Aboriginal & Torres Strait Islander Legal Services, Human Rights Law Centre, 2019. Submission to the Inquiry into the Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019, available from: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/IncomeManagementCashless/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IncomeManagementCashless/Submissions), accessed 28 August 2019.

59 Ibid.

60 AWAVA, 2019. Submission to the Senate Inquiry into the Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019. Canberra: AWAVA, available from: <https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/05/14141719/AWAVA-submission-on-the-Cashless-Debit-Cards-Trials.pdf>, accessed 28 August 2019.

61 Ibid.

any income support for four years unless they are experiencing unexpected and severe hardship. This means that income may only be gained from employment, with the result that many women take on any available work, often with poor working conditions. Women may be dependent on their male primary income earner, who also might have a poor income. If the safety net income is granted, they are only eligible for Special Benefit which reduces by \$1 for every \$1 of employment income earned. Yet those with access to unemployment payments may earn \$104 a fortnight without reducing the income support level and after that there are taper rates that encourage people to earning more. For a woman in a domestic or family violence situation, the onus of proof required to qualify for the special payment is very high, potentially leaving her stranded for some time in unsafe conditions, which makes it more likely she will not seek income support.

Women who are granted permanent residency through their application for Family Violence Provisions (see section D of this report) are still subject to a 4-year waiting period under the newly arrived resident's waiting period. In addition, they are only eligible to access parenting payment if they have become a solo parent after the visa grant.

### **2.1.10 Exclusion of migrant women from the Family Tax Benefit**

The legislation which introduced the Newly Arrived Resident's Waiting Period also removed the eligibility for the Family Tax Benefit for the first year of residence. A family with children is eligible for this Tax Benefit in the general population if the family earns enough income to pay taxes but the income is limited enough to need support in bringing up the family. In essence this means that migrants pay more taxes (eg. through not getting the Tax Benefit) than equivalent members of the general population. This places an undue burden on women who must make ends meet through savings on household costs. It also makes migrants feel unwelcome, which jeopardises social cohesion.

### **2.1.11 New and emerging areas**

A number of new and emerging areas are rising which contribute to the feminisation of poverty in Australia.

### **2.1.12 Welfare Conditionalities – Targeted Compliance Framework**

Welfare to Work is an Australian policy framework underpinned by welfare conditionality, which requires the completion of job search and other activities to receive income support payments. In 2018, the Australian government implemented the Targeted Compliance Framework (TCF) to ensure recipients of income support payments meet their Welfare to Work requirements, which automatically suspends payments when requirements are not met.<sup>62</sup> There is a growing body of evidence that neither Welfare to Work activities nor the TCF consider or respond to women's needs for flexibility to meet unpaid work commitments such as parenting, and are based on inaccurate assumptions about participants' ability to work, regularly failing to

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62 Department of Employment, Skills, Small and Family Business, 2019. 'Targeted Compliance Framework', available from <https://docs.employment.gov.au/documents/targeted-compliance-framework>, accessed 26 August 2019.

take into account ill health, intimate partner violence and disability.<sup>63</sup> The impact of welfare conditionalities on single mothers are of particular concern as these women perform high levels of unpaid work in a system which does not value nor account for that work. There is a strong argument that conditionalities and the TCF undermine social security rights. Australia's Joint Parliamentary Committee on Human Rights has raised concerns about the TCF policy's lack of flexibility, and the failure to provide for waiver of payment suspensions on the basis of financial hardship, which means people are left unable to afford food or rent.<sup>64</sup>

### 2.1.13 ParentsNext program

The ParentsNext program requires parents to complete job search and parenting activities to receive parenting income support payments. It is particularly concerning for its undue focus on compulsory parenting activities, which bear no relation to labour market outcomes, and for its links to the Targeted Compliance Framework.<sup>65</sup> The program is targeted at and discriminates against women and Aboriginal and Torres Strait Islander women, violating Australia's commitments under ICECSR.<sup>66</sup> In spite of a recent Senate Inquiry recommendation that it should not continue in its current form, the Australian government remains committed to the program.<sup>67</sup> A coalition of women's and civil society organisations are campaigning to dismantle or reform ParentsNext.<sup>68</sup>

### 2.1.14 Ineligibility for women on temporary visas experiencing family violence to access social security

Australia's migration laws, particularly the temporary visa system, are acting as an enabling tool for the perpetration of violence against women (see section D of this report for more discussion). Women on temporary visas generally have lower economic and financial well-being than men on temporary visas. The former has a labour participation rate of 62% as compared to the latter's 73% participation rate. Women on temporary visas are also more than twice as likely to be in lower paid occupations than men on temporary visas. Most of women on temporary visas are not eligible to access social security payments through Centrelink as well as Medicare in some instances. Only a small number of temporary visa categories may be eligible to access Special Benefit. Residency rules also apply to access childcare subsidy meaning that most of the women on temporary visas are not eligible. In all states with an exception of South Australia, women on temporary visas are not eligible to access social and public housing.

63 Juanita McLaren, Susan Maury and Sarah Squire. "Outside systems control my life": The experience of single mothers on Welfare to Work (Victoria: Good Shepherd Australia New Zealand, Women's Research, Advocacy and Policy Centre, 2018), available at [https://www.goodshep.org.au/media/2179/outside-systems-control-my-life\\_experience-of-single-mothers-on-w2w\\_web.pdf](https://www.goodshep.org.au/media/2179/outside-systems-control-my-life_experience-of-single-mothers-on-w2w_web.pdf), access 19 August 2019.

64 Hurley, M. 'Supercharging discrimination: the Targeted Compliance Framework and the impact of automated decision making', Power to Persuade, 21 August 2019, available from: <https://www.powertopersuade.org.au/blog/supercharging-discrimination-the-targeted-compliance-framework-and-the-impact-of-automated-decision-making/20/8/2019>, accessed 26 August 2019.

65 Good Shepherd Australia New Zealand, Response to the Inquiry into ParentsNext including its trial and subsequent broader rollout, February 2019, available at [https://goodshep.org.au/media/2245/g sanz\\_parentsnext-inquiry-submission\\_20190201.pdf](https://goodshep.org.au/media/2245/g sanz_parentsnext-inquiry-submission_20190201.pdf), accessed 15 August 2019.

66 Goldblatt, Beth, 'More than unpopular. How ParentsNext intrudes on single parents' human rights', The Conversation, 16 January 2019, available at <https://theconversation.com/more-than-unpopular-how-parentsnext-intrudes-on-single-parents-human-rights-108754>, accessed 15 August 2019.

67 Australian Government, 2019. Australia Government response to the Senate Community Affairs References Committee report: ParentsNext, including its trial and subsequent broader rollout, 1 August 2019, available from: [https://docs.employment.gov.au/system/files/doc/other/government\\_response\\_accessible.docx](https://docs.employment.gov.au/system/files/doc/other/government_response_accessible.docx), access 26 August 2019.

68 'Call for cross-party commitment to dismantle ParentsNext', 2019, Australia: Good Shepherd Australia New Zealand, available from <https://goodshep.org.au/call-for-cross-party-commitment-to-dismantle-parentsnext/>, accessed 26 August 2019.

## Case Study

### InTouch Multicultural Centre against Family Violence

InTouch is a specialist family violence service that works with multicultural women, their families and their communities. They provide case management, training, conduct research, and run community-based projects to address the issue of family violence in the community. They provide free and confidential services to migrant and refugee women living in Victoria, including women on temporary visas, who are experiencing or have experienced family violence. Their case workers speak many different community languages and work with clients in a culturally sensitive manner, and in-house lawyers also provide legal counselling.

#### 2.1.15 Changing nature of work

The emergence of the Fourth Industrial Revolution and changing world of work presents myriad challenges and opportunities for women's economic wellbeing. The nexus between digitalisation and the increasing precarity of work<sup>69</sup> signals a significant departure from the conditions and benefits associated with decent work.<sup>70</sup> On the other hand, the fact that care work is less subject to automation is itself an opportunity to advance women's economic wellbeing.<sup>71</sup> The role of gender in the dynamics, potential and pitfalls in the future of work must be a crucial consideration in setting an agenda for gender equality.<sup>72</sup>

#### 2.1.16 Recommendations aligned with BFPA SDGs, CEDAW and ICRPD

##### Overarching

- Recognise, value and redistribute unpaid work and care through appropriate gender-responsive budgeting and data, social protection systems, and workplace entitlements.
- Apply an intersectional gender lens to social protections systems.

##### *Inclusive development, shared prosperity and decent work*

BFPA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective A1 Objective A3	Goals 1, 5, Target 5.4, 8	Article 11	Article 19 Article 27

- Enshrine the right to appeal unreasonable refusals of flexible working requests for caring purposes.
- Ensure basic benefits such as paid leave, superannuation and protection from unfair dismissal for casual, part-time, "gig economy" and other forms of precarious employment positions.

69 Sheen, Veronica, 2017. The Future of Work and Digitalisation: Further Fragmentation of Employment and Integration into Employment. Submission 119 to Senate Select Committee on the Future of Work and Workers.

70 Hunt, Abigail and Samman, Emma. (2019). Gender and the gig economy: critical steps for evidence-based policy. Overseas Development Institute. Retrieved from <https://www.odi.org/publications/11272-gender-and-gig-economy-critical-steps-evidence-based-policy>

71 Hegewisch, Ariane, Childers, Chandra and Hartmann, Heidi. (2019). Women, Automation and the Future of Work. Institute for Women's Policy Research. Retrieved from [https://iwpr.org/wp-content/uploads/2019/03/C476\\_Automation-and-Future-of-Work\\_ADA-Compliant.pdf](https://iwpr.org/wp-content/uploads/2019/03/C476_Automation-and-Future-of-Work_ADA-Compliant.pdf)

72 Equality Rights Alliance. (Forthcoming). ERA National Plan for Gender Equality: Economic Wellbeing. Canberra: ERA.



- Reinstate the Pay Equity Unit at the Australian Fair Work Commission.
- Take action on the solutions to sexual harassment outlined in the Power to Prevent Statement.

### **Social protections and social services**

<b>BPFA / CSW Agreed Conclusions</b>	<b>SDG Goal / Target</b>	<b>CEDAW</b>	<b>ICRPD</b>
Objective A.2 Objective A.4	Goals 1, 5, Target 5.4, 8	Article 11, Article 14	Article 28

- Increase income support payments, including unemployment payments, to a living wage.
- Restore the parenting payment single income support payment for single parents with a dependent younger of 16 years.
- Develop a gender-responsive national housing and homelessness strategy which includes ambitious, gendered goals to reduce homelessness and increase affordable housing and recognises the importance of appropriateness of housing' for women.
- Invest in a diversity of housing support and assistance options including the provision of income-based rent setting and public housing, to meet the diversity of women's housing needs.
- Reform housing assistance, including by providing a diversity of housing assistance measures which are made available through assessment of individual need, rather than solely by assessment of source of income.
- Ensure housing services that are appropriately specialised, competent, inclusive, accessible and culturally safe are resourced, to meet the needs of older women, single mothers, young women, women with disability, Aboriginal and Torres Strait Islander women and women experiencing domestic and family violence and their children.
- Redesign the Cashless Debit Card (CDC) program as opt-in only.
- Recognise Paid Parental Leave as an essential strategy for eliminating discrimination against women in employment.
- Extend compulsory superannuation to the cover Paid Parental Leave.
- Investigate mechanisms and reform to achieve greater gender balance in the uptake of Paid Parental Leave.
- Ensure there is a timely process of DFV claims for newly arrived migrant women.
- Remove restriction on Tax Benefit A eligibility for women of migrant and refugee backgrounds.
- Ensure migrant and refugee women access to all income support payments, in addition to the Special Benefit.

<b>BPFA / CSW Agreed Conclusions</b>	<b>SDG Goal / Target</b>	<b>CEDAW</b>	<b>ICRPD</b>
Objective A.2 Objective A.4	Goals 1, 5, 8 Target 5.4,	Article 11/1/(e), Article 14/2/(c),	Article 19 Article 28

- Remove all requirements that make income support payments conditional on the fulfilment of job search or parenting activities.
- Review the Targeted Compliance Framework for its compatibility with human rights obligations.
- Exempts women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink's newly arrived resident's waiting period (NARWP). This would be similar to existing waiting period exemptions that are in place for people recognised as refugees.
- Exempts women on temporary visas and women seeking asylum who have experienced domestic, family and sexual violence from meeting residency requirements so that they can fully access Centrelink and Medicare while their visa is being processed.

- Expands eligibility for Special Benefit to include people who are on all types of temporary visas and have experienced domestic, family and sexual violence and the rates of Special Benefit should be increased to make it liveable.
- Provide full and immediate access to Centrelink and Medicare to Women on temporary visas experiencing domestic, family and sexual violence who are subject to the new proposed temporary visa.
- Expand the eligibility for and provide equal access without any migration restrictions to temporary accommodation, crisis accommodation, rental assistance, public housing and Safe at Home Programs to ensure that women on temporary visas experiencing violence and their dependants can have a safe place to live and a safe home.
- Remove discriminatory targeting of participants in the ParentsNext program, and redesign to address the structural barriers to employment and financial security for parents.
- Establish a central body, within government, to coordinate planning for the future of work with gender a central consideration

## 2.2 Critical Area B – Women and Education and Training

### 2.2.1 Gains, gaps and challenges

Australian education encompasses four inter-related sectors: early childhood education, compulsory schooling, tertiary education, which includes universities and vocational education & training colleges, and adult and community education (ACE). The system is made more complex as responsibility for education is shared between commonwealth and state/territory ministers and departments. At all levels, there is a mix of public and private providers, operating under marketised and competitive funding models<sup>73</sup>. Debate and controversy about the amount of public funding allocated for private education and training continues.

Australia ratified its 1980 signing of CEDAW in 1983, and the federal OfW coordinates Australia's commitment and contributions to the Commission on the Status of Women (CSW). The Agreed Conclusions of CSW55 (2011) focussed on education and training for women and girls, STEM and the promotion for full employment and decent work.<sup>74</sup> However, despite Australian contributions, national uptake of required actions has not eventuated. In 2018 CEDAW handed down its recommendations from their 2015 review of Australia's compliance, with a 'scathing critique of Australia's failures to protect and promote the rights of women and girls'. While the committee noted some progress, it issued over 90 recommendations for improvement demonstrating that negative aspects far outweigh progress on women's rights.<sup>75</sup>

Australia is a signatory to the 2015 Sustainable Development Goals (SDGs) that provide a framework for all nations to address gender inequality and poverty through an approach of sustainability. The SDGs and the 2030 Agenda for Sustainable Development are applicable in Australia, and much still needs to be done to 'ensure inclusive and equitable quality education'<sup>76</sup> and to strengthen the links between education and work<sup>77</sup> to achieve gender equity<sup>78</sup>.

Education and training in Australia is confronting significant challenges, with major reform required to ensure the provision of equitable, accessible inclusive and affordable learning for all in C21, given the rapid disruptive changes (transforming economies and labour markets. the Fourth Industrial Revolution (4IR), advances in technologies and AI, increasing inequality, climate uncertainty and a shifting world order). Policies based on neoliberalism are no longer fit for purpose. Where Australia was once an international leader in in education, it is now reactive and beset by short-termism. Although rating strongly for access, participation and attainment, ranking for performance<sup>79</sup> and quality is slipping (39 out of 41 high and middle

73 Equality Rights Alliance. (forthcoming). 'Education', in ERA's National Plan for Gender Equality, Canberra: ERA

74 UN Women, 2011. CSW Outcomes – Agreed Conclusions. 55th Session, 2011. [https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/55/csw55\\_e\\_final.pdf?la=en&vs=708](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/55/csw55_e_final.pdf?la=en&vs=708)

75 Nawaz, M. 2018. 'UN delivers strong rebuke to Australian government on women's rights'. The Conversation. July 24, 2018. <http://theconversation.com/un-delivers-strong-rebuke-to-australian-government-on-womens-rights-100089>

76 See: <https://sustainabledevelopment.un.org/sdg4>

77 See: <https://sustainabledevelopment.un.org/sdg8>

78 See: <https://sustainabledevelopment.un.org/sdg5>

79 OECD. 2018. Equity in education. Breaking down barriers to school mobility. Australia. PISA. <https://www.oecd.org/pisa/Equity-in-Education-country-note-Australia.pdf> ACER Research. PISA. Australia and global comparisons. 2015 Key Findings. <https://www.acer.org/au/ozpisa/key-findings>

income countries in 2017) and increasing inequality is noted.<sup>80</sup> While concern covers each and all education sectors, the vocational education and training system (VET) is perceived to be in crisis and minimal policy attention is directed to the ACE sector. The latter two are both highly significant for women.

Gender remains problematic in education and training in Australia, with women and girls not being recognised as an official ‘equity group’ for over two decades. Despite decades of advocacy, there are no current overarching national policies that focus on gender in education in any sector. Policies are selective, such as the recently released policy on women in STEM. Many excellent short term projects and programs finish through withdrawal or cessation of funding, and are not replicated or scaled up. A gender lens on education is required to highlight and address issues including those associated with intersectionality and the future of work<sup>81</sup>.

In 1995 women were the majority of university students by a slender margin that has continued to grow. Nevertheless, women continue to be under-represented in particular fields of study<sup>82</sup>. Women have not been treated as an official equity group since the 1990s, but enrolment policies continue to make special provision in disciplines where they are a minority of students, such as engineering and IT<sup>83</sup>. The last twenty-five years has also seen an increase in women’s participation in technical and vocational education, but in this area, women are under-represented in many occupational areas. The sex stereotyped nature of girls’ and women’s VET participation is not leading to improved labour market outcomes<sup>84</sup>. Girls are performing well in secondary education but those achievements do not always translate into pathways into tertiary education and employment<sup>85</sup>.

Indigenous women, women with a disability, women from low socioeconomic status backgrounds and from culturally and linguistically diverse (CALD) backgrounds, and those who may represent more than one equity group, are also at greater risk of marginalisation in most areas of education. They are under-represented across the board at university and in vocational education they do not achieve higher award level training and do not attain program completion at the same level as women generally.

Where Australia was once an international leader in education, it is now reactive and beset by short-termism. There are no current overarching national policies that focus on gender in education. Policies are selective, such as the recently released policy on women in STEM. There is no consideration of longer-term implications of changes to education policy, its availability and funding. A gender lens on education is required to highlight and address issues including those associated with intersectionality and the future of work<sup>86</sup>.

## 2.2.2 Availability of affordable, quality early childhood education

Based on an understanding that early childhood education is not only important for individual development but has a profound impact on national productivity through the creation of a highly

80 UNICEF (2017). Building the future. Children and the Sustainable Development Goals in rich countries. Innocenti Report Card 14 <https://www.unicef-irc.org/publications/890-building-the-future-children-and-the-sustainable-development-goals-in-rich-countries.html>  
Henebery, B., (2018) ‘Australia’s education system among most unequal – report’ in The Educator Australia. 16 November 2018. <https://www.theeducatoronline.com/k12/news/australias-education-system-among-worlds-most-unequal--report/257491>

81 Equality Rights Alliance. (forthcoming). ‘Education’, in National Plan for Gender Equality, Canberra: ERA

82 Carrington, K., & Pratt, A. (2003). How far have we come: Gender disparities in the Australian Higher Education System? Canberra: Information and Research Services, Department of the Parliamentary Library.

83 Norton, A. & Cherastidham, I. (2018). Mapping Australian higher education 2018. Grattan Institute

84 National Foundation for Australian Women (2019). Gender Lens on the Budget 2019-2020. Retrieved from: <https://www.nfaw.org/page/a-gender-lens-budget>

85 Collins, C. W., McLeod, J., & Kenway, J. (2000). Factors influencing the educational performance of males and females in school and their initial destinations after leaving school. Canberra: Department of Education, Training and Youth Affairs.

86 Equality Rights Alliance. (forthcoming). ‘Education’, in ERA’s National Plan for Gender Equality, Canberra: ERA

educated and skilled workforce<sup>87</sup>, the Council of Australian Governments (COAG) established a partnership between the Australian Government and the state and territory governments to encourage reform in the areas of education, skills and early childhood development in 2007<sup>88</sup>. In 2013, 2014 and 2017, COAG endorsed new extending the coverage of universal access to early childhood education, but there are significant shortfalls leading to the type of inequalities addressed by SDG4.

Significant progress has been made since 2008 when very few services offered programs for 15 hours per week, the UNICEF recommended benchmark for children's development<sup>89</sup>. Since 2014, all states and territories have consistently met the top benchmark of 95% or above for the proportion of children enrolled in a quality preschool program. This is a creditable achievement, but differences in data collection methods and the limited availability of data before 2008 means that the 2008 data is not directly comparable with later results<sup>90</sup>. It is also worth noting that the report does not disaggregate the data to distinguish between attendance by 4-5 years old and 3-year-old children, who are typically less likely to attend early childhood education.

Early Childhood Education has been subjected to marketisation and lack of regulation resulting in pre-school education that varies widely in terms of availability and cost. This has had a significant impact on the capacity of many women to seek and maintain paid work. Whilst having children has little to no impact on employment for men, motherhood decreases the likelihood of being in paid work dramatically, with the participation rate for women in Australia significantly less than many OECD countries including the UK, USA, Canada and Denmark<sup>91</sup>. About 54% of women with children under the age of four participate in paid work, the majority in part-time or casual employment. In contrast, the majority of fathers with young children, both partnered and single, are in full time work. In fact, fathers' employment rates have not changed significantly since the 1990s<sup>92</sup>. Many women restrict themselves to 2-3 days a week of work due to the prohibitive and the cap on fee subsidies or remain out of paid work until their youngest child starts school<sup>93</sup>. Of even more concern, and in direct opposition to SDG 4 which calls on governments to ensure the provision of 'inclusive and equitable quality education and promote lifelong learning opportunities for all' the 2018 Budget halved access to subsidised early learning children from vulnerable or disadvantaged backgrounds from 24 hours a week to 12 hours<sup>94</sup>.

Limited availability has consequences not just for the children and the families affected but for the community in general. The Mitchell Institute identified the following challenges for the sector as a whole, including children attending preschool, their parents and early childhood education staff<sup>95</sup>:

- the complexities of a mixed market involving public, private and community providers,
- current funding mechanisms that are not aligned to need,
- low wages and difficult working conditions
- the co-ordination of pre-service education and training programs.

87 Heckman, J. (2011) The Economics of Inequality: The Value of Early Childhood Education, American Educator Spring pp31-47.

88 Australian Bureau of Statistics. (2018). Preschool Education, Australia, 2018. Retrieved from: <https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4240.0Main%20Features32018?opendocument&tabname=Summary&prodno=4240.0&issue=2018&num=&view=>

89 Anderson, K., Raikes, A., Kosaraju, S., & Solano, A. 2017 National Early Childhood Care and Education Quality Monitoring Systems. Brookings, Washington DC.

90 Department of Education and Training. (2018). National Report: National Partnership Agreement on Universal Access to Early Childhood Education – 2016 and 2017. Retrieved from: <https://docs.education.gov.au/node/52016>

91 Standing Committee on Family and Human Services. (2006). Balancing Work and Family. Retrieved from: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=fhs/./workandfamily/report.htm](https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=fhs/./workandfamily/report.htm)

92 Baxter, J. (2019). Fathers and work: A statistical overview. Retrieved from: <https://aifs.gov.au/aifs-conference/fathers-and-work>

93 Equality Rights Alliance. (forthcoming). 'Education', in National Plan for Gender Equality, Canberra: ERA

94 National Foundation for Australian Women (2018). Gender Lens on the Budget 2018-2019. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

95 Torii, K., Fox, S. & Cloney, D. (2017). Quality is key in early childhood education in Australia. Mitchell Institute Policy Paper No. 01/2017. Melbourne: Mitchell Institute. Retrieved from: [www.mitchellinstitute.org.au](http://www.mitchellinstitute.org.au)

## 2.2.3 Inequalities in school funding

Australia has one of the most socio-economically segregated school systems in the OECD and in the world. It has also had the equal largest increase in social segregation in the OECD and the world since 2006<sup>96</sup>. These unwelcome truths are a major impediment to attainment of SDG 4 and SDG 8.

In 2017 86.6% of girls remained at school in the non-compulsory years compared with 80.1% of boys<sup>97</sup>. Nevertheless, subject selection continues to be biased - 73.2% of Year 12 boys were enrolled in at least one maths subject compared with 68.8% of girls limiting their ability to undertake further study in a wide range of areas<sup>98</sup>. Needs based funding improves the likelihood that ensures that girls and boys are treated equally at school by enabling girls to participate in the full range of subjects and be able to transition to study and work across all fields. In the longer term this should lead to a less gender segregated workforce. The educational gains made by girls at school do not translate into improved employment outcomes<sup>99</sup>; Australian women are currently over-represented in less well-paid jobs<sup>100</sup>.

Australia has an inequitable school funding system that continues to discriminate against public schools and disadvantaged students. Government funding increases have been badly mis-directed in favouring the more privileged, better-off school sectors and students. Total government funding per student in public schools adjusted for inflation was cut between 2009 and 2017 while funding for private schools increased substantially<sup>101</sup>. Over 80% of disadvantaged students are in public schools and over 90% of disadvantaged schools are public schools. The apparent retention rate Years 7-12 is 84.4%, but 86.0% of non-Indigenous students finish secondary school compared with 64.4% of Indigenous students. Seventeen per cent of students leave secondary school without basic skills<sup>102</sup>.

## 2.2.4 Students with a disability

The current education system in Australia is failing to adequately meet the needs of students with disability, and it is rare for students with disability to be provided with a genuine inclusive educational experience.<sup>103</sup> The Australian Government believes that its work with states and territories is meeting the diverse and eclectic needs of all students living with a diverse range of disabilities. It does provide significant financial and curricula support<sup>104</sup> as well as tools to assist teachers.<sup>105</sup> However, only 27% of people with disability believe they have the same education opportunities as non-disabled people.<sup>106</sup> Just 36% of people with disability aged 15-

96 OECD (2018), *Equity in Education: Breaking Down Barriers to Social Mobility*, PISA, OECD Publishing, Paris, <https://doi.org/10.1787/9789264073234-en>.

97 ACARA. (2017). *Apparent retention rates for students Years 7-10, by state/territory and sector 2017*. Retrieved from: <http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia-data-portal/apparent-retention#View1>

98 ACARA. (2016). *Percentage of Year 12 students enrolled in tertiary-recognised subjects, by learning area and sex 2016*. Retrieved from: <http://www.acara.edu.au/reporting/national-report-on-schooling-in-australia-data-portal/year-12-subject-enrolments#view1>

99 COAG Reform Council. (2013). *Tracking equity: comparing outcomes for women and girls across Australia*. Retrieved from: <https://apo.org.au/node/36410>

100 WGEA (2016). *Agency reporting data, 2014-15 reporting period*.

101 Cobbold, T. (2019). *The state of school funding in Australia 2017*. Save our Schools. Retrieved from: <http://saveourschools.com.au/funding/the-facts-about-school-funding-in-australia/#more-3487>

102 Equality Rights Alliance. (forthcoming). 'Education', in ERA's National Plan for Gender Equality, Canberra: ERA

103 See e.g., People with Disability Australia, 'Submission to the Senate Inquiry into the current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of supports', 28 August 2015; People with Disability Australia, 'Submission to the NSW Parliament General Purpose Standing Committee 3, Inquiry into Students with a disability or special needs in New South Wales schools', March 2017; Children with Disability Australia, 'Hear Our Voices: Submission to the Senate Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of supports', August 2015.

104 Department of Education. (2018). *Disability Standards for Education 2005*. Retrieved from: <https://www.education.gov.au/disability-standards-education-2005>

105 Department of Education. (2018). *Planning for Personalised Learning and Support: A National Resource*. Retrieved from: <https://docs.education.gov.au/node/38065>

106 CRPD National Survey (2019) Findings.

64 years complete secondary education compared to 60% of people without disability.<sup>107</sup> 28% of school-aged people with disability do not attend school.<sup>108</sup> Students with disability report that their disability is the main reason they cannot attend school.<sup>109</sup>

The Australian Government supports the rights of children and young people with disability to have the same educational opportunities as other school students and has prioritised nationally consistent collection of data on students with disabilities, but at the same time it has increased funding to the schools that educate a small minority of students with disabilities. Without doubt, inequality in funding has a profound impact on children with disabilities – 65.7% of children with a disability attend a government school<sup>110</sup> and the majority are in mainstream classrooms yet they routinely experience discrimination, lack of support, inadequately trained teachers, a lack of expertise and an entrenched systemic culture of low expectations.<sup>111</sup> Where federal funding for students with disabilities has increased, the usual response by state governments has been to cut funding; between 2013-17 Victoria and Tasmania were the exception.

The issues of inequities and inadequacies in funding federally and across states and territories have served to affirm inequities for this cohort of students, particularly girls and young women not only in provision of appropriate tailored curriculum but in learning and end of schooling and tertiary outcomes.

## 2.2.5 Vocational education and training

Persistent underfunding has magnified existing inequalities in vocational education and training offered in the Technical and Further Education (TAFE) sector. Many TAFE institutes are now dependent on generating substantial revenue from fees from local and overseas students. The range of available courses has declined due to the growth of diploma and advanced diploma programs in the university sector, which is itself experiencing funding restrictions.

TAFE Institutes which promised new areas of opportunity to women a decade ago, but cuts in recurrent funding since 2017 that have had a particularly deleterious impact on women<sup>112</sup>. The Australian Government has repeatedly missed opportunities demonstrate that it understands the links between vocational education and training and satisfying and rewarding employment. In successive budgets it has failed to allocate funding to programs to support women and girls in a range of VET programs<sup>113</sup>. The priority focus for government funding has been apprenticeships and traineeship, but many women and girls cannot secure an apprenticeship in occupations that are in high demand because these are still largely male preserves. Mentoring programs for female apprentices, and specific initiatives designed to meet the language, literacy, numeracy and digital skills needs for disadvantaged learners in all equity groups have not received adequate support<sup>114</sup>. Women with disabilities, and from Indigenous or CALD backgrounds and those who and those who may represent more than one equity group, do not experience education in the same manner as other students and may need additional support and assistance to enter or re-enter the workforce or undertake further education or training.

107 Sands, T. (2017), Disabled People's Organisations Australia (DPO Australia) Submission to the 2017/2018 Federal Budget

108 Students with disability report that their disability is the main reason they do not attend school. See: Australian Institute of Health and Welfare (2017) Disability in Australia: changes over time in inclusion and participation in education. AIHW, Canberra.

109 See: Australian Institute of Health and Welfare (2017) Disability in Australia: changes over time in inclusion and participation in education. AIHW, Canberra.

110 ABS. (2018). 4221.0 Australian Schools. Retrieved from: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0>

111 See Cologon, K. (2013) Inclusion in education: Towards equality for students with disability, Children with Disability Australia (CDA)

112 National Foundation for Australian Women (2017). Gender Lens on the Budget 2017-2018. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

113 National Foundation for Australian Women (2018). Gender Lens on the Budget 2018-2019. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

114 National Foundation for Australian Women (2018). Gender Lens on the Budget 2018-2019. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

## 2.2.6 Adult and Community Education (ACE)

Adult and Community Education (ACE) is often ignored or given lower status in policy regimes and pathways and is poorly funded. Like Early Childhood Education, ACE has been subject to marketisation and short-term competitive funding regimes. Recognition of the crucial role that ACE plays in empowering women and girls navigate pathways, &/or access local affordable and supportive learning opportunities as a first step. This includes attention to literacy, numeracy & IT skills. Increased emphasis (policy and funding) on enabling ACE to support girls and women in transition from school to VET &/or tertiary education and employment with a particular focus on women from low socioeconomic status, rural, Indigenous women and women from other vulnerable populations is required. (See Rose's story at the end of this chapter.) Opportunities for access to continuing education programs and adult and functional literacy programs aimed at reducing gaps in education and employment existing between men and women are required. Increased costs and reduced funding for adult literacy programs in TAFE have impacted negatively on the availability and integrity of such relevant courses.

## 2.2.7 Women in higher education

Until recently, it was possible to describe women's participation in higher education as the gender equity success story of the post-World War 2 era<sup>115</sup>. However, Australian higher education has undergone a transformation since 1995 that has often disadvantaged women on low incomes, women from diverse backgrounds, Indigenous women and women living in rural and regional areas.

In 1996 Australia elected a Liberal-National Party coalition government committed to the principles of neoliberalism. The 1996 Budget cut university operating grants for first time since the 1940s. Changes to student loan repayments shifted a substantially larger proportion of the costs to students. By 2003 the Australian government was spending 1.5 per cent of gross domestic product on higher education while most OECD nations spent 2% and flagging further cuts in real terms<sup>116</sup>.

Following the 2007 election, the Labor government set in motion a comprehensive review of higher education and committed to policies designed to include more students from disadvantaged backgrounds, facilitate articulation from vocational education and provide additional support<sup>117</sup>. Like widening participation policies in other countries, notably the UK, the underlying intention was to provide a large enough cohort of graduates to enable Australia to compete effectively in the globalised economy. Nevertheless, the goal of raising the numbers of students from low socio-economic backgrounds enrolled in higher education from 15% to 20% by 2020 provided real benefits for many students including thousands of women.

The situation changed again in 2013 with the new Liberal-National Party government's pursuit of fiscal austerity. Cuts to higher education funding in 2014 and 2016 and a funding freeze 2017-2020 have disproportionately affected women students and staff. The average student share of fees increased to 46%. Taxpayer funds given to the private sector through tuition or student subsidies accounted for 37% of all expenditure<sup>118</sup>. In 2018 Australia ranked second in terms of private university funding<sup>119</sup>. Women who would benefit most

115 Dobson, I. (1996). Women, disadvantage and access to higher education. *People and Place*, 4(2), 59-66.

116 Laming, M. M. (2012). *The new inheritors: Transforming young people's expectations of university*. SENSE Publishing, Rotterdam.

117 Bradley, D., Noonan, P., Nugent, H. & Scales, B. (2008). *Review of Australian Higher Education, Final report*. Canberra: Department of Education, Employment and Workplace Relations. Retrieved from: <https://www.voced.edu.au/content/ngv%3A32134>

118 National Foundation for Australian Women (2017). *Gender Lens on the Budget 2017-2018*. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

119 OECD. (2018). *Education at a glance 2018: OECD indicators*. Paris: OECD Publishing. Retrieved from: <https://doi.org/10.1787/eag-2018-en>



from completing a degree – low socioeconomic status, rural, Indigenous women and women from other vulnerable populations were deterred by the cost<sup>120</sup>.

Since 1989 Australian students, who are citizens, have had access to an income-contingent loan scheme enabling many low socioeconomic status students to undertake study that otherwise would have been beyond their reach<sup>121</sup>. Changes to the repayment schedule due to begin in 2019 drastically lower the threshold - graduates will begin repaying loans sooner, and lower paid graduates will pay a higher proportion of their income. These changes oppose SDG 4 and SDG 8 by discriminating against female graduates who typically earn less than male graduates. Women are more likely to be the second income earner in a family and conflict between the repayment threshold and family tax concessions could deter them from re-entering paid work or leave them in a poverty trap.

Higher Education Participation and Partnerships (HEPPP) funding and other supplemental payments, intended to support programs for students needing additional support have been cut. The lack of accurate, disaggregated data makes any analysis of these changes based on gender very difficult, but given that the majority of students are women (58% of undergraduate and 48% of postgraduate students are women) the implication is that a majority of students who benefit from HEPPP programs are also women<sup>122</sup>.

Many junior academic staff also have ongoing HECS debts and an overwhelming proportion of them are women. Women entering the higher education sector are likely to experience prolonged periods of casual employment and insecure work dependent on securing grants. Some will delay motherhood or forego the industry-supported maternity leave that was supposed to generate more family-friendly workplaces for all women and better outcomes for children<sup>123</sup>.

## 2.2.8 New and emerging issues

A number of new and emerging areas are rising which impact on women's access and opportunities to education in Australia.

## 2.2.9 Women in science, technology, engineering and maths (STEM)

Australia loses female talent at every stage of the science, technology, engineering and maths (STEM) pipeline from school, through university to employment. This is a wicked problem, limiting the career prospects and earning capacity of individual women, as well as negatively affecting the productive capacity of male-dominated sectors<sup>124</sup>. In the latest in a series of policies intended to address this, the commonwealth government launched a policy to encourage women into STEM courses and subjects across all levels of education in March 2019<sup>125</sup>. Through targeted interventions, this plan has the capacity to promote gender equity in STEM, although cuts to education funding have made women's participation precarious. What is of more concern is that women leave STEM fields in greater numbers than men because of care responsibilities and inflexible work arrangements that, at times, amount to a hostile work environment. Until these broader issues are addressed there is little prospect that the situation will improve.

120 Equality Rights Alliance. (forthcoming). 'Education', in ERA's National Plan for Gender Equality, Canberra: ERA.

121 Norton, A. & Cherastidham, I. (2018). Mapping Australian higher education 2018. Grattan Institute

122 Equality Rights Alliance. (forthcoming). 'Education', in National Plan for Gender Equality, Canberra: ERA

123 Equality Rights Alliance. (forthcoming). 'Education', in ERA's National Plan for Gender Equality, Canberra: ERA

124 National Foundation for Australian Women (2018). Gender Lens on the Budget 2018-2019. Retrieved from: <https://www.nfaw.org/document-repository/gender-lens-on-the-budget>

125 Department of Industry, Innovation and Science. (2019). Advancing women in STEM. Retrieved from: <https://www.industry.gov.au/sites/default/files/2019-04/advancing-women-in-stem.pdf>

## 2.2.10 Need for disaggregated data

There is a real danger that women's success overall has led policymakers to ignore the continuing existence of obstacles preventing specific groups of women from participating in education. Differences in university participation remain large. Young people from low Socioeconomic status backgrounds are less likely to finish school, and much less likely to attain a high ATAR<sup>126</sup>. Women from diverse CALD backgrounds, women with a disability and women living in rural and regional areas all face obstacles to participating in post-school education and it should be noted that many women may belong to more than one subgroup. Yet the government continues to rely on broad-based statistics with little if any attention to disaggregated data, obscuring both inequities and the gender issues that are prevalent in each and all education sectors.

Inconsistent data collection on educational enrolment, achievement and attrition rates among states and territories, especially with regards to women and girls belonging to Indigenous communities, women and girls with disabilities and migrant women and their daughters impedes evidence bases for gender inclusive policy making. A consistent rigorous data collection is urgently required. A multi-agency data integration project must include data on the educational enrolment, attainment and outcomes of girls and women at all levels of education, disaggregated by age, ethnicity, disability, location and migration status et al. There is no data on part time attendance of students with disability despite the frequently reported direct experience of many children not being "allowed" to attend school on a full-time basis. Many of the tables which once allowed careful analysis of historical trends, and of the impacts of measures on individuals and family types have disappeared from the Budget Papers leading to a noticeable lack of transparency. Decisions have been in relation to all levels of education from early childhood to postgraduate with little understanding or regard for the direct and indirect effects on women, their employment and future prospects while successive governments have continued to emphasise the need for greater productivity and to encourage women to seek employment.

## 2.2.11 Recognition of intersectionality in data and policy

A significant outcome of the Australian government's failure to collect disaggregated data is the inability to perceive and cater for intersectionality. Research over decades has shown correlations between being poor, being Aboriginal, having a disability and living in a rural area and lack of access to education and limited success when it is available. Despite this, the Australian government does not collect or report data that would reveal the educational outcomes of girls and women who meet two or more of these criteria. Students with disability in remote or regional areas are likely to have considerably fewer options than their city-based counterparts.<sup>127</sup> For girls and women with disability almost no positive portrayal of disabled girls and women is available in curricula, books, media, popular culture and so on. Girls and women with disability are stereotyped as burdens and recipients of care, as 'child-like, asexual or over-sexed, dependent, incompetent, passive, and genderless'.<sup>128</sup> This has an impact on self-esteem, expectations and experience, as well as on the expectations of those around them.<sup>129</sup> The retention rate to Year 12 for Indigenous students is significantly lower than that for non-

126 Norton, A. (2016) 'Equity and markets', in Student equity in Australian higher education: Twenty-five years of A Fair Chance for All, A. Harvey, M. Brett and C. Burnheim, Eds., Springer, p 183-206

127 Australian Institute of Health and Welfare 2017. Australia's welfare 2017. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.

128 Frohmader, C. (2013) 'Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia' - WWDA Submission to the Senate Inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia. WWDA, Hobart, Tasmania

129 Hastings, E. (undated) 'Assumption, Expectation And Discrimination: Gender Issues For Girls With Disabilities'

Indigenous students is already of high concern. This is linked to a lack of secondary schools in remote communities, discrimination against indigenous girls in educational settings and insufficient promotion of the empowerment of First Nations peoples. The rate of disability for Indigenous people, including children is twice as high as that among the general population.<sup>130</sup> Women with little or no education, women with disabilities, documented migrant, refugee and displaced women also struggle to gain entry to appropriate education and without additional support they may not succeed. The impact of harassment and bullying in school environments on women and girls who are exposed to intersecting forms of discrimination, and the withdrawal of funding for the Safe Schools programme is of concern. So too is the existence of laws in some states and territories that allow for the suspension or expulsion of pregnant students and young mothers. Federal laws required that prevent this discrimination.

## 2.2.12 Recommendations aligned with BPfA, SDGs, CEDAW and ICRPD

The following recommendations collate the issues and challenges and are aligned to the relevant sections/components of BPfA, the SDGs and CEDAW. They are presented on the clear recognition that all sectors of education are in need of urgent robust reform to ensure all Australians are equipped for sustainable futures in a rapidly changing world.

That Commonwealth and State/Territory governments:

Implement as a matter of urgency a comprehensive national gender equality policy with performance indicators linked to funding to address the structural and systemic factors resulting in inequalities between men and women, girls and boys, with specific applicability in all education sectors.

Policy Area	BPfA / CSW Agreed Conclusions	SDG Goal/ Target	CEDAW	ICRPD
To meet the obligation of 'leave no-one behind', enact as a matter of urgency policies and appropriate programs to address the compounding disadvantages experienced by vulnerable and marginalised women and girls through intersecting forms of discrimination.	Objective B.1 Objective B.6	Goal 4 Goal 8	Article 10 Article 11	Article 6 Article 24
Ensure that legislative and policy frameworks take a cross-sectoral approach, with clarity of roles and responsibilities of decision makers at all levels and across all sectors, given the cross-sectoral and cross-jurisdiction character of education, training and employment issues for women and girls	Objective B.4	Goal 4 Goal 8	Article 10 Article 11	Article 6 Article 24
Cease the use of the marketisation and competitive funding models in all sectors of education and training	Objective B.1	Goal 4	Article 11	Article 24

<sup>130</sup> Australian Bureau of Statistics, (2015) 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2015: Aboriginal and Torres Strait Islander People with Disability.

Policy Area	BPFA / CSW Agreed Conclusions	SDG Goal/ Target	CEDAW	ICRPD
Increase funding for public education in all sectors in acknowledgement of the crucial role it plays in national and community development, economically, socially and culturally.	Objective B.1 Objective B.2	Goal 4 Goal 8	Article 10 Article 11	Article 24
Collect, collate and publish robust disaggregated sex/intersectional data for all education and training activities to inform the implementation of high-quality proactive gender informed policies	Objective B.5	Goal 4 Goal 8	Article 11	Article 6
Fund quality early childhood education to ensure it is accessible and affordable for all 3 and 4 year olds	Objective B.1 Objective B.6	Goal 4 Goal 8	Article 11	Article 24
Implement needs-based funding for all Australian schools	Objective B.1	Goal 4	Article 11	Article 9 Article 24
Implement gender impact analyses for all policies and procedures to ensure that girls and women have access to education, training and employment opportunities that are of equal status to those available to boys and men.	Objective B.5	Goal 4 Goal 8	Article 11	Article 24
Implement a gender sensitive policy regime with appropriate funding for lifelong learning, recognising the crucial role that adult and community education plays in empowering women and girls	Objective B.1 Objective B.6	Goal 4 Goal 8	Article 11	Article 24

## Case Study

### InTouch Multicultural Centre against Family Violence

The Adult and Further Education sector provides a pathway into education for people who have had limited prior access or whose experiences of schooling have been unsatisfying or unpleasant. School was not a welcoming place for Rose\*. Her family situation was complicated and sometimes turbulent. Instead of offering Rose support, her teachers were impatient with what they interpreted as disinterest or lack of application. They did not seem to understand the difficulties she faced at home and the effort it took her to get to school. When she was bullied by other students, they were unsympathetic and did not intervene to protect her. Rose left school at 15, then the legal school leaving age, having more-or-less completed Year 8. She found work wherever she could and concentrated on building a family.

When she first approached the Adult, Community and Further Education provider in her town, Rose had had two small children and was running an informal playgroup for young mother like herself. She had heard that the provider offered support and training to young mothers and wanted some information that she could pass on to the women who came to her playgroup.

Rose had always been interested in education and had dreamed of going to university despite her negative experienced in secondary school. No-one else in her family had been and she is not sure where this idea came from, but she expected that she would go some day. The Director of the ACE provider convinced her that she could enrol, that leaving school early and having children was not the end of her dream. Rose says that the director has a way of convincing people to believe in their potential and so began Year 11 at the age of 21. In 2014, Rose became the first of their clients to achieve the Victorian Certificate of Education. Since then she has gone on to university where she is studying a four-year degree incorporating a postgraduate qualification in social work. Rose acknowledges that her pathway would have been easier if she had been able to complete Year 12, but she is convinced that no other education sector would have offered the kind of support she needed or been as accessible. A refusal to judge, combined with personalised support and encouragement when she needed it and helped Rose to develop the confidence to fulfil her dreams.

\*not her real name.

## 2.3 Critical Area C – Women and Health

### 2.3.1 Gains, gaps and challenges

The Australian National Women's Health Policy 2010 – 2020<sup>131</sup> recognised the solid foundation of the first National Women's Health Policy: Advancing Women's Health in Australia which was released in 1989. It sought to continue the commitment to building an environment where more can be done to ensure that all Australian women have better health and health care. The policy adopted a dual priority approach that recognises the importance of addressing immediate and future health challenges while also addressing the fundamental ways in which society is structured that impacts on women's health and wellbeing. It reflected the equal priorities of:

- a) Maintaining and developing health services and prevention programs to treat and avoid disease through targeting health issues that will have the greatest impact over the next two decades; and
- b) Aiming to address health inequities through broader reforms addressing the social determinants of health.
- c) Its implementation stalled following a change in the Australian national government in 2013.

In 2019 the National Women's Health Strategy 2020-2030<sup>132</sup> was launched by the Australian Coalition Government. It aligns with UN 2030 Agenda with a particular focus on SDG3, SDG5, SDG10. It recommends that an Implementation Steering Group be established to coordinate effort to develop an interventional timeline to prioritise action, identify sector responsible for driving key actions, and agree targets and outcome measures. There is no indication of action on this at the time of writing. One Melbourne based organisation (Jean Hailes for Women's Health) has initiated consultations on partnering in key priority areas. Whilst the Strategy partnership model (page 50) includes working with and alongside governments and policy makers there has been no government presence in the consultations to date and there is no indication of funding for agreed priorities.

There is a significant entrenched challenge in Australia to moving from collecting the evidence and naming the problems to taking bipartisan concerted action to change the causes and circumstances that lead to the problem for women's health.

### 2.3.2 Overarching issues and challenges

Prevention of illness or public health are activities that focus on prevention, promotion and protection rather than on treatment, on populations rather than on individuals, and on the factors and behaviours that cause illness and injury rather than the injury itself.

Chronic disease is responsible for 83 per cent of all premature deaths in Australia and 66 per cent of the burden of disease, making it our nation's greatest health challenge<sup>133</sup>. Conditions such as heart disease, stroke, heart failure, chronic kidney disease, lung disease and type 2 diabetes, are common in Australia. These conditions are largely considered preventable and are placing great pressure on Australia's healthcare systems as they struggle to deal

131 [https://www1.health.gov.au/internet/main/publishing.nsf/Content/3BC776B3C331D5EECA257BF0001A8D46/\\$File/NWHP\\_access\\_final.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/3BC776B3C331D5EECA257BF0001A8D46/$File/NWHP_access_final.pdf)

132 Australian Government National Women's Health Strategy 2020-2030 <https://www1.health.gov.au/internet/main/publishing.nsf/Content/national-womens-health-strategy-2020-2030>

133 [https://www.aihw.gov.au/getmedia/8f7bd3d6-9e69-40c1-b7a8-40dca09a13bf/4\\_2-chronic-disease.pdf.aspx](https://www.aihw.gov.au/getmedia/8f7bd3d6-9e69-40c1-b7a8-40dca09a13bf/4_2-chronic-disease.pdf.aspx)

with the increasing flow of patients. (Jackson H, Shiell A. (2017) Preventive health: How much does Australia spend and is it enough? Canberra: Foundation for Alcohol Research and Education.)<sup>134</sup>

The Australian health system is largely funded for episodic intervention after evidence of disease occurs. Lack of major national policy and funding focus on health promotion and illness prevention is a major issue.

As reported in ‘The Status of Women and Girls with Disability in Australia<sup>135</sup>’ *‘There is no national mechanism in Australia that enables the collection of data on the health of people with disability, including women and girls with disability<sup>136</sup> Many health-related data collections do not include a way to identify if a person has disability.<sup>137</sup> Available data demonstrates that in Australia, people with disability have a life expectancy up to 20 years lower than those without disability.<sup>138</sup> Compared to the general population, people with intellectual disability have an average life expectancy up to 26 years shorter,<sup>139</sup> and are twice as likely to suffer a potentially avoidable death.<sup>140</sup> Lower life expectancy has a greater impact on Indigenous people with disability. The rate of disability for Indigenous people, including children<sup>141</sup> is twice as high as that among the general population.<sup>142</sup> The gap in life expectancy between Indigenous and non-Indigenous Australians is around 10.6 years for males and 9.5 years for females.<sup>143</sup>*

Women in Australia have fewer financial resources, less wealth and property, and higher family burdens in the dual economies of paid and unpaid work than their male counterparts. They ensure the reproduction, well-being and survival of others, from newborn to old age, but often lack necessary support and financial independence. There are specific groups of women whose health is significantly compromised by their exposure to risk and social experiences. In particular, the poor standard of health of Indigenous women, refugee women and women with disabilities raises concerns about the capacity of health services to meet their needs. It is impossible to understand women’s health outcomes without also understanding the social context of women’s lives:

- Gender power relations impact on social and health outcomes for women;
- The factor of gender accounts for the fundamental differences between women’s and men’s experience of health issues. As such, improvement of women’s health care necessitates affording high priority to gender issues in all aspects of health care;
- In determining health and illness outcomes, health systems have a responsibility to acknowledge the importance of gendered social relations, social factors, and conditions of living;
- Understanding the ways in which gender impacts on chronic health conditions will be enhanced by explicitly mainstreaming gender in the process of informing gender-specific services;
- It is vital to infuse gender analysis, gender sensitive research, women’s perspectives, and gender equity goals into policies, projects and institutional ways of working.

*(AWHN Women’s Health and Wellbeing 2012<sup>144</sup>)*

134 [http://fare.org.au/wp-content/uploads/Preventive-health-How-much-does-Australia-spend-and-is-it-enough\\_FINAL.pdf](http://fare.org.au/wp-content/uploads/Preventive-health-How-much-does-Australia-spend-and-is-it-enough_FINAL.pdf)

135 The Status of Women and Girls with Disability in Australia, Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action - Joint Position Paper from Disabled People’s Organisations (DPO) Australia and the National Women’s Alliances (September 2019)

136 Australian Institute of Health and Welfare 2018. Australia’s health 2018. Australia’s health series no. 16. AUS 221. Canberra: AIHW.

137 See: Australian Institute of Health and Welfare 2017. Australia’s welfare 2017. Australia’s welfare series no. 13. AUS 214. Canberra: AIHW.

138 Disability Rights Now (2012) CRPD Civil Society Report on Australia.

139 Worthington, E. (2017) People with intellectual disabilities twice as likely to suffer preventable death, study finds. ABC News.

140 *ibid*

141 Australian Bureau of Statistics, 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2015: Aboriginal and Torres Strait Islander People with Disability.

142 Australian Institute of Health and Welfare 2018. Australia’s health 2018. Australia’s health series no. 16. AUS 221. Canberra: AIHW.

143 *ibid*

144 [http://awhn.org.au/wp-content/uploads/2015/03/123\\_AWHNWomenHealthWellbeingPositionPaper2012.pdf](http://awhn.org.au/wp-content/uploads/2015/03/123_AWHNWomenHealthWellbeingPositionPaper2012.pdf)

Within Australia, there continues to be a major challenge in integrating and mainstreaming gender into our social policy, and health policy, funding systems and services. Gender intersects with other forms of inequality to negatively impact health outcomes.

With most government policy being gender blind, the impact is particularly stark when considering policy in sexual and reproductive rights, as gender is one of the most significant determinants of sexual and reproductive health. Women are significantly more likely to experience sexual violence, take the major role in contraceptive decision-making and have sole responsibility for pregnancy and parenting. In addition, Australian federal, state and territory governments have a range of policies on individual aspects of sexual and reproductive health, but a coordinated response is lacking. This piecemeal approach to women's health is ineffective and a new, holistic approach is urgently needed. (AWHN Women and Sexual and Reproductive Health Position Paper Second Edition 2019<sup>145</sup>)

Victorian Government Women's sexual and reproductive health: key priorities 2017-2020 is the only current Australian plan to improve the sexual and reproductive health of all Victorian women. This policy has been a significant catalyst for improving mainstreaming of sexual and reproductive health service provision in urban and rural areas, including significantly in publicly funded health services. (Women's Health Victoria Access and Equity: Towards optimal reproductive health in Victoria Forum Proceedings May 2019<sup>146</sup>)

Conditions surrounding migration and resettlement may exacerbate health inequities and expose women and their families to increased health risks and poorer health outcomes. Australian Bureau of Statistics (ABS) estimates that there are over 3 million overseas-born women in Australia, and about 460,000 of them reported that they do not speak English well or at all<sup>147</sup>.

Women of migrant and refugee background are at increased risk of poor health across pregnancy (e.g. perinatal mortality, pre-term birth and low birth weight)<sup>148</sup>, mental health (e.g. anxiety, depression and post-traumatic stress disorder)<sup>149</sup> and reproductive health<sup>150</sup>.

Factors contributing to health disparities are multi-faceted but may include specific risks related to prior environments (e.g. infectious diseases and anaemia), or specific population based risks (e.g. thalassemia, diabetes mellitus, previous FGM).<sup>151 152 153</sup> Many factors, however, relate to broader issues such as access to care<sup>154</sup>, interactions with the health system and health literacy<sup>155</sup>.

Challenges accessing care include socioeconomic factors, such as visa class, finance, transport as well as language<sup>156</sup>. Many have lower levels of health literacy, lack familiarity with preventative health care, and have differing personal concepts of health and illness<sup>157</sup>, and therefore are more likely to access acute and emergency care.

145 [http://awhn.org.au/wp-content/uploads/2019/04/AWHN\\_WomenSRHP\\_2019\\_02.pdf](http://awhn.org.au/wp-content/uploads/2019/04/AWHN_WomenSRHP_2019_02.pdf)

146 <https://whv.org.au/resources/whv-publications/forum-proceedings-access-and-equity-towards-optimal-reproductive-health>

147 Australian Bureau of Statistics. Census of Population and Housing. ABS; 2016.

148 Higginbottom M, Morgan M, Alexandre M, et al. Immigrant women's experiences of maternity-care services in Canada: A systematic review using a narrative synthesis. *Systematic Reviews*. 2015;4:13/2-13/30.

149 Kirkmayer L, Narasiah L, Munoz M, et al. Common mental health problems in immigrants and refugees: General approach in primary care. *CMAJ*. 2011;183(12):E959-67.

150 Keygnaert I, Guieu A, Ooms G, et al. Sexual and Reproductive health of migrants: Does the EU care? *Health Policy*. 2014;114(2-3):215-25.

151 K, Greenaway C, Feightner J, et al. Evidence-based clinical guidelines for immigrants and refugees. *CMAJ*. 2011;183(12):E824-E925.

152 Correa-Velez I, Ryan J. Developing a best practice model of refugee maternity care. *Women and Birth*. 2012;25(1):13-22.

153 Almeida LM, Caldas J, Ayres-de-Campos D, et al. Maternal healthcare in migrants: A systematic review. *Maternal and child health journal*. 2013;17(8):1346-54.

154 Higginbottom M, Morgan M, Alexandre M, et al. Immigrant women's experiences of maternity-care services in Canada: A systematic review using a narrative synthesis. *Systematic Reviews*. 2015;4:13/2-13/30.

155 Mladovsky P, Rechel B, Ingleby D, et al. Responding to diversity: an exploratory study of migrant health policies in Europe. *Health Policy*. 2012;105(1):1-9.

156 Correa-Velez I, Ryan J. Developing a best practice model of refugee maternity care. *Women and Birth*. 2012;25(1):13-22.

157 Almeida LM, Caldas J, Ayres-de-Campos D, et al. Maternal healthcare in migrants: A systematic review. *Maternal and child health journal*. 2013;17(8):1346-54.



Resettlement is an overwhelming process that involves issues that lead to many migrant and refugee women failing to prioritise their own health. Adaptation to a new culture and language barriers often result in social isolation and exclusion, all of which exacerbate psychosocial risk and vulnerability<sup>158</sup>. Women seeking asylum and those from refugee or refugee-like backgrounds, in particular, are at increased risk of poorer health and wellbeing due to both pre-migration experiences, including exposure to trauma, and post-resettlement experiences.

### 2.3.3 New and emerging issues

As outlined in AWHN Australian Women's Health Charter 2019<sup>159</sup>, some of the health inequalities experienced by women in Australia include:

### 2.3.4 Health impact of Domestic and family violence:

Intimate partner violence is the leading preventable contributor to ill health, injury and death of women aged 15-44 years in Australia.<sup>3</sup> Gender inequality is the key driver behind domestic and family violence. One in 6 Australian women and 1 in 16 men have been subjected, since the age of 15, to physical and/or sexual violence by a current or previous cohabiting partner.

Aboriginal and Torres Strait Islander women are hospitalised at 32 times the rate of non-Indigenous women for family violence and women are at an increased risk of experiencing violence from an intimate partner during pregnancy.

Violence against women can cause long-term physical and mental health problems, including high rates of anxiety and depressive disorders, and it is a leading cause of homelessness. Research estimates that violence against women cost our society \$22 billion a year in 2015-16.

Other diseases linked to physical/sexual intimate partner violence are early pregnancy loss, suicide and self-inflicted injuries, pre-term and low birth weight, and alcohol use disorders.

### 2.3.5 Sexual and reproductive health

Common reproductive conditions such as endometriosis (which affects around one in ten women) and polycystic ovarian syndrome (which affects around one in five women of childbearing age) are under-researched and poorly understood, leading to under diagnosis, and limited prevention and treatment options. For example, it takes an average of 7 years to be diagnosed with endometriosis and 70% of women with polycystic ovarian syndrome remain undiagnosed. Women still report that their health concerns are dismissed by health professionals.

Fertility control is a key determinant of women's health. However, in NSW (at 27th August 2019) abortion remains in the Criminal Code, with penalties for women and their doctors unless specific requirements are met. In SA the law on abortion needs modernising, currently services are only available in prescribed hospitals. Even where abortion is legal, women still face barriers to accessing services, including: affordability, lack of availability of services, lack of privacy and anonymity (particularly in rural and regional areas), distance and lack of transport and/or childcare, and negative community and health professional attitudes. There is no Medicare item number for a rebate for early medication abortion, reducing choice, and forcing some women to have a surgical procedure.

<sup>158</sup> Ibid

<sup>159</sup> <http://awhn.org.au/wp-content/uploads/2019/03/Australian-Womens-Health-Charter-2019.pdf>

Long-Acting Reversible Contraception (LARC) is over 99 per cent effective, but there is a low uptake in Australia (around 10%), compared with the US and UK (around a third).

Women with disability are often invisible in maternity, obstetric, parenting and related health care policies, programs and services, and face overt discrimination and inequitable access to assisted reproductive technologies (such as in-vitro fertilisation (IVF) and assisted insemination). Many women with disability - particularly single women with disability and women with disability in same-sex relationships - report being deemed by fertility consultants/clinics as ineligible for assisted reproductive services<sup>160</sup>. Australia's universal health system (Medicare) covers the treatment of assisted reproduction for women who are deemed 'medically infertile', but not for women who are deemed 'socially infertile' (such as single women and lesbian couples).<sup>161</sup>

Health promotion and antenatal screening may be less effective in reaching migrant and refugee women, as opposed to Australia-born women, resulting in inequalities in maternal and perinatal health outcomes. For example, in 2013, women born overseas in predominantly non-English speaking countries were 10 per cent less likely to attend antenatal care early in pregnancy than women born in Australia. However, they were almost equally as likely as other mothers to attend seven or more antenatal visits throughout the course of the whole pregnancy (86% of mothers born in other countries compared with 87% of Australian-born mothers)<sup>162</sup>. Inappropriate interpretation and translation services for Migrant and Refugee women, combined with lack of specialist services leads to further vulnerability of women from these communities.

Consideration should also be given to the importance of antenatal care for engaging with migrant and refugee women to identify health and mental health problems and make a substantial intervention on health promotion and prevention, as well as for gender-based violence screening purposes. It should be noted that pregnancy is often the first time a newly arrived woman interacts with health services therefore the information needs are quite high. In addition, there are many cultural issues that surround birth, and relevant clinicians need to be able to understand and factor those in the provision of care.

### 2.3.6 Mental health:

Women are disproportionately affected by mental health conditions, compared with men. Depression and anxiety rates among women and girls are high. Anxiety disorders are the leading contributor to the burden of disease in Australian girls and women aged five to 44. Women also report higher rates of depression or feelings of depression than men. Factors associated with women's higher rates of depression and anxiety include poverty, discrimination, and socioeconomic disadvantage; insecure, low- status employment; gendered expectations of high levels of unpaid domestic labour and caregiving; and differential exposure to physical and sexual violence in domestic settings. Women are more likely to self-harm than men and are at risk of starting to self-harm from early adolescence. The Australian Longitudinal Study on Women's Health found that 45% of Australian women aged 18-23 years reported ever self-harming and self-harming rates in young women are rising in Australia and around the world.

Young women report considerably higher concerns about body image than young men (41.1% compared with 17%). Poor body image limits women's participation in physical activity and women

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160 Women With Disabilities Australia (2009) Parenting Issues for Women with Disabilities in Australia: A Policy Paper. WWDA, Tasmania.

161 Mather, A. (October 6, 2015) Motherhood a precious gift many can't afford. The Mercury Newspaper, Tasmania

162 Australian Institute of Health and Welfare, Australia's Health 2016 (2016)

and girls with poor body image are more likely to have unsafe sex. Around 4% of the Australia population are estimated to have eating disorders, with 64% comprising women. The peak period for the onset of eating disorders is between 12 and 25 years, rendering it a health condition with greater impact on young women and girls.<sup>163</sup> Gay, lesbian, bisexual and transgender people are three times more likely to experience depression compared to the broader population.<sup>164</sup>

Women seeking asylum and those from refugee or refugee-like backgrounds, are at increased risk of poorer health and wellbeing due to both pre-migration experiences, including exposure to trauma, and post-settlement experiences. The mental health needs and the complexity of emotional issues experienced by migrant and refugee women are often overlooked in the process of settlement.

A recent longitudinal study on the settlement of refugees indicates that Women were also more likely to have a high risk of mental health problems<sup>165</sup>. Women were significantly more likely than men to report poorer levels of health, which is different from the trend in the general Australian population and were also more likely to experience symptoms of Post-Traumatic Stress Disorder (PTSD).

### 2.3.7 Chronic conditions:

Cardiovascular health (CVD) is the leading cause of premature death in women, and women are more likely to die from heart attacks than men. Research shows that a focus on men's symptoms means that women are less likely to be told they are at risk and given appropriate medical treatment.

Lung cancer is the leading cause of cancer death in women. Mortality rates from lung cancer in women are continuing to rise, while rates are dropping among men. Breast cancer is the most commonly diagnosed cancer among women.

Longer lifespans mean that older women are more likely than older men to live alone, more likely to be in residential care, are the majority of those with dementia, and live fewer active years despite older age. Dementia and Alzheimer disease have recently overtaken heart disease as the leading cause of death for females. A lifetime of gender inequality means that they are less likely to have adequate superannuation or own their own home, and more likely to retire in poverty.

### 2.3.8 Medically unnecessary procedures on intersex infants and children

The 2018 CEDAW Concluding observations has also recommended to “adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent”<sup>166</sup>.

These unnecessary surgeries are performed in an attempt to “normalise” bodies, alleviate parental distress over the atypical genital appearance and/or influence adult sexual orientation and/or gender identity. Moreover, these unnecessary surgeries are conducted on infants and children when they are unable to consent to such a procedure.<sup>167</sup>

163 Butterfly Foundation, *Paying the Price: The Economic and Social Cost of Eating Disorders in Australia*, Sydney: Butterfly Foundation, 2012

164 Beyond Blue (2012) *In my shoes: Experiences of discrimination, depression and anxiety among gay, lesbian, bisexual, trans and intersex people*.

165 DSS, *Building a New Life in Australia (BNLA) the longitudinal study of humanitarian migrants, findings from the first three waves, follows 1,509 humanitarian migrating units who arrived in Australia or had their permanent visas granted in the six months between May and December 2013. Wave 1 Oct. 2013- March 2014 / wave 2 Oct. 2014- March 2015 / Oct. 2015- March 2016*

166 Committee on Elimination of Discrimination Against Women (2018) *Concluding observation on the eight periodic report of Australia*.

167 See more at Intersex Human Rights Australia <https://ihra.org.au/7571/on-genital-surgeries/> and <https://ihra.org.au/348/sanfrancisco-hrc-intersex-report/>

The narrative of normalisation of one's bodies and genitalia is rooted in rigid gender binary expectations that are placing an expectation on an individual to conform to stereotypically male or female gender categories. We support the calls to guarantee bodily integrity, autonomy and self-determination to children born with non-normative sex characteristics, and prohibit unnecessary deferrable surgical or other medical treatment on intersex children until they reach an age at which they can provide their free, prior and informed consent.<sup>168</sup> We also note the current inquiry: Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions run by the Australian Human Rights Commission<sup>169</sup>.

### 2.3.9 Forced sterilisation of women with disability

Women and girls with disability are still subjected to the practice of forced sterilisation when they are unable to consent and the decision is taken by a third party. Forced sterilisation "is an act of violence, a form of social control, and a clear and documented violation of the right to be free from torture."<sup>170</sup> In 2018 CEDAW Concluding observations on Australia, the CEDAW Committee recommended to "abolish the practice of non-consensual administration of contraceptives, abortion and sterilisation of women and girls with disabilities, and develop and enforce strict guidelines on sexual and reproductive health rights of women and girls with disabilities who are unable to consent."<sup>171</sup>

### 2.3.10 Reproductive Coercion

Reproductive coercion is an emerging issue in Australia at the intersection of sexual and reproductive health and domestic, family and sexual violence. Reproductive coercion includes any behaviour with the intent of controlling another person's reproductive health choices, including sabotage of a person's contraception, such as the violent or forced removal of a contraceptive implant, or the removal or sabotage of condoms without consent, known as 'stealthling', pressuring another person into pregnancy, controlling the outcome of another person's pregnancy, or forcing or coercing another person into pregnancy. Reproductive coercion occurs both interpersonally and is driven by structurally by policy and legislation which restrict or coerce reproductive choice.<sup>172</sup>

- National pregnancy options counselling service Children by Choice reports that 1 in 7 women and people accessing their services are also experiencing interpersonal reproductive coercion, with women from CALD backgrounds and Aboriginal and Torres Strait Islander women over-represented. Sixty percent of women and people reporting interpersonal reproductive coercion are in their 20s
- 74% of women and people are also experience domestic and family violence, and 24% also experience sexual violence<sup>173</sup>
- Aboriginal and Torres Strait Islander women have been and are subject to interpersonal and structural reproductive coercion to a far greater extent through a variety of policies and norms throughout the period of colonisation, including the perception of Aboriginal and Torres Strait Islander women as property of colonialists and the failure to criminalise sexual violence against

168 Intersex Human Rights Australia (2018) CEDAW Shadow Report; Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia.

169 Protecting the Human Rights of People Born with Variations in Sex Characteristics in the context of Medical Interventions Consultation Paper July 2018 [https://www.humanrights.gov.au/sites/default/files/AHRC\\_Consultation%20paper\\_2018\\_2.pdf](https://www.humanrights.gov.au/sites/default/files/AHRC_Consultation%20paper_2018_2.pdf)

170 Women with Disability Australia (2013) 'Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia' Submission to the Senate Inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia.

171 Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia.

172 Maries Stopes Australia, Hidden Forces: Shining a light on Reproductive Coercion in Australia: White Paper, Australia: Marie Stopes, 2018.

173 Children by Choice, 'Reproductive Coercion', 26 April 2019, available from: <https://www.childrenbychoice.org.au/factsandfigures/reproductivecoercion>, accessed 10 October 2019.

Aboriginal and Torres Strait Islander women, forced sterilisation, and policies and practices which enabled the forced removal of children, known as the ‘Stolen Generations’<sup>174</sup>

- Policies and practices continue to enabled the forced removal of Aboriginal and Torres Strait Islander children, who are over-represented in all parts of the child protection system and the number of children in out-of-home care has doubled since the 2008 apology to the Stolen Generations.<sup>175</sup> For example, a lack of public and social housing available to women experiencing domestic violence means that Aboriginal and Torres Strait Islander women are unable to provide a safe environment for their children, which is grounds for removal under current legislation<sup>176</sup>
- Forced sterilisation and contraception of women with disability could also be included here as a structural example of RC

Reproductive coercion must be embedded in existing and new policies and plan responding to gender-based violence, and a national Sexual and Reproductive Health Strategy which includes actions to respond to reproductive coercion must be implemented.<sup>177</sup>

### 2.3.11 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

We support the rights set out in the Convention on the Elimination of All Forms of Discrimination against Women relating to sexual and reproductive health, in particular that women are afforded the “rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights”;

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective C.1 Objective C.5	Goal 3	Article 12	Article 6 Article 25 Article 26

#### **CEDAW Article 12 Women have the right to family planning services**

A coordinated national approach to sexual and reproductive health would reduce the isolation of existing strategies from each other, improve the delivery of services, increase the efficacy of existing strategies, and improve public health outcomes (AWHN, Public Health Association of Australia, Sexual Health and Family Planning Australia & Marie Stopes International 2012).

Despite the disjointed policy environment, some successful programs are making a difference to women’s sexual and reproductive health. Examples include the South Australian Pregnancy Advisory Centre, Congress Alukura in Alice Springs, Women’s Health Victoria 1800 My Options, Victorian Health Priorities Framework 2012-2022: Rural and Regional Health Plan, and Melbourne’s Multicultural Centre for Women’s Health. These programs exemplify best practice, implementing research findings and advocating a rights-based approach. They have been developed cooperatively with target groups and do not operate from within a solely biomedical framework. However, because there is no coordinated national approach, opportunities to learn from best practice and to create coherent and interactive programs are limited.

174 Maries Stopes Australia, Hidden Forces: Shining a light on Reproductive Coercion in Australia: White Paper, Australia: Marie Stopes, 2018.

175 Productivity Commission, ‘F Community Services’, in Report on Government Services 2018, Australia: Productivity Commission, 2018.

176 Cripps, Kylie and Habibis, Daphne, Improving housing and service responses to domestic and family violence for Indigenous individuals and families, AHURI Final Report No.320, Melbourne: Australian Housing and Urban Research Institute Limited, 2019.

177 Maries Stopes Australia, Hidden Forces: Shining a light on Reproductive Coercion in Australia: White Paper, Australia: Marie Stopes, 2018.

## **2020 Agenda for Sustainable Development:**

### **Goal 3 Ensure healthy lives and promote well-being for all ages**

Australian governments take action across the social determinants of health to infuse gender analysis, gender sensitive research, women's perspectives, and gender equity goals into policies, projects and institutional ways of working.

Strategies to facilitate health literacy and health system literacy, health promotion and disease prevention should factor in the diversity of ethnic communities and the complexity in their health experience, adopting a lens that would make it applicable for different community groups. This includes the delivery in a culturally specific way, in language, and led by community and women.

Health practitioners should have the skills to work with women from refugee and migrant backgrounds, being aware of culture, community, past experiences and their influence on women's expectations for care, health beliefs and behaviours. It is particularly important for health practitioners to be aware of the need to provide trauma-informed care, incorporating such factors as patient-centred communication and care, safe clinical environments and knowing when to refer for trauma screening.

Focus should be on supporting the capacity of health practitioners to communicate with migrant and refugee women. Language and communication barriers include the communication capacity of both the woman and the health practitioner and are among the most serious obstacles to safe and quality care<sup>178 179</sup>. Engaging interpreters meets the communication needs of both parties, and is a vital part of ensuring optimal health care for women who are not fluent in English.

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178 Flores G. The Impact of Medical Interpreter Services on the Quality of Health Care: A Systematic Review. *JMedical Care Research and Review*. 2005; 62(3): 255-299.

179 Rowse J, Anderson K, Phillips C, Chan B. Critical case analysis of adverse events associated with failure to use interpreters for non-English speaking patients.: Australian National University Medical School; 2017.

## 2.4 Critical Area D – Violence Against Women and Girls

### 2.4.1 Gains, gaps and challenges

Family, domestic violence (FDV) and sexual violence remains an endemic problem.<sup>180</sup> Since the age of 15, 1 in 3 women have experienced physical violence, 1 in 5 have experienced sexual violence and 1 in 6 have experienced physical and/or sexual violence by a current or a previous partner.<sup>181</sup> Australia recognises and accepts that violence against women (VAW) is rooted in gender inequality and is “a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement”<sup>182</sup>. It has also been recognised that VAW can take “many different forms”.<sup>183</sup>

Australia’s recognition of the urgency to respond to VAW has been translated into policy and government commitments through the National Plan to Reduce Violence Against Women and Their Children 2010-2022 (National Plan) and Council of Australian Governments (COAG) statements.<sup>184</sup> The National Plan is the major policy framework that has the potential to help achieve gender equality and end VAW. It acts as the primary Australian policy on reducing sexual violence and DFV. In 2019 the Fourth (and the last) Action Plan of the National Plan comes into effect.

### 2.4.2 Lack of Funding to Specialist Women’s Services

Specialist women’s services deliver the bulk of prevention and support to women experiencing DFV and sexual violence. Their work is underpinned by evidence and best practice principles that provide human rights and client-centred service, centre women’s safety and empowerment, ensures cultural competency, accessibly and perpetrator accountability.<sup>185</sup>

Over the last 5 years, despite the government commitments to strengthening support services to end VAW, efforts at the national level under National Plan have not sufficiently supported specialist women’s services to meet the challenges of maintaining best practice service models while responding to rising demand. We highlight the importance of programming which focuses on solutions led by local women and women’s rights organisations and that which is firmly rooted in local communities, contexts and needs; the need for a better resourcing of services that are community-controlled such as Aboriginal and Torres Strait Islander-led organisations as well as better resourcing for women’s and culturally competent service in regional, rural and remote areas.

180 Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW; ABS 2017 Personal Safety Survey 2016. ABS cat. no. 4906.0. Canberra: ABS; Bryant & Bricknell 2017. Homicide in Australia 2012–13 to 2013–14: National Homicide Monitoring Program Report. Canberra: AIC; <https://anrows.org.au/resources/media/media-releases/intimate-partner-violence-contributes-highest-health-risk-women-aged>; <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/clients-services-and-outcomes>

181 ABS, Personal Safety Survey

182 Beijing Platform for Action, 1995, UN Women

183 2017, A/RES/71/170, GA Resolution 71/170, Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence, OP.4.

184 2018 Statement from the Delegates at the Council of Australian Governments Summit on Reducing Violence Against Women <https://www.coag.gov.au/sites/default/files/communique/statement-delegates-coag-summit-reducing-violence-women.pdf>

185 Andrew, M. (2013). The institutional harvest: women’s services and women’s policy agencies. Maddison, S., and Sawyer, M. (eds.) (2013). *The Women’s Movement in Protest, Institutions and the Internet* (pp. 87-104). New York, NY: Routledge.; AWAVA (2016) Policy Brief. *The Role of Specialist Women’s Services in Australia’s Response to Violence against Women and Their Children*. <http://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

We echo the Human Rights Council Resolution 29/614 resolution that governments should ‘allocate adequate resources to address the structural and underlying causes of domestic violence against women and girls’<sup>186</sup> prioritising specialist women’s services and services with a strong gender expertise.

### 2.4.3 Need for intersectional lens embedded in prevention and response to VAW

An intersectional gender lens is needed for identifying root causes of VAW, sexual and gender-based violence against all women needs to be understood in the context of oppression and privilege. Direct, indirect and intersectional discrimination and prejudice on the basis of sex, disability, race, colour, ethnicity, sexuality, gender identity, social origin and access to economic resources, are recognised globally as impediments to meaningful participation for women and girls. Widespread discrimination, systemic prejudice, paternalistic and ableist attitudes that denigrate, devalue, oppress and limit, continue to impact negatively on all women and girls in Australia.<sup>187</sup>

While, over the last 5 years, there has been some progress made to address violence against specific groups of women facing multiple forms of discrimination, in particular Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse background and women with disability, these efforts tend to treat diverse groups in isolation, without applying an intersectional analysis and without meaningful community consultation and co-design of policies and response.

People with disability experience, are at a greater risk of violence than others in the population and this violence often goes un-recognised and un-addressed<sup>188</sup>. More than a third of women with disability report experiencing violence or abuse, and almost 50% of women with disability report feeling unsafe where they live.<sup>189</sup> Compared to their peers, women and girls with disability experience significantly higher levels of all forms of violence more intensely and frequently and are subjected to violence by a greater number of perpetrators. Their experiences of violence last longer, more severe injuries result, they are far less likely to receive service support to address violence<sup>190</sup>, they are often not believed when reporting sexual assault and other forms of violence<sup>191</sup>, are often denied the right to legal capacity<sup>192</sup> and effective access to justice<sup>193</sup>, and they have considerably fewer pathways to safety<sup>194</sup>. There is a lack of expertise and a range of structural barriers within domestic violence, sexual assault and women’s crisis services that prevent appropriate responses to support women with disability<sup>195</sup>. Women and girls with disability in Australia

186 2015, A/HRC/RES/29/614, HRC Resolution 29/14, Accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence, OP.8 (c)

187 Frohmader, C., Dowse, L., and Didi, A. (2015) ‘Preventing Violence against Women and Girls with Disabilities: Integrating A Human Rights Perspective’. Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-4-5.

188 French, P., Dardel, J., Price-Kelly, S. (2009) Rights Denied: Towards a National Policy Agenda about Abuse, Neglect and Exploitation of Persons with Cognitive Impairment. People with Disability Australia

189 National CRPD Survey (2019) Findings.

190 Women With Disabilities Australia (WWDA) ‘WWDA Position Statement 1: The Right to Freedom From All Forms of Violence’. WWDA, September 2016, Hobart, Tasmania

191 Women With Disabilities Australia (WWDA) ‘WWDA Position Statement 1: The Right to Freedom From All Forms of Violence’. WWDA, September 2016, Hobart, Tasmania

192 United Nations General Assembly, Human Rights Council (2013) Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E Méndez; 1st February 2013; UN Doc. A/HRC/22/53.

193 Frohmader, C. (2014) ‘Gender Blind, Gender Neutral’: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities. Prepared for Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1.

194 Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013) Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia. Background Paper. Hobart: Women with Disabilities Australia.

195 A significant majority of domestic violence shelters are not accessible for women or children with disability, and there are additional barriers where there are also language or cultural requirements.



are more exposed to practices which qualify as torture or inhuman or degrading treatment, including state sanctioned practices such as forced sterilisation, forced abortion, and forced contraception<sup>196</sup>.

Women and girls living in rural and remote communities are susceptible to violence, exploitation and abuse with few supports available to seek redress. The frequent omission of groups such as Lesbian, Gay, Bisexual, Trans, Queer, Intersex, (LGBTQI) people, young women, older women, women with disabilities, women on temporary visas, women in prisons and women in the sex industry is extremely concerning, despite high prevalence rates. This omission is a key barrier to offering protection and reduction of violence. It further marginalises women affected by violence.

There is a need to properly address the diversity of women in Australia, recognising the multiple and interacting forms of marginalisation as well as the different kinds of resources that people can draw on in building communities free of violence. It is imperative that “an intersectionality lens”<sup>197</sup> is used throughout every priority area in efforts to reduce VAW. It is essential that prevention, intervention and responses to address violence against diverse group of women are co-designed with communities.

## 2.4.4 Primary prevention of violence against women

Australia has made significant progress on primary prevention of violence against women, including embedding a focus on primary prevention in the National Plan and State and Territory policies. It has also established key agencies including Our Watch (the national foundation created to drive primary prevention) and Australia’s National Research Organisation for Women’s Safety (ANROWS). Australia has developed and begun to implement key frameworks, as outlined in the Position Paper.

Further work is needed on whole-of-government strategies to shift underlying gender inequality, in line with the recommendations in this report of Chapter 2.8 Institutional Mechanisms for the Advancement of Women. Further work is also needed to address the ongoing impacts of colonisation. Despite the development of key national frameworks, the policy landscape for primary prevention varies significantly across the country, investment in primary prevention activity is uneven and often delivered in the form of short-term funding, and there is no national mechanism for policy coordination on this issue.

## 2.4.5 Need for increased focus on sexual violence

While the rates of sexual violence (SV) are high, it is widely recognised that there is extensive under-reporting of sexual violence. Over the last 5 years, there have been some positive developments in the area of criminal justice,<sup>198</sup> yet challenges remain:

- Reforms have not translated into significant change at an operational level and shortcomings of the system continue to undermine and restrict victims/survivors’ ability to access protection, redress and justice for these crimes.<sup>199</sup>

196 Women With Disabilities Australia (WWDA) ‘WWDA Position Statement 1: The Right to Freedom From All Forms of Violence’. WWDA, September 2016, Hobart, Tasmania.

197 2016, A/HRC/33/10, HRC Resolution 33/10. The human rights to safe drinking water and sanitation, OP9 (d)

198 Clark, H. (2010) ‘What is the criminal justice system willing to offer?’ Understanding sexual assault victim/survivors’ criminal justice needs’, Family Matters 58, pp. 28–37; Daly, K (2011) ‘Conventional and innovative justice responses to sexual violence’, ACSSA Issues 12, [Australian Centre for the Study of Sexual Assault] <https://aifs.gov.au/publications/conventional-and-innovative-justice-responses-sexual-violence>

199 Australian Law Reform Commission [ALRC] (2010) Family Violence – A National Legal Response (ALRC Report 114) <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alc-report-114>

- Reporting rates remain low, attrition rates are high and low conviction rates persist.<sup>200</sup>
- SV has been identified as one of the National Plan priorities, but little progress has been made
- SV remains subsumed under the definition of DFV, thus again contributing to the invisibility of the issue.
- There are major power imbalances between perpetrators and victims/survivors of SV in particular which prevent women from reporting or seeking help. This is particularly the case for young women, older women and women with disabilities who often rely on the perpetrator for financial or carer support.
- Aboriginal and Torres Strait Islander women are up to 3.7 times more likely than other women to be victims of sexual violence.<sup>201</sup> Low reporting rates are connected with increased rates of child removal often in circumstances involving sexual and family violence, and the overall lack of effective support of families from child protection services to achieve safety from perpetrators.<sup>202</sup> Barriers are also connected to the mistrust of police and the legal system, as well as lack of the awareness of the law and legal processes.<sup>203</sup>
- Recommendations from major reports about sexual assaults in universities have not yet been implemented.<sup>204</sup>
- Many cases of SV faced by international students go unreported. For those who lack adequate sex education in their home countries, international students are more vulnerable to sexual exploitation and violence during their studies in Australia. Information about healthy relationships, consent, sexual violence, and where to seek support should be provided to everyone who is granted a substantive visa to stay in Australia, at the time of the visa grant. Sexual assault services should be available and funded to provide culturally sensitive, confidential advice in cases of sexual assault.
- Women from migrant and refugee backgrounds require specialist, culturally sensitive support to report sexual assault and recover from trauma of sexual violence they may have experienced before arriving in Australia.
- Women from culturally and linguistically diverse backgrounds are more likely to experience sexual harassment and violence in workplaces and at their homes. Due to often complex and compounding barriers, they are less likely to report sexual harassment and violence.<sup>205</sup>
- Prevailing heterosexism and “attitudes about the nature of family violence and sexual assault, such as the misconception that ‘men cannot be raped’ and that ‘women are non-violent’” may lead to LGBTIQ+ people not recognising sexual violence.<sup>206</sup>
- Transgender women experience significantly higher rates of non-physical and physical abuse compared with lesbians and gay men.<sup>207</sup>

200 Daly, K. and Bouhours, B. (2010) ‘Rape and Attrition in Legal Process: A Comparative Analysis of five countries’, *Crime and Justice* 39(1), pp. 565–650.

201 Australian Institute of Health and Welfare (2006) *Family Violence Among Aboriginal and Torres Strait Islander Peoples*; Mouzos & Makkai (2004), pp. 30–31. See also Australian Bureau of Statistics (2013).

202 Australian Family Law Council’s Interim Report on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems (2015), p. 6. The Family Law Council’s report ‘Improving the Family Law System for Aboriginal and Torres Strait Islander Clients’ (2012), documents that the number of Aboriginal children removed from families is significantly higher than the number of non-Indigenous children removed, p. 22 <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Documents/Improving%20the%20Family%20Law%20System%20for%20Aboriginal%20and%20Torres%20Strait%20Islander%20Clients.pdf>

203 Aboriginal Family Violence Prevention and Legal Service Victoria (2010) Policy Paper Series, Papers 1-3. See Paper 2, Section 10 Sexual Assault. Available at <https://djjirra.org.au/wp-content/uploads/2018/03/FVPLS-Policy-Papers-June-2010.pdf>

204 Australian Human Rights Commission 2017. *Change the course: National report on sexual assault and sexual harassment at Australian universities* [https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC\\_2017\\_ChangeTheCourse\\_UniversityReport.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_2017_ChangeTheCourse_UniversityReport.pdf); See also Australian Human Rights Centre, University of New South Wales (Sydney) 2017. *On Safe Ground: Strengthening Australian university responses to sexual assault and harassment A good practice guide for Australian universities* [https://humanrights.unsw.edu.au/sites/default/files/inline-files/AHR0002\\_On\\_Safe\\_Ground\\_Good\\_Practice\\_Guide\\_online.pdf](https://humanrights.unsw.edu.au/sites/default/files/inline-files/AHR0002_On_Safe_Ground_Good_Practice_Guide_online.pdf); End Rape Australia (2018) *The Red Zone. An investigation into sexual violence in Australian university residential colleges*, <https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/5a95cf99e4966ba2c2a64ca5/1519767581881/The+Red+Zone+Report+2018>

205 For more information: <https://aifs.gov.au/sites/default/files/publication-documents/w9.pdf>

206 Fileborn, B. (2012) *Sexual violence and gay, lesbian, bisexual, trans, intersex, and queer communities*, ACSSA Resource Sheet No 3, Australian Institute of Family Studies citing Braun et al (2009) *Sexual coercion among gay and bisexual men in Aotearoa/New Zealand*, 53 *Journal of Homosexuality* 3, 336–60, 337.

207 Australian Research Centre in Sex, Health and Society, La Trobe University (2012) *Private Lives 2: The second national survey of the health and wellbeing of GLBT Australians*

## 2.4.6 Access to justice: Need for a systemic change within Family Law, Migration, Social Security and Health Systems

Many barriers remain within such systems as domestic violence law, family law, migration (discussed in Chapters 2.5, 2.9 and 3.6 of this report), social security and health (discussed in Chapter 2.3 of this report) that impede victims/survivors' access to justice.

Whilst advances have been made with domestic violence legislation in each state and territory jurisdiction, the application of this law is still producing inconsistent outcomes for victim/survivor safety and perpetrator accountability.

In 2017 'A better family law system to support and protect those affected by family violence' Parliamentary inquiry made a number of positive recommendations to improve court responses for victims/survivors of DFV. They have also found that "the family law system is 'in crisis' and is 'failing' to protect children."<sup>208</sup> Many of the recommendations from this Parliamentary Inquiry have not been implemented.

The 2017 comprehensive review of the Family Law system by the Australian Law Reform Commission, despite some positive recommendations for DFV victims/survivors, neglected to recognise family violence as a core business of family law courts notwithstanding the high volume of matters involving allegations of such.<sup>209</sup>

Eligibility and access to social security payments in situations of domestic and family violence enables victims/survivors to re-establish their lives and gain financial independence. While the National Plan has touched on this area, issues remain with DFV survivors being treated unfairly. These include delays in payment for people in crisis and debts resulting from administrative error and/or opaque Centrelink correspondence regarding reporting obligations, expectations for couples to share assets and income, and lack of support provided when DFV is disclosed.<sup>210</sup>

## 2.4.7 Trafficking of women and girls

Over the last 5 years at the national level, there has been a significant shift away from acknowledging and addressing trafficking for sexual exploitation and servitude by the government. Women who have been trafficked are dealt within the criminal and migration systems that creates significant complexities and barriers. For instance, when the Federal Police are unable to raise prosecution regardless of women's cooperation, women are exited from the support program and may be deported back to their countries of origin.

208 Parliament of the Commonwealth of Australia (2017) A better family law system to support and protect those affected by family violence. Recommendations for an accessible, equitable and responsive family law system which prioritises safety of those affected by family violence. Available at [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024109/toc\\_pdf/Abetterfamilylawssystemtosupportandprotectthoseaffectedbyfamilyviolence.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024109/toc_pdf/Abetterfamilylawssystemtosupportandprotectthoseaffectedbyfamilyviolence.pdf;fileType=application%2Fpdf)

209 Australian Law Reform Commission (2017) Review of the family law system. Reports available at <https://www.alrc.gov.au/inquiries/family-law-system>

210 Social Security Rights Network (2018) How well does Australia's social security system support victims of family and domestic violence? Available at <http://www.nssrn.org.au/briefing-paper/family-violence-research/>

## 2.4.8 Lack of Consultative Mechanism with Civil Society Under the National Plan

While the implementation of the National Plan has been important, several challenges remain. There is a lack of consultative mechanism with civil society under the National Plan and a robust monitoring and evaluation mechanism needs to be put in place to account for the impact of activities under the National Plan (and any future National Plan). A consultative mechanism, co-design and timely monitoring and evaluation are needed to ensure that that measures taken by the government remain effective and in line with their “primary responsibility for protecting and promoting the human rights of women and girls facing violence.”<sup>211</sup>

## 2.4.9 Gender and intersectionality lenses in policy

Several critical issues impeding the progress towards ending violence against women and achieving gender equality. It is important to recognise and operationalise the interconnectedness of measures to achieve gender equality with ensuring economic security, ending violence against women, combatting racism, homophobia, transphobia among others. With an absence of gender and intersectionality lenses in government budgeting and policies, some measures while designed with specific goals, in reality only exacerbate poverty, disempower and disadvantage women especially in situations of DFV. Examples include:

- Punitive welfare management that impedes the capacity of victims/survivors of DFV to be supported and regain their financial independence.
  - The Australian government has introduced cashless debit cards (CDC), as a welfare management system that restricts particular types of spending and only allows for 20% of the welfare payment to be cashed out. CDC mostly affect Aboriginal and Torres Strait Islander women.
  - The government has extended the waiting periods from 2 to 4 years for newly arrived migrations to access social security payments.
  - The government now can deduct unpaid fines from social security payments.<sup>212</sup>
  - The development of a pre-employment program known as ParentNext<sup>213</sup> does not provide legislative exemptions for women affected by DFV. If a woman meets the ‘eligibility’, they need to talk to the provider and the exemptions and reporting obligations will be agreed at the meeting. No automatic exemption or exiting the program. The program can suspend payments.
- replacement of the human rights framework with migration regime lens when working with survivors of human trafficking and sexual exploitation;
- facilitation of further gender-based violence through the regime of indefinite offshore detention.

Without transparent budgeting, gender and intersectionality lens in policies and legislation, meaningful communities’ engagement and co-design of policies with diverse groups of women, the progress towards eliminating violence against women and achieving gender equality is stalled.

211 2015, A/HR/RES/29/614. HRC Resolution 29/14, Accelerating efforts to eliminate all forms of violence against women, eliminating domestic violence, OP.6.

212 For more information: [https://www.dss.gov.au/sites/default/files/documents/02\\_2019/amended-budget2018-19-factsheet-encouraginglawfulbehaviourofincomesupportrecipients.pdf](https://www.dss.gov.au/sites/default/files/documents/02_2019/amended-budget2018-19-factsheet-encouraginglawfulbehaviourofincomesupportrecipients.pdf)

213 For more information: <https://www.employment.gov.au/parentsnext-frequently-asked-questions>

## 2.4.10 National Plan to Reduce VAW and Children – Women with Disabilities<sup>214</sup>

The National Plan to Reduce Violence Against Women and their Children 2010-2022<sup>215</sup>, is Australia's main policy framework designed to prevent violence against women. The National Plan focuses only on sexual assault and domestic/family violence in the context of intimate partner violence<sup>216</sup>. It conceals and renders invisible, structural and institutional forms of gender-based violence related to law, the state and culture that women and girls with disability not only experience, but are more at risk of, such as forced sterilisation, forced abortion, forced contraception, denial of legal capacity, forced treatment, restrictive practices, seclusion, restraint, indefinite detention, and forced and coerced marriage. It excludes reproductive rights violations and many of the settings and spaces in which women and girls with disability experience violence<sup>217</sup>.

## 2.4.11 New and Emerging Areas

A number of new and emerging areas are rising which should be taken into consideration in the context of Violence against women and girls in Australia.

## 2.4.12 Recognition and Increase of Other forms of VAW

More work needs to be done to increase awareness, and to “address discrimination based on multiple and intersecting factors which places women at a greater risk of violence”<sup>218</sup> and improve responses to other forms of VAW excluded from the focus on a conventional understanding of domestic and family violence. This includes:

- Trafficking and sexual exploitation, spiritual abuse, early and forced marriage, FGM/C, dowry abuse, labour, domestic and sexual servitude and technology-facilitated abuse.
- Medical manifestations of violence such as reproductive coercion, forced sterilisation of women with disability and medically unnecessary procedures on intersex infants and children (see sections 3.5 - Australia's Role in Primary Prevention of VAW and 3.6 Harmful and Cultural Practices / Complex Forms of Violence)
- Violence against women in institutions in the form of financial abuse, control and restraint, coercion and manipulation.

## 2.4.13 Women on temporary visas experiencing violence

Women who come to Australia to marry their Australian partner and subsequently experience DFV do not have equal access to services compared to women who are permanent residents of Australian citizens. Only a limited number of visa categories are eligible to access migration regulations allowing them to stay in Australia permanently after their relationships broke down because of DFV. In some cases, disclosure of violence and separation from a violent partner

<sup>214</sup> Taken verbatim from The Status of women and Girls with Disability in Australia - Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action - Joint Position Paper from Disabled People's Organisations (DPO) Australia and the National Women's Alliances (Sept. 2019) p 19 pp 7

<sup>215</sup> Council of Australian Governments (2011) National Plan to Reduce Violence against Women and their Children 2010-2022, Canberra.

<sup>216</sup> The exclusion and neglect of women and girls with disability in the National Plan has been identified in a number of reviews and inquiries at both national and international levels. For example, the report from the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings, released in November 2015, recommended that the Australian Government amend the National Plan to ensure that women with disability are afforded the full range of rights protections that are available to women without disability. The recommendation also specified that the National Plan must be updated to include institutional and disability accommodation settings, and that in order to give effect to the National Plan, there must be increased funding to support women with disability escaping domestic violence.

<sup>217</sup> Including for eg: prisons, segregated settings, detention centres, and other forms of institutional settings.

<sup>218</sup> 2017, A/RES/71/170, GA Resolution 71/170, Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence, OP.11

may result in deportation. Most of the temporary visa holders are not eligible to access any social security payments or social housing.

As the new report *'Path to Nowhere'* highlights the intersection of temporary migration status and violence represents a national crisis which requires immediate law and policy reform by the Australian and State and Territory governments.<sup>219</sup>

VAW is a human rights violation and access to support and services for all victims/survivors is a right to be exercised "regardless of their migration status".<sup>220</sup> The Australian Women Against Violence Alliance (AWAVA) alongside other bodies/organisations have called for changes in the migration system in relation to family violence, including the expansion of social security eligibility regardless of one's migration status and increased funding for specialist family violence services and legal aid services.<sup>221</sup>

## Case Study

Anna (not her real name) was 19 when she came to Australia on a temporary partner visa sponsored by her husband who is an Australian citizen. She was forced by her family to marry him in her home country. She left the home last year due to family violence he perpetrated against her. She had no money and left with nothing except the clothes she was wearing and her passport.

Her situation was compounded by her ineligibility to access social security payment as she held a temporary visa. Without any income, Anna found that renting her own accommodation was difficult. She initially spent approximately 3 months in a domestic violence shelter that provided crisis accommodation. Anna was the longest-standing temporary resident at the refuge, as most people spent an average of two weeks or so there. Since leaving the shelter, Anna has been receiving Special Benefit but finds that this barely covers her accommodation and necessities. Anna feels that her current living situation is still precarious. She shares her accommodation with another person who holds a temporary visa but worries that they are making plans to leave.

Despite her right to work on her current visa, Anna is experiencing difficulty in finding employment. This was in part because of her visa status being temporary, but also because her lack of work experience means that she has not had much opportunity to gain more experience.

Anna has been suffering mental health problems due to the violence she experienced and the uncertainty of her current visa situation. She sees a counsellor, but has expressed that she often feels that life is too hard.

Anna concluded that not having permanent residency has acted as a barrier to moving forward, or reaching any sense of security or independence – financially, and in terms of career and education. In her words, "I want to continue my life... I want to do something for myself."

Full version of this case study is available in the National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) *Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children*.

219 National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) *Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children*. Available at <https://awava.org.au/2018/12/11/research/path-to->

220 2017, A/RES/71/237, GA Resolution 71/237, International migration and development, OP. 5

221 National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) *Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas*, available at <https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform>

## 2.4.14 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective D.1 Objective D.2 Objective D.3	Goal 1 Goal 5 Goal 10 Goal 16	Article 5 Article 6 Article 12 Article 13 Article 14 Article 15	Article 16

1. Ensure continuous investment into robust and inclusive data collection in relation to violence against women.
2. Proactively build the capacity of specialist women's services as demand for services rises, including for their response, early intervention and prevention work, not only through resourcing but also by supporting meaningful structures to enable coordination across jurisdictions.
3. Ensure there is an independent mechanism to monitor and evaluate the implementation of the National Plan and adequate funding of civil society to engage in this process.
4. Commit to and begin work on development of a second National Plan.
5. Resource and support specialist women's services in their diversity across the full range of service types and target groups to assist and advocate for women through the justice system and legal processes in relation to sexual violence.
6. In developing new initiatives undertake a substantial gender analysis to ensure that proposed policies do not create further obstacles for disadvantaged women to live free of violence.
7. Ensure that migration rules and eligibility requirements for support services do not disempower victims/survivors of violence or discourage them from leaving violent relationships.
8. Provide sustainable and adequate funding for the development of LGBTI-specific resources, programs and targeted community education campaigns and identification of research priorities and effective prevention strategies.
9. Address and meet the specific needs of diverse groups of women such as Aboriginal and Torres Strait women, women with a disability, older women, women from culturally and linguistically diverse backgrounds, women in rural, regional and remote areas, and women who identify as LGBTIQ in prevention and responses to domestic, family and sexual violence.
10. Ensure the Rights of women and girls are enshrined into all legal and criminal practices and procedures, including a means of communication to effectively communicate to legal institutions such as the police and courts what has happened. This communication needs to include a broader definition of harmful and cultural practices, including dowry abuse, virginity testing, etc as well as institutional violence.

## 2.5 Critical Area E – Women and Armed Conflict

### 2.5.1 Introduction

***“We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and there can be no peace without sustainable development.”***<sup>222</sup>

Women are largely excluded from the processes and forums where decisions are being made with regard to approaches to national security and military intervention. This applies in Australia as it does in conflict affected countries. For there to be sustainable peace, the diversity of women’s voices must be heard in all decision making and policy processes, so that all options - not only military, security and police strategies - can be used to fully address national and global security, conflict prevention, conflict resolution and to build sustainable peace. For there to be a genuine inclusive and just society, women’s meaningful participation must be recognised as the norm and not the exception, across local, national, regional and international contexts, building on the transformative elements of UN Security Council (UNSCR) 1325 and the 2030 Sustainable Development Goals.<sup>223</sup>

In this section we focus on Australia’s participation in two key areas:

1. Women, Peace and Security (WPS) Policy and Practice; and
2. Support and protection of refugee women and girls in Australia.

***From the outset, we must acknowledge that within Australia, the discussion of just and inclusive society must address that indigenous Aboriginal and Torres Strait Islander people who are the first sovereign Nations of the Australian continent and its adjacent islands have never ceded sovereignty. Until there is substantive acknowledgment of this in Australia there will not be true peace.***<sup>224</sup>

### 2.5.2 Overarching Global Issues

For the first time in 5 years, the Global Peace Index (GPI) indicates that the average level of global peacefulness has improved very slightly in 2019.<sup>225</sup> However, the picture is very much a mix of good and bad news. Overall 86 countries improved, with 76 recording deteriorations. Iceland remains the most peaceful country in the world, and Afghanistan is now the least peaceful, replacing Syria (second), and with South Sudan, Yemen, and Iraq making up the 5 least peaceful countries.

***The 2019 GPI reveals a world in which the conflicts and crises that emerged in the past decade have begun to abate, but new tensions within and between nations have emerged.*** The trend in peacefulness has been deteriorating since 2008, with terrorism and internal conflict the greatest contributors. However, the 2019 GPI reports a mixed picture in relation to “improvements” in militarisation with approximately only 39% of countries increasing their military expenditure. Negative trends in peacefulness become even more crucial when

<sup>222</sup> Resolution adopted by the General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development (p 2-35). [http://www.un.org/en/development/desa/population/migration/generalassembly/ docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

<sup>223</sup> Listening To Women’s Voices And Making the Connections To The Women, Peace and Security Agenda. 2017 Fifth Annual Dialogue Report. <https://wpscoalition.org/annual-civil-society-dialogue-onwomen-peace-and-security-2/>

<sup>224</sup> Uluru Statement From The Heart. 2017. <https://www.referendumcouncil.org.au>

<sup>225</sup> Global Peace Index 2019. <http://visionofhumanity.org>



considering the potential impact of climate change on peace, and likelihood of increasing conflict through impacts on livelihoods, resources, security and migration, presenting significant challenges for cooperation both within and between countries.

**The UN High Commissioner for Refugees (UNHCR) has reported that by the end of 2018, almost 70.8 million individuals were forcibly displaced worldwide (25.9 million refugees, 41.3 million internally displaced people, and 3.5 million asylum seekers) as a result of persecution, conflict, violence or human rights violations.** This is compared to 43.3 million in 2009. During 2018, 2.9 million displaced people returned to their areas/ country of origin (including 2.3 million IDPs and 600,000 refugees), with returns clearly not keeping pace with the rate of new displacements. In 2018, 67% of all refugees worldwide came from Syria, Afghanistan, South Sudan, Myanmar and Somalia, correlating with the trends identified in the GPI. Since 2014, Turkey has been the host country with the largest refugee population (3.7 million - at end 2018) with the vast majority from Syria. Pakistan is second with 1.4 million Afghani refugees.<sup>226</sup>

SIPRI 2019 reports that **the intersecting challenges of climate change and insecurity have potentially profound and unavoidable consequences for human security, national security in many countries and international stability.**<sup>227</sup>

### 2.5.3 Australian Context

For Australia, this global picture must also be viewed through the lens of shifting geo-political dynamics of the Asia-Pacific region.

### 2.5.4 Militarisation and disarmament

Australia ranks 13th in the 2019 GPI, falling one place from 2018, due to an increase in *militarisation – namely weapon imports and military expenditure (as % of GDP)*.<sup>228</sup> For example, as detailed in the 2016 Defence White Paper Australia's 10 year Defence budget plan (2025-26), funding is projected to increase to 2% of Australia's GDP by 2020-21. In 2018, Australia launched its Defence Export Strategy<sup>229</sup> to transform the country into a top-10 global arms manufacturer and exporter by 2028, and to support job creation. At the same time increased funding from armaments manufacturers is being directed to Australian research and cultural institutions such as the Australian War Memorial, leading to further militarisation of Australia's social and industrial base.

In addition, while Australia had previously participated in multilateral disarmament processes, (e.g. ban on land mines, ban on cluster bombs) it appears that this support can no longer be relied upon. Australia has opposed the humanitarian-based effort by a majority of UN member states to prohibit nuclear weapons and has refused to sign the Treaty on the Prohibition of Nuclear Weapons<sup>230</sup> which was subsequently adopted in 2017. This is deeply concerning given the current instability of the international environment when such an initiative is not being supported.

### 2.5.5 Asylum seekers and refugees

The Australian government's commitment to implement the Global Compact on Refugees – mainstreaming the age, gender and diversity lens including the collection of data disaggregated by age, gender, disability and diversity - is most welcome. However, it

226 UNHCR 2018 Global Trends Report. <https://www.unhcr.org/en-au/5d08d7ee7.pdf#zoom=95>

227 SIPRI Yearbook 2019. <http://sipri.org>

228 Ibid. The GPI 2019 also notes that Australia's incarceration rate also rose. p. 14.

229 Defence Export Strategy 2018. Funds allocated include: \$3.8 billion for the Defence Export Facility, and \$20 million /year to support defence industry exports grants (2018-2028). <http://defence.gov.au>

230 <https://treaties.un.org>

is regrettable that the government has not agreed to the implementation of the Global Compact for Safe, Orderly and regular Migration.

Australia's current approach with refugees and asylum seekers can be similarly characterised. Previously Australia played a key role in promoting human rights and drafting the international treaties that protect people fleeing persecution and other forms of serious harm. ***Today Australia is one of the few countries with a policy of mandatory, indefinite detention.*** By definition, mandatory detention is arbitrary, and contrary to international law. On average, people seeking Australia's protection are detained for 500 days, and some have been detained for over five years. Detention has also included children, which further contravenes international law.

***The UN has described Australia's offshore processing regime in Nauru and Papua New Guinea as 'an affront to the protection of human rights'.*** Australia is the only nation that currently employs a policy of shifting potential people seeking asylum by boat by removing them from Australian territorial waters. Offshore processing has an extraordinarily high human, financial and reputational cost and in many cases fails to provide durable solutions for those transferred. While the Australian government maintains that border protection measures have stopped asylum seeker boats coming to Australia, the abolition of offshore processing would bring Australia into line with international good practice and human rights law. Experience has shown that detaining asylum seekers and refugees offshore can have devastating effects on their mental health and hamper their ability to rebuild their lives once released.<sup>231</sup>

This is certainly the case for women and children fleeing conflict and post conflict-situations and seeking human rights protections in Australia. *Indeed, the issue of support and protection for refugee women girls brings home to Australia the nexus of the critical international and domestic links to the women, peace and security agenda.*

## 2.5.6 Women, Peace and Security Policy and Practice

***Australia is nearing the end of its first Australian National Action Plan on Women, Peace and Security 2012-2018, extended to 2019 (NAP1), and the government is in the process of developing its second NAP (NAP2) anticipated for the end of 2019.***<sup>232</sup>

NAP1 is 'outward looking' in orientation; i.e. focused on Australia's work overseas rather than on domestic policy and activities. It has been aligned with 5 thematic areas: prevention, participation, protection, relief and recovery and normative. The government departments with NAP implementation responsibilities include the Department of Defence, Australian Federal Police, Department of Foreign Affairs and Trade, Australian Civil-Military Centre, Attorney-General's, and the Commonwealth OFW, in the Department of Prime Minister and Cabinet). OFW is tasked with coordinating this whole of government approach.<sup>233</sup>

231 Kaldor Centre Principles for Australian Refugee Policy: Key Priorities. UNSW, 2019. <https://www.kaldorcentre.unsw.edu.au>. Kaldor Centre Australia's refugee policy: An overview. UNSW, 2019. <https://www.kaldorcentre.unsw.edu.au>. Refugee Council of Australia Recent changes in Australian refugee policy. 2018. <http://refugeecouncil.org.au>

232 Australian National Action Plan on Women Peace and Security (2012-2018). The plan was officially extended (in late 2017) until 2019, to accommodate the development of the second NAP. It is anticipated that the second NAP will be launched in mid-2019. The Australian NAP, Progress Reports and the Independent Interim Review are available at <https://www.pmc.gov.au/office-women/international-forums/australian-national-action-plan-women-peace-and-security-2012-2018>. The Addendum to the Australian National Action Plan on Women, Peace and Security 2012–2018 is available at <https://www.pmc.gov.au/sites/default/files/publications/addendum-australian-national-action-plan.pdf>

233 NAP2 will include the 'super' Ministry of Home Affairs created in 2017. It has now incorporated AFP and AGD; and brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs, settlement services and immigration and border-related functions. <https://www.homeaffairs.gov.au>

## 2.5.7 NAP1 governance and reporting/ accountability mechanisms

OFW coordinates the WPS Inter Departmental Committee (IDC) which is the primary Australian Government mechanism responsible for the governance and implementation of NAP1. It is comprised of high-level representation from NAP1 implementing agencies. The IDC is supported by an IDC Sub-committee which monitors NAP1 implementation.

In addition, there are 2 reporting/ accountability mechanisms:

- *Progress Reports*: 3 reports which track the progress of NAP1 have been tabled before the Australian Federal Parliament. These reports are highly descriptive and outline actions undertaken by the NAP1 implementing agencies as represented on the IDC.<sup>234</sup>
- *Independent Reviews*: There have been 2 independent reviews.
  - *The Independent Interim Review of the Australian National Action Plan on Women, Peace and Security (2012-2018)*<sup>235</sup> completed in 2015, tracked the whole of government progress on the implementation, and found that while NAP1 was relevant, broad and flexible, but that there were significant challenges with institutionalisation, awareness, monitoring and evaluation (M&E), funding and resource allocation across implementing departments.
  - *The Independent Final Review of the National Action Plan on Women, Peace and Security (2012-2018)*<sup>236</sup> (IFR) completed in late 2018, assessed the high-level effectiveness of NAP1 against its stated objectives and provided recommendations to inform the next NAP. The IFR noted that the review was significantly challenged due to the limitations of the NAP1 M&E framework to evaluate at the outcome level. In summary, it concluded that a high level the effectiveness objectives were at least partially met; with key achievements in the degree of institutional learning across government agencies; a coordinated whole-of government approach; and the IFR noted the strength of the relationship between civil society and implementing agencies.

## 2.5.8 Role of civil society

Australian civil society has played a vital role in advocating for the adoption of the WPS agenda and the development of Australia's first NAP. The Australian Civil Society Coalition on Women Peace and Security (the WPS Coalition)<sup>237</sup> was established in 2013 to provide a platform for individuals, organisations and networks to reshape the peace and security dialogue, policy and practice in Australia and our region away from an increasingly militarised and securitised approach towards a transformative WPS agenda.

Recognising the instrumental role played by civil society in the development of the NAP, the plan includes the provision "to nominate a selection of representatives to meet with the Women, Peace and Security Inter-Departmental Working Group each year."<sup>238</sup> In practice, this has translated into civil society representation on the IDC, with the WPS Coalition nominating one member to the IDC and two members to the IDC Sub-committee. Civil society representatives have contributed on a voluntary basis, significant amounts of time and technical expertise since 2015.

<sup>234</sup> NAP1 Progress Reports: 2012-2014, 2014-2016 and 2016-2018. <https://pmc.gov.au>

<sup>235</sup> Independent Interim Review of the Australian National Action Plan on Women, Peace and Security (2012-2018) Final Report: 30 October 2015. <https://www.pmc.gov.au/sites/default/files/publications/nap-interim-review-report.pdf>

<sup>236</sup> 'Final Independent Review of the National Action Plan on Women, Peace and Security 2012-2018', Department of the Prime Minister and Cabinet, 2018, <https://www.pmc.gov.au/resource-centre/office-women/finalindependentreview-national-action-plan-women-peaceand-security-2012-2018>.

<sup>237</sup> <https://wpscoalition.org/>

<sup>238</sup> Australian National Action Plan on Women, Peace and Security 2012-2018, p. 26.

The Annual Civil Society Dialogue on Women, Peace and Security was established in 2014 to promote a robust discussion on WPS in Australia and provide a civil society assessment of the progress made on implementing NAP1 and the development of NAP2. The Dialogues are led by the WPS Coalition and provide a platform bringing together Australian civil society, government and policymakers to: facilitate effective dialogue between civil society and the Australian Government on WPS in the context of UNSCR 1325; support reporting and accountability on the Australian NAP; and to elevate the national discussion on women, peace and security.<sup>239</sup>

While civil society's significant role was recognised in NAP1, the plan has failed to put formal mechanisms in place to facilitate civil society's meaningful engagement in the process. In its assessment of NAP1 effectiveness, the IFR specifically noted the need for a more explicit formalised mandate for engaging with civil society. Additionally, it highlighted the importance of appropriate funding for the success of future WPS engagement.<sup>240</sup> Currently, civil society's relationship with government is maintained by the willingness and capacity of civil society actors to volunteer their time and expertise. This is a significant barrier to the engagement and representation of diverse women and girls in Australian society.

## Case Study

### Women's Voices and the WPS Agenda

The focus of the 2017 Dialogue was on Listening To Women's Voices And Making the Connections To The Women, Peace And Security Agenda, and engaging in Roundtable discussions across Australia with women and girls from diverse backgrounds in Australia and our region to understand what peace and security meant in people's lived experiences today. The ideas ranged across the personal, political community, national and international and coalesced around 4 themes:

- respect for human rights and gender equality;
- importance of acknowledging the diversity of women's voices around peace and security;
- the marginalisation of women's voices and failure to listen to the needs, experiences and concerns from women of diverse backgrounds; and
- "freedom from" all forms of discrimination, oppression, threats, intimidation, coercion, stigma, statelessness, homelessness, personal and intimate partner violence, sexual violence and harassment; and "freedom (and opportunity) to" access to justice, making informed choices and power to act on those choices; autonomy and control over one's body; ability to protest and mobilise for action; speak to be heard; and freedom of movement.

This Dialogue sends an explicit message for the development of NAP2 to be: 1) grounded in a "human security" approach; 2) give primacy to women's roles as change agents - a shift from protection to participation and conflict prevention; 3) make explicit the link between achieving gender equality and peace and security; and 4) the critical importance of engaging with civil society across aspects of peace and security and policy development.

239 The WPS Coalition has produced Dialogue Reports since for 2014; with funding from OFW and Australian Civil-Military Centre. In addition, Submissions to the Australian government and CEDAW, and a series of Issues Papers to support technical aspects of NAP2 have been developed. <https://wpscoalition.org/reports-publications/>

240 Final Independent Review of the National Action Plan on Women, Peace and Security 2012-2018', Department of the Prime Minister and Cabinet, 2018, <https://www.pmc.gov.au/resource-centre/office-women/finalindependentreview-national-action-plan-women-peaceand-security-2012-2018>.

## 2.5.9 The First Australian NAP: Some Achievements

The Australian First National Action Plan (NAP1) lacks a robust M&E framework to assess progress, achievements and impacts. While the IFR has noted some high-level findings, it has not focused on operational practice. The following summary is based on the NAP's descriptive indicators allowing only for a recounting of actions undertaken under each of the 5 NAP strategies.<sup>241</sup> At this very basic level, assessing the progress of NAP1 indicates ongoing efforts to:

- Acknowledge the intersectional and gendered impacts of conflict.
- *Include references to WPS in key policy and guidance documents of implementing agencies such as in the 2016 Defence White Paper; Australian Federal Police's International Operations Gender Strategy and Concept and Agency Implementation Plan for Women Peace and Security; 2016 DFAT Gender Equality and Women's Empowerment Strategy; and Protection of Civilian Guidelines.*<sup>242</sup>
- *Increase the number of women deployed in international missions as well as internally across all occupational groups/ranks/grade levels as well as established gender advisor positions at the strategic and operational levels within Defence.*
- *Develop and deliver specific training and workshops on WPS to Defence and Australian Federal Police personnel as well as at a whole-of-government level.*
- *Maintain a zero-tolerance policy for sexual assault and exploitation.*<sup>243</sup>
- **Promote women peace and security through Australia's aid program - for example being the largest contributor to the Women's Peace and Humanitarian Fund.**<sup>244</sup>
- Expand the reach of the WPS agenda through advocacy in multilateral and regional forums, such as the UN and ASEAN, and through participation in dedicated dialogues such as the National Focal Points Network on Women, Peace and Security.

## 2.5.10 The First Australian NAP: Some Challenges

**Lack of a vision statement:** There is no clearly articulated vision. As a result, there is no robust monitoring and evaluation framework to assess progress, achievements and impacts.

**Lack of policy coherence:** There is a disturbing lack of policy coherence between Australia's international commitments on issues related to WPS and its domestic policies. This is most evident when it comes to the arms trade. Australia is a strong supporter of the Arms Trade Treaty, noting at the time of its adoption "we look forward to the contribution that implementation of the Arms Trade Treaty can make to reducing gender-based violence in conflict settings."<sup>245</sup> Further Australia supported the integration of gender-related text into UNSCR 2117 on Small Arms and Light Weapons, the first ever SCR dedicated to addressing small arms and light weapons. In addition, Australia's 2016 Foreign Policy White Paper notes that, "Australia has an abiding interest in working towards the ultimate goal of a world without weapons of mass destruction..."

241 Australian Civil Society Coalition on Women, Peace and Security CEDAW Shadow Report Submission 2018. <https://wpscoalition.org/Third-Progress-Report-of-the-Australian-National-Action-Plan-on-Women,-Peace-and-Security-2012-2018>. <https://pmc.gov.au>

242 However, the 2017 Foreign Policy White Paper does not include any reference to women, peace and security, while acknowledging that "Gender inequality undermines global prosperity, stability and security. It contributes to and often exacerbates a range of challenges, including poverty, weak governance and conflict and violent extremism." https p. 93.

243 Changing gender norms, within organisations that disadvantage and marginalise women, is a slow process. Despite a zero-tolerance policy for sexual assault and exploitation, the Australian Defence Force culture has been in the spotlight with alleged reports of active and former military personnel publishing jokes and memes about rape, violence against women and child sexual assault on a social media platform. <https://www.theguardian.com/australia-news/2017/oct/25/adfs-links-to-vile-facebook-group-shows-backlash-against-progressive-politics>

244 There is need for greater clarity in the DFAT publication Official Sector Statistical Summary (2016-17) regarding the extent to which conflict prevention and resolution, peace and security, security system management and reform, civilian peace-building, and post-conflict peace-building address gender issues as a primary or secondary objective. <http://dfat.gov.au/about-us/publications/Documents/aus-international-dev-assistance-official-sector-stats-summary.pdf>

245 Quinlan, G. 2013, 'Women, Peace and Security: Statement by HE Mr Gary Quinlan, Ambassador and Permanent Representative of Australia to the UN Security Council', 18 October 2013. <https://dfat.org.au>

Chemical weapons are again being used, as seen recently in Syria. Proliferation networks, including for missile technology and small arms, threaten the security of the Indo-Pacific.”<sup>246</sup> These commitments stand in stark opposition to the Australian Government’s Defence Export Strategy announced in 2018, as does the intention to become one of the world’s largest arms manufacturers and exporters over the next decade.

**Lack of emphasis on conflict prevention:** NAP1 under-emphasises conflict prevention, despite its identification as one of 5 thematic areas. The Interim Independent Review highlights that conflict prevention, and a gendered analysis of conflict is subordinated to a focus on protection and sexual and gender-based violence.

**Lack of specific WPS budget allocation:** There is no specific budget allocation for the implementation of the Australian NAP across implementing and coordinating agencies. It is assumed that implementing NAP responsibilities will take place within existing agency resources.

## 2.5.11 Recommendations for the second Australian WPS NAP<sup>247</sup>

The WPS agenda is grounded in a feminist approach to advancing peace and security which is first and foremost about the long-term prevention of violent conflict/ instability and enabling sustainable peace. In practice, this means integrating women’s individual and collective experiences in all its diversity – across race, class, age, socio-economic status, gender, sexual identity, religion, culture, ethnicity, and ability, urban / rural location – to increase women’s substantive participation in all aspects of peace and security policy development and implementation. Women, peace and security is equally about transforming structures which are contributing to violence, militarisation, and armament to a focus on human rights, human security, and peace, at the local, national, regional and global levels.

The development of the second Australian NAP presents an important opportunity to critically reframe the peace and security agenda towards a human security and conflict prevention focus. NAP1 was primarily internationally focused. However, there is clear community support for a peace and security agenda that has a strong domestic focus, while recognising the need to be internationally linked as well. To do this effectively, the second Australian NAP will need to demonstrate how Government policies, plans, and actions are promoting peace and security both domestically and internationally, and critically engaging with the diversity of girls and women’s voices to promote peaceful, just and sustainable societies.

### Key recommendations include:

- 1. Develop a clearly articulated vision statement and resource a robust monitoring and evaluation framework for accountability and to assess progress, achievements and impacts.**
  - The vision should unequivocally state that WPS is not a “women’s agenda” alone but a peace and security agenda with broader implications for sustainable development.
  - The vision statement should also underscore the vital importance of ongoing engagement with civil society (especially women’s organisations) in all aspects of peace and security policy development and implementation.

246 <https://www.fpwhitepaper.gov.au/> p. 83.

247 Australian Civil Society Coalition on Women, Peace and Security CEDAW Shadow Report Submission 2018; 2016, 2017, 2018 Annual Dialogue Reports; Issues Papers. <https://wpscoalition.org/>.

## 2. ***Give primacy to peace and conflict prevention***

- Adopt a rights-based human security approach to peace and security policy and practice that recognises freedom from fear and oppression as fundamental to the promotion of peace and security.
- Resource civil society engagement and support the work of diverse women and girls and their organisations.

## 3. ***Implement an interlinked domestic and international focus on women, peace and security***

- Build a domestic program around addressing inequality (promoting gender equality, eliminating gender-based violence, building social cohesion and inclusion, promoting peace, coordinate with related domestic policies (e.g. family and domestic violence, migration, climate change, prevention of violent extremism) and create spaces for ongoing sustained engagement with diverse women and girls and their organisations.
- Build policy coherence with a review of foreign, security and defence policy (e.g. arms manufacture and export) to ensure that Australian government policies and practice are not in opposition to the implementation of UNSCR 1325 and subsequent SCRs on WPS.
- Build an international program grounded in principles of ensuring gender equality, promoting peace and stability, focusing on preventing conflict and reflective of international human rights commitments.
- Promote Sustainable Development Goals, in particular goals 5 (gender equality and women's empowerment) and 16 (promote peaceful and inclusive societies), as a pathway to peace and stability.

## 4. ***Resource and protect robust, diverse and vibrant civil society spaces***

- Proactively engage (on an ongoing basis) with policymakers on framing what peace and security mean - so that civil society organisations and women's organisations are seen as partners and not instrumentalised for their expertise, or just as a mechanism for consultation.
- Enable diversity and ensure diverse women's and girls' voices and leadership are heard in all aspects of peace and security policy development and implementation.

## 5. ***Foreground women's substantive participation and agency in conflict prevention, protection and post-conflict reconstruction***

- Highlight the role of women as change agents and mark a shift from the current focus on protection to participation and conflict prevention.
- Make explicit the link between achieving gender equality and peace and security; to achieve sustainable peace and security, gender inequality must be addressed. The recognition that power imbalances, resulting from gendered norms and institutions, fuel conflict and violence is at the heart of the women, peace and security agenda.

## 6. ***Incorporate recommendations made in the Global Study on the Implementation of UN Security Council Resolution 1325 and CEDAW General Recommendation 30248***

- Reduce military expenditures and controlling the availability of armaments
- Promote non-violent forms of conflict resolution
- Prioritise prevention of conflict not the use of force
- Foster a culture of peace

- Resource and support women's rights organisations and women's human rights defenders with the aim of enabling women's leadership and meaningful participation in all dimensions of conflict prevention
- Address the persistent failure to adequately finance the WPS agenda
- Address gendered impacts of international arms trade and ratify the Arms Trade Treaty (2013)
- Adopt gender-sensitive migration policies, and regional agreements for the rights of women and girls
- Ensure measures to prevent statelessness are applied to all women and girls
- Protection to be available to stateless women and girls before, during and after conflict, including those seeking asylum.

## 2.5.12 Support and Protection of Refugee Women and Girls - Overarching Issues and Challenges

The many risks and human rights abuses experienced by refugee and displaced women and girls in conflict, during flight and in camps and urban refugee sites are now widely acknowledged. These include rape and other forms of sexual violence, beatings, forced marriage and relationships, forced engagement in survival sex, and pregnancy and childbirth as a result of rape. However, there has been significantly less focus on and exploration of the risks and human rights abuses that refugee women and girls might face within countries of resettlement.<sup>249</sup>

## 2.5.13 Social support services

Refugee and asylum seeking women in Australia continue to experience disadvantages. While there have been few changes in this area over the last 5 years, a number of policy changes in the area of social support are limiting women's capacity and financial independence, including changes to the Status Resolution Support Service (SRSS) program. In particular, in the context of family violence, women applying for income and casework support are no longer eligible so long as their other ('substantive') visa is valid (often for years). ***In general women on temporary protection visa have fewer rights and more limited access to support services, compared to those on permanent protection visa.*** They are not able to access subsidised higher education, do not have access to casework support, cannot become citizens of Australia, cannot leave the country without first seeking permission from the Department of Immigration and cannot sponsor their families to come to Australia. Their access to social security payment is also much more limited. Refugee women on temporary protection visa with a disability are not eligible for NDIS. It leaves them dependent on state disability services or without any disability support. This is particularly worrying as people on these visas also have very limited access to other casework services due to funding decreases of those services.

## 2.5.14 Trauma and resettlement

A key issue that remains is the serious concerns about the effectiveness of support services targeted at women who have been able to enter Australia on a 'Women at Risk' visa. Most women at risk have experienced extreme violence; torture and other trauma; have been raped or bear children from rape; and/or forced marriage and forced prostitution. ***Many of these***

249 Bartolomei, L Eckert B & Pittaway E (2014) "What happens there ... follows us here": Resettled but Still at Risk: Refugee Women and Girls in Australia"



**women and their families face ongoing risks in Australia, and these risks generate additional settlement needs which are not currently met by service providers.** If these needs are not met in the first crucial years of life in Australia, this may seriously impact on refugee women's ability to successfully integrate into Australian society.

In the resettlement process, with challenges such as finding adequate and affordable housing; finding work; getting children into schools; and settling into a new culture with new laws and social norms family units often break down. Family breakdown can mean that refugee women separate from and do not live with their families, ties to culture and community can be compromised which can lead to social isolation. **Unsurprisingly, the stress of resettlement and trauma of the refugee journey continues to negatively impact refugee women's lives in complex ways.** Yet outside of urban centres, there are few specialist services for refugee women, and virtually none for girls and children. **Support services for refugee women and girls facing domestic violence and harassment are generally insufficient or inappropriate and vary from State to State, and between urban and rural areas.**

### 2.5.15 Complementary protection where women are victims/ survivors of domestic and family violence

Complementary protection is invoked in a situation when a person does not fall under the definition of a 'refugee' as defined by the Migration act, but where the Minister is satisfied that 'a non-citizen has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen being removed from Australia to a receiving country, there is a real risk that the non-citizen will suffer 'significant harm'.<sup>250</sup>

While the definition of cruel and inhumane treatment upon return to the country of origin can include women who left because of family violence, it is concerning that the provisions do not apply where "the real risk is one faced by the population generally and is not faced by the non-citizen personally".<sup>251</sup> This may mean that in countries where there is gender inequality, domestic violence is wide-spread, and/or practices of female genital mutilation and honour killings persist, women may be excluded from having access to complementary protection in cases when relationships break down because of family violence. Complementary protection needs to be reviewed to ensure that it offers protections for victims/survivors of family violence whose claims may otherwise 'fall through the cracks', especially in cases of severe gender-related harm or torture.<sup>252</sup>

250 Migration Amendment (Complementary Protection Bill) 2011 (Cth) cl 12.

251 Ibid, item 14.

252 Senate Legal and Constitutional Affairs Legislation Committee, Migration Amendment (Complementary Protection) Bill 2009 [Provisions] (2009), 7, 8; Australian Law Reform Commission, Family Violence and Commonwealth Law - Immigration Law, ALRC Issues Paper 37 (2011), Question 22.

## Case Study

### Refugee experiences: Yazidi and Rohingya Women

New developments in this area relate to the fact that Australia has received refugee women who are traumatised to a level not seen in Australia in recent years. *This relates particularly to the genocide of the Yazidi people and also the ethnic cleansing and near genocide of the Rohingya people.* Yazidi women and their girls have been sold into slavery and they have seen and experienced incredible atrocities. The camps they lived in presented an additional site of abuse where children and mothers were living under cruel conditions. In Australia most Yazidi are settled into regional areas which presents its own challenges. There are fewer services available and mainstream services are not used to servicing refugees, let alone refugees with such severe trauma. Many of the households are female headed with large numbers of children. Many children are still missing and ransom requests are regularly received by relatives in Australia. Daily functioning in Australia is severely impaired due to the trauma experienced.

*The experience of the Rohingya women is different in that many arrived as irregular maritime arrivals.* While many have received temporary protection visas for now their future is very uncertain, having only a 3- or 5-year visa and no rights to bring any family. Meanwhile circumstances are not improving in Myanmar. This community has lived in violent circumstances for many years and there are concerns about Domestic and Family Violence in the community, which may be related to stressful and violent circumstances they have lived in for so many years.

## 2.5.16 Asylum seeking women in Immigration Detention

There has been little progress with the resettlement of refugees held in the offshore processing centres on Manus and Nauru. The protracted situation for women and girls currently on Nauru creates further risks of sexual and gender-based violence. There is no access to appropriate sexual and reproductive healthcare. Abortions are criminalised in Nauru. Asylum-seeking women and girls remain under the risk of sexual and gender-based violence while in detention.

Onshore immigration detention also has a negative impact on women and girls. Currently, there is no limit on the length of time in detention (with serious impacts on mental health of people in detention); there is no legislation against detaining children; and the current detention monitoring system is not transparent. None of the recommendations of the monitoring bodies are binding. In addition, none of the recommendations to close offshore immigration detention have been fulfilled.<sup>253</sup> While acknowledging some government efforts to remove women and children from detention centres in Australia and off shore, long term detention, by its nature is widely recognised as having a seriously debilitating effect on the health and wellbeing of detainees. Mental health issues are compounded by experiences of immigration detention and uncertainty over the future of their lives in Australia.

<sup>253</sup> Committee on the Elimination of Racial Discrimination (2017) Concluding observations on the eighteenth to twentieth periodic reports of Australia; Dubravka Šimonović, 'End of Mission Statement' (27 February 2017) <http://un.org.au/files/2017/02/Endof-mission-statement-by-Dubravka-Simonovic-drafftinal-.docx>; Francois Crepeau, UN Human Rights Council, Report of the Special Rapporteur on the Human Rights of Migrants on his Mission to Australia and the Regional Processing Centers in Nauru, UN Doc A/ HRC/35/25/Add.3 (24 April 2017) 2.; Mutuma Ruteere, Special Rapporteur, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on his Mission to Australia, UN Doc A/HRC/35/41/Add.2 (9 June 2017).

In 2018 the CEDAW Committee stated that Australia has violated its obligations under international human rights and humanitarian laws, including by outsourcing the processing of refugee claims offshore, transgressing non-refoulement obligations and separating families, and expressed its particular concern for women and girls seeking asylum in Australia.<sup>254</sup>

## 2.5.17 Supporting people from refugee backgrounds with disability

Due to experiences of conflict and torture as well as endemic rates of VAW,<sup>255</sup> people from refugee backgrounds are more likely to have a disability than other populations.<sup>256</sup> There have been some recent improvements in the migration policy in relation to disability namely removing the requirement to assess “applicants with permanent medical conditions or disabilities [...] in terms of their lifetime care cost.”<sup>257</sup> However, the increase of people arriving with a disability has not been met with appropriate funding and policies to fully support their resettlement and inclusion in Australian society. Key issues include: access to timely on-arrival assessment and support; provision of essential equipment and aides; lack of accessible and appropriate housing; inadequate support within the National Disability Insurance Scheme (NDIS); lack of culturally appropriate disability services; and lack of translating and interpreting services within disability services and the NDIS.<sup>258</sup>

## 2.5.18 LGBTI people seeking asylum and refugees

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in forced displacement experience compounding protection challenges and distinct vulnerabilities. Threats against LGBTI persons occur in all refugee situations, including cultural shame and stigma, life-threatening discrimination, physical violence, sexual and gender-based violence, sexual exploitation, prejudice from officials, humanitarian staff and/or refugee populations.

Durable solutions must recognise the rights and dignities of LGBTI people where resettlement may be the only viable solution for LGBTI refugees. It is imperative to recognise gender-diverse and same-sex couples as family units, ensure that LGBTI individuals are not placed in immigration detention, ensure that LGBTI-sensitive training is mandatory for all workers and decision makers involved in the asylum-seeking process and to ensure sex, age and diversity disaggregated data collection on refugees and people seeking asylum.<sup>259</sup>

254 CEDAW Committee’s Concluding Observations on Refugee and asylum seeking women. Australia’s 8th Periodic Review. 25 July 2018. <https://www.ohchr.org>

255 DFV is a major cause of disability for women” in Women With Disabilities ACT (2017) Submission to Discussion Paper: Domestic and Family Violence: Policy Approaches and Responses. ACT Legislative Assembly Standing Committee on Justice and Community Safety.

256 FECCA, NEDA, RCOA & SCOA (2019) Barriers and Exclusions: the support needs of newly arrived refugees with disability. <http://bit.ly/2ZaTxVu>

257 National Ethnic Disability Alliance, Media release 05 August 2019 <http://bit.ly/30dUNIM>

258 Ibid, p.4

259 Queer Sisterhood Project (2018) Human Rights Violations of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seeking and Refugee Women in Australia. A Shadow Report for Australia. Submitted to the UN CEDAW Committee. <http://bit.ly/2KHSFnm>

## 2.5.19 Recommendations for Support and Protection of Refugee Women and Girls

- End the mandatory detention of refugees and people seeking asylum in offshore facilities.
- Remove the Temporary Protection Visas and review the Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012, in light of the long term psychological and social impacts on women and children.
- Ensure that gender and intersectionality lenses are adopted and mainstreamed throughout migration policy.
- Ensure that migration rules and eligibility requirements for support services do not disempower victims/survivors of violence, discourage them from leaving violent relationships and/or impede access to justice.
- Provide specialist health services, trauma services and community support mechanisms for refugee women and their children and families, including comprehensive, adequate and accessible sexual and reproductive health services and information.
- Widen the eligibility for the Free Interpreting Service to ensure that interpreting services are always available to those who need them.
- Ensure funding and support available for people from refugee backgrounds with multiple marginalisations and needs such as people with disability and LGBTI people.
- Invest in wrap around services for women at risk and their children living in regional areas particularly so that much more specific servicing can occur to take care of the considerable needs experienced by the women.
- Consider conversion from temporary to permanent refugee visas for Rohingya people given that the situation in Myanmar is not likely to change for a long time. The women and their children need stability.
- Incorporate recommendations made under CEDAW General Recommendation 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, and General Recommendation 28 on core obligations of State parties under Article 2 of CEDAW into refugee and asylum seeker policy and practice.<sup>260</sup>
- Enact full commitments undertaken with the United Nations 1951 Refugee Convention and 1967 Protocol.

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<sup>260</sup> CEDAW General recommendations 28 and 32. Including responding to the recommendations in the CEDAW Committee's Concluding Observations on Australia's 8th Periodic Review. 25 July 2018. <https://www.ohchr.org>

## 2.5.20 Alignment with BPFA, SDGs, CEDAW and ICRPD

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective E.1 Objective E.2 Objective E.3 Objective E.4 Objective E.6	Goal 5 Goal 16	General Recommendation 28 on core obligations of State parties under Article 2 of CEDAW. General Recommendation 30 on women in conflict prevention, conflict and post conflict-situations. Provides authoritative guidance to states on concrete measures to ensure women's human rights are protected before, during and after conflict. Links with UNSC's women, peace and security agenda.1 General Recommendation 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.	Article 11 Article 14 Article 15 Article 16

## 2.6 Critical Area F – Women & The Economy

### 2.6.1 Gains, gaps and challenges

Australia is a high-income country, with most measures of lifestyle and well-being amongst the highest in the world. Alongside economic growth and rising wealth, inequality has become a hallmark of Australia's economy over recent decades. The benefits have not been evenly shared, with women continuing to lag behind men in terms of jobs, incomes and superannuation balances, with intersecting forms of discrimination such as racism, homophobia/transphobia and ableism compounding the risks of poverty. There is qualitative evidence that women have a lower level of awareness and understanding about personal finances, including superannuation, than men.

One of the well-established and central platforms of economic and social policy is to deliver economic and financial security for all members of society<sup>261</sup>. Paid employment is one of the benchmarks for financial security, but in the circumstances where many women have either sporadic or minimal opportunities to engage in paid work throughout their adult life, a government provided, broadly based, financial safety net is essential if economic security for women is to be enhanced.

The evidence for Australia confirms that women are persistently and overwhelmingly less economically secure than men. One area where some tentative progress has been made in addressing women's financial security is in paid employment where the workforce participation rate for women has been trending higher while for men it has been trending lower. Lifestyle, social and demographic changes have driven these changes where more women are engaged in paid employment. That said and even with the recent progress, women still have a significantly lower workforce participation rate than men. Of those Australians aged 15 years and over, approximately 71 per cent of men and 60 per cent of women are in paid employment or looking for paid work. Over the past 20 years, this represents a fall of 3 percentage points for men and a rise of 7 percentage points for women.

Despite a number of positive Government actions and policies regarding women and the economy, such as the introduction of the government-funded Paid Parental Leave scheme (PPL) introduced in 2011, extreme gender inequality remains, and women continue to experience economic discrimination and disadvantage. This discrimination and disadvantage is pervasive and effects women across all sections of society and remains throughout their life cycle.

### 2.6.2 Workforce participation

Key barriers to workforce participation for women remain. Unpaid work continues to be missed in the workplace economy, being rendered 'invisible' to economists, politicians and policy planners. The feminisation of poverty and the creeping poverty experienced by women in Australia is evidenced by the higher rates of female unemployment compared to men. In 2016-17, the labour force participation rate of people aged 20-74 years was 66 per cent for women and 78 per cent for men. While young women aged 15-19 were slightly more likely than young

261 economic Security4Women: White Paper "Defining the concept of economic security for all women living in Australia"

men the same age to be working or looking for work, proportions of men participating in the labour force outstripped those for women in every age group from 20 years and over. In the decade between 2006-07 and 2016-17, the participation rate for women aged 60-64 increased from 34 per cent to 50 per cent, an increase of 16 per cent: the highest increase in all age groups for both men and women over this time<sup>262</sup>.

In 2016-17, 6.0 per cent of men and 9.7 percent of women aged 20-74 in the labour force were underemployed; that is, they wanted, and were available for, more hours of work than they currently had. Underemployment rates tend to rise for mothers of dependent children, but not for fathers. The underemployment rates for women with school aged children (6-14 years) and non-school aged children (0-5 year olds) were 12 per cent and 9.1 per cent respectively in 2016-17. These proportions have been reasonably consistent over the past decade, as have those of fathers: 3.5 per cent of fathers of dependent children were underemployed in 2016-17<sup>263</sup>. Overall, the labour force underutilisation rate in Australia in 2016-17 was noted as 11 percent for men and 15 per cent for women aged 20-74.

The bias of women to work more in part-time and casual roles, rather than full-time roles, results in workers taking home less pay and having lower superannuation contributions. There continues to be an urgent need to assist women in gaining decent work with skills development in negotiation skills to achieve equal pay, promotion and improved working conditions. People who identify as transgender are more likely to experience poverty and more likely to be discriminated against in employment; same gender attracted-women are less likely to be out at work than either same gender-attracted men or gender diverse people. Aboriginal and Torres Strait Islander women are paid an annual average of \$11 200 less than non-Indigenous women; and some women (especially Aboriginal and Torres Strait Islander women) are forced to use cashless debit cards without access to cash, with impacts on their ability to get free of domestic violence; between 38-41% of people living in poverty are people with disability; women with disability experience lower rates of employment and pay than men with disability and are more likely than men with disability to be in informal, subsistence and vulnerable employment. The Australian income, tax and welfare system is blind to the additional costs of healthcare incurred by women with a disability over their lifetime. Similarly, women from CALD backgrounds are over-represented in insecure employment fields; and extended waiting periods for migrants to access social security increase migrant women's dependence on partners and families, making them more at risk of controlling and violent behaviour.

### 2.6.3 Australia's G20 25 x 25 commitments

Under Australia's G20 Presidency in 2014, leaders agreed to the goal of reducing the gender gap in participation rates by 25 per cent by 2025. Achieving this goal could mean around 200,000 additional women in the Australian labour force. In 2017, women comprise 46.2 per cent of all employees in Australia. As a proportion of all employees, 24.8 per cent are women working full-time and 21.4 per cent are women working part-time. Women constitute 71.6 per cent of all part-time employees, 36.7 per cent of all full-time employees and 54.7 per cent of all casual employees. The workforce participation rate for women is 59.3 per cent, and for men is 70.4 per cent<sup>264</sup>.

The Australian Government is taking action to boost women's workforce participation by a variety of measures, including improving child care; supporting businesses to create more diverse workplaces; ensuring women have the skills and support to work in growth industries;

262 ABS [www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4)

263 ABS [www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Sep%202017~Main%20Features~Economic%20Security~4)

264 <http://www.broadagenda.com.au/home/200000-more-women-into-decent-work-by-2025-how-can-australia-achieve-this-g20-goal/>

implementing the Jobs and Small Business package; investing \$13 million in women in Science, Technology, Engineering & Mathematics (STEM); addressing pay equity through the Workplace Gender Equality Agency; and endorsing the Australian Public Service Gender Equality Strategy. These are all positive measures. However, Treasury projections published in the Intergenerational Report in 2015 show Australia is not on track to meet our G20 target even in 40 years<sup>265</sup>. The current gap of 12.4 percentage points is projected to narrow to 11.3 percentage points by 2055.

## 2.6.4 Economic security for women

Economic security entails a number of basic conditions, but has as a central underpinning an ability, throughout life, to afford to have shelter, food and basic living expenses covered. Financial security also means opening access to opportunities not only at these basic levels of living standards, but to also achieve higher levels of security and well-being through education, training and employment opportunities. Specific populations like single mothers, pregnant women, displaced homemakers, rural and regional women, Culturally and Linguistically Diverse (CALD) women, older women, indigenous women and women with disabilities continue to experience specific challenges additional to the cumulative effects of advantage and disadvantage on the economic security of women and their families throughout their lifetime. People who identify as LGBTIQ are 7% less likely to be employed than those who do not identify as LGBTIQ. Their earnings are on average 4% lower and they are 11% less likely to hold a managerial position<sup>266</sup>. Women with disability are often given marginal jobs far below their capacity. They are denied opportunities for further training and job advancement. They are often unable to enforce industrial rights. Women with disability have reported being typically treated like children and not given credit when they have performed well on the job because attitudes in their workplace were such that no one believed that they could have actually done the job on their own. This does not appear to have changed since 2009<sup>267</sup>.

There are no specific policies or programs that address the lack of employment participation of women with disability, including addressing the structural barriers to their workforce participation. Segregated employment for people with disability through Australian Disability Enterprises (ADEs) continues in Australia, enabling employers to pay people with disability lower wages than other people<sup>268</sup>, and with less than 1% having opportunities to move into mainstream employment. The Supported Wage System (SWS)<sup>269</sup> still provides for people with disability to be paid a pro-rata percentage of the minimum wage for their industry according to their assessed capacity. There has been no improvement in labour force participation of women with disability in the past two decades.<sup>270</sup> Men with disability (51.3%) are much more likely to be employed than women with disability (44.4%).

Despite growing evidence of the benefits of employing women from migrant and refugee backgrounds to individuals, workplaces and the economy, this cohort continues to lag behind their peers. The unemployment rate for women who have migrated to Australia sits at 6.3 per cent, compared with 5.4 per cent for all Australian women and migrant men. A similar story is seen

265 <https://www.smh.com.au/politics/federal/australia-wont-meet-female-workforce-participation-target-intergenerational-report-shows-20150309-13zbpm.html>

266 The Organisation for Economic Co-operation and Development <https://www.oecd.org/els/soc/lgbti.htm>

267 Women with Disabilities Australia (2009) Submission to the Australian NGO Beijing+15 Review. WWDA, Hobart, Tasmania.

268 The Committee on Economic, Social and Cultural Rights has specifically addressed segregated employment of people with disability and clarified that segregated employment and wage discrimination is in contravention of the Covenant on Economic, Social and Cultural Rights (ICESCR).

269 The Supported Wage System is a process that allows employers to pay a productivity-based wage for people with disability that matches an independently assessed productivity rate.

270 Productivity Commission (July 2018) National Disability Agreement Review, Issues Paper.



for labour force participation rates with 66.95 per cent of women who have migrated to Australia participating in the labour force, compared to 68.53 per cent of all Australian women and 78.94 per cent of migrant men. This data highlights the dual barriers faced by women from migrant and refugee backgrounds over and above their female non-migrant and male migrant peers.

In summary there are 4 major areas that intersect to impact on women's financial security:

**Lack of Political Will** to change the situation. Despite numerous reports and recommendations, persistent challenges for women remain in achieving decent work.

**Stereotyping and broader deeply held cultural beliefs** in Australia of the role of women in the family, and in the workplace. There remains a divide in what is considered 'women's' work and 'men's' work. The triple burden of work in the home, workplace and caring for others remains with women. This is reflected in the Paid Parental Scheme (PPL) scheme, which offers women as primary carers far greater entitlements than men as secondary carers.

**Cultural barriers** - these are discriminatory assumptions, stereotypes and toxic attitudes that are embedded in the cultures and mindsets of many organisations and businesses. Despite the Sex Discrimination Act 1984 (Cth) sexual harassment in the workplace remains prevalent, with a high level of acceptance and tolerance of this within the workplace. Workplace cultures that can inform recruitment processes, promotion, and career development systems in ways that disadvantage women. Stereotyping and discrimination that rises around gender, race, class, ability, sexuality severely impacts on the achievement of decent work for many.

**Structural barriers continue** for example the gender pay gap, which shows that women on a full-time equivalent basis earn around 15 per cent less than men, has been broadly steady for many decades; the lack of flexible arrangements for accommodating women's caring responsibilities and work-life balance; lack of provision for carers; the rising feminisation of poverty and the rise in homelessness for women over the age of 55, driven by **lower superannuation balances** and the impact of unpaid care work in holding women's earnings to lower than men. They point to the growing number of women living at or below the poverty line in and women's equal access to and participation in education and decent work is a critical concern for Australian women today.

## 2.6.5 Decent Work for all women

The 'Decent Work Agenda' was adopted by the International Labour Organization (ILO) a decade ago. It recognises the central role of work in people's lives and that the quality of work is crucial to a cohesive and more equal society. It is in the interests of all to support decent work. Where decent work principles do not exist, private enterprise can shift capital and production to take advantage of workers. Work that traps people in bondage or poverty (rather than releasing them from it), or exposes them to hazards, discrimination or insecurity, does not allow individuals – or the economies they are part of - to advance and fulfil their potential.

Women in Australia want access to decent work. Work that has job security, predictable and regular hours, decent pay, and the opportunity for respect, control, and influence in the workplace. Equal pay for equal work, access to the right skills and qualifications, support and mentoring, and paid leave to care for family are all cited as important to women's future success at work<sup>271</sup>. Young women are job-orientated and want to advance their careers. They actively plan for the future and intend to have children. But most women do not think they are treated the same as men at work and only half think gender equality at work will improve in the future. Australian women and men do not participate in the labour market as equals, and

271 economic Security4Women: White Paper "Defining the concept of economic security for all women living in Australia

employment and economic outcomes remain unequal and highly gendered<sup>272</sup>.

Despite the Australian government making gender equality in the workplace a priority and a means to 'raising living standards and securing Australia's future prosperity'.<sup>273</sup> Australian workplaces are not providing women with what they value or need to succeed, and public policy settings are not meeting women's aspirations for work. There is an urgent need for Government(s) and business to increase efforts to promote legislative and policy initiatives that will deliver Australian working women gender equality in the future of work. Decent work is essential for all women in their working lives.

Decent work includes all productive work, incorporating a fair and predictable income with security and social protections, safeguards basic rights, offers equality of opportunity and treatment, prospects for personal development and the chance for recognition and to be heard. Decent work is also central to efforts to reduce poverty and is a path to achieving equitable, inclusive and sustainable development. Ultimately decent work underpins peace and security in communities and societies.

The issue of women's equal access to and participation in education and decent work is a critical concern for Australian women today. Australia ranks among the leading countries in terms of women's access to and participation in education. However, major barriers remain for Indigenous women, migrant and refugee women and women with disability. It is also notable that education is still highly segregated in Australia, with comparatively fewer women completing degrees in sectors such as science, technology, engineering and maths (STEM). Also, this relative success in education does not translate to women's access and participation to decent work.

Key areas impeding decent work for women are the gender pay gap, pay transparency and secrecy, the lack of recognition of unpaid work of women both within households and in the broader community, lack of flexibility in the workforce.

## 2.6.6 Gender Pay Gap

Drivers of the gender pay gap include gender discrimination, the impact of care and family on workplace participation, and occupational and industrial segregation.<sup>274</sup> The gender pay gap, shows that women on a full-time equivalent basis earn around 15 per cent less than men, this has been steady for many decades, notwithstanding the recent slight narrowing. This means that women do not accumulate superannuation savings at the same level as men for each and every year they are of working age. The bias of women to work more in part-time roles, rather than full-time roles, only exacerbates this shortfall with part-time workers taking home less pay and having lower superannuation contributions.

Paid employment is one of the benchmarks for financial security, but in the circumstances where many women have either sporadic or minimal opportunities to engage in paid work throughout their adult life, a government provided, broadly based, financial safety net is essential if economic security for women is to be enhanced. In terms of pay, women still lag men in full-time equivalent wage levels by a significant amount. For women in paid employment, the difference in the average full-time equivalent wage for women relative to men has been

272 Hill E, Cooper, R, Baird, M, Vromen, A & Probyn, E; Australian Women's Working Futures: Are We Ready? (2017) [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_616211.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_616211.pdf)

273 Commonwealth of Australia, 2017. Department of the Prime Minister and Cabinet, Towards 2025 A Strategy to Boost Australian Women's Workforce Participation. Commonwealth of Australia, Canberra. <http://womensworkforceparticipation.pmc.gov.au/sites/default/files/towards-2025-strategy.pdf>

274 KPMG, Diversity Council Australia (DCA) and Workplace Gender Equality Agency (WGEA), 2019. She's Price(d)less: The economics of the gender pay gap. Australia: KPMG.

approximately 15 to 18 per cent lower, a ratio little changed since the 1980s.<sup>275</sup> This indicates a strong lack of political will by Government to address this issue. The recent drop in percentage is due more to relative cyclical decline in wages in male dominated industries, such as mining sector, rather than material improvement in female wage conditions.

The Fair Work Commission plays a key role in equal pay, notably in making equal remuneration orders and in setting minimum wages across the 122 federal awards in Australia. In the current minimum wage setting processes there is an “unfair under-valuation of women’s work grounded in prejudice”<sup>276</sup>. A Pay Equity Unit would shed light on these gender biases in Fair Work Commission processes and undertake and provide research on pay equity issues to enhance the role of the Fair Work Commission in achieving pay equality.<sup>277</sup>

### 2.6.7 Pay transparency/secretcy

The OECD, ILO and UN Women’s Equal Pay International Coalition have identified pay transparency as an important tool in closing the gender pay gap. In some industries pay secrecy is an explicit employer policy, but it can also be a workplace culture that implicitly prevents employees from sharing information about their salaries. Keeping salaries secret leads to “information asymmetry” whereby, in a negotiation, the employer or manager knows all employees’ remuneration but the employee only knows their own. In hiring or promotion or annual raise discussions, an employer can use that “information asymmetry” to keep salaries down, which has serious implications for the gender pay gap.

An explicit legal right to share information about salaries and making pay secrecy clauses and policies illegal will help eliminate this obstacle to pay equity. It will benefit women and men, but the benefits of such policies in other countries have been found to be greater for women who tend to be paid less than men for the same type of work and level of responsibility. Where pay rates are secret, there is a risk that, when asked about their salary expectations, applicants for new positions or promotions will nominate a salary that is significantly less than the current rate for existing employees.

Studies show that pay transparency can boost employee performance, productivity and morale, and reduce staff turnover. It can also reduce the ‘negotiation gap’ between men and women. Knowing that salary decisions will be visible provides an incentive for managers and employers to address inequities in pay structures.

### 2.6.8 Caring and Paid Parental Leave (PPL)

Women are the primary performers of unpaid work in Australia both within households and in the broader community, meaning that women face greater inflexibility when pursuing full-time employment. While women’s participation in the labour force has been increasing, this increase reduces available hours for unpaid work and care, and has resulted in a growth in women in part-time and casual work.<sup>278</sup> Women make up nearly 70% of people in part-time employment;<sup>279</sup> many of these positions are also categorised as ‘precarious’ – referring to lower

275 economic Security4Women: White Paper Defining the concept of economic security for all women living in Australia”

276 Broadway, Barbara, Wilkins, Roger. ‘The minimum wage gender divide?’, Pursuit, 4 December 2017, Available from <https://pursuit.unimelb.edu.au/articles/the-minimum-wage-gender-divide>, accessed 26 August 2019.

277 Equality Rights Alliance. (Forthcoming). ERA’s National Plan for Gender Equality: Economic Wellbeing. Canberra: ERA.

278 economic Security4Women, 2016. Discussion paper: A Lack of Fair Sharing – the Care Economy. NSW: eS4W, available from [https://www.security4women.org.au/wp-content/uploads/eS4W-Discussion-Paper\\_A-Lack-of-Fair-Sharing-\\_eS4W-Care-Economy\\_20160701.pdf](https://www.security4women.org.au/wp-content/uploads/eS4W-Discussion-Paper_A-Lack-of-Fair-Sharing-_eS4W-Care-Economy_20160701.pdf), access 28 August 2019.

279 WGEA, 2019.

paid positions with few or no benefits, reliant on short-term contracts, and holding little power in the organisational context. Women from culturally and linguistically diverse backgrounds are over-represented in insecure employment fields<sup>280</sup>, and face additional barriers in obtaining formal recognition of education and other qualifications and skills.<sup>281</sup> Caring responsibilities should not mean financial insecurity, or lesser workplace conditions.<sup>282</sup>

Currently, an estimated 28 percent of women in Australia provide unpaid childcare, which breaks down further to 26 per cent of women born in Australia and 32 per cent of women born in a country other than Australia<sup>283</sup>. Cost and availability of childcare in accessible locations is therefore a particular barrier to employment for women from migrant and refugee backgrounds. Questions of whether paid childcare can offer an environment that is not only culturally competent, but able to nurture and encourage appreciation of their family's cultural heritage, are also influencing factors in women's decision making about employment commitments.

According to data from Carers Australia<sup>284</sup>, in 2015 there were 2.7 million unpaid carers in Australia or around a fifth of the working age population. The data showed that the median weekly income of primary carers aged 15 to 64 years was 42 per cent below that of non-carers and that over two-thirds of carers were women. This hits at the heart of the problem when it comes to access to decent work and economic security for women whose financial position is eroded by their caring roles. A large cohort of the population sacrifice paid work to be carers and the fact that the vast majority are women leaves them with a lower income, lower superannuation balances and undermines longer term financial security.<sup>285</sup> Time Use Surveys would assist in identifying the scale of the challenge (see section 3.1 of this report - Data and Statistics). A government funded "carer credit" which sees carers allocated credits in the form of superannuation payments, pension top ups and other government services as a payment for the savings to the budget these carers implicitly accrue from their unpaid care for dependent family members. This would also put a value on the work of carers and could further encourage such care which would be a partial saving to the budget.<sup>286</sup>

Australia has National Paid Parental Leave introduced in 2011. This is granted to one parent, the 'primary' caregiver. There is a provision for 2 weeks paid leave for 'secondary caregivers which is rarely used. The average length of paid parental in Australia (18 weeks) falls well behind other OECD countries average (55 weeks). Australia pays a flat rate of benefit rather than a replacement wage. This is sometimes advantageous to low-income earners and part-time workers but not necessarily to those who earn more than a full-time minimum wage.

## 2.6.9 Workplace sexual harassment

The Australian Sex Discrimination Commissioner is due to report on her nation-wide consultation on sexual harassment in Australian workplaces in the second half of 2019. This report and its recommendations will offer much needed guidance in addressing sexual harassment in Australia.

280 Federation of Ethnic Communities' Councils of Australia, 2017. 'Submission to Independent Inquiry into Insecure Work', (ACT: FECCA). Available at [http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv\\_02.pdf](http://fecca.org.au/wp-content/uploads/2017/07/Independent-Inquiry-into-Insecure-Work-submissionv_02.pdf)

281 economic Security4Women, 2019. Discussion Paper: Issues confronting Australian women from culturally diverse backgrounds. NSW: economic Security4Women, available from: <https://www.security4women.org.au/wp-content/uploads/eS4W-Discussion-Paper-Issues-confronting-Australian-women-from-culturally-diverse-backgrounds-20190205.pdf>, accessed 28 August 2019.

282 Equality Rights Alliance. (Forthcoming). ERA's National Plan for Gender Equality: Economic Wellbeing. Canberra: ERA.

283 Australian Bureau of Statistics Census 2016, 'Unpaid Childcare (CHCAREP)', Year of Arrival in Australia and Sex Profile, viewed 13 June 2018.

284 <https://www.carersaustralia.com.au/media-centre/carers-national-news/article/?id=new-report-reveals-carers-provide-603-billion-of-unpaid-care-annually>

285 economic Security4Women's Discussion Paper - The role of carers and the impact on economic security for women

286 economic Security4Women (Forthcoming): White Paper Defining the concept of economic security for all women living in Australia"

Over 100 organisations signed the Power to Prevent Statement<sup>287</sup> which details prevention, legal, procedural, support and reporting strategies to address workplace sexual harassment.

Along with general barriers which persons with disabilities face when trying to exercise their right to work, women with disabilities also face unique barriers to their equal participation in the workplace, including sexual harassment and unequal pay and the lack of access to seek redress because of discriminatory attitudes dismissing their claims, as well as physical, information and communication barriers.<sup>288</sup>

## 2.6.10 Barriers to employment services faced by CALD women

Mainstream employment support services do not consistently deliver assistance pitched at those without any knowledge of local practices and do not adequately balance women's competing settlement and employment needs.

CALD women entering the Australian workforce for the first time can also experience difficulties when encountering Australian workplace expectations and cultures that are not inclusive. This can be a barrier to maintaining and advancing a career. Local networks can be critical to gaining employment. Many jobs are only advertised through word of mouth and candidate selection often relies heavily on recommendations from existing networks or locally recognised organisations or education institutions. Women may find it more difficult to build local networks and experience than their male counterparts, depending on their levels of English proficiency, caring responsibilities and independence. The process for having internationally acquired qualifications recognised presents difficulties for many, as it is both costly and complex, as well as being inconsistent across states/territories and professions. English proficiency is a key skill for gaining and securing employment in Australia, with the ABS finding that migrants are twice as likely to find a job if they can speak English well. Women, however, often delay learning English in order to assist their children or family settle into Australia; the Building a New Life in Australia (BNLA) study found that being female was a significant factor associated with a lower likelihood of speaking English well or very well approximately three years after arrival. Education level is also an important determinant of job prospects, with the most highly educated enjoying the highest employment rates in OECD countries. Women who arrive in Australia as humanitarian entrants may be much more likely to have no schooling compared with Australian born women, which can affect their literacy levels, English acquisition and employment outcomes.

Additional barriers faced by CALD women due to their experiences of migration, demands of resettlement including but not limited to learning a new language, familiarising themselves with the new job market and application procedures, having to get their overseas qualifications recognised, and often a disregard of their overseas work experience by employers.

Women from CALD backgrounds experience multiple and intersecting biases, both gender, cultural, sexual orientation or disability. These biases can appear as clear barriers to employment, such as preferring one candidate over another because of implicit biases rather than qualifications and experience. They can also present more subtle barriers to advancement, such as the allocation of work opportunities based on implicit biases, thereby providing diverse employees with fewer pathways to develop the experience required to progress in their career.

287 Power to Prevent joint statement, 28 February 2019, available from <https://www.casa.org.au/assets/Uploads/Endorsed-Power-to-Prevent-Joint-Statement-28-Feb-2019.pdf>, accessed 26 August 2019.

288 Report of the Special Rapporteur on the rights of persons with disabilities A/70/297

Conscious racial and sex discrimination continue to present barriers to women from migrant and refugee backgrounds in the workplace, despite being prohibited under Australian law. In a survey conducted by the University of Western Sydney for SBS, 33 per cent of respondents reported having experienced racism in the workplace. Of complaints lodged with the Australian Human Rights Commission in 2016-17, 21 per cent fell under the Race Discrimination Act and 24 per cent under the Sex Discrimination Act.

### 2.6.11 Superannuation and the casualisation of work<sup>289</sup>

Retiring with superannuation savings that allow for a decent standard of living is one of the fundamental objectives of retirement incomes policy. For most Australian women, their superannuation balance on retirement falls well short of this basic objective meaning retirement is often accompanied by financial pressures and in a worst case, severe hardship. The average superannuation balance of a 65-year-old women on retirement is a little above \$150,000. This level of saving is insufficient to fund an income stream that will cover even the most basic of living expenses. A 5 per cent annual return, for example, on that investment will deliver an annual income of just \$7,500 and if that income is spent, the savings pool will be eroded each year by inflation. At one level, this is why the pension remains important for many retired women and will remain so until more women are able to accumulate superannuation savings that are sufficient to fund their retirement. It also means the rate of the pension has to remain sufficient to cover rising cost of living pressures for those with inadequate superannuation. Australian women are retiring today with 47 per cent less superannuation than men. One in three elderly single women live in poverty.

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There are major concerns about the rise in homelessness for women over the age of 55, driven by **lower superannuation balances** and the impact of unpaid care work in holding women's earnings to lower than mean. They point to the growing number of women living at or below the poverty line in older age. Systemic challenges to ensuring a greater percentage of earnings are saved include the predomination of women in part-time and lower value work, government policy on the superannuation guarantee not applied to low income earners and lack of funded childcare to support entry to fulltime work. Lower superannuation contributions combined with major challenges in finding decent work for women over 50 years of age is leading to major vulnerabilities for women in the later stages of their work life and into pension (where pension exists).

The recently passed legislation that allows victims/survivors to access superannuation benefits after experiences of violence<sup>290</sup> do not provide long-term solutions for women and families escaping violence, who have to rely on personal savings from superannuation. CALD women, especially those on Temporary visas experiencing violence are unlikely to benefit substantially from this as they may not have access to "the full benefits of superannuation because they are mostly in casual and precarious work, and are often in and out of work due to family responsibilities and/or lack of available jobs<sup>291</sup>."

Working against women in the contemporary world of work is the economy-wide structural changes in the labour market where the trend towards **casual employment is growing**. While many women actively favour casual work, the fact that underemployment is elevated and average weekly hours worked per person is tracking near all-time lows, reduces the ability of women to not only earn a day-to-day income, but also to add to superannuation. Compulsory

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289 Adapted from economic Security 4 Women Discussion Paper 'Superannuation and the casualization of work November, 2018 (prepared by Stephen Koukoulas, Market Economics).

290 The Treasury, Australian Government (2018) Review of Early Release of Superannuation Benefits. Further consultations and draft proposals.

291 [www.fecca.org.au/images/stories/pdfs/fecca%20womens%20policy%202012.pdf](http://www.fecca.org.au/images/stories/pdfs/fecca%20womens%20policy%202012.pdf) p.5

superannuation levy paid on all casual work, no matter how small the total wage payment may be made for each shift or gig. This would add to superannuation balances for those biased towards casual employment, which is something that does not happen under the current arrangements.

For women to achieve financial security in retirement, the following issues must be addressed:

- Eliminate the gender pay gap
- Access to affordable and accessible childcare
- Ongoing superannuation contributions for absence from workforce
- Ongoing strength in skills, training and education
- Create an environment for rising workforce participation
- Provision of a liveable pension for those who, for whatever reason, do not accumulate sufficient superannuation.

## 2.6.12 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

Review, adopt and prioritise the Fair Work Amendment (Gender Pay Gap) Bill 2015, ensuring the amendments render unenforceable any requirement in an award, enterprise agreement or contract of employment that prohibits an employee from disclosing their pay.

Policy Area	BPFA / CSW Agreed Conclusions	SDG Target	CEDAW	ICRPD
Recognising, valuing and redistributing unpaid work	BPFA p165 (g) (i) (m); p107 (c) CSW 61 AC (aa); (bb); (i); (ii); (k); (t) CSW 63 AC (z); (k); (o)	Goal 5 Target 5.4	Article 2(c)	Article 27
Tax and Transfer System	BPFA p165 (f); p179 (f) CSW 61 AC (ee); (jj); (kk); (w) CSW 63 AC (h); (gg)	Goal 10 Target 10.2 Target 10.4	Article 11 (1e)	Article 27 Article 28
Financial Safety	BPFA p58 (p); p125 (a); p107(c); p126 (a); p164 (a); p165 (p); p175 (b) (g); p232 (n) CSW 61 AC (h); (g)	Goal 5 Target 5.2 Target 5.4	Article 13 (b)	Article 27 Article 28
Decent Pay & Equal Pay for Equal Work (Also in ILO Conventions)	BPFA p126 (a); p164 (a); p165 (a) (e) (h); p178 (a) (b) (c) (d) (g) (l) (o); p179 (a) (b) CSW 61 AC (l); (r); (z); (nn) CSW 63 AC (aa); (h); (bb); (cc); (aaa); (tt)	Goal 8 Target 8.5 Target 8.8 Target 8.10 Goal 5 Goal 5.5 Target 5.A	Article 11 (d) Article 14 .2	Article 27

Policy Area	BPFA / CSW Agreed Conclusions	SDG Target	CEDAW	ICRPD
Retirement Pension	BPFA p180(a) CSW 61 AC (v) CSW 63 AC (x)	Goal 1 Target 1.3 Target 1.B Goal 10 Target 10.1	Article 11 (1e)	Article 28
Financial Literacy & Capability	BPFA p63 (a); p 165 (q)	Goal 4 Target 4.7	Article 14 (d)	Article 6 Article 28 Article 29



## 2.7 Critical Area G – Women in Power and Decision Making

### 2.7.1 Overarching comment

A lack of women in decision-making positions is reflected in the failure to recognise people's diverse needs across public policy. The participation of diverse women in decision-making bodies including political decision making is fundamental to the achievement of equal opportunity in all areas of society and ensures that decision-making is informed and enriched by this diversity. While women are participating more in education, particularly tertiary education, they are under-represented on boards, as CEO's, ministers and parliamentarians, judges and justices. The Australian Human Rights Commission notes that diverse groups of women in leadership are needed to influence decision making<sup>292</sup>. It is essential that women have increased decision making roles in government, communities and organisations, at all levels.

Across Australia women continue to be under-represented in parliament and executive government. The Australian Parliamentary Library Composition of the 45th Parliament report shows that in 2019, the number of women in the House of Representatives has risen to 45 (30%). Women make up 30 (39.5%) of the members of the Senate. Overall the number of women in Parliament has risen to 75 (33.2%)<sup>293</sup>. Our political decision making bodies do not reflect an equality of women being at least 50% of members of parliament.

While it appears the proportion of women in non-public sector leadership roles is rising. The proportion of female CEO's increased from 16% to 17% between 2013–14 and 2016–17. There was also growth in the proportion of women in key management personnel (KMP) positions, from 26% in 2013–14 to 30% in 2016–17<sup>294</sup>.

It still remains, this is not an equal picture. In a recent report by the Women's Electoral Lobby it is stated.

*'In virtually all sectors of the paid workforce, women are underrepresented in leadership positions. For example in 2017-18, women comprised 59% of all Commonwealth Public Service employees (State of the Service Report 2017-18) but according to the Gender Balance on Australian Government Boards 2017-18 report, 45.8% of all board positions relating to federal government portfolios are filled by women, still short of the announced 50% target announced in 2016.'*<sup>295</sup>

Women remain underrepresented at every stage of the career pipeline in Australia. Structural barriers to women's participation remain in place. The cultural

Aboriginal and Torres Strait Islander women face 'intersectional' discrimination and disadvantage: that is, the combined effect of structural racism experienced as Indigenous people, and gender inequality experienced as a result of being women. Aboriginal and Torres Strait Islander women have the right and the capabilities to actively participate in and shape governance for the better. Aboriginal and Torres Strait Islander women make governance stronger, healthier, and more representative of a diversity of needs, viewpoints, skills and experiences.

292 Australian Human Rights Commission A conversation in gender equality, March 2017.

293 Women's Electoral Lobby Strengthening Women's Representation at Decision Making levels [https://www.wel.org.au/female\\_representation\\_in\\_leadership](https://www.wel.org.au/female_representation_in_leadership)

294 Australian Bureau of Statistics 2018

295 Women's Electoral Lobby Strengthening Women's Representation at Decision Making levels [https://www.wel.org.au/female\\_representation\\_in\\_leadership](https://www.wel.org.au/female_representation_in_leadership)

Access to decision-making, political participation and representation are essential markers of equality. Yet women and girls with disability in Australia continue to be denied the right to participate in, and remain largely excluded from, decision-making, participation and advocacy processes, about issues that affect their lives and those of their families, communities and nations<sup>296</sup>. Women with Disabilities Australia (WWDA) reported being excluded from decision-making about their own lives as well as community decision-making processes more broadly on the basis of their disability and gender<sup>297</sup>.

There are few opportunities and platforms to engage young women and non-binary young people in decision making. In this age of internet and social media, young people are taking taking their own opportunities to be included in discussion and debate and pursuing their own grassroots advocacy agendas. Young individuals have driven significant changes within civil society often employing emerging techniques such as crowd sourcing petitions and online campaigns. Movements with new modes of decision making and structure, are rising, one example of this is the Australian Youth Climate Coalition. (see section 2.12 of this report - The Girl Child).

The lack of diversity among women who do occupy decision-making and leadership positions means that Indigenous women, lesbians, transgender and intersex women, refugee women, women from CALD communities, women with disabilities and young women are often excluded. The interests of these groups often represented by male community members who neither consult not represent the position of women.

The lack of diverse women in key decision-making positions produces and prolongs a climate which disadvantages women.

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296 The Status of Women and Girls with Disability in Australia, Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action - Joint Position Paper from Disabled People's Organisations (DPO) Australia and the National Women's Alliances (September 2019)

297 ibid

## 2.8 Critical Area H – Institutional Mechanisms for the Advancement of Women

### 2.8.1 Gains, gaps and challenges

There have been a number of positive developments at national level, including the Federal Government's Women's Economic Security Statement<sup>298</sup> in 2018, which included a commitment to reinstate the Time Use Survey (TUS) in 2020-21 to improve gender-responsive data collection in Australia and the continued funding of the six National Women's Alliances. However, there is a continued lack of commitment at the Federal level to structural and systemic approaches to gender equality and a blindness to the role played by institutions and national structures in addressing or perpetuating gender inequality.

### 2.8.2 National machinery for gender equality

The location of Australia's federal national machinery for gender equality, the OFW, in the Department of Prime Minister and Cabinet is a clear indication that the Federal Government understands that gender equality is important to the business of government. However, the CEDAW Committee concluded at Australia's eighth appearance in 2018 that 'the Office for Women is unable to efficiently carry out (its) mandate and... coordinate, on the basis of measurable targets, policies and mechanisms for gender equality throughout the State party'.<sup>299</sup> The Committee recommended the OFW be equipped to deliver a national gender equality policy framework through a strong mandate and sufficient human and financial resources to coordinate and monitor the implementation of this policy.

In 2010 the CEDAW Committee drew attention to the importance of Australia involving its parliament in implementing CEDAW. The Committee recommended that Australia 'promote and guarantee the implementation of the Convention throughout the country, including through its power to legislate for the implementation of treaty obligations in all states and territories'.<sup>300</sup> The OECD similarly recommends that parliaments play a role in the oversight, implementation and accountability of gender equality and mainstreaming strategies and initiatives,<sup>301</sup> for example through a gender equality parliamentary committee. Australia does not currently have such a parliamentary body. The Parliamentary Joint Committee on Human Rights has a role to scrutinise bills for their compatibility with CEDAW and other human rights obligations<sup>302</sup>, but there is no body tasked with implementing gender equality initiatives or contributing to CEDAW reporting or monitoring.

298 Australian Government's 2018 Women's Economic Security Statement - <https://www.pmc.gov.au/sites/default/files/publications/womens-economic-security-statement-2018.pdf>

299 Committee on the Elimination of Discrimination against Women, Concluding observations on the eighth periodic report of Australia – National machinery for the advancement of women, (art.15). CEDAW/C/AUS/CO/8, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En)

300 Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women – Australia – Federal structure, (art.17). CEDAW/C/AUL/CO/7, available at <https://undocs.org/CEDAW/C/AUL/CO/7>

301 OECD, OECD Toolkit for Mainstreaming and Implementing Gender Equality, (Organization for Economic Co-operation and Development, 2018), p.58

302 Inter-Parliamentary Union, Australia – House of Representatives, (Geneva: IPU, 2017), available at [https://data.ipu.org/node/9/parliamentary-bodies/specialized-bodies/women?chamber\\_id=13325](https://data.ipu.org/node/9/parliamentary-bodies/specialized-bodies/women?chamber_id=13325), accessed 14 August 2019.

A key mechanism by which Australian women can participate in national-level public policy is through the six National Women's Alliances (NWAs), which represent over 180 women's organisations. The NWAs act as a bridge between OFW and the broader women's community, with the potential to provide strong and effective advocacy for women's human rights. The re-establishment of an alliance for migrant and refugee women in 2017 (Harmony Alliance - Migrant and Refugee Women for Change) is a welcome development. A new challenge has been the defunding of the annual forum for the NWAs, their members, the OFW and the Minister for Women. The loss of this opportunity to bring women and government together is an example of a broader trend of shrinking space for, and declining government engagement with, feminist and women's organisations. We also note that the NWA funding has been static for 4 years, which places pressure on the NWAs ability to delivery on their advocacy potential.

### 2.8.3 National Gender Equality Policy Framework

At Australia's 8th CEDAW Committee appearance in 2018, the Committee observed that the absence of 'a comprehensive gender equality policy and... targeted action plan, with indicators, that addresses the structural factors perpetuating gender inequalities'<sup>303</sup> seriously hampers Australia's efforts to build gender equality. The Women's Economic Security Statement (WESS) released by the Minister for Women in 2018 is a first step towards bringing women into the public policy arena.<sup>304 305</sup>

However, the WESS is not an adequate substitute for a national gender equality policy framework. A national framework should be consistent with human rights obligations and the 2030 Sustainable Development Agenda and identify an established method of gender analysis to be rolled out across government, including legislated commitments to gender mainstreaming and budgeting, an intersectional analysis reflecting women in their diversity, adequate resourcing and accountability through measurable targets and reporting. In the absence of a national gender equality policy framework, Australian women's civil society organisations are developing their own recommendations for a National Gender Equality Plan in Australia.<sup>306</sup>

## Case Study

### National Gender Equality Plan, Equality Rights Alliance

The ERA National Gender Equality Plan is a project of more than 60 women's organisations, coordinated through the Equality Rights Alliance. It aims to produce a comprehensive, holistic gender equality plan that brings together key recommendations from civil society for Federal-level policy actions and identify gaps that require further research and policy attention. Work for the Plan is underway in the areas of economic wellbeing, health, gender-based violence, women, peace and security, gender machineries, women's leadership, foreign aid and development, housing education, justice and intersectionality and diversity.

303 Committee on the Elimination of Discrimination against Women, Concluding observations on the eight periodic report of Australia – National machinery for the advancement of women, (art.15). CEDAW/C/AUS/CO/8, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En)

304 Department of the Prime Minister and Cabinet, Women's Economic Security Statement 2018, (Australia: Commonwealth of Australia, 2018).

305 Williams, Greta and Gissane, Hannah. (Forthcoming). Analysing the Gap: Enhancing Australia's gender-aware public policy process with Gender Responsive Budgeting. Canberra: Equality Rights Alliance.

306 Equality Rights Alliance (Forthcoming) ERA National Gender Equality Plan, ERA

## 2.8.4 Gender-responsive budgeting (GRB)

Australia does not track the proportion of the budget that is invested in the promotion of gender and does not employ gender-responsive budgeting (GRB). While the Women's Budget Snapshots in 2018-2019 and 2019-2020 are a positive step forward, they merely list policies directed toward women rather than analyse how budget measures affect women and girls, utilising gender-disaggregated data.<sup>307</sup>

The National Foundation for Australian Women (NFAW) annually produces Gender Lens on the Budget, an unfunded civil society-produced gender analysis of the budget. There are also intermittent examples of budgetary gender analysis undertaken by public-private collaborations, such as A High Price to Pay, commissioned by Victorian Health Foundation and OurWatch, and executed by PricewaterhouseCoopers (PwC), which costed violence against women in Australia.<sup>308</sup>

### Case Study

#### Gender Lens on the Budget, National Foundation for Australian Women (NFAW)

At present, Australia's gender responsive budgeting is led by NFAW. In 2014, the Australian Federal Government ceased producing the Women's Budget Statement as part of the official Budget Papers. Since the 2014-15 Budget, NFAW has produced the Gender Lens on the Budget report in response, analysing the impacts of the budget for women and girls through a feminist gender lens. Gender Lens on the Budget is prepared by a volunteer team of analysts, and has grown from 12 authors in 2014, to 24 contributing authors in 2019.

83

These reports and *Gender Lens on the Budget* make an important contribution to gender analysis of revenue and budgetary measures. However, they do not replace proactive GRB by the Australian government itself. GRB should “eradicate gender asymmetry in budgets”<sup>309</sup> by covering expenditure and revenue measures. This process should include analysis of the investment required to achieve gender equality in Australia to translate gender equality goals into budgetary commitments.<sup>310</sup> It is critical gender analysis is incorporated into Australia's tax and transfer measures to identify and address differential impacts across genders and remove tax settings that exacerbate gender inequality.<sup>311 312</sup>

## 2.8.5 Gender-responsive data and statistics

While the Australian government has made some welcome additions to its data collection methods, it still requires substantial improvements in its collection of gender-responsive data and statistics. It is particularly concerning that for women who experience intersecting,

307 Williams, Greta and Gissane, Hannah. (Forthcoming). *Analysing the Gap: Enhancing Australia's gender-aware public policy process with Gender Responsive Budgeting*. Canberra: Equality Rights Alliance.

308 PricewaterhouseCoopers Australia, *A High Price to Pay: The economic case for preventing violence against women* (Australia: PricewaterhouseCoopers Australia, Our Watch, Victorian Health Promotion Foundation, 2015).

309 Cecelia Ng, *Gender Responsive & Participatory Budgeting: Imperatives for Equitable Expenditure* (Switzerland: Springer International Publishing, 2015) 2

310 Sharp in Ng, 6.

311 The Senate Standing Committee on Economics Report “A Husband is Not A Retirement Plan” recommended that the issue of effective marginal tax rates for second earners be referred to the Productivity Commission, noting the significance of women's workforce participation.

312 Williams, Greta and Gissane, Hannah. (Forthcoming). *Analysing the Gap: Enhancing Australia's gender-aware public policy process with Gender Responsive Budgeting*. Canberra: Equality Rights Alliance.

specific and severe forms of disadvantage, such as women with a disability, there is a lack of available disaggregated data. For example, the National Disability Strategy (NDS), including its indicators for monitoring, review and evaluation remain ungendered, rendering the Strategy gender blind.<sup>313</sup> The ABS Gender Indicators should publish intersectional, disaggregated data.

## 2.8.6 Time Use Survey

The reinstatement of the Time-Use Survey (TUS) after a 14-year hiatus is a welcome development. This measure will provide critical data to inform evidence-based policy on women's participation in employment and unpaid work. However, the TUS will only be useful as a source of data if it is adequately resourced and conducted at regular intervals. Regular TUSs allow cross-national comparisons and the study of trends.<sup>314</sup> Women's organisations are calling for a commitment to conducting the TUS at six-yearly intervals, enabling tracking of changes over time.<sup>315</sup> (more on this in section 3.1 of this report - Data and statistics)

## 2.8.7 Equal pay data transparency

Australia has comprehensive infrastructure for gender pay data and reporting through the Workplace Gender Equality Agency (WGEA). Companies with over 100 employees are required to report to WGEA annually. However, these data are aggregated by sector and industry before being made publicly available, which reduces transparency and pressure on individual companies to reform practices. Data collected by WGEA provides a comprehensive and detailed picture of the gender pay gap, but there is no further disaggregation on other axes of inequality or discrimination, which means the data is insufficient for applying an intersectional lens.

## Case Study

### Individual Deprivation Measure (IDM)

The IDM is an individual, gender-sensitive and multidimensional poverty indicator developed by the International Women's Development Agency (IWDA), Australian National University (ANU) and supported by the Australian Government. The IDM assess individual deprivation using 15 key dimensions, and allows for intra-household data collection, revealing gendered patterns of deprivation below the household level. As a measure of individual poverty and deprivation, the IDM enables stronger and more meaningful data to report on the SDGs and progress under the Beijing Platform for Action.

## 2.8.8 Sustainable Development Goals (SDGs) - data and reporting

Gender is captured in goal 5 and its respective targets and indicators, as well as 10 of the 17 other goals. OfW is the lead agency for Goal 5 indicators and a supporting agency for all other gender indicators. Of the 14 indicators for goal 5, Australia has reported against 8; is

313 DPO Australia, National Women's Alliance. 2019. The Status of Women and Girls with a Disability: Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), September 2019.

314 economic security4women, 2018-2019 Pre-Budget Submission (Australia: economic Security4Women, 2017).

315 Sarah Squire, "Increasing women's workforce participation: An analysis of the Women's Economic Security Statement", Power to Persuade 23 November 2019, <http://www.powertopersuade.org.au/blog/increasing-womens-workforce-participation-an-analysis-of-the-womens-economic-security-statement/23/11/2018> (30.07.19)

currently exploring data sources for 1 indicator; has not reported against 3; and has deemed 1 indicator not applicable. Of the 54 gender indicators under other goals, just over a quarter are reported online. The 39 remaining indicators are not reported, deemed not applicable or require data not yet collected or available.<sup>316</sup> In reporting on key gender issues included in the SDGs including poverty, work, inequality and housing, the Australia government has relied on data sources that are not sex-disaggregated, out of date, or do not provide an intersectional or comprehensive representation.<sup>317</sup> It is critical that Australia strengthens its data sources in order to report comprehensively on gender indicators under the SDGs. Further, implementation of the goals domestically with monitoring and reporting should be demonstrated through alignment of budgetary measures to the SDGs.

### 2.8.9 Free Trade Agreements (FTAs) and Investor State Dispute Settlement Clauses (ISDS)

Australia is party to 11 FTAs, including the Trans-Pacific Partnership (TPP), with 4 more agreements concluded and 7 under negotiation, including the Regional Comprehensive Economic Partnership (RCEP). FTAs involve a reduction in trade tariffs and tax revenue, resulting in a reduced ability to finance social security measures, which form an important safety net for women. In the 2019-20 Budget, the Australia-Hong Kong FTA (A-HKFTA) is projected to result in a total loss of revenue of \$40m between 2019-23.<sup>318</sup> Further, the implications of reducing tariffs and reforming sectors such as services and agriculture have been shown to have overall negative impacts on women in global South countries. Many FTAs include an Investor State Dispute Settlement (ISDS) clause which allows corporations to sue governments for changes to policy or law that impact profits or put them at a competitive disadvantage. Affirmative action policies which seek equity for marginalised groups may be restricted under ISDS clauses. According to Asia-Pacific Forum on Women, Law and Development (APWLD), “UN experts have noted that governments are less likely to pass laws essential for women’s rights because of the fear of being sued.”<sup>319</sup> Australia must adopt a Feminist Foreign Policy approach in negotiating future agreements, and FTAs must ensure that nothing in the agreement can apply to a measure a government takes to comply with CEDAW or the Sustainable Development Agenda.

### 2.8.10 Recommendations aligning with BPFA, SDGs, CEDAW and ICRPD

OFW must be adequately equipped, staffed and resourced to deliver a National Gender Equality Policy Framework, developed alongside civil society, aligned with human rights commitments and coordinate across government.

Increased funding for women’s sector to facilitate vibrant civil society engagement and input in public life and decision-making. Reinstate the annual forum between the National Women’s Alliances, their members, feminist groups, OFW and the Minister with a focus on identifying emerging and critical gender issues.

316 Gissane, Hannah and Susan Hutchinson. ‘Gender’, in Australia, Poverty and the Sustainable Development Goals: A Response to what the Australian Government writes about Poverty in its Report on the Implementation of the Sustainable Development Goals. (Wollongong: University of Wollongong, Academics Stand Against Poverty, 2018).

317 Ibid.

318 Budget 2019-20: Budget Measures, Budget Paper No.2 2019-20, (Australia, Commonwealth of Australia, 2019), p. 9.

319 Lappin, Kate. ‘Free Trade or Women’s Rights?’, Stratfor Worldview, 4 January 2018, available at <https://worldview.stratfor.com/article/free-trade-or-womens-rights>, accessed 14 August 2019.

Policy Area	BPFA / CSW Agreed Conclusions	SDG Goal/Target	CEDAW	ICRPD
Free Trade Agreements <ul style="list-style-type: none"> <li>Adopt a Feminist Foreign Policy approach to trade.</li> <li>Ensure future FTAs include a provision that nothing in the agreement can apply to a measure a government takes to comply with CEDAW or the Sustainable Development Agenda.</li> </ul>	Objective A.1 Objective F.5	Goal 5 Targets 5.2, 5.5, 5c, 13, 14, 15, 16, 17	Article 2 Article 3 Article 7 (b)	
National machinery for gender equality <ul style="list-style-type: none"> <li>Investigate increasing pay data transparency through WGEA.</li> <li>Strengthen the disaggregation and intersectional data collection of WGEA.</li> </ul>	Objective H.1 Objective H.2 Objective H.2	Goal 5 Targets, 5.1, 5.5, 5c	Article 3, 7/ (b), 7/(c),	Article 5
National gender equality policy framework <ul style="list-style-type: none"> <li>High-level government commitment from Government leadership to a National Gender Equality Policy Framework.</li> </ul>	Objective H.2	Goal 5 Targets 5.1, 5c)	Article 2 Article 3	Article 17 Article 19
Gender-responsive budgeting: <ul style="list-style-type: none"> <li>Implementation of gender-responsive budgeting across Departments through designated gender focal points</li> <li>Implementation of gender-responsive budgeting at multiple points throughout the budget cycle.</li> </ul>	Objective H.3	Goal 5 Targets 5.1, 5a, 5c	Article 2/(d), Article 3,	Article 27 Article 28
Strengthen sex-disaggregated and intersectional data sources for reporting on the SDGs.  Report on budget measures against SDGs and targets.	Objective H.3	Goal 5	Article 2	



## 2.9 Critical Area H – Human Rights of Women

### 2.9.1 Gains, gaps and challenges

Gender equality is central to human rights. Equality is a fundamental human rights principle that is inherently relative and context specific. Ensuring the human rights of women requires a comprehensive understanding of the social structures and power dynamics that frame laws and policies, as well as the economy, social dynamics, family and community life and cultural beliefs

### 2.9.2 National human rights framework

Australia is the only Western democracy without a comprehensive constitutional or legislative protection of basic human rights at a national level. This means that basic principles and values of freedom, equality, dignity and respect particularly, for women and girls, are not comprehensively protected in Australia, leaving Australians without access to effective remedies. Australia does not have a National Human Rights Act or Charter/ Bill of Rights, and rights are not adequately protected in the Australian Constitution. Despite significant public support for a Human Rights Act<sup>320</sup> successive governments have failed to enact such protection and Australia's assortment of "human rights" legislation is open to being easily removed or at least not enforced. This includes CEDAW, where Australia is yet to comprehensively enact CEDAW into domestic law.<sup>321322</sup>

### 2.9.3 Parliamentary Joint Committee on Human Rights (PJCHR)

The PJCHR's role is to scrutinise legislation for compliance with the core human rights treaties to which Australia is a party. However, the PJCHR has limited resources and time to consider bills. Its recommendations are not enforceable, and the government often ignores them. The PJCHR's independence and effectiveness is limited as it can only conduct inquiries on human rights issues on a reference from the Australian Government's Attorney-General. To date, the PJCHR has only conducted one inquiry.<sup>323</sup>

### 2.9.4 National Human Rights Institution

The mandate and powers of the Australian Human Rights Commission (AHRC) remain limited. Determinations of the AHRC are unenforceable and there is no requirement for the Australian Government to implement, or even respond to, the Commission's recommendations. The financial resources allocated to the AHRC remain inadequate and there has been a substantial reduction in funding, including further cuts over the next five years. In addition, the Government has attacked the President of the AHRC and the independence of the AHRC.<sup>324</sup>

320 87% of Australians support the introduction of a Human Rights Act. See National Human Rights Consultation Committee, National Human Rights Consultation Report (September 2009), xxiv.

321 Australia NGO Coalition CEDAW Shadow Report 2018. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31435\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31435_E.pdf)

322 Human Rights Law Centre Hear our voice. Equal rights for women and girls in Australia. 2018. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31437\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31437_E.pdf)

323 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31435\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31435_E.pdf)

324 Ibid.

## 2.9.5 Anti-discrimination legislation

Current anti-discrimination laws<sup>325</sup> in Australia are inadequate due to their inconsistency, limited scope, failure to address systemic or intersectional discrimination and broad exemptions. Australia does not protect equality and non-discrimination in its Constitution.

While the 2013 expansion of protections in the Sex Discrimination Act 1984 (Cth) (SDA) to include sexual orientation, gender identity and intersex status have been welcomed, many attributes remain unprotected, such as domestic/ family violence survivor status.<sup>326</sup>

Plans to consolidate federal anti-discrimination law were abandoned in 2013. The retention of separate legislation dealing with different grounds of discrimination makes it difficult for complainants who experience intersectional discrimination.

Numerous exemptions to discrimination law act as a defense to claims of discrimination. For example, permanent exceptions in the SDA for religious organisations mean that LGBTQI people can be treated unfairly at work or in education, without recourse,<sup>327</sup> and women and girls can also be discriminated against sporting clubs and religious organisations. The discrimination complaints process relies on the person who has experienced discrimination to bring a complaint, which can be a lengthy, costly procedure, with many complainants settling through confidential informal dispute resolution processes, limiting broader dialogue around systemic discrimination.<sup>328</sup>

## 2.9.6 Refugee and asylum seeker women and girls<sup>329</sup>

Australia maintains its harmful policies of mandatory immigration detention and offshore processing. There is no time limit on onshore or offshore detention and there is no independent review of detention.<sup>330</sup>

Mental health problems are serious and persistent for women and girls in offshore processing centres and onshore facilities. There have been numerous reported incidents of sexual harassment, sexual assault and self-harm in the offshore processing centre on Nauru. A 2017 Parliamentary inquiry found there is an 'indisputable' connection between unsafe living conditions in the offshore processing centres and widespread mental health problems and self-harm. UNHCR has called for the removal of asylum seekers from offshore detention centres to locations where they can receive adequate support and services.<sup>331</sup>

The health facilities and the level of medical treatment available in both Nauru and Manus Island are inadequate for anything beyond simple medical procedures. Women refugees on Nauru are unable to access reproductive healthcare including abortions, which are illegal in Nauru. The

325 Federal anti-discrimination laws include the Racial Discrimination Act 1975 (Cth); Sex Discrimination Act 1984 (Cth); Disability Discrimination Act 1992 (Cth); Age Discrimination Act 2004 (Cth). States and territories have also enacted anti-discrimination legislation.

326 Sex Discrimination Act 1984 (Cth) pt I.

327 Sex Discrimination Act 1984 (Cth) s 38.

328 Australia NGO Coalition CEDAW Shadow Report 2018. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31435\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31435_E.pdf)

329 Ibid.

330 Australia has obligations under international law to the asylum seekers and refugees on Manus Island and Nauru because of its 'effective control' of those individuals. For a discussion of these principles and case law, see Andrew and Renata Kaldor Centre for International Refugee Law, 'Factsheet - Offshore Processing: Australia's Responsibility for Asylum Seekers and Refugees in Nauru and Papua New Guinea' (Factsheet, 2015).

331 Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, Conditions and Treatment of Asylum Seekers and Refugees at the Regional Processing Centres in the Republic of Nauru and Papua New Guinea - Interim Report (May 2016) 6-7, 11. Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, Serious Allegations of Abuse, Self-Harm and Neglect of Asylum Seekers in Relation to the Nauru Regional Processing Centre, and any like Allegations in Relation to the Manus Regional Processing Centre (April 2017) 168. United Nations High Commissioner for Refugees, 'UNHCR Chief Filippo Grandi calls on Australia to end harmful practice of offshore processing' (Media statement, 24 July 2017).

UNHCR has raised concerns about the medical care available to mothers and young children on Nauru.<sup>332</sup> Despite ‘effectively controlling’ the treatment of refugees on Nauru and Manus Island, Australia continues to resist requests for transfer for healthcare, with current efforts underway by government to repeal the recently enacted Medevac legislation to Australia.<sup>333</sup>

## 2.9.7 Women and girls in criminal justice systems<sup>334</sup>

Imprisonment rates for women have surged over the last decade. Aboriginal and Torres Strait Islander (ATSI) women are locked up at significantly higher rates than non-indigenous women, and have been increasing at faster rates than for indigenous men. This increase includes women who are being imprisoned awaiting trial or sentencing (on remand) as there is a lack of safe and appropriate accommodation and rehabilitation options in the community. Studies have also shown that the majority of women in prisons are survivors of violence, with dependent children, whose lives are also severely impacted by imprisonment of their primary care givers. For ATSI women this has been particularly devastating with disproportionate numbers of deaths of young people (women and men) in custody, and the disproportionate impact of certain laws authorising imprisonment for people who cannot pay monetary penalties.

The prison environment can greatly exacerbate the trauma and disadvantage experienced by women prior to incarceration highlights the significant gaps in policy, legislation and services impacting the human rights of women and girls in the criminal justice system, and particularly for Aboriginal and Torres Strait Islands women.

Women with disabilities face barriers to accessing justice including with regard to exploitation, violence and abuse, due to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed<sup>335</sup>. This can lead to impunity and invisibility of the issue, resulting in violence lasting for extended periods of time.

## 2.9.8 Women and girl’s reproductive health rights<sup>336</sup>

Accessing or providing abortion services is criminalised in many Australian states and territories. Patients face anti-abortion protesters who harass and obstruct them as they attempt to access reproductive healthcare, as seen in the recent debates in New South Wales, where abortion was decriminalised in September 2019.<sup>337</sup> There is no provision of safe access zones in Queensland, South Australia or Western Australia. Due to the lack of public funding for abortion services, many pregnant women cannot afford abortions or have to travel long distances. Access to abortions is also threatened by moves in some states to expand legal personhood to include fetuses. Domestic violence undermines autonomy in reproductive healthcare and there is little recognition of the impact of reproductive coercion.

332 Rebecca de Boer, ‘Health Care for Asylum Seekers on Nauru and Manus Island’ (Research Note, Parliamentary Library, Parliament of Australia, 2013); Amnesty International, ‘Island of Despair: Australia’s “Processing” of Refugees on Nauru’ (Report, 2017), 25.

333 Karp, Paul Medevac repeal bill. The Guardian Australia 5 Sept 2019.

334 Australia NGO Coalition CEDAW Shadow Report 2018. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31435\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31435_E.pdf)

335 A/HRC/20/5. para 41, A/67/227, para 42 quoted in CRPD.C/GC/3 Committee on the Rights of Persons with Disabilities General comment no 6. p 15 pp 52

336 Human Rights Law Centre Hear our voice. Equal rights for women and girls in Australia. 2018. [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31437\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31437_E.pdf)

337 Abortion decriminalised in NSW after marathon debate. 26 Sept 2019. <https://www.theguardian.com>

## 2.9.9 LGBTQI women and girls<sup>338</sup>

Over the last 5 years there have been some positive developments in removing discrimination against LGBTQI people under the law, including marriage equality, adoption equality and increased legal protections against discrimination. However, LGBTQI women and girls face ongoing stigma and discrimination. This includes legal recognition of sex and gender, as most states and territories in Australia have outdated legal barriers which prevent many transgender women and gender diverse people from changing their legal gender to reflect their gender identity.

In particular, women and girls continue to face high levels of discrimination and harassment which cause poorer mental health outcomes and higher rates of suicidal behaviors and self-harm. However, there are no specific Australian Government programs designed to address violence, discrimination and harassment experienced by LGBTQI women and girls, and access to targeted, non-discriminatory physical and mental health services remains limited.

## 2.9.10 Government response to CEDAW concluding observations

Since the previous 2010 CEDAW Concluding Observations, the Australian Government has made limited steps to address the issues raised by CEDAW. This has resulted in the 2018 CEDAW Concluding Observations, again raising concerns about:

- the absence of a charter of human rights, to guarantee equality between women and men or a general prohibition of discrimination against women
- absence of constitutional recognition of the rights of the First Nations, as a result of which indigenous women are deprived of their rights;
- lack of harmonisation of anti-discrimination legislation;
- gaps in the effectiveness of the Sex Discrimination Act;

limitations on the role of the Parliamentary Joint Committee on Human Rights.<sup>339</sup>

## 2.9.11 New and emerging areas

Over the last five years there have been a number of areas directly impacting on women and girls in Australia due to weakening of human rights institutions and mechanisms.

## 2.9.12 Harassment of Australian Human Rights Commission

During the last five years the Australian Human Rights Commission (AHRC) has undergone periods of significant pressure from the Australian Government, including personal criticism and harassment of its former President, Professor Gillian Triggs. During her term, the ARHC was put under significant scrutiny and its existence and relevance were questioned by parliamentarians.<sup>340</sup> Also, personal attacks and professional criticisms were made by parliamentarians against Triggs herself, raising concerns about the rights of women human rights defenders. An independent AHRC, with capacity to hold government to account is crucial to the safeguarding of all Australians'

338 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT\\_CEDAW\\_NGO\\_AUS\\_31437\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_NGO_AUS_31437_E.pdf)

339 CEDAW Committee Concluding Observations on Australia's 8th Periodic Review. 25 July 2018. <https://www.ohchr.org>

340 Gordon, M, 'Lauded and vilified: Gillian Triggs, Australian Human Rights Commission President', The Sydney Morning Herald, 17 June 2017, available at <https://www.smh.com.au/politics/federal/lauded-and-vilified-gillian-triggs-australian-human-rights-commission-president-20170616-gwsk3b.html>, accessed 14 August 2019.

human rights. The role of the AHRC must be strengthened and protected through the introduction of a Charter of Human Rights,<sup>341</sup> which comprehensively incorporates Australia's international human rights obligations into domestic law.

### 2.9.13 Religious Discrimination Bill 2019

In August 2019, the Australian Government released draft legislation for a Religious Discrimination Bill.<sup>342</sup> While protecting freedom of religions is laudable, and the majority of the bill is similar to existing anti-discrimination laws, there are several provisions which are concerning for women's rights and human rights advocates. As it stands, the draft bill includes provisions that would allow people and institutions the rights to override state and territory legislation. Advocates have raised serious concerns that the bill will restrict women and pregnant people's access to procedures such as abortion, would allow discrimination against people with disability and that it will protect people who discriminate against LGBTIQ+ people.<sup>343</sup>

### 2.9.14 Human rights, press freedom and whistle blowing

Shrinking civil society space is mirrored in an increasingly 'securitising space' where the freedom of the press, whistle-blowers and the national protection for human rights have been challenged.<sup>344</sup> Since the 9/11 attacks Australia has enacted 75 laws related to terrorism, with many of these impacting the ability of media organisations to report freely on national security matters. In June 2019, Australian Federal Police carried out targeted raids on the Australian Broadcasting Commission and the home of a journalist in Canberra, raising questions about freedom of speech, rights of whistle blowers and the health of the Australian democracy. While a Parliamentary inquiry into press freedom is underway, the critical question remains - when will Australia move past its piecemeal solutions to press freedom and human rights and build a stronger more comprehensive national protection for human rights for all?

### 2.9.15 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective 1.1 Objective 1.2	SDG Goal 5 Targets 5.2, 5.5, 5c; Goal 10 Goal 16 Goal 17	Articles 2, 3, 7/(b)	Articles 5, 6, 12, 13

341 Jenkins, K. 'Former Human Rights Commission president Gillian Triggs has renewed calls for a charter of human rights in Australia', SBS News, 14 August 2019, available at <https://www.sbs.com.au/news/it-s-time-renewed-calls-for-australia-to-adopt-a-charter-of-human-rights>, accessed 14 August 2019.

342 The Parliament of the Commonwealth of Australia, House of Representatives. 2019. Religious Discrimination Bill 2019: A Bill for an Act relating to discrimination on the ground of religious belief or activity, and for related purposes, Exposure Draft, available from: <https://www.ag.gov.au/Consultations/Documents/religious-freedom-bills/exposure-draft-religious-discrimination-bill.pdf>, accessed 5 September 2019.

343 Karp, Paul. 'Religious discrimination bill attacked as 'extraordinary foray in the culture wars'', The Guardian Australia, 30 August 2019, available from <https://www.theguardian.com/world/2019/aug/30/religious-discrimination-bill-attacked-extraordinary-foray-culture-wars>, accessed 5 September 2019.

344 Hardy, K. Press freedom in Australia needs much more than piecemeal protection. The Interpreter, Lowy Institute. 16 August 2019. [www.lowyinstitute.org](http://www.lowyinstitute.org); Tingle, L. Australia's national security laws should protect the country, not its politicians in power. 24 June 2019. <https://abc.net.au>

Australian governments should address:

### **Legal protection of human rights**

- Introduce a comprehensive Human Rights Act or Bill/ Charter of Rights, and an Equality Act that consolidates and modernises existing discrimination protections, to ensure the human rights of women and girls are protected across Australia.
- Enact a comprehensive Equality Act that addresses all the prohibited grounds of discrimination, promotes substantive equality and provides effective remedies, including against systemic and intersectional discrimination.
- Strengthen and protect the role of an independent AHRC and human rights in Australia, through the introduction of a Charter of Human Rights which incorporates Australia's international human rights obligations into domestic law.
- Develop a comprehensive Human Rights Act (or Bill of Rights) which effectively addresses the freedom of the press and whistle blower protection, to ensure an open civil society.

### **Refugee and asylum seeker women and girls**

- Immediately bring all women and girls on Nauru to safety in Australia, not transfer any more women and girls to Nauru, and reunite, in Australia, all families that have been separated by offshore immigration processing.
- Urgently close the offshore processing centres and bring refugees and asylum seekers to Australia.

### **Women and girls in criminal justice systems**

- Address laws and policies that unfairly contribute to the growing number of women and girls in prison, particularly Aboriginal and Torres Strait Islander women and girls.
- Prioritise community-based and culturally-appropriate programs, services and accommodation options to divert women and girls from criminal justice systems.

### **Women's reproductive health rights**

- Ensure abortion is decriminalised and replaced with laws that respect women's autonomy, and ensure safe and private access to abortion services.

### **LGBTQI women and girls**

- Implement activities to reduce violence, bullying and harassment experienced by LGBTQI women and girls.
- Improve access to legal recognition of gender that respects a person's gender identity.

### **Religious Discrimination**

- Withdraw the Religious Discrimination Bill 2019, or amend to ensure that the Bill does not contravene Australia's existing human rights obligations and freedom from discrimination.

## 2.10 Critical Area J – Women and the Media

### 2.10.1 Overarching Comment

The media is a powerful driver of public opinion and attitude and can therefore be a very effective tool for promoting positive social attitudes and building a safer and more respectable environment for women and girls. Media also has strong influence on how women and girls perceive themselves, their place within society and their opinions for the future. Social imagery diffused by the media can lead to gender-based discrimination and hinder gender equality.

Images consumed through the media have severe potential to damage an individual's self-perception and when faced with negative sexist and misogynist representations of women, young women and girls can struggle to maintain a positive and unique identity and self-understanding. Media stereotyping (for example, depicting women/girls as inferior to men/boys or in limited social and professional roles that do not reflect their actual skills and competences; diffusing a model of femininity relegated to the private sphere and epitomized by the values of romance, care, motherhood and domesticity); spreading images that are degrading to women/girls and harmful to their dignity (portraying them as sexual objects, as stupid, as submissive to men, etc.); promoting images, values and behaviour models that are likely to encourage violence against women are severely damaging to women and girls.

While men remain in higher level decision making than women in mainstream or traditional forum of media (TV, Radio, Press) women are finding a growing space in new forms of media (social media, online forums, vlogs, blogs and podcasts). Social media, and Information Communications Technology (ICT) has substantially increased over the past decade and women of all ages are spending more time on social media than their similarly aged male peers<sup>345</sup>. This space is being used to counterbalance stereotypes and misogynistic attitudes prevalent in mainstream media. Women's leadership in social networks is working to tear down old stereotypes and demographic categories, generating a real impact on stereotyping, media, advertisement and entertainment.

New forms of media have created new spaces for women and girls to advocate for change. In 2017 the #MeToo Campaign highlighted the potential for traditional and social media to work together to generate global interest in gender-based and sexual violence. Within 24 hours, of the start of this campaign, survivors around the world had used the hashtag 12 million times<sup>346</sup>. While there is no doubt this has led to a higher profile of gender-based and sexual violence, it has been argued that the media continue to reproduce stereotypes and problematic tropes of victim-blaming<sup>347</sup>.

Disability activist Carly Findlay writes on the reluctance of many in the disability community to combat abusive behaviour from men within the community, she states the #MeToo campaign has cracked the facade and let the light in<sup>348</sup>. Women with disabilities are exposed to compounding stereotypes that can be particularly harmful. Disability and gender stereotypes applying to women with disabilities include, but are not limited to: being burdensome to others, are a cause of hardship, an affliction, a responsibility, passive, inferior, have a sexual

345 <http://www.roymorgan.com/findings/7584-social-media-minutes-by-gender-age-march-2018-201805110812>

346 <http://theconversation.com/metoo-has-changed-the-media-landscape-but-in-australia-there-is-still-much-to-be-done-111612>

347 *ibid*

348 <https://www.smh.com.au/entertainment/books/how-the-metoo-movement-affected-australia-20190620-p51zof.html>

abnormality<sup>349</sup>. By increasing the awareness and understanding of disability issues and the diversity of persons with disabilities and their situations, the media can actively contribute to an effective and successful integration of persons with disabilities in all aspects of societal life.

In the last five years it is reported that Media coverage of violence against women and their children has significantly improved in Australia<sup>350</sup>. Addressing violence against women has been a keen strategy on preventing violence against women and girls. Despite gains, media outlets continue to blame victims, excuse perpetrators and incorrectly suggest that factors like alcohol or mental health are drivers of violence. OurWatch<sup>351</sup> found that 15 per cent of Australian incident-based media reports included elements of 'victim-blaming': that she was drinking, flirting, went home with the perpetrator, or was out at night. Just as many offered excuses for the perpetrator: he was drunk, using drugs, jealous, 'snapped' or 'lost control'. A key strategy to address this has been Australian National Guidelines that provide information the mainstream media can use to ensure their reporting does not further harm the victim/survivor.

Sexism and double standards remains an issue for women competing in sports. Women athletes continue to fight for equal pay, equal standards and media coverage. In Australia, the controversy over the action photo of Women's AFL player Tayla Harris is a prime example of double standards. Sport photography has long been a gender battleground with women's sports with Sportswomen have tended to be shown in passive poses, as sexual objects or with accompanying children and partners, while sportsmen have been shown in full, active flight. Despite more airtime and media coverage of women's sport, there remains a male domination of sport and sport media indicating a resistance to accepting women as elite athletes.

With the increase of the use of online spaces, Cyberviolence has extended the harassment and stalking of women and girls to the online world. New technologies that allow situational tracking, are being used by men to track women's movements and increase intimidation. In-phone digital cameras are being used to send sexual images, 'dick pics' and intimate pictures into cyberspace. Teenage girls, especially those aged 12 to 14, are more likely than any other demographic to experience cyberbullying, and anxiety and depression after bullying episodes<sup>352</sup>. Demands for improving online safety continue (this discussion is further covered in Section 2.12 of this report).

Positive representation in the media is important. People from all walks of life deserve to see their stories told.

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349 ICRPD/C/GC/3 UN Convention on the Rights of Persons with Disabilities, General comment No 3 (2016) Article 8 p13 pp47

350 <https://media.ourwatch.org.au/media-home/reporting-violence-against-women/>

351 *ibid*

352 <https://theconversation.com/combating-online-bullying-is-different-for-girls-and-boys-heres-why-91837>



## 2.11 Critical Area K – Women and the Environment

### 2.11.1 Gains, gaps and challenges

It is encouraging that the Australian government is a signatory to the Paris Agreement on Climate Change. However, Australia continues to avoid putting in place meaningful policy and actions to reduce carbon emissions and adapt to climate change. At the Pacific Island Forum in August 2019, the Australian Prime Minister Scott Morrison refused to sign a statement endorsed by 17 other countries to end coal mining and commit to carbon-neutrality by 2050, in spite of commitments to the Paris Agreement. Australia has also stopped funding the Green Climate Fund and has defunded the Australian Renewable Energy Agency (ARENA) beyond 2022. Australia continues with no concrete plan to phase out coal, modest commitments to renewable energy and no plan for a just transition.<sup>353</sup> In 2013, Australia defunded its independent advisory authority on climate change known as the Climate Commission. The Climate Commission has since reformed as the Climate Council, and is funded by public donations, but does not have a direct advisory role to government.

Australia lacks a gender lens on climate change and environmental impacts on women. This is in spite of emerging analysis which suggests that there are gendered implications of climate change, mitigation and adaptation in 'rich' countries.<sup>354</sup> These include the impacts of rising electricity and food prices and the impact of increasingly frequent natural disasters. Nearly 9 out of 10 Australian women report feeling 'extremely concerned' about climate change, with major concerns including general worry or anxiety about the future, discomfort from heatwave and hot temperatures, and rising electricity bills. Further one in three women under 30 reported that they are reconsidering having children or more children because of climate change.<sup>355</sup>

At the 63rd session of the Commission on the Status of Women, the Australian government acknowledged the role of women and girls as agents of change in environmental decision-making, and agreed to:

*(ddd) Conduct systematic and transparent assessment of the gender and environmental projects with the full equal and effective participation of women and girls through social dialogues, thereby promote the enjoyment of their human rights;*<sup>356</sup>

At present, women are significantly underrepresented in key decision-making and industry roles in relation to the environment and climate change in Australia. While women are better represented in activism and voluntary positions, the Australian government has consistently ignored concerns raised by environmental activists and movements, notably the Stop Adani movement which is supported by organisations with a membership of more than 2 million Australian people.

The SDGs and the Paris Agreement on Climate Change provide a global framework to align Australia's domestic and international efforts. Yet while at least 28 Australian city councils have

353 Climate Council. 2019. Climate Policies of Major Australian Political Parties, May 2019. NSW: Climate Council, available from: <https://www.climatecouncil.org.au/wp-content/uploads/2019/05/climate-policies-of-major-australian-political-parties-v2.pdf>, accessed 29 August 2019.

354 Griffin Cohen, Marjorie (2017). Climate Change and Gender in Rich Countries. Oxon, New York: Routledge.

355 Australian Conservation Foundation, 1 Million Women, 2018. What do women think about climate change. NSW: ACF, 1MW, available from: <https://www.1millionwomen.com.au/campaigns/what-women-think-about-climate-change-report/>, Accessed 28 August 2019.

356 United Nations Economics and Social Council, Commission on the Status of Women Sixty-third Session – Strengthen normative, legal and policy frameworks, (para.47, (ddd)), E/CN.6/2019/L.3/, available at <https://undocs.org/en/E/CN.6/2019/L.3>, accessed 30 August 2019.

declared climate emergencies including Melbourne, Sydney and Hobart,<sup>357</sup> at a federal level, Australia lacks an over-arching climate change policy framework, with only \$3.5 billion earmarked for the next 15 years, which does not create incentives for renewable energy and imposes little to no cost on emissions and pollutions. According to the National Foundation of Australian Women, for every dollar spent on climate change, the Australian government in subsidizing coal pollution by \$4.36.<sup>358</sup> Implementation of Australia's international commitments, and a domestic gender-responsive approach to environmental and climate change is needed to ensure that women are not adversely affected by the impacts of, and mitigation and adaptation to climate change.

## 2.11.2 Gendered impacts of climate change

The division of labour in Australia will influence gendered implications of climate change, but is not currently given due consideration. Women spend more time in unpaid work and less time in paid work than the OECD average.<sup>359</sup> Unpaid work and care are household energy and appliance-intensive, and sensitive to increasing prices of food, gas and electricity. Over the past decade, the unit price of electricity in Australia has risen in real terms by 56%, and retail gas has risen by 45%.<sup>360</sup> Gendered roles in managing the impacts of climate change must be considered in policy development.<sup>361</sup> Price increases have greater impacts on low-income households, particularly single parents who are more likely to be renting and unable to afford technology such as solar PV, energy-efficient housing and appliances.<sup>362</sup> Single mothers make up 83% of single parents. Older single women in the rental market, who are currently at increasing risk of homelessness, are also more likely to experience pressure from these impacts. Further, people with a disability may feel greater health impacts from hotter and colder temperatures, and have greater need of electricity services, therefore bearing both greater costs and vulnerability from pricing shifts.<sup>363</sup>

The 2019-20 Australian Budget includes a one-off Energy Assistance Payment of \$75 AUD for some people receiving social security income support payment. A minor one-off payment is not sufficient to alleviate the financial stress, particularly of families and multi-person households, with large energy bills each quarter. As a point of comparison civil society organisations are currently calling for some unemployment payments to be increased by this amount each week, in order to meet the costs of an adequate standard of living.<sup>364</sup>

At the CSW63 Australia agreed to “develop and adopt gender-responsive strategies on mitigation and adaptation to climate change”,<sup>365</sup> including through infrastructure, public services and social protections. Given that climate change impacts cut across infrastructure, environmental and social and human services issues, the implementation of gender-responsive budgeting, and the establishment of a Gender Equality Parliamentary Committee to review all legislation across portfolios will be crucial to respond to gender inequalities which may arise or deepen as a result of climate change.

357 'More Australian councils declare a climate emergency', SBS, 17 July 2019, available at <https://www.sbs.com.au/news/more-australian-councils-declare-a-climate-emergency>, Access 12 August 2019.

358 National Foundation for Australian Women (NFAW). 2019. 'Climate change and health', A Gender Lens on the Budget, available from: <https://www.nfaw.org/page/a-gender-lens-budget>, accessed 30 August 2019.

359 OECD.stat, Employment: Time spent in paid and unpaid work, by sex (OECD: 2019), Available at <https://stats.oecd.org/index.aspx?queryid=54757>, accessed 12 August 2019.

360 Infrastructure Australia, Australian Infrastructure Audit 2019, (Australia: Infrastructure Australia, 2019).

361 Listo, Romy, 'How the Time Use Survey can help end energy poverty', BroadAgenda, 16 July 2019, available at <http://www.broadagenda.com.au/home/can-time-use-surveys-help-end-energy-poverty/>, Accessed 9 August 2019.

362 Infrastructure Australia, Australian Infrastructure Audit 2019, (Australia: Infrastructure Australia, 2019).

363 DPO Australia, National Women's Alliance. 2019. The Status of Women and Girls with a Disability: Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), September 2019.

364 Raise the Rate. 2019. 'Raising the Rate will get Newstart working', available from: <https://raisetherate.org.au/>, accessed 30 August 2019.

365 United Nations Economics and Social Council, Commission on the Status of Women Sixty-third Session – Make infrastructure work for women and girls, (PP.47.bbb) E/CN.6/2019/L.3, available at <https://undocs.org/en/E/CN.6/2019/L.3>

### 2.11.3 Women as agents of change and decision-making

Access to decision-making in environmental industries and management is gender inequitable in Australia. While it is encouraging that Australia's Minister for the Environment cabinet position is currently held by woman MP Sussan Ley, other relevant high level key portfolios, such as Energy, and Infrastructure, Transport and Regional Development, are held by men. In the States and Territories, office of the Minister for Environment is held by men in 6 out of 8 governments.

Key industries related to environmental management and climate change mitigation and adaptation, including agriculture, forestry and fishing, and electricity, gas and waste management, and mining remain overwhelming dominated by men, particularly at key decision-making and professional levels.<sup>366</sup> Further, in the 2019-20, the Australian Government reduced its budgetary commitment to support the uptake of STEM education for women and girls,<sup>367</sup> while 66% of women continue to report having their voices devalued in STEM careers and barriers including a lack of diversity in leadership, lack of opportunities and pathways to promotion, and a lack of visible role models.<sup>368</sup> Women are currently under-represented in enrolments in key fields for mitigation and adaptation including engineering and technology.<sup>369</sup> Planning for a just transition and climate change adaptation requires consideration of how to move people employed in polluting and unsustainable industries into new work, and will require a gender lens that accounts for men's dominance in mining and other polluting industries. However, it is also an opportunity to create a more equal and socially-inclusive economy. It is crucial that the Australian government considers and invests in planning for a just transition, and does so with a gender lens.

By contrast, Australian women, particularly young women and girls, are at the forefront of activism to address climate change. Senator Larissa Waters Young women have been vocal in Australia's School Strike 4 Climate Change<sup>370</sup> and young Aboriginal and Torres Strait Islander women are leading the SEED indigenous youth climate network,<sup>371</sup> for Aboriginal and Torres Strait Islander young people for climate justice, including participating in the Wangan and Jagalingou Family Council's campaign against the Adani coalmine in North Queensland. This suggests a disparity in Australian environment decision-making which reflects patterns in the broader Australian workforce. While men predominate in paid decision-making, professional and implementation roles, women make up the majority of volunteers.<sup>372</sup> Further, the Australian government has been consistently hostile and unwilling to engage with recent environmental movements and activisms, notably including the Stop Adani movement, and so hear women's voices.

The Australian government advocated for the inclusion of gender at the UNFCCC, and should play its part in funding and implementing the UNFCCC's Gender Action Plan<sup>373</sup> to incorporate gender equality and women's empowerment into national and international climate discourse and action.

366 Workplace Gender Equality Agency (WGEA). 2019. 'WGEA Data Explorer: Industries', available from: <https://data.wgea.gov.au/industries/1>, accessed 30 August 2019.

367 National Foundation for Australian Women (NFAW). 2019. 'STEM and non-traditional work', A Gender Lens on the Budget, available from: <https://www.nfaw.org/page/a-gender-lens-budget>, accessed 30 August 2019.

368 Male Champions of Change, 2019. Harnessing Our Innovation Potential: Gender Equality in STEM. Australia: Male Champions of Change, available from [https://malechampionsofchange.com/wp-content/uploads/2019/08/Harnessing-Our-Innovation-Potential\\_Stem-Survey-Report-2019.pdf](https://malechampionsofchange.com/wp-content/uploads/2019/08/Harnessing-Our-Innovation-Potential_Stem-Survey-Report-2019.pdf), accessed 29 August 2019.

369 Department of Industry, Innovation and Science. 2019. Advancing Women in Stem, Canberra: Commonwealth of Australia, available from: <https://www.industry.gov.au/sites/default/files/2019-04/advancing-women-in-stem.pdf>, accessed 30 August 2019.

370 Waston, J. and Slee, A. 'Why these Australian students will strike for climate change action', ABC News, 14 March 2019, available from: <https://www.abc.net.au/news/2019-03-14/australian-school-students-why-theyll-strike-for-climate-change/10892920>, accessed 30 August 2019.

371 Seed Indigenous Youth Climate Network. 'Our Team', Australia: AYCC, available from: <https://www.seedmob.org.au/>, accessed 30 August 2019.

372 Volunteering Australia, PrivewaterhouseCoopers, 2016. State of Volunteering in Australia, (Canberra: Volunteering Australia), p. 37.

373 United Nations Framework Convention on Climate Change, Gender and climate change – Establishment of a gender action plan, FCCC/SBI/2017/L.29, available at <https://unfccc.int/resource/docs/2017/sbi/eng/l29.pdf>

## Case Study

### 1 Million Women

1 Million Women is an Australian organisation and movement of nearly 800,000 women and girls building a lifestyle revolution to fight the climate crisis. 1 Million Women has formed alliances to oppose the Adani coal mine in Queensland, conducted research on women's views on climate change, and runs campaigns to educate women and girls on how to change their behaviours to live more environmentally-conscious and sustainable lifestyles.

## 2.11.4 Natural disasters

Climate change is also associated with increased prevalence and severity of natural disasters. Eastern states of Australia are currently facing severe drought conditions with 60% of Queensland and 100% of NSW officially classified as in drought<sup>374</sup> and these conditions are exacerbated by climate change.<sup>375</sup> Access to water is an emerging challenge for many Australian women in rural, regional and remote areas. Emerging evidence indicates that natural disasters have gendered impacts.

Analysis of Australia's Black Saturday bushfires in 2009 indicates that while women were more likely to want to leave properties, men wished to stay and defend. Further, men suffered significant post-traumatic stress disorder, and this in turn resulted in increased rates of violence against women.<sup>376</sup> Community consultation by Australia's National Women's Alliances has similarly found that the impact of disasters are different for women. Post-disaster, women bear a heavy workload of unpaid work and care in clean up, subsistence and care for children, elderly and the broader community, preventing women from income-earning activity and delaying or creating barriers to negotiate return to work. Women's services and organisation were further identified as having an important role post-disaster in responding and referring vulnerable people.<sup>377</sup>

## Case Study

### Roundtables on Impact on Women in Disaster Affected Areas in Australia

National Rural Women's Coalition (NRWC) and economic Security4Women (eS4W), two of Australia's National Women's Alliances, hosted two roundtable discussions on the economic impact of disasters on women in 2014. The roundtables discussed key issues faced by regional, rural and remote women in relation to disasters, community-based strategies for responding to disasters and strengthening disaster preparedness, and recommendations for government. In 2013, NRWC produced *Weather the Storm, a Train the Trainer* kit for preparing women and communities for disasters.

374 Woodburn, Joanna (2018). NSW Government says entire state in drought, new DPI figures reveal full extent of big dry, Sydney Morning Herald, 8 Aug 2018 Available at: <https://www.abc.net.au/news/2018-08-08/nsw-government-says-entire-state-is-now-in-drought/10088628>

375 Climate Council. (2018). Fact Sheet: Climate Change and Drought. Available at: [https://www.climatecouncil.org.au/wp-content/uploads/2018/06/CC\\_MVSA0146-Fact-Sheet-Drought\\_V2-FA\\_High-Res\\_Single-Pages.pdf](https://www.climatecouncil.org.au/wp-content/uploads/2018/06/CC_MVSA0146-Fact-Sheet-Drought_V2-FA_High-Res_Single-Pages.pdf)

376 Alston, Margaret, 2017, 'Gendered outcomes in post-disaster sites: Public policy and resource distribution', in *Climate Change and Gender in Rich Countries*. Ed. M. Griffin Cohen. Oxon, New York: Routledge; see also Sety, M. K. James, and J. Breckenridge, 2014. 'Understanding the risk of domestic violence during and post natural disasters: Literature review', in *Issues of Gender and Sexual Orientation in Humanitarian Emergencies*, ed. L. W. Roeder, Cham: Springer International Publishing.

377 National Rural Women's Coalition, economic Security4Women, 2014. *The Impact on Women in Disaster Affected Areas in Australia*. Queensland: NRWC, eS4W, available from <https://www.nrwc.com.au/round-tables/15-marburgroundtablegenderdisasterrepo rt20150401/file>, accessed 29 August 2019.

Emergency and disaster is a male-dominated field, yet the impacts on women are different and there is a clear need for gender-responsive disaster response and planning. However, Australian state and territory and national emergency recovery plans remain largely gender-blind. A 2013 found that out of national, state and territory government emergency recovery policy and planning documents, only 25% mentioned gender, and where it was mentioned, it was generally identified as an overarching factor without further analysis or actions.<sup>378</sup> Other studies have found that LGBTI people are not treated equally in emergency management response and recovery plans,<sup>379</sup> and that ethnicity and language may also impact and possibly reduce an individual's preparedness and ability to face disasters.<sup>380</sup> Further, research has shown that people with a disability are disproportionately affected in disasters due to poor responses, and experience higher risk. Yet, there is currently no data on women with a disability and disasters in Australia.<sup>381</sup> This indicates that an intersectional lens on disaster and emergency planning, response and recovery is needed.

In 2014, the Victorian government established a Gender and Disaster Taskforce, consisting of two women's health organisations and Monash University to provide direction and leadership to reduce the compounding effects of gender on disaster impacts. The GAD Taskforce was funded by the Australian Government in 2016 to develop national Gender and Emergency Management (GEM) guidelines<sup>382</sup>, but the guidelines have not been integrated into national policy emergency recovery policy documents.

## 2.11.5 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective K.2 Objective K.3	Goals 5, Target 5.2, 5.5, 11, 12, 13	Article 7/10/(c) 14/2/(h)	Article 11

- Action Australia's commitments under the Paris Agreement domestically and internationally through an overarching climate change policy framework.
- Refund the Climate Council as an advisory body to government.
- End Australian Government subsidies to the coal industry.
- Fund and implement the UNFCCC's Gender Action Plan, including national and international commitments.
- Recommit funding to the UNFCCC Green Climate Fund.
- Continue funding to the Australian Renewable Energy Agency (ARENA) beyond 2022.
- Establish cross-portfolio gender responsive mechanisms including GRB and a Gender Equality Parliamentary Committee to ensure gender-responsiveness of all policies relating to climate change adaptation.

378 Hazeleger, Tricia. 2013. 'Gender and disaster recovery: Strategic issues and action in Australia', Australian Journal of Emergency Management 28(2): 40-46.

379 Dominey-Howes, D., Gorman-Murray, A., and McKinnon, S. 2016. 'Emergency management response and recovery plans in relation to sexual and gender minorities in New South Wales, Australia'. International Journal of Disaster Risk Reduction 16: 1-11.

380 Teo, M. Goonetilleke, A., Deilami, K., Ahankoob, A. and Lawie, M. 2019. 'Engaging residents from different ethnic and language backgrounds in disaster preparedness'. International Journal of Disaster Risk Reduction 39: 1-10.

381 DPO Australia, National Women's Alliance. 2019. The Status of Women and Girls with a Disability: Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), September 2019.

382 Australian Institute for Disaster Resilience. 'Australian Disaster Resilience Knowledge Hub: Gender and Emergency Management Guidelines', available from <https://knowledge.aidr.org.au/resources/national-gender-and-emergency-management-guidelines/#allonboard>, accessed 30 August 2019.

- Increase the rate of income support payment social protections to meet an adequate standard of living, including energy and food costs.
- Ensure that women in Australia can contribute as agents of change in low-carbon development and climate change adaptation and as equal decision makers in relation to climate change responses, by strengthening strategies to ensure equal workforce participation, leadership in government and strengthen civil society input into infrastructure and environment legislation and policy development.
- Establish a central body, within government, to coordinate planning for the future of work with gender and a just transition as central considerations.
- Integrate Gender and Emergency Management (GEM) guidelines into national, state and territory disaster and emergency recovery policy and planning and develop an intersectional lens of disaster policy and planning.
- Collect intersectional and gender-disaggregated data in relation to disaster impacts, preparedness and recovery, which is broken down by disability, migrant and refugee, Aboriginal and Torres Strait Islander and LGBTIQ+ status.
- Fund women's services to engage in in Disaster Management Plans and Responses.
- Recognise the additional unpaid care responsibilities that fall on women and impede return to work during and after disasters in the Fair Work Act.

## 2.12 Critical Area L – The Girl Child/Young Women

### 2.12.1 Gains, gaps and challenges

Issues of concern for the Girl Child cut across all 12 critical areas in the Platform for Action. On the surface there is much to be celebrated for the girls, young women and non-binary young people in Australia. More girls than ever are attending, completing and excelling at school and more young people are gaining the skills they need to excel in the future workplace. Despite progress, compounding intersectional discrimination of age and feminine identity contributes to unique challenges and systematic discrimination. Deeply rooted prejudice regarding social norms, practices and stereotypes are still evident at all levels of family, community, workplaces and government, and are preventing girls, young women and young people of diverse sexual orientation, gender identity and intersex status (SOGII)<sup>383</sup> from enjoying the full spectrum of their human rights.

A safe passage into adulthood is the right of every child in Australia. Girls, young women and non-binary young people in all their diversity have the right to participate and lead within their communities, have their voices heard and listened to, inspire and contribute to innovation and have the freedom to make their own decisions about their own lives. Many are too often denied their own agency, this is often experienced more acutely by those living in care settings, Aboriginal and Torres Strait Islander young women, refugee young people, LGBTIQ+ young people, young people living in rural, regional and remote areas and those living with a disability.

In the Australian context, over the last five years there has been a significant increase in age-appropriate and inclusive information tailored for young people; however, conversely there have also been significant cuts to Government funded youth programs. There are still huge gaps in youth-friendly resources and engagement mechanisms. Mainstream national initiatives are often lacking in inclusive practices and engagement approaches for young people living with a disability, Aboriginal and Torres Strait Islander young people, culturally and linguistically diverse young people, young people living in rural or remote areas and LGBTIQ+ young people. There is a crucial need to acknowledge and celebrate young girls' intersectional identities to prevent discrimination and protect the human rights of girls, young women and non-binary people.

In the era of the 'MeToo' and 'Times Up' movements, and with the national implementation of federally funded gender equality mechanisms such as the Workplace Gender Equality Agency (WGEA) and the Fourth National Plan to Reduce Violence against Women and their Children, it is clear that the drive to address gender inequality is increasing, and that it is not just a women's issue or the responsibility of women to create positive change for girls. Overwhelmingly, the evidence proves that gender inequality does not just negatively impact women, young women and girls, but also men, young men boys and gender diverse people. Gender equality is everybody's business and all parts of civil society have a role to play. At the centre of the issue of gender inequality is the lack of visibility about the experiences of girls. The data simply does not exist and we rarely stop to ask the right questions.

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383 YWAG. 2015.

## 2.12.2 Youth Participation and Political Engagement

Despite the voices of girls and young women supported by organisations such as Girl Guides Australia, YWCA Australia and Plan International there are few opportunities and platforms in which to engage in national and international advocacy. However, this has not stopped many girls, young women and non-binary young people from taking their own opportunities to be included in discussion and debate and pursuing their own grassroots advocacy agendas. Young individuals have driven significant changes within civil society often employing emerging techniques such as crowd sourcing petitions and online campaigns. Notable change has included curriculum-based domestic and family violence amendments in NSW, following activism by a 15-year-old who lost her mother to suicide following years of domestic abuse; a wave of young female and gender diverse activists who have successfully campaigned their schools to implement gender-neutral uniform policies; and a climate justice movement, largely led by girls and young women, epitomised by the success and passion of Amelia Telford who started SEED Indigenous Youth Climate Network and countless other activists sparking successions of unprecedented school strikes demanding action on a climate emergency in Australia.

Australia has made some recent inroads into understanding the specific needs of girls in all their diversity. Examples include Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing our Future a national conversation with Aboriginal and Torres Strait Islander women and girls to hear their priorities, challenges and aspirations for themselves, their families and their future.

### Case Study

#### YWCA Australia's Young Women's Council

The YWCA Australia Young Women's Council (YWC) is made up of 18 young women and girls, aged 12-30 from all around Australia. The Young Women's Council is an advisory body, tasked with advising the Board of Directors, as well as the broader organisation, on issues affecting young women and girls in Australia. The YWC ensures young women's perspectives and experiences are incorporated into all areas of our work including policy, research, advocacy, communications and membership.

This year, the YWC have engaged in leadership training, have contributed to various local and national advocacy submissions, shared their experiences through video and written content and inputted into YWCA research projects.

AusPlay, the national population participation tracking system for the sport and active recreation sector in Australia, reports that 73% of girls aged 0 – 14 years participate at least once a year in organised sport and active recreation outside of school hours, dropping to 21% for those who regularly participate three times a week<sup>384</sup>. The Girls Make Your Move campaign looked to inspire, energise and empower young women to be more active regardless of ethnicity, size or ability<sup>385</sup>. The approach was inspired by the UK's This Girl can campaign and had a promising high reach for 14-19-year-old young women<sup>386</sup>, however there is ongoing stigma and discrimination that has a significant impact on girls' participation within sport.

384 Reece, L.J., Foley, B.C., McInerney, C., Bellew, B., Bauman, A.E. Women and Girls in Sport, Active Recreation and Physical activity- A Participation Review. SPRINTER Group, 2017. The University of Sydney

385 Tan B. Summary Report of the Evaluation of the 2016 ' Girls Make Your Move ' Physical Activity for Young Women Campaign Prepared by : (August 2016).

386 Reece, L.J., Foley, B.C., McInerney, C., Bellew, B., Bauman, A.E. Women and Girls in Sport, Active Recreation and Physical activity- A Participation Review. SPRINTER Group, 2017. The University of Sydney.



### 2.12.3 Gender Stereotyping

Children and young people are immersed in a social and cultural environment that cultivates and perpetuates gender stereotypes around clothing, advertising, toys, films, tv and books. Friends and family members also contribute messages which explicitly and implicitly, reinforce what is considered 'gender appropriate' for girls and boys<sup>387</sup>. There is a critical role for government, workplaces, media and society at large to play in counteracting gender stereotyping. There is a need to enable parents to practice and promote greater equality in caring for children and further, to support parents and caregivers to create and model an environment for their children that promotes gender equality and gives children the freedom to be themselves.<sup>388</sup>

Research is clear, upholding and affirming rigid gender stereotypes during childhood and into adulthood can impact career prospects, healthy emotional processing<sup>389</sup> and the capacity to engage in equal and respectful relationships<sup>390</sup>. Reinforcing gender stereotypes can create specific issues for all genders and results in girls and young women facing greater disadvantage. Australian evidence is hard to ignore, gender inequality and the manifestation of the behaviours and attitudes lead to one in three Australian women experiencing physical violence in their lifetime.

Boys and young men in have better attitudes to gender equality than older men but some disturbing trends still remain that directly impact upon their female and gender diverse peers. More than one in five young men (22%) think men should take control of relationships and be the head of the household. Overall young people are more likely to support gender equality in public life (e.g. workplaces or politics) than in their intimate relationships. Most young Australians (those aged 16-24 years) have a good knowledge of key aspects of violence against women, support gender equality, reject attitudes supportive of violence against women, and say they would act or like to act if they witnessed abuse or disrespect of women. The Line campaign aims to challenge rigid gender stereotypes and encourage young men to develop positive personal identities, previous similar campaigns on the challenging stereotypes tends to focus and be directed to women. However, young men need to also hear male voices against violence and about promoting gender equality, to help make the topic relevant to them. Social media is playing a central role in young people's relationships and previously unacceptable behaviours offline become easier to action with online anonymity. Young people in Australia still have limited opportunities to learn, understand and negotiate respectful, healthy and equal relationships.

Young people's attitudes and experiences are shaped by their experiences in families, communities and institutions such as schools and universities. Preventing violence perpetrated or experienced by young people requires a nuanced approach. As well as addressing norms and practices held by young people themselves, a critical focus needs to be given to norms, structures and practices in the wider community and environments that influence young people's attitudes and experiences. Teaching young people about safe and respectful relationships is key to preventing violence in relationships in their futures and being able to identify and respond to disrespect and inequality.

387 Fulcher, M. Quoted in Robb, A. (2015) "How gender-specific toys can negatively impact a child's development" in Women in the World in Association with the New York Times, retrieved from <http://nytlive.nytimes.com/womenintheworld/2015/08/12/how-gender-specific-toyscan-negatively-impact-a-childs-development/>

388 Our Watch (2018). Challenging gender stereotypes in the early years: the power of parents. Melbourne, Australia: Our Watch

389 Australian Institute of Health and Welfare (2011) The health of Australia's males. Cat. no. PHE 141. Canberra: Australian Institute of Health and Welfare

390 Our Watch, ANROWS & VicHealth (2015), see note 1

## Case Study

### YWCA's Respect, Communicate, Choose Program

Respect, Communicate, Choose (RCC) is an evidence-based respectful relationships education program based in primary schools, aimed at preventing gender-based violence and promoting positive, healthy relationships among young people.

RCC provides young people with the tools and skills to Challenge attitudes based on gender inequality; Build knowledge and ability to develop respectful relationships; Consider the consequences of their behaviour; and Empower them to become active advocates for violence prevention.

## 2.12.4 Health and Wellbeing

Anxiety disorders and depressive disorders are leading causes of burden in young girls<sup>391</sup>, in addition 54.4% of Non-Binary people assigned female at birth, and 40.6% of Non-Binary people assigned male at birth aged 18 and over have been diagnosed with depression in their lifetime<sup>392</sup>. Childhood and early adulthood is a critical time for education and awareness around resilience, taking care of personal mental health and encouraging the same of those around you, respectful relationships and sexual and reproductive health.

Establishing early confidence in, and relationships with, health care providers is an important foundation for developing health literacy and help-seeking behaviours in girls, young women and non-binary young people. If addressed early in life there is a chance to minimise the vulnerable years for health risks, poor mental health, body dissatisfaction and lifelong health behaviours. Early detection and intervention for girls experiencing child abuse is also essential for future health and wellbeing. Young women and non-binary young people leaving care experience far poorer outcomes, while 40% of the general population will study some form of higher education, for care leavers that figure is dramatically lower — just one to three per cent, shockingly 50% of care leavers find themselves homeless, unemployed, pregnant or in the criminal justice system within a year of leaving care

Institutional and individual prejudice experienced by Aboriginal and Torres Strait Islander girls, LGBTIQ young people and culturally and linguistically diverse population groups, continues to contribute to poorer health outcomes.

Australia continues to have a shortage of effective and appropriate support services, funding, and lack of coordination between already existing services for children and young people in Australia, specifically in the areas of mental health, domestic and family violence specialist services and sexual and reproductive health services. Access to services in rural areas - particularly specialist mental health care - is limited, and this has significant implications for girls' young women and non-binary young people with mental health concerns<sup>393</sup>. Young people have the right to adequate and appropriate youth-specific programs and support regardless of geographic isolation or identity.

391 Australian Institute of Health and Welfare 2018. Australia's health 2018. Australia's health series no. 16. AUS 221. Canberra: AIHW

392 Hyde, et al. (2014)

393 Boyd, C.P., Aisbett, D.L., Francis, K., Newnham, K., & Newnham, K. (2006). Issues in rural adolescent mental health in Australia. Rural and Remote Health, 6 (online), no. 501.

Forced sterilisation is prohibited by the international human rights treaties however remains a legal practice in Australia. Girls and women with disability in Australia are at particular risk of forced and coerced sterilisation performed under the auspices of legitimate medical care or the consent of others in their name. Sterilisation is often claimed by medical, health and/or legal professionals as being a 'necessary treatment' in the so-called 'best interest' of the person concerned.

We note that the United Nations Committee on the Rights of the Child have recently recommended the age of criminal responsibility be raised from 10 to 14 years of age. This is to ensure the proper treatment and care of children, and aligns with calls from health and legal experts in Australia.

## 2.12.5 Young women's access to Comprehensive Sexuality Education (CSE)

Sexuality education in Australia is insufficient to meet the needs and expectations of young women, and lacks sufficient gender analysis. While Australia has a strong national curriculum which includes sexuality education, State and Territory governments are responsible for its implementation, leading to optional implementation in some States.<sup>394</sup> This is in spite of the Committee on Economic, Social and Cultural Rights statement that when combined with other parts of the ICESCR, including the right to education and the right to equality between men and women, there is "a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, and scientifically accurate and age appropriate".<sup>395</sup>

In 2015, 63% of young women aged 16-21 reported that they had not learned about core concepts of gender equality and power in relationships, such as consent, in their education.<sup>396</sup> Young women drew clear links between their lack of education and later experiences of sexual assault. The Australian government's support of a gender analysis on Respectful Relationships education, and recent announcement<sup>397</sup> of further funding for primary prevention is an excellent step forward. However, consistency in the roll out of programs across States and Territories, and integration with sexuality education in the Australian curriculum is crucial.

Young people's use of technology in sexual relationships is an emerging issue. The use of technology in young people's sexual relationships, including dating apps and 'sexting' or sharing nude or sexy images, texts and videos and dating apps, is common<sup>398</sup> and must be considered through a lens that centres the agency of young people. In this context, gendered patterns of harassment and image-based abuse are concerning, and educational responses must be gender-responsive and avoid victim-blaming.<sup>399</sup> There is a further need for the amendment of legal frameworks in States and Territories which criminalise 'sexting' under

394 Queensland Health. 2016. Queensland Health Sexual Health Strategy. Brisbane: State of Queensland, p.24.

395 Committee on Economic, Social and Cultural Rights. 'General comment No.22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights) – Interdependence with other human rights (Art.9), E/C.12/GC/22/Art.9, available from: <https://undocs.org/E/C.12/GC/22>

396 Young Women's Advisory Group (YWAG) to the Equality Rights Alliance. 2015. Let's Talk: Young Women's Views on Sex Education. Canberra: ERA, available at <http://www.equalityrightsalliance.org.au/wp-content/uploads/2016/10/Lets-Talk-Final-Report.pdf>, accessed 23 August 2018.

397 Powell, A. 'The latest action plan to tackle violence against women isn't perfect, but it takes a much-needed holistic approach', 16 August 2019, The Conversation, available from <https://theconversation.com/the-latest-action-plan-to-tackle-violence-against-women-isnt-perfect-but-it-takes-a-much-needed-holistic-approach-121870>, access 23 August 2019.

398 Yeung, T., Horyniak, D., Vella, A., Hellard, M. and Lim, M. 2014. 'Prevalence correlated and attitudes towards sexting among young people in Melbourne, Australia', *Sexual Health* 11(4): 332-339.

399 Dobson, A. and Ringrose, J. 2016. 'Sex education: pedagogies of sex, gender and shame in the schoolyards of Tagged and Exposed'. *Sex Education* 16(1): 8-21.

child pornography legislation. In its Inquiry into Sexting in 2013,<sup>400</sup> the Victorian Law Reform Committee recommended the introduction of a defence for minors, and a special offence for cases of non-consensual sharing of intimate images. It is crucial to young women's rights that these recommendations are introduced across all jurisdictions.

Young women report that their sex education is not inclusive of or safe for young people of diverse sexual orientation, gender identity and intersex status (SOGII).<sup>401</sup> This is in spite of clear need, with recent figures showing only diverse sexual orientation, gender identity and intersex status (SOGII).<sup>402</sup> 55.6% of women secondary students reported they were 'only attracted to males'.<sup>403</sup> Against this background, 2017 saw the defunding of the Safe Schools Coalition Australia (SSCA) program, intended to build the capacity of teachers and schools to deliver SOGII inclusive schools and education. In 2016, the program faced significant and misleading media scrutiny and critique from conservative politicians,<sup>404</sup> leading to its eventual defunding to the detriment of Australian young people.

## Case Study

### The Young Women's Advisory Group (YWAG) to the Equality Rights Alliance

YWAG is made up of ten young women (aged 30 and under) from across Australia. YWAG is currently focused on strengthening sex education in Australia through their project: Let's Talk: Young Women's Views on Sex Education. In 2015, YWAG surveyed over 1000 young women aged 16-21 about their experiences of sex education in Australia. In 2019, YWAG is conducting a further survey, open to young women and non-binary young people, to update the 2015 findings. YWAG uses the findings from the Let's Talk project to advocate to improve comprehensive sexuality and respectful relationships education in the national curriculum.

## 2.12.6 Safety

The majority of victims and survivors of sexual assault, child abuse and neglect, and domestic and family violence are women and children<sup>405</sup>. Young women aged 16-24 are among the most vulnerable to varying forms of violence. For example, young women experience significantly higher rates of physical and sexual violence than women in older age groups. Young women as young as 11 years old report street harassment of a sexual nature<sup>406</sup> and one in four young women in Australia have reported experiencing the non-consensual sharing of sexual images. Feedback from young people in the community demonstrates that young women are frustrated with the lack of action to address their safety and report changing their behaviours depending on their perception and experiences of safety in public spaces. In a commissioned survey

400 Parliament of Victoria Law Reform Committee, Report of the Law Reform Committee for the Inquiry into Sexting, Parliamentary Paper No.230, Session 2010-2013, May 2013, (Victoria: Parliament of Victoria)

401 YWAG. 2015.

402 YWAG. 2015.

403 Fisher, C. M., Waling, A. Bellamy, R., Ezer, P., Mikolajczak, G., Brown, G., Carman, M. & Lucke, J. 2019. 6th National Survey of Australian Secondary Students and Sexual Health 2018, (ARCSSH Monograph Series No. 113), Bundoora: Australian Research Centre in Sex, Health & Society, La Trobe University.

404 Nicholas, L. 'We must celebrate gender and sexual diversity in our schools', 16 February 2016, The Conversation, available from <https://theconversation.com/we-must-celebrate-gender-and-sexual-diversity-in-our-schools-54740>, accessed 23 August 2019.

405 (ABS, 2017; AIHW, 2018b)

406 <https://www.plan.org.au/-/media/plan/documents/reports/sexism-in-the-city-plan-international-australia-embargoed-copy.pdf> accessed September 2019

by Plan International and Our Watch they found one third (30 percent) of young Australian women aged 15-19 report avoiding public places after dark, with approximately 23 percent having lived experience of feeling unsafe to travel alone on public transport. Incidences of street harassment, verbal and physical abuse are not uncommon and go largely unreported; it is expected and normalised. Girls and young women are consistently receiving messages that public places are unsafe for them, particularly after dark, and that it is their responsibility to modify their behaviour. Young women are increasingly concerned with the link between their physical and mental health and a culture that normalises rape and blames victims for the perpetrator's violence, otherwise known as "rape culture". This culture prevents women from feeling safe and respected, and reinforces the view that women are objects and are not entitled to be in control of their own bodies.

Research also indicates that girls with disability are 3 to 4 times more likely to experience violence, including sexual violence, than girls without disability. Girls with disability are exposed to a broad range of violence perpetrated by carers, parents, guardians, peers, educators, service providers, and others, including dating partners. Violence can take many forms, including structural and institutional forms of gender-based violence related to law, the state and culture that girls and young women with disability not only experience, but are more at risk of – such as forced sterilisation, forced abortion, forced contraception, denial of legal capacity, forced treatment, restrictive practices, seclusion, restraint, indefinite detention, and forced and coerced marriage. This is due to a combination of norms assuming women with disability do not have sexuality, and the system of separate education in Australia, girls with disability also have less access to comprehensive sexuality education, including body safety and respectful relationships education.

Exposure to violence against their mothers or other caregivers causes profound harm to children and young people, with potential impacts on attitudes to relationships and violence, as well as behavioural, cognitive and emotional functioning, social development, and – through a process of 'negative chain effects' – education and later employment prospects<sup>407</sup>.

## 2.12.7 Bullying, Technology and Cyber Safety

CEDAW Recommendation #36 observes that through the use of technology and social media various forms of cyberbullying are being carried out in order to intimidate, threaten, or harass women or girls. Gender based violence online has created an internet forum which is often used as a platform to defame or publicly shame, harass, stalk, exploit, blackmail, extort, intimidate, disclose confidential information, images or videos, threaten or advance hate speech, terrorism, cyber obscenity or pornography, revenge porn, doxing, trolling or sexual harassment and advances on women or girls often from strangers within the sanctuary of even their own homes. It is possible for a young woman or girl to be harassed not only at school but on all forms of transportation or when they are alone in their bedroom, or even in clear sight of their parents or guardians without those adults ever being aware.

Common impacts of bullying are social isolation, whereby victims or survivors withdraw from public life, including with family and friends, and limited mobility, when they lose their freedom to move around safely. Such acts can result, or are likely to result, in psychological, physical, sexual or economic harm anxiety and fear, and in some cases, may also result in suicidal tendencies.

407 Frederick, J. and Goddard, C. (2007) Exploring the relationship between poverty, childhood adversity and child abuse from the perspective of adulthood, *Child Abuse Review*, 16, pp. 323–341; and Humphreys, C. and Houghton, C. (2008) The research evidence on children and young people experiencing domestic abuse, in Humphreys, C., Houghton, C. and Ellis, J., *Literature review: Better outcomes for children and young people affected by domestic abuse – Directions for good practice*, Scottish Government, Edinburgh. Several jurisdictions now recognise this harm as a form of family violence in and of itself.

It is reported that one in three victims of cyber-bullying have engaged in self harm as a result, and 1 in 10 has attempted suicide. In some instances, the threat of physical harm becomes a reality, when sexually explicit images or videos are posted on specialized advertising sites for prostitution together with private information, such as a victim's home address. Economic harm can result in making it difficult for the victim to find employment, or even preventing the victim from even attempting to find employment because of the shame and fear of potential employers discovering the images. Internet violence or harassment can also affect a high percentage of girls' or women's health and academic work as well as create long-lasting consequences continuing throughout adulthood.

It is estimated that 23 per cent of Australian women have reported having experienced online abuse or harassment and that one in 10 women has experienced some form of online violence since the age of 15<sup>408</sup>. Other reports suggest that 73% of women have already been exposed to or have experienced some form of online violence. CEDAW Recommendation # 36 observed that while both boys and girls are involved in cyber-bullying, research shows that girls are almost twice as likely as boys to be both victims and perpetrators. Based on these observations it is apparent that we are now facing a significant risk that the use of ICT without a human rights-based approach to dealing with this emerging form of violence accompanied by the prohibition of online gender-based violence could broaden sexual and gender-based discrimination and violence against women and girls in society even further.

## 2.12.8 Housing and Homelessness

Article 27 of the International Convention on the Rights of the Child recognises that safe and well-maintained housing is necessary for children and young people to reach their full potential. It is critical that young people have access to safe and stable housing as they transition through their childhood into young adulthood.

Young people aged 12 to 24 have the highest rate of homelessness of any group in Australia with 43% of the Australian homeless population under the age of 25. While some are rough sleepers, much youth homelessness is invisible with young people 'couch surfing' or living in emergency accommodation. Young women who are homeless are often "invisible" - most are forced to find a safe place to sleep by couch-surfing, staying in crisis or temporary accommodation, exchanging sexual favours in exchange for a roof over their heads or sleeping in their cars.

Young people who have experienced trauma and unstable housing need critical support to reengage them in education and employment and build social cohesion within their community. Some young people with complex needs may not be suited to shared accommodation, often provided as a solution to housing affordability.

There are also significant structural factors which contribute to young women's homelessness including poverty, social inequality, youth unemployment and youth underemployment. With declines in home ownership, rising private rental costs, declines in social housing and scarce availability of affordable housing, young people are experiencing high levels of housing stress. The 2019 Productivity Commission report into Government Services revealed that young people who are receiving Commonwealth Rental Assistance are more likely to be in housing affordability stress than any other age or special needs group. The recently released Grattan Institute Report on younger Australians shows around half of households led by a person aged under 35 years old have experienced one or more indicators of housing stress (such as

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408 Australian Bureau of Statistics' (ABS) 2016 Personal Safety Survey (PSS)

skipping meals or missing paying bills) in the last 12 months. Young women are more likely than young men to be primary carers for children and for other family members, which adds a further burden on women, and can lead to difficulty in obtaining and retaining affordable and safe housing. Young women and non-binary people are far less likely to have savings to draw on in case of an emergency and with young people's wages ranging from about one third to two thirds of the adult minimum wage can barely keep them out of poverty<sup>409</sup>. Increasing Newstart, the Australian social security payment for people who are unemployed, is key to providing social protections for some of the most vulnerable people in Australia. The majority of Youth Allowance<sup>410</sup> recipients are young women<sup>411</sup>

## 2.12.9 Education

Increasingly, young people are expected to remain in education for longer periods of time than what was historically spent and tertiary education has never been accessed by so many young women. Modern schooling however still fails to meet the distinctive needs of young people who are not suited to traditional delivery methods. Additionally, the Children's Report in 2018 lamented that Australia is drifting from ideals of education quality and accessibility<sup>412</sup>.

Rates of attainment at the Year 12/Certificate II level or above for younger Aboriginal and Torres Strait Islander peoples are also increasing. In 2014–15, Aboriginal and Torres Strait Islander women aged 20–24 years were more likely to have completed Year 12 or a formal qualification of Certificate II or above (64%) than they were in 2008 (47%).<sup>413</sup> The Indigenous Girls' Science, Technology, Engineering and Mathematics (STEM) Academy, a \$25 million ten year investment, is an example of a well overdue investment into First Nations girls, the initiative supports high achieving Aboriginal and Torres Strait Islander girls seeking to pursue education and careers as STEM qualified professionals or as teachers with STEM teaching qualifications.

However, different pathways in education remain heavily gendered. For example, between 2008 and 2017, young men aged 15–24 years were on average 4 times as likely to be enrolled in an apprenticeship/traineeship as young women this age (13% compared with 3% in 2017)<sup>414</sup>.

## 2.12.10 Young Carers

Around 5% of Australian young people under the age of 25 regularly care for a family member with an illness, a disability, a mental illness or an alcohol or drug dependency. In line with trends among all carers, young women made up more than half (55%) of all young carers in 2016. Over the last decade rates of caring have been consistently higher among young women than young men, with 6.2% of young women reporting they were carers in 2016, compared with 4.9% of young men.<sup>415</sup> Women made up over half (58%) of young Aboriginal and Torres Strait Islander peoples who were carers, similar to the overall population of young carers in Australia<sup>416</sup>. Research clearly indicates that, when inadequately supported, carers own health, mental health and wellbeing can be seriously affected.

409 Department of Human Services, 2013, Guide to Government Payments

410 The Australian social security income support payment for independent young people.

411 [https://www.acoss.org.au/wp-content/uploads/2018/05/ACOSS\\_budget-briefing\\_Newstart-YA-stats.pdf](https://www.acoss.org.au/wp-content/uploads/2018/05/ACOSS_budget-briefing_Newstart-YA-stats.pdf)

412 The Children's Report (UNICEF Australia and the Australian Child Rights Taskforce, 1 November 2018)

413 Australian Bureau of Statistics, Survey of Education and Work, Australia, cat. no. 6227.0

414 Customised data, ABS Survey of Education and Work, 2006-2016

415 ABS Census of Population and Housing, 2006, 2011 and 2016

416 ABS Census of Population and Housing, 2006, 2011 and 2016

## 2.12.11 Gender Identity and Sexual Orientation

While Australian and international research provide evidence that demonstrate significant concern regarding mental health outcomes and suicidal behaviours among LGBTI people, it is vital to note that significant knowledge gaps still remain. There is significant lack of inclusion of young people's sexual orientation, gender identity and intersex status in population research and data collection in mental health services. This exclusion has contributed to inaccuracies in reporting and which has left young people of diverse sexual orientation, gender identity and intersex status (SOGII) relatively invisible in mental health and suicide prevention policies, strategies and programmes.

Compared to the general population, LGBTIQ people are more likely to attempt suicide in their lifetime, specifically; LGBTIQ young people aged 16 to 27 are five times more likely to attempt suicide and LGBT young people who experience abuse and harassment are even more at risk. 28.6% of LGBTI young people aged 16 to 27 identify with a racial or ethnic background other than Anglo-Celtic. 18% of these reports having experienced a conflict between their cultural background and their sexuality or gender identity<sup>417</sup>. Homelessness is also a significant issue for SOGII young people with 51% of LGB young people, and 71% of Gender Diverse young people aged 14 to 21 unable to live at home with family<sup>418</sup>

LGBTIQ+ young people often feel isolated, confused or concerned about harassment and abuse on the basis of their sexuality or gender (homophobia and transphobia). Suicide and substance abuse rates are among the highest with SOGII young people and they also experience a high incidence of homelessness. With suicide and self-harm an issue of concern for 41 per cent of LGBTQ+ young people, it's clear that equality can play a significant role in improving youth mental health.

## 2.12.12 Intersex children

Intersex infants and children should be raised without cosmetic surgery and/or steroidal hormones until they are old enough to decide for themselves whether they wish to undergo these procedures and treatments or not. Despite this being a recommendation of a Senate committee finding in 2013, the practice remains largely permissible in Australia. Cosmetic surgery on intersex genitals appears to harm intersex infants, children, and even adults, yet it still persists in Australia and few of the Senate committee recommendations to improve intersex infants and children's rights have been adopted. Performing unnecessary surgeries on infants and children, primarily for psychosocial reasons, in order to influence adult sexual orientation and/or gender identity outcomes should be seen as a human rights abuse and to this end Australia should act on reconsidering, and where appropriate implementing, the Recommendations in the 2013 Senate committee report. In Australia there is immense scope for judicial oversight of medical and surgical interventions on intersex minors in the Australian legal context. [FM1]

In summary, while there have been positive changes in the status and opportunities for young women and girls in Australia, gaps still remain, and girls and young women continue to be among the most vulnerable in the country. Issues of importance include gendered violence (including sexual harassment, sexual assault, and bullying), sexual and reproductive health and rights (including comprehensive sexuality education and access to specialised health services), education and participation and leadership. These areas require critical attention to ensure the needs and rights of young women and girls in all their diversity are met. This is integral to the empowerment of women, and to the full realisation of equality in society more broadly.

417 Robinson, et al. (2014)

418 Hillier, et al. (2010)



## 2.12.13 Recommendations aligned with BPFA, SDGs, CEDAW and ICRPD

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW	ICRPD
Objective L.3 Objective L.4	Goal 3, 4, 5, Target 5.1, 5.2, 5.6)	Article 10/(c), 10/(h), 12, 16/(e)	Article 8,12, 13, 23, 25

Also

- Include gender as a cross-curriculum priority, including SOGI inclusion.
- Enforce compulsory delivery of Comprehensive Sexuality Education in all Australian schools, in line with Australia's obligations under ICESCR.
- Integrate Respectful Relationships education with CSE across all Australian States and Territories.
- Invest in pre-service training and professional development for teachers to deliver CSE.
- Invest in resourcing for and implement whole-of-school frameworks for gender equity, including policies and procedures, in all Australian schools.
- Amend State and Territory legal frameworks which criminalise 'sexting' behaviour by young people under child pornography legislation, to create a defence for minors, and a special offence for cases of non-consensual sharing of intimate images.

*“We cannot all succeed  
when half of us are  
held back.”*

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*Malala Yousafzai*

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# Working Together for Equality

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NGO Beijing+25  
Review 2019

## Section 3: New and Emerging Areas

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Specific Position Papers developed for a deeper investigation into some of the emerging and persisting contemporary issues impacting on gender equality in Australia in 2019.

This section contains:

- A comment on Data and Statistics
- Gender Equality and the Australian International Development Program
- Women and Housing
- Single mothers: Welfare Conditionality and the reduction of Social Protections
- Australia's Role in the Primary Prevention of Violence Against Women
- Complex Forms of Violence Against Women
- Care Economy
- Comprehensive Sexuality Education



## 3.1 Data and Statistics in Australia

Promoting gender equality is smart economics, and the right thing to do - we cannot transform our world unless the place of women within it is transformed. The Australian Government has a steadfast and ongoing commitment to be at the forefront of efforts to promote the empowerment of women and girls<sup>419</sup>. Improving the availability and use of gender statistics to inform policy is crucial for achieving gender equality and to achieve the ambitious 2030 Agenda and Sustainable Development Goals (SDGs).

The Australian Bureau of Statistics (ABS) is widely regarded as one of the best statistical agencies in the world, and many of the statistical collection and reporting methods in Australia have been recognised as good practice. Globally the ABS has a good reputation, as a highly respected and trusted institution. The independence of the Australian Statistician is a prerequisite to this respect and trust.

The ABS, while considered a best-practice model, has suffered from increasing budget reductions, in the ABS 2018-2019 Annual Report, which showed the agency recording a \$46.2 million loss, showed a 30% reduction in operational funding over the past decade<sup>420</sup>. This means the ABS will have to start cutting its key economic and population reports. It is essential to fully fund and resource the ABS and other statistical agencies as we move forward in the new digital era.

### 3.1.2 Gender disaggregated data

Gender disaggregated data allows for the measurement of differences between women and men on various social and economic dimensions and are one of the requirements in obtaining gender statistics. However, gender statistics are more than data disaggregated by sex. Having data by sex does not guarantee, for example, that concepts, definitions and methods used in data production are conceived to reflect gender roles, relations and inequalities in society.

One of the continuing concerns for women around gender disaggregated data is the failure to capture and report on specific areas. When such data is not collected it's difficult to report on women's lived experiences, and the level of disadvantage and inequality specific groups of women may face, without the supporting evidence. It is also difficult without such data to pinpoint the areas of disadvantage or more importantly, to measure what progress is made on a particular issue. Improved statistical data collection, among other things can improve gender equality.

In November 2018, the Australian Government 'Women's Economic Security Statement' (WESS) announced that an additional \$8 million would be given to the Workplace Gender Equality Agency<sup>421</sup> (WGEA) to upgrade their data collection system. This upgrade has the potential to increase WGEA's coverage to 75 per cent of the Australian workforce and for a 2020-2021 Time-Use Survey (TUS) to be reinstated for the first time since 2006. While this is a gain for women in the workforce, there is currently no commitment to ongoing funding for

419 The Rt Hon Julie Bishop Minister Foreign Affairs (2016) <https://dfat.gov.au/about-us/publications/Documents/gender-equality-and-womens-empowerment-strategy.pdf>

420 Shane Wright, ABS boss slams a decade of funding cuts, warns key data is at risk <https://www.smh.com.au/politics/federal/abs-boss-slams-a-decade-of-funding-cuts-warns-key-data-is-at-risk-20191015-p530xw.html>

421 The Workplace Gender Equality Agency is an Australian Government statutory agency responsible for promoting and improving gender equality in Australian workplaces.

the time use survey into the future<sup>422</sup>. It is essential that all of Australia's National Statistical Service agencies receive adequate funding to maintain a high level statistical capacity, and produce both technical and analytical resources<sup>423 424</sup>.

### 3.1.3 Priorities for strengthening national gender statistics over the next five years

While the Australian government has made some welcome additions to its data collection methods, it still requires substantial improvements in its collection of gender-responsive data and statistics. It is particularly concerning that for women who experience intersecting, specific and severe forms of disadvantage, such as women with a disability, there is a lack of available disaggregated data. For example, the National Disability Strategy (NDS), including its indicators for monitoring, review and evaluation remain ungendered, rendering the Strategy gender-blind.<sup>425</sup> The Australian Bureau of Statistics (ABS) Gender Indicators should publish intersectional, disaggregated data.

### 3.1.4 Time Use Surveys (TUS)

Improved statistical data collection, among other things can improve gender equality. In the November 2018, Australian Government 'Women's Economic Security Statement' (WESS) it was announced that an additional \$8 million would be given to the Workplace Gender Equality Agency (WGEA) to upgrade their data collection system. This upgrade has the potential to increase WGEA's coverage to 75 per cent of the Australian workforce and for a 2020-2021 Time-Use Survey (TUS) to be reinstated for the first time since 2006. This measure will provide critical data to inform evidence-based policy on women's participation in employment and unpaid work. This is a true advantage as there is currently no way to capture the lives of those who work part-time, on call, as day labourers, in precarious jobs, seasonal workers, casual workers or those on contracts – or how this changes over time. To measure this intergenerationally requires time-use data. While this is a gain for women in the workforce, there is currently no commitment to ongoing funding for the time use survey into the future<sup>426</sup>.

The TUS will replace the Work, Life and Family Survey (WoLFS). For the 2020-21 TUS, ABS will be presenting the diary (slightly updated) that was prepared for the 2012 WoLFS that unfortunately didn't end up going ahead at that time. The ABS has established a 2020-21 TUS reference group (TURG) and 5 Working Groups with NGO Representation to provide advice to the ABS on the development, collection, compilation, production and dissemination of robust statistics from the new TUS. Output from the 2020-21 TUS is expected to be released in late 2022. ABS has committed to produce a set of Household Satellite Accounts using the output from the 1920 - 21 TUS as a baseline.

While this is a welcome measure, it is recognised that the TUS will only be useful as a source of data if it is adequately resourced and conducted at regular intervals. Regular TUSs allow

422 A good summary of this issue is on [www.equalityrightsalliance.org.au/news/](http://www.equalityrightsalliance.org.au/news/) website 'Unpacking the Women's Economic Security Statement' (Jan 2019)

423 <https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/E79222912B62B97ECA257B9500170B89?opendocument>

424 <https://insidestory.org.au/the-problem-with-hilda/>

425 DPO Australia, National Women's Alliance. 2019. The Status of Women and Girls with a Disability: Position Paper to the Commission on the Status of Women (CSW) Twenty Fifth Anniversary of the Fourth World Conference on Women and the Beijing Declaration and Platform for Action (1995), September 2019.

426 A good summary of this issue is on [www.equalityrightsalliance.org.au/news/](http://www.equalityrightsalliance.org.au/news/) website 'Unpacking the Women's Economic Security Statement' (Jan 2019)

cross-national comparisons and the study of trends.<sup>427</sup> Women's organisations in Australia are calling for a commitment to conducting the TUS at six-yearly intervals, enabling tracking of changes over time.<sup>428</sup> Full resourcing of ongoing and regular time-use surveys are essential to build a robust gender evidence.

At the time of this report (2019), there is a continued lack of commitment at the Federal level to structural and systemic approaches to gender equality and a blindness to the role played by institutions and national structures in addressing or perpetuating gender inequality.

### 3.1.5 National set of indicators for monitoring progress on the SDGs?

Australia has not yet defined a national set of indicators for monitoring progress of the SDGs.

There is a National Reporting Platform for the SDGs<sup>429</sup> that gathers national meta data against some of the SDGs. This is the Australian Government's official reporting mechanism against the SDG Indicators<sup>430 431 432</sup>.

Some SDG Indicators have been collected and published for decades and others infrequently but not necessarily reported as exactly specified in the SDG latest version of the SDG Global Indicator Framework as Tier I or Tier II<sup>433</sup>. There is the Gender Statistics Advisory Group established in November 2010 and several long standing Statistical and Topic Advisory Groups, all with NGO representation<sup>434</sup>.

### 3.1.6 Australia's work on global SDG indicators

At the global level the ABS provided an intervention at the UNSC thanking the Inter Agency Expert Group (IAEG) on SDGs for the work they have progressed over the past years to refine the Global Indicator set, and noting that Australia supported adoption of the resolution for the Global Indicator framework. Australia supports a robust and pragmatic approach to measurement and reporting, and, recognising the important capacity building activity required over coming years, will continue to play their part within our Asia Pacific Region. ABS also met with UN Women in April 2017 regarding their SDG Gender Portal and provided some technical advice around metadata and data quality statements, as well as advice on accessible graphic presentation of data. ABS provided input into the UNECE Draft Conference of European Statisticians (CES) Road Map on Statistics for SDGs in March 2017.

ABS, with the support of DFAT, supports a number of countries in our region (Fiji, PNG, East Timor, Indonesia) with development of their statistical functions, including National Accounts and Censuses. This work will contribute to the SDG work in each of these countries

427 economic security4women, 2018-2019 Pre-Budget Submission (Australia: economic Security4Women, 2017).

428 Sarah Squire, "Increasing women's workforce participation: An analysis of the Women's Economic Security Statement", Power to Persuade 23 November 2019, <http://www.powertopersuade.org.au/blog/increasing-womens-workforce-participation-an-analysis-of-the-womens-economic-security-statement/23/11/2018> (30.07.19)

429 <https://www.sdgdata.gov.au>

430 <https://www.sdgdata.gov.au/goals/quality-education>

431 <https://www.sdgdata.gov.au/goals/gender-equality>

432 <https://www.sdgdata.gov.au/goals/decent-work-and-economic-growth>

433 [https://unstats.un.org/sdgs/files/Tier%20Classification%20of%20SDG%20Indicators\\_13%20February%202019\\_web.pdf](https://unstats.un.org/sdgs/files/Tier%20Classification%20of%20SDG%20Indicators_13%20February%202019_web.pdf)

434 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1006.0~2014-15%20to%202017-18~Main%20Features~Appendices~7>

### 3.1.7 Characteristics of a good indicator

In selecting the indicators, ABS makes an overall assessment of whether each indicator is fit for purpose. The conceptual and methodological criteria being used to assess and select the indicators are:

- has a clearly defined concept and source of measurement
- of sufficient quality overall, i.e. not subject to significant measurement or data quality issues
- sufficiently coherent (able to be compared with other sources, and to itself over time, to enable data compilation and comparison)
- sensitive to changes in the underlying phenomena captured by the indicator
- able to display movements over time that unambiguously signal progress or regress
- able to measure trends over time, whether short, medium-term, or long-term changes
- relevant to measuring policy outcomes and responsive to changes in policy
- consistent with or comparable to internationally agreed measures.
- an outcome measure (such as a measure of health) rather than a measure of the inputs or processes (such as the number of doctors or hospitals) used to produce an outcome.

Both bottom-up and top-down reviews of the Gender Indicators Product were undertaken in 2016 and 2017 (and to be finalised in 2018 but now deferred).

### 3.1.8 Data collection and compilation on SDG 5 indicators and on gender-specific indicators under other SDGs

Australian Government coordination on implementation of the 2030 Agenda is led by the Department of Foreign Affairs and Trade (DFAT) and the Department of the Prime Minister and Cabinet (PM&C), and the ABS provides a supporting role. It is recognised that the 2030 Agenda is both a domestic and international agenda. It is well aligned with Australia's interests, especially in promoting regional stability, security and economic prosperity.

The Australian Bureau of Statistics (ABS) has been contributing to the 2030 Agenda since 2015 having provided input to the Sustainable Development Goal (SDG) indicators released in 2016.

### 3.1.9 Major surveys in Australia providing disaggregated data

Australia already has a very highly regarded series of Gender Indicators that are gradually being improved through established consultation processes implemented over the last 10 years. Complex multi-dimensional arrays producing intersectional disaggregated data often cannot be easily accommodated in the presentation of the Gender Indicators. Not all indicators are freely available on the ABS website, making 'drilling down' of the data complex and challenging.

The five yearly Censuses of Population and Housing are probably the best data sources for monitoring trends in intersectional discrimination (and for some small population groups eg indigenous people) will be the most reliable data source. The content and output of the 2021 and the 2026 Censuses will be critical for measuring progress in gender equality. The 2031 Census will be too late for the 2030 (SDG) agenda. Many countries now only undertake their Censuses every 10 years and some have ceased 'long form' Censuses. So, Australia is



fortunate to continue to be funded by government for its 5 yearly Censuses while respondent burden, especially for the smaller population groups such as indigenous and persons with disability is contained. The 2016 census cost \$500 million to administer, but the report also estimated it cost the ABS a further \$100 million in other costs, and the Australian people \$70 million worth of time to fill out. In fact, an independent report from Lateral Economics has put the value returned from the 2016 Census of Population and Housing at \$4.1 billion over five years ie the Census has returned \$6 value to the Australian Economy for every \$1 spent.<sup>435</sup>

### 3.1.10 The 2021 Census topics

There are important steps being taken towards collecting Australian statistics on sex and gender diversity and the 2016 Census experiences and data outcomes<sup>436 437</sup> The selection of topics to be included is a government decision. The ABS undertook extensive public consultation in 2018 and has provided Government with an assessment of the priority and feasibility of the topic suggestions. The ABS received 450 submissions from government departments, private and not for profit organisations and members of the public. A report on this consultation can be found at: Census of Population and Housing: Topic Directions 2021<sup>438</sup>

Topic selection will be finalised in early 2020 and tabled in Parliament. The final topics will be released in a publication later the same year. Unfortunately, space on the Census form is at a premium, and whenever new questions are added, a similar number need to be dropped to limit costs and avoid undue respondent burden. This would provide a complete Census of core items, and 7 additional topics: chronic health condition; journey to education; Aboriginal and Torres Strait Islander cultural identity; current or previous service in the Australian Defence Force; smoking status; more contemporary measures of household and family relationships, including shared care of children. The ABS will also explore enhancing existing information collected in areas such as disability and young carers. Household internet access and the number of motor vehicles in a household are scheduled to be removed from the 2021 Census

During the drafting of this report (October, 2019), the ABS has confirmed it will not include questions on sexual orientation and gender identity in the October test of the 2021 census<sup>439</sup>.

### 3.1.11 Overarching comment on the ABS

The ABS and other agencies that contribute to meeting Australia's statistical and information needs through the National Statistical Service, works through the community of government agencies (COAG) who work together to build a rich statistical picture. Currently, with the speed and efficiency of data available through diverse forms of media, the ABS is working to efficiently and effectively capture this data.

ABS legislation the Census and Statistics Act 1905 (CSA)<sup>440</sup> provides the Australian Statistician with the authority to conduct statistical collections, including the Census of Population and Housing, and, when necessary, to direct a person to provide statistical information. The CSA requires the ABS to publish and disseminate compilations and analyses of statistical information

435 <https://www.edenmagnet.com.au/story/6401319/census-gave-6-value-for-every-1-spent/?cs=7041>

436 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Sex%20and%20Gender%20Diversity:%20Characteristics%20of%20the%20Responding%20Population~103>

437 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Sex%20and%20Gender%20Diversity%20in%20the%202016%20Census~100>

438 <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2007.0.55.001main+features12021>

439 <https://www.theguardian.com/australia-news/2019/oct/05/questions-about-sexual-orientation-and-gender-identity-dumped-from-census>

440 <https://www.legislation.gov.au/Details/C2016C01005>

and to maintain the confidentiality of information collected under the Act. It is compulsory for individuals and businesses to provide correct statistical data under the CSA.

National statistical agencies need to find new ways to reduce respondent burden<sup>441</sup>, maximise available data usage and find efficiencies in the use of taxpayers' money. Reducing respondent burden may improve response rates; decreasing the costs and maximising quality. Trying to collect more and more statistical data (particularly given increased frequency of data collection) from the responding public can cause respondent fatigue and inattention, resulting in ill-considered answers. Cluttered forms contribute to respondent fatigue and errors, thus leading to a decline in data quality and accuracy. Obligations of Australian households selected for the Monthly Labour Force Survey require enumeration for 8 consequent months. However, no matter how good the questionnaire or the interviewers are, errors can be introduced into a survey either consciously or unconsciously by the respondents. The official compulsory Censuses and Surveys are nowhere near similar in size and content of small non-compulsory Survey Monkey surveys or phone based political opinion polls where input may be skewed due to various factors.

During the last 5 years, faced with the twin pressures of failing systems and increasing financial constraints, the ABS has led collaboration with global statistical organisations that perceive the same future challenges as a key enabler. Work is underway to partner with organisations in creating compatible underlying statistical infrastructure and sharing expertise and resources.

### 3.1.12 Challenges in data collection

Lack of (or less frequent series) of gender disaggregated data may not be available in Australia for specific population groups. In some cases this is due to the fine level of disaggregation needed for fine analysis is too challenging, or not resourced, to collect and produce analysis with acceptable levels of detail and accuracy. In general, gender disaggregate data are collected in most statistical series involving persons. However, NGOs are being forced to undertake detailed gender analysis, because less and less is published in the public domain free of charge.

A good example of administrative by-product data produced by the National Centre for Vocational Education Research (NCVER) which is the national professional body responsible for collecting, managing, analysing and communicating research and statistics on the Australian vocational education and training (VET) sector<sup>442</sup>.

Disability is an extremely complex and difficult concept to measure. It is especially difficult to capture the full complexity of disability experience and accurately assess the full range of disability severity in a small number of questions. The ABS Sources of Disability Information 2012 - 2016 has some information<sup>443</sup>. Various definitions and classifications are sometimes applied and some are made up or unofficial data unknowingly misused eg Labour Force Status (unemployment and not in the labour force as defined by ILO Standards). For comparability over time and between countries and jurisdictions, use of official international statistical standards is recommended.

Unemployment rates are calculated as the proportion of people participating in the labour force who were unemployed and looking for work. These rates are thus affected by not only the

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441 Respondent burden is often defined as the effort required to answer a questionnaire

442 See the list of demographic characteristics measured that can be further analysed for trends involving intersectional disadvantage including disability and indigenous status. : <https://www.ncver.edu.au/research-and-statistics/data>

443 See the list of demographic characteristics measured that can be further analysed for trends involving intersectional disadvantage including disability and indigenous status. : <https://www.ncver.edu.au/research-and-statistics/data>

number of unemployed people but also the size of the labour force. “Australians with disability are more likely to be unemployed (10.0% compared with 5.3% for those without disability)<sup>444</sup> and face longer periods of unemployment than people without disability.”<sup>445</sup> “People with disability were significantly more likely to still be looking for a job 13 weeks or longer after they first started (65.5%) compared with those without disability (56.1%)<sup>446</sup>. This remains a work in progress. It has been suggested that in some jurisdictions may stop collecting sex/gender (ie biological sex) data that is vital for the analysis and public release of sex/gender disaggregated data and Indicators. The consequences of this could highly impact (or even threaten) the collection and consistent measurement of gender indicators in those jurisdictions. In particular, data sourced as by-products of administrative systems are already being impacted eg recent reforms adopted for the registration of births in Tasmania and Victoria.

For quality data and informed policy making, it is essential to fully resource and fund statistical agencies and support NGO’s who supply qualitative data to build statistical platforms.

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444 Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: First Results, 2015 (Cat. No. 4430.0.10.001). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001>

445 2015 (Cat. No. 4430.0.10.001) At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001>

446 Australian Bureau of Statistics, Disability and Labour Force Participation, 2012(2015). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4433.0.55.006>

## 3.2 Gender Equality and the Australian International Development Program

Australia has made strong commitments to gender equality through its international development program.<sup>447</sup> Government strategies on gender and international development note their alignment to the goals laid out in the Beijing Platform for Action and international treaties such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). While significant achievements have been made through the international development program over the past 5 years, cuts to Australia's overall aid budget have hindered progress on gender equality outcomes, and more remains to be done to achieve the vision of the BPfA.

### 3.2.1 Achievements 2015-2019

Gender equality was recognised as a core Australian value in the White Paper on Foreign Policy (2017). The Gender equality and women's empowerment strategy (2015), which covers all areas of the Department of Foreign Affairs and Trade's (DFAT) work including trade, foreign affairs and international development, establishes externally focused thematic pillars around women's voice in decision-making, leadership and peace building, women's economic empowerment and ending violence against women and girls.<sup>448</sup> The OfW's Beijing+25 National Review Report notes that "Australia's international Gender Equality and Women's Empowerment Strategy reinforces gender equality as a key priority across our international engagement."<sup>449</sup>

Within the international development program, progress on gender equality is measured through the "80% target," whereby 80% of all aid investments, regardless of their primary objectives, must effectively address gender issues in their implementation.<sup>450</sup> The target has been effective in driving DFAT and its aid partners to improve their understanding of and progress towards gender equality outcomes.

The BPfA and subsequent commitments including the 2030 Agenda articulate the importance of gender disaggregated data (BDPfA 275: A; SDG 5.1.1, SDG 17.18).<sup>451</sup> The Australian Government has demonstrated its commitment to, and support for, gender disaggregated and gender sensitive data collection internationally, however more progress is needed to ensure comprehensive and accessible disaggregated data in the domestic space (see section H.1.5 Gender-responsive data and statistics). The Australian Government supports the Individual Deprivation Measure (IDM), a partnership between DFAT, the Australian National University and International Women's Development Agency (IWDA). The IDM, is a new, individual-level, gender-sensitive measure of multidimensional poverty. The IDM covers 15 dimensions of life, including those that are particularly relevant to revealing the circumstances of women, such as voice, family planning and time use. The data gathered through the IDM not only provides much needed insight into different circumstances of individuals within a household, but also reveals the relationship between poverty and factors such as gender, age and disability. The data provided by the IDM provides rich insights to inform development policy and programming.

447 OECD 2019a

448 DFAT 2016

449 Office for Women 2019, 18

450 DFAT 2016

451 Including 'Making Every Woman and Girl Count' and 'EDGE' projects through UN Women; the kNowVAWdata program through UNFPA; and supporting the development of the Individual Deprivation Measure by IWDA and ANU.

## 3.2.2 Challenges 2015-2019

While Australia has a strong commitment to promoting gender equality through the international development program, persistent cuts to the aid budget threaten progress on gender equality. The Australian aid budget has sharply declined from 0.33% of Gross National Income (GNI) in FY2013/14 to 0.23% of GNI in FY2017/18. It is projected to reach a low of 0.19% GNI in FY21/22.<sup>452</sup> The OECD DAC Peer Review of Australia in 2018 noted that Australia has “consistently cut ODA since 2013 despite experiencing continued economic growth over this period” and recommended that “Australia should reintroduce an ambitious target for increasing ODA.”<sup>453</sup>

A number of countries classified by the OECD as having ‘very high’ levels of gender inequality have experienced cuts in ODA from Australia. As an example, Australian Aid to Pakistan was cut by 50% in a context where 85% of women experience domestic violence at some point in their lifetime and where just 8% of parliamentary representatives are women.<sup>454</sup> These types of deep cuts in critical countries pose a significant threat to any progress made on gender equality.

Furthermore, the aid program has persistently fallen short of the Government’s ambitious 80% gender target since its implementation five years ago.<sup>455</sup> In the 2017/18 Performance of Australian Aid report, DFAT identified ‘internal challenges around timely access to technical support on gender equality and prioritisation for ongoing implementation’ as one of the factors underpinning the on-going underachievement.<sup>456</sup> There remains more work to be done to fully resource the Department to achieve this worthwhile and ambitious target.

## 3.2.3 Recommendations to the Australian Government

- Increase the ODA budget to a minimum of 0.7% of GNI by 2030 in line with our commitment under the 2030 Agenda<sup>457</sup>
- Resource DFAT to achieve the 80% target on gender equality by:
  - Continuing to prioritise projects which have gender equality as their principle objective, and strengthening the mainstreaming of gender equality across all areas of the international development program
  - Prioritising hands-on technical gender expertise for all DFAT investments throughout the lifecycle of a project
  - Prioritising technical gender training for in-country partners, especially where DFAT works with only one supplier (e.g. local government agencies)

## 3.2.5 Emerging Challenges and Opportunities

Despite Australia’s commitments to promote gender equality through the International Development Program, as the global climate changes, new challenges and opportunities arise.

452 DFAT 2019b; IWDA and CARE 2019; Australian Aid Tracker 2019

453 OECD 2018, 23

454 OECD 2019b; DFAT 2019b

455 DFAT 2016

456 DFAT 2019a, 13

457 UN General Assembly 2015, 14–15

### 3.2.6 Increasing Hostility towards Women's Rights Globally

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW
Objective L.2 (276 a-d) Chapter VI (350)	Goal 5	Article 2 (d, e)

The Australian Government has recognised that autonomous women's organisations and movements are a critical factor in changing discriminatory policies and legislation and promoting gender equality. In a global context where oppositional governments and regressive civil society groups are joining forces to roll-back important gains for women's rights, particularly women's sexual health and reproductive rights, it is ever more important that governments direct funding towards women's rights organisations (WROs) and feminist groups.

Unfortunately, Australia's funding for WROs dropped between 2015/16 (\$29m) and 2016/17 (\$22m), and funding for projects with gender equality as their principal goal has stagnated across the OECD.<sup>458</sup>

Recommendations for the Australian Government:

- a) Increase funding for WROs with new and additional funding in the ODA program, investing in long-term, flexible funding that supports core operations of WROs
- b) Continue to act as a public and strong champion of women's human rights, including sexual and reproductive health rights, in all international forums
- c) Direct funding to women's funds or feminist NGOs to support local organisations

### 3.2.7 Climate Change

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW
Objective K.1 (253 a-g ; 254 a-3) Objective K.2 (256 a-l), Objective K.3 (258 b (i-iv),	Goals 5, 6, 7, 9, 10, 11, 12, 13	Article 7(b)(c), Article 14(b)

Anthropogenic climate change is rooted in an economic system that exacerbates existing inequalities within and between countries. The countries who have benefited the least from this economic system are also the countries that are most susceptible to the effects of climate change. Twenty-five years ago, the Beijing Declaration and Platform for Action detailed the threats of climate change: "rising sealevels [sic] as a result of global warming cause a grave and immediate threat to people living in island countries and coastal areas" which, when combined with the persistent use of ozone-depleting substances and unsustainable patterns of production and consumption, have a disproportionate impact on women and girls.<sup>459</sup>

In the intervening two-and-a-half decades, the Australian Government has taken insufficient action to meet its commitments under BPfA and CEDAW, as well as showing slow or inadequate progress against certain aspects of SDGs (for instance, 5.4, 5.4.1, 5.5, 5.5.1, 5.5.2; 7; 12; 13) to meet 2030 targets in Australia.<sup>460</sup>

458 OECD 2019a; Vera and Sanders 2019

459 United Nations and World Conference on Women 1996, 103

460 SDSN 2019

In 2018 the Australian Government joined Pacific leaders in adopting the Boe Declaration on Regional Security which affirms climate change as the single greatest threat to existence in the Pacific.<sup>461</sup> The Boe Declaration has yet to be integrated into Australian policy, foreign or domestic. The Australian Government has failed to designate new or additional funding for climate change prevention in its foreign policy and ODA budgeting. Progress has been made to better fund disasters response and, through the new Australia Infrastructure Financing Facility for the Pacific (AIFFP), climate resilient infrastructure. This is a step in the right direction, but these reactive steps should be coupled with proactive measures including domestic emissions reductions policies and increased funding for innovation and research. Climate resilient infrastructure may be the literal barrier between humans and the effects of climate change, but aggressive preventative policies should be the first line of defence.

Recommendations to the Australian Government:

- a) Allocate new and additional funding in the ODA program to climate change prevention, adaptation and mitigation
- b) Actively support and ensure opportunities for women, including and especially Indigenous women, to participate in climate change policy development at all levels of decision making both within Australia and through the aid program
- c) Fulfil our obligations as detailed in Section K of the BDPfA (including, inter alia, ensuring opportunities for women, including indigenous women, to participate in environmental decision-making at all levels; take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management...).<sup>462</sup>

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461 Pacific Islands Forum 2018

462 United Nations and World Conference on Women 1996, 105

## 3.3 Women and Housing

Under the *International Covenant of Economic, Social and Cultural Rights*, every person has a right to adequate housing.<sup>463</sup> To meet this obligation, housing assistance in Australia needs reform, including an intersectional gender lens. We welcome the move to bring Australia's national housing and homelessness policies together under the National Housing and Homelessness Agreement (NHHA) in 2018, which was intended to support greater accountability, monitoring and evaluation. Yet housing funding in Australia is currently skewed towards ownership and investment while the social housing and rent assistance systems are buckling under pressure. A reprioritisation and redirection of federal housing funding is needed.<sup>464</sup>

Housing is a gendered issue. Women are the main beneficiaries of housing support systems in Australia. As a result, the under-resourcing of housing safety nets disproportionately affects women and undermines the Australian Government's gender equality objectives.<sup>465</sup> In spite of the NHHA, social housing stock in Australia is at a historic low<sup>466</sup>, while alternative social security measures, such as the Commonwealth Rent Assistance (CRA) are insufficient to prevent housing stress. A gender-responsive housing and homelessness strategy, with a diversity of options including investment in public and social housing, and services that respond to the compounding vulnerabilities faced by women with disability, Aboriginal and Torres Strait Islander, migrant and refugee, and LGBTIQ+ women are needed.<sup>467</sup>

### 3.3.1 Key information

Women in Australia are the main beneficiaries of housing support systems. Women are the majority of public housing tenants,<sup>468</sup> housing assistance payment (known as Commonwealth Rent Assistance) recipients<sup>469</sup> and specialist homelessness services clients.<sup>470</sup>

Housing assistance payments are gendered, and the rate is not sufficient to address housing stress. Of the people in receipt of the maximum rate of housing assistance payments, 47.5% are single women (25% single men and 27.4% couples). Of the people who remain in housing stress after receiving assistance payments, 50% are single women (30.3% single men and 19.6% couples).<sup>471</sup>

Social housing stock in Australia is a historic low, and investment has not kept pace with population growth.<sup>472</sup> While individualised housing assistance such as Commonwealth Rent Assistance payment is a key component in supporting people's housing needs, it must form part of a broader response which encompasses direct Government service provision, including public housing and income-based rent setting to correct market failures leading to extreme unaffordability.<sup>473</sup>

463 A/RES/2200A(XXI) International Covenant on Economic, Social and Cultural Rights 1966, Art. 11, <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

464 Equality Rights Alliance. (Forthcoming). National Gender Equality Plan: Affordable and Appropriate Housing for Women. Canberra: ERA.

465 CEDAW/C/AUS/8 Australia's eighth periodic report to the Committee on the Elimination of Discrimination against Women, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/CEDAW\\_C\\_AUS\\_8\\_5910\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/CEDAW_C_AUS_8_5910_E.pdf)

466 RMIT ABC Fact Check. 'Have social housing levels fallen to historic lows', ABC News, 14 August 2019, available from <https://www.abc.net.au/news/2019-08-12/fact-check-social-housing-lowest-level/11403298>, accessed 26 August 2019.

467 Equality Rights Alliance. (Forthcoming). National Gender Equality Plan: Affordable and Appropriate Housing for Women. Canberra: ERA.

468 Australian Institute of Health and Welfare (2016) Housing Assistance in Australia 2016 Supplementary Data Table 6: Number of tenants in social housing by age, sex and program, at 30 June 2015

469 Data on rent assistance income units by sex provided by Department of Social Services

470 Australian Institute of Health and Welfare (2016) Specialist homelessness services 2015-16 supplementary data National Table CLIENTS 1

471 2018 data on Commonwealth Rent Assistance commissioned from Department of Social Services by ERA.

472 RMIT ABC Fact Check. 'Have social housing levels fallen to historic lows', ABC News, 14 August 2019, available from <https://www.abc.net.au/news/2019-08-12/fact-check-social-housing-lowest-level/11403298>, accessed 26 August 2019.

473 Equality Rights Alliance. (2019). Pre-Budget Submission of the Equality Rights Alliance, 8 February 2019. Available from: <http://www.equalityrightsalliance.org.au/publications/era-2019-20-pre-budget-submission/>, accessed 23 September 2019.



The right to adequate housing must include recognition of appropriateness of housing, which is influenced by a diverse range of factors and intersectionalities including a woman's status as a mother, older or domestic and family violence survivor. For example, women require housing that is close to services, workplaces and easily accessible through public transport and may require additional space to accommodate people to whom care is provided.

When subject to pricing in the private rental market, women are required to sacrifice appropriateness of housing, effectively deferring costs of housing to transport, energy costs and other life expenses.

Homelessness among women aged 55 and over has grown by 31% since 2011.<sup>474</sup> Structural factors which increase the economic insecurity of women over the life course include the gender pay gap, workplace discrimination, over-representation in unpaid work and care, and domestic violence.

Social housing availability has important impacts for Aboriginal and Torres Strait Islander women, especially women leaving violence. 21.5% of Aboriginal and Torres Strait Islander people live in social housing. Inadequate and unsafe homes, including homes where violence is present, are considered legitimate reasons for the forced removal of children by the State under current legislation. As a result, shortages in housing mean women risk child removal if staying in a violent situation, or when trying to leave.<sup>475</sup>

Insufficient housing safety nets have significant impacts for women with disability. The proportion of people with a disability in public housing is double that of the mainstream population.<sup>476</sup>

### 3.3.2 Recommendations aligned with BPFA, CEDAW & SDGs

BPFA / CSW Agreed Conclusions	SDG Goal / Target	CEDAW
Objective A.1 Objective A.4	Goals 1, 5, Target 5.4	Article 14/2/(h)

- Develop a gender-responsive national housing and homelessness strategy which includes ambitious, gendered goals to reduce homelessness and increase affordable housing.
- Recognise the importance of 'appropriateness of housing' for women when developing policy and allocating funding.
- Invest in a diversity of housing support and assistance options including the provision of income-based rent setting and public housing, to address the diversity of women's housing needs.
- Reform housing assistance, including by providing a diversity of housing assistance measures which are made available through assessment of individual need, rather than solely by assessment of source of income.
- Ensure housing services that are appropriately specialised, competent, inclusive, accessible and culturally safe are resourced, to meet the needs of older women, single mothers, young women, women with disability, Aboriginal and Torres Strait Islander women and women experiencing domestic and family violence and their children.

474 National Older Women's Housing and Homelessness Working Group. 2018. Retiring into Poverty - A National Plan for Change: Increasing housing security for older women. ACT: YWCA Canberra.

475 Cripps, K. and Habibis, D. 2019. Improving housing and service responses to domestic and family violence for Indigenous individuals and families, AHURI Final Report No.320, Melbourne: Australian Housing and Urban Research Institute Limited, available from: <https://www.ahuri.edu.au/research/final-reports/320>, accessed 29 August 2019.

476 DPO Australia, National Women's Alliance. 2019.

## 3.4 Single Mothers: Welfare Conditionality and the Reduction of Social Protections

### 3.4.1 Current Context

In Australia overwhelmingly sole parent families are headed up by a mother and this has been a persistent trend with recent levels at 83%<sup>477</sup>. The challenges of sole parenting are exacerbated in a country that fails to economically measure or value unpaid work and care. A clear example is the removal of unpaid care from the Australian child-support scheme. Prior to child support “reforms” (2006) the primary carer could retain a higher-level of disregarded income known as the “self-support amount”. This practice was in recognition of the provision of care, its associated cost and the impact to potential earnings. Prior to the change a ‘resident parent’ (mostly a single mother) had the first \$45,505 of their income disregarded, while the ‘non-resident parent’ (mostly a father) had \$15,378. On 1st July 2008, the amount was equalized and both the ‘resident parent’ (mostly a single mother) and the non-resident parent (mostly a father) had the same self-support amount of \$18,252 irrespective of care arrangements. This change had a dual negative effect. It eroded any value or the contribution of providing unpaid care in the Australian child-support scheme and contributed to the reduction of the child-support entitlements transferred to a single mother family, the primary place of residence for the child.<sup>478</sup>

The practice of coupling access to social protections with increased conditionality and surveillance of the claimant (single mother) renders her vulnerable to sanctions, compliance errors, increased obligations whilst the overall outcome is an erosion of financial autonomy and security. Furthermore, this practice occurs in the context of an inequitable distribution of unpaid work and care, a role that is predominately undertaken by women and in this circumstance sole-mothers who have dependent children. It is reported that access to employment for single mothers aligns with reduced parenting demands, signalling that it’s not a “choice” or behaviour that needs modifying but capacity. Single mothers paid employment increases from 40% (youngest dependant under 5 years old) to 72% (youngest dependant 15–24 years old)<sup>479</sup>.

Australia is party to several international human rights treaties containing a right to social security. The International Covenant on Economic, Social and Cultural Rights provides a right to social security (Article 9) and a right to an adequate standard of living for individuals and their families (Article 11). The Convention on the Rights of the Child guarantees children rights to social security and ‘a standard of living adequate for the child’s physical, mental, spiritual, moral and social development’ (Articles 26 and 27). Australia is also a State party to the Optional Protocol of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. In signing CEDAW, Australia committed itself to be a society that promotes policies, laws, organisations, structures and attitudes that ensure women are guaranteed the same rights as men. Furthermore, the SDGs are undergirded by human rights and contain a target that states;

477 ABS 6224.0.55.001 Labour Force, Australia: Labour Force Status and Other Characteristics of Families, June 2016.

478 Bruce Smyth & Paul Henman, volume 16 issue 1, April 2010, The distributional and financial impacts of the new Australian Child Support Scheme: A ‘day before and day-after reform’ comparison of assessed liability, *Journal of Family Studies*.

479 6224.0.55.001 - Labour Force, Australia: Labour Force Status and Other Characteristics of Families, June 2016

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

Australian's unwillingness to acknowledge and incorporate unpaid care remains a policy flaw with those who provide much of the unpaid care disproportionately penalised.

In 2017 the National Council of Single Mothers and their Children Inc brought a communication on behalf of a named single mother against the government of Australia in terms of the CEDAW Optional Protocol. The communication was responded to by the State Party on 11 December 2018 to which the National Council of Single Mothers and their Children replied on 8 April 2019 and is currently under the investigation of the United Nations. The original communication and the reply argue that the State Party has violated the human rights of Australians, including the victim, and discriminated against women, particularly in relation to their rights to social security and non-discrimination under CEDAW but also in terms of other international treaties to which Australia is a party. The communication speaks to a social security measure called Parenting Payment that is designed to support parents and their children where the child's main carer has no income, insecure or a low income. The complaint captures the decision which denies single mothers' access to a parenting payment when their youngest child turns 8 years of age but deems them as unemployed and onto the unemployment payment known as "Newstart". The action results in an immediate loss of \$175 per fortnight but more if the mother is in low paid employment as financial returns from paid work are much less on Newstart and this recoupable loss of income occurs from some of the poorest families. The Government changed the scope of Parenting Payment in 2006 by removing eligibility of single parents when their child turned 8 instead of 16 (what it was previously). However, the change to the law in 2006 allowed parents who had started to receive Parenting Payment prior to 1 July 2006 to remain on Parenting Payment until their youngest child turned 16 (transitional arrangements). The agreed transitional arrangements were revoked forcing 80,000 plus single mother onto Newstart and into hardship on 1st January 2013. The payment is provided both to parents with a partner and to single parents. The payment, particularly in relation to single parent families, is that it is difficult to care for children alone and do additional paid work (part time) earning sufficient to support a family.

Parents who had expected to receive the payment and required social protections had to apply for the unemployment payment, Newstart Allowance, once their youngest child turned 8. However, the Newstart Allowance is much less than Parenting Payment, and was not designed around the circumstances of single parents. The first data to capture the removal of transitional arrangements found an increase in child poverty in single mother families of a full 4% over a short two-year period from 2012 to 2014<sup>480</sup>. The circumstances are such that child poverty is on the rise in Australia with 739,000 children or 1 in 6 Australian children (17.3%)<sup>481</sup> live in poverty whilst 39.4% of children raised in a sole parent family will live with poverty. This confirms that children in single parent families are three times more likely to live in poverty than children in couple families (13.1%)<sup>482</sup>. The correlation of child poverty in single parent families and the continued reduction of social protections is evident.

480 Poverty in Australia, 2016 p8, The fifth edition of 'Poverty in Australia', The Australian Council of Social Service and the Social Policy Research Centre <https://www.acoss.org.au/wp-content/uploads/2016/10/Poverty-in-Australia-2016.pdf>

481 Davidson, P., Saunders, P., Bradbury, B. and Wong, M. (2018), Poverty in Australia 2018. ACOSS/UNSW Poverty and Inequality Partnership Report No. 2, Sydney: ACOSS. The report used poverty estimates from the Survey of Income and Housing conducted by the Australian Bureau of Statistics referring to income data for the financial year 2015-16

482 Davidson, P., Saunders, P., Bradbury, B. and Wong, M. (2018), Poverty in Australia 2018. ACOSS/UNSW Poverty and Inequality Partnership Report No. 2, Sydney: ACOSS.

It was a timely complaint as the United Nations Committee on the Convention on the Elimination of Discrimination Against Women was undertaking its four-year review of Australia in Geneva, July 2018. The Committee, a panel of experts on women's rights recommended the following in their report on Australia:

- Take immediate measures to mitigate the effects of recent budget cuts to social, health, education and justice budgets, undertake a gender-impact analysis of those cuts and implement gender-responsive budgeting in the allocation of public resources;
- Reinstate funding to services that focus on women's rights and to women's organizations, including to those which focus on the rights of indigenous women;
- Strengthen the support provided to families and single-headed households to ensure an adequate standard of living, reduce out-of-home placements and address food insecurity;
- Adopt targeted measures and programmes for the economic empowerment of single mothers, including measures that allow them to complete higher education, and restore access to childcare subsidies for women who are not employed;
- Enhance access for women to affordable housing, both public and private, and take measures to ensure that older women have access to adequate housing that meets their specific needs, in line with the Committee's general recommendation No. 27 (2010) on older women and the protection of their human rights.<sup>483</sup>

### 3.4.2 Welfare to Work

The first payment available for women who head a sole parent family irrespective of the circumstances of the birth of the child or marriage status was the Supporting Mothers Benefit (1973). Since 1973 the payment had undergone some changes such as access to single fathers (1977) and in the late 1980s reduced eligibility based upon the dependents aged from 18 to 16 years. However, the objective and its critical purpose to provide frugal but much-needed resources for the well-being and survival of single parent families remained unchanged, and a key social protection until 2006.

Research by the Australian National University Centre for Social Research and Methods has examined the cumulative impacts of cuts made since 2005. The welfare-to work program reforms have harmed single-parent families. The main policy change was to move single parents from the Parenting Payment to the Newstart Allowance. This change meant a lower payment rate and a lower rate of indexation where the youngest child was 8 or older.

- A family with no private income and two children over the age of 8 policy changes since 2005 have left them around \$5,750 a year worse off or about 17.2 per cent by 2018.
- A single parent who works three days per week on the minimum wage they will be \$6,391 worse off or 14.8 per cent.

Overall, due to lower government benefits and lower payment indexation many single parent families are considerably worse off as a direct result of policy change enacted by various governments since 2005. The model uses a rental amount of \$250 per week (a conservative amount).

### 3.4.3 The harsh reality of Newstart

Currently there is an inquiry in Australia regarding the adequacy of Newstart illustrating broad and strong consensus that it fails many including single mothers. Newstart has not increased with wages for a quarter of a century, and poverty in households relying on Newstart Allowance

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483 Recommendations are on page 13 of the report

has risen 20% between 1999 and 2015.<sup>484</sup> Newstart is not liveable, it constitutes 36% of the average wage after tax and little over half of the full-time minimum wage. It is the equivalent of living on \$38.99 a day.<sup>485</sup> Newstart is now the only payment available for women and children escaping family and domestic violence if the youngest child is eight years or older. This reduces their capacity to seek a safe life.

### 3.4.4 Increasing conditionality

Parentsnext<sup>486</sup> is known as a compulsory pre-employment program established in identified locations across Australia. The Parentsnext program came under greater scrutiny in July 2018 when its expansion also incorporated a “Targeted Compliance Framework”. Under the Targeted Compliance Framework<sup>487</sup>, compliance action includes payment suspensions, demerits and financial penalties for participants while the process is undertaken, managed and reviewed by the parentsnext providers. Concerns and growing evidence of the harm resulted in a broad coalition of service providers, human rights bodies, peak bodies, researchers and advocates publicly seeking the end of the Parentsnext program.

One in five parents have had their payments suspended, which rises to 27 per cent for Aboriginal and Torres Strait Islander families. Compliance is onerous and the penalties are severe, often leaving families with babies and young children unable to make ends meet. Parents subject to the program are mostly mums providing care for a young family, with many experiencing financial insecurity in the wake of escaping family violence. The harsh reality of this program is completely out of step with the needs of struggling families and community expectations.<sup>488</sup>

Further human rights concerns were raised during the Senate Community Affairs References Committee Inquiry into ‘ParentsNext, including its trial and subsequent broader rollout’. Consistent evidence was presented and reported in the media<sup>489</sup> including the President of the Australian Human Rights

‘under ParentsNext these struggling families face automatic payment suspensions ... for a single instance of noncompliance. “Without money to provide adequate food and shelter for your family, how can human rights be realised? How can there be human dignity?”

The committee reported that they;

received extensive evidence that the program is causing anxiety, distress and harm for many of its participants. In fact, many have argued that ParentsNext is causing more harm than good<sup>490</sup>. At the heart of the issue are several key aspects, including the compulsory nature of ParentsNext, its use of the Targeted Compliance Framework to monitor and record participation, the sense of control it places over participants’ lives, its gender bias, and the confusion around its purpose and aims.

484 Deloitte Access Economics, Analysis of the impact of raising benefit rates, (Australia: ACOSS, September 2018).

485 Deloitte Access Economics, Analysis of the impact of raising benefit rates, (Australia: ACOSS, September 2018).

486 Parentsnext-<https://www.humanservices.gov.au/individuals/services/centrelink/parentsnext>

487 <https://www.employment.gov.au/parentsnext-frequently-asked-questions>

488 Human Rights Law Centre <https://www.hrlc.org.au/news/2019/4/1/call-for-cross-party-commitment-to-dismantle-parentsnext>

489 The Guardian - <https://www.theguardian.com/australia-news/2019/feb/27/parentsnext-welfare-program-breaches-human-rights-inquiry-hears>

490 [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/ParentsNext/Report/section?id=committees%2freportsen%2f024267%2f27279](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/ParentsNext/Report/section?id=committees%2freportsen%2f024267%2f27279) (4.2)

The committee recommended<sup>491</sup> that the ParentsNext program should not continue in its current form and they had<sup>492</sup> addressed their recommendations in relation to the Targeted Compliance Framework.

The government did not support the recommendation to remove the “targeted compliance framework” and it is still in operation. This situation occurs despite parentsnext being referred to as a connector mechanism, a pre-employment program.

The process that increases welfare conditionality and surveillance whilst reducing social protections continues even at the time of authoring this report. On 11 September 2019 the Australian Government has reintroduced legislation to cut social security payments, including: The Better Targeting Student Payments Bill<sup>493</sup> which cuts supplementary education payments for people who are studying part time (but not on a student payment). The biggest cohorts affected are single parents and people with disability.

This practice that harms some of Australia’s poorest families who live with housing stress, deprivation and below the poverty line occurs in a country that is one of the richest in the OECD.

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491 [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/ParentsNext/Report/section?id=committees%2freportsen%2f024267%2f27279](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/ParentsNext/Report/section?id=committees%2freportsen%2f024267%2f27279) (4.5)

492 *ibid* (4.6)

493 the parliament of the commonwealth of Australia House of Representatives social services legislation amendment (better targeting student payments) bill 2019 [https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6400\\_ems\\_9454a3dc-a6ad-4bfa-996a-15ec252214e1/upload\\_pdf/19165EM.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6400_ems_9454a3dc-a6ad-4bfa-996a-15ec252214e1/upload_pdf/19165EM.pdf;fileType=application%2Fpdf)

## 3.5 Australia's role in the primary prevention of violence against women

Australia has identified primary prevention of violence against women as a priority in recent years and made significant progress in this area in this reporting period. This includes establishing critical organisations at National and state level, developing the world's first National Framework for Primary Prevention of Violence Against Women and implementing innovative activities and approaches to preventing violence against women.

### 3.5.1 National Plan to Reduce Violence against Women (2010-22)

The Council of Australian Governments (COAG) established the National Plan to Reduce Violence against Women (the National Plan) in 2010 to bring together the efforts of government across the nation to make a real and sustained reduction in the levels of violence against women. The National Plan is delivered in 3-year action plans. The Fourth and final action plan commenced in 2019.

Primary prevention is a key focus of the National Plan, in recognition of the need to look to the long term, build respectful relationships and work to increase gender equality to prevent violence from occurring in the first place.

### 3.5.2 Establishment of Our Watch, ANROWS

To support the work of the National Plan, two national organisations were created:

- a) Our Watch was established by the Commonwealth and Victorian Governments in 2013 to drive nation-wide change in the norms, structures, attitudes and practices that underpin, drive and support violence against women and their children. Since establishment, all State and Territory governments have joined Our Watch as members. Our Watch's specific mandate is to focus on the primary prevention of violence against women and their children<sup>494</sup>
- b) Australia's National Research Organisation for Women's Safety (ANROWS) was established by the Commonwealth and all State and Territory governments to produce, disseminate and assist in applying evidence for policy and practice addressing violence against women and their children<sup>495</sup>

### 3.5.3 Development of key policy frameworks for primary prevention

The National Plan identified the need to develop primary prevention frameworks, to assist in forming, implementing and assessing primary prevention at a national level through different groups and at different levels of society.

494 For further information: <https://www.ourwatch.org.au/>

495 For further information: <https://www.anrows.org.au/>

Under the Second Action Plan, Our Watch, ANROWS and VicHealth developed *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*.<sup>496</sup> The development of the framework was based on a review of national and international evidence, and involved consultation with over 400 stakeholders – researchers, practitioners and policy makers, from community and non-government organisations, services and networks, and government agencies at all levels. The framework identifies gender inequality as setting the necessary social context in which violence against women occurs, and outlines and explains the specific gendered drivers of violence. It then identifies essential actions to address these underlying drivers and prevent this violence, pointing to a range of prevention techniques, and principles for practice. It identifies a range of settings where prevention efforts can be focused and specifies roles for all stakeholders to contribute to a national effort. It is a world first national framework for primary prevention. All Australian governments committed to implementing *Change the story* in the Third Action Plan, and the framework has been integrated into the Fourth Action Plan.

Under the Third Action Plan, Our Watch worked with Aboriginal and Torres Strait Islander stakeholders to develop *Changing the picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children*.<sup>497</sup> The resource is based on significant research, consultation and collaboration with Aboriginal and Torres Strait Islander people, and aims to support national efforts to prevent violence against Indigenous women and their children. *Changing the picture* sets out a model for understanding the specific intersecting drivers of this violence, namely: the ongoing impacts of colonisation for Aboriginal and Torres Strait Islander people, the ongoing impacts of colonisation for non-Indigenous people and in Australian society, and a range of gendered factors. It then outlines the actions that need to be taken – some that must be developed and led by Aboriginal and Torres Strait Islander people, and some that are the responsibility of governments and non-Indigenous organisations, in order to address these underlying drivers and prevent violence against Aboriginal and Torres Strait Islander women.

### 3.5.4 Measuring change

*Counting on change: A guide to prevention monitoring* was developed by Our Watch and ANROWS in 2017 to support national monitoring of primary prevention efforts.<sup>498</sup> The guide seeks to provide advice on how to consistently collect and report on data that will tell us, in the short to medium-term, if relevant factors are changing. It provides a blueprint for consistent monitoring and evaluation measures which can be embedded across jurisdictions and drawn on internationally. *Counting on change* has been integrated into the Fourth Action Plan.

### 3.5.5 Progress at Federal, State and Territory levels

There are very promising signs of political engagement and policy progress on this issue, with most State and Territory government policies on violence against women, domestic and family violence, and sexual violence identifying primary prevention as a priority. This is a strong recognition of the need to undertake work to address the underlying drivers of violence against women and promote gender equality in order to create sustained, population-level change to prevalence rates.

496 For further information: <https://www.ourwatch.org.au/getmedia/0aa0109b-6b03-43f2-85fe-a9f5ec92ae4e/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf.aspx>

497 For further information: <https://www.ourwatch.org.au/getmedia/ab55d7a6-8c07-45ac-a80f-dbb9e593cbf6/Changing-the-picture-AA-3.pdf.aspx>

498 For further information: [https://www.ourwatch.org.au/getattachment/2093134d-5470-43eb-a04f-2c4f8809efe4/OurWatch\\_TheGuide\\_Online.pdf.aspx?ext=.pdf](https://www.ourwatch.org.au/getattachment/2093134d-5470-43eb-a04f-2c4f8809efe4/OurWatch_TheGuide_Online.pdf.aspx?ext=.pdf)



All Australian governments have joined Our Watch as members. All committed to the Third Action Plan, which included endorsing *Change the story* as the national framework for primary prevention, and more recently to the Fourth Action Plan, which embeds Counting on change as an approach to monitoring progress.

Some jurisdictions have begun developing, funding and implementing specific prevention actions. In Victoria the findings of the Royal Commission into Family Violence and the State Government's positive response to its recommendations have created significant opportunities to improve and expand prevention policy and programming and have delivered unprecedented levels of funding for such work. This has resulted in the development of a ten-year prevention strategy and initial four-year action plan, the establishment of statutory authority Respect Victoria as a dedicated prevention agency, the rollout of whole-of school respectful relationships education in all government schools (to be complete by 2021), and a state wide behaviour change communications campaign focused on raising awareness of the drivers of family violence and all forms of violence against women. In the 2017-18 State Budget, the Victorian Government committed an unprecedented \$50.8 million over four years for prevention activities.

While *Change the story* has been adopted in principle by all governments, the extent to which it has been translated or embedded into government policies in each jurisdiction has varied. This is partly because the length of policy cycles of this kind mean relevant policies, plans and strategies in some jurisdictions have not been updated since *Change the story* was released. However, it also reflects the varying levels of infrastructure, funding and political support for primary prevention across the different jurisdictions. Existing gaps in the current primary prevention policy landscape in Australia at both the Federal and State/Territory levels include:

- limited investment in and planning for primary prevention infrastructure such as supporting the development of an expert workforce (identified in *Change the story: three years on*<sup>499</sup> as an ongoing and critical need),
- the need for coordination mechanisms within and across jurisdictions, mechanisms for quality assurance, and shared monitoring and evaluation frameworks
- the need for more long-term funding to enable systematisation and scale-up of promising practices
- limited policy and legislative reform which could use government levers to address the underlying drivers of violence against women (for example, by promoting equal parenting practices and supporting women's economic independence).

Primary prevention policies also need to be strongly linked to actions to intervene and respond to violence against women, and reform of these systems. This work needs to be supported by long-term, secure and ongoing funding.

There is a need for a continued commitment from all governments to coordinate national efforts to end violence against women in the longer term, by announcing the intention of COAG to develop a Second National Plan to Reduce Violence against Women, which should follow the end of the current National Plan in 2022.

499 For further information: <https://www.ourwatch.org.au/getmedia/5625d7f5-40de-40d8-a3f7-d3b9147df909/OW005-Change-the-Story-Three-Years-On-WEB-AA-2.pdf.aspx?ext=.pdf>

### 3.5.6 Primary prevention activity in Australia

Activity to contribute towards the prevention of violence against women in Australia is ambitious and ground-breaking work led by a range of stakeholders including governments, non-government organisations, those working in key settings and sectors and local communities. Examples of primary prevention activity in Australia include:

- Significant **community-based activity** to prevent violence against women is being undertaken across Australia through direct participation programs, campaigns, community mobilisation and advocacy. This includes work initiated and led by groups including Aboriginal and Torres Strait Islander communities and migrant and refugee groups. Community-based prevention activity is undertaken in a wide array of ways including supported by government grants, volunteer activity, integration into existing service capacity, and community organising. Government support for these types of initiatives could be strengthened as often, governments place too much emphasis on one-off grant rounds without appropriate planning for sustaining and scaling-up promising initiatives.
- **Australian workplaces** have been key sites for gender equality and prevention of violence against women activity for some time, including work undertaken 'in-house' such as by diversity and inclusion staff, and work supported by non-government organisations and trade unions. A range of organisations have developed guidance to support this work, including Our Watch's *Workplace Equality and Respect Standards*.<sup>500</sup> Agencies such as the Workplace Gender Equality Agency have contributed to national monitoring of the gender pay gap and promotion of good-practice workplace initiatives. Workplaces are a key focus of activity as part of the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces.<sup>501</sup>
- **Respectful relationships education** – There has been a growing understanding and commitment across Australia to the opportunity to address the underlying drivers of violence against women and promote respectful relationships in education settings, including schools. There has been significant progress in this area from governments and non-government organisations. However, not all approaches to this work take a strongly gendered approach, address the underlying drivers of violence, and invest in long-term initiatives. Additionally, not all this work supports schools to take a whole-of-school approach, which has been found to be important to creating cultural change.
- Social marketing campaigns have been utilised by governments and non-government organisations to raise awareness and challenge contributing attitudes, behaviours and social norms across traditional and social media as well as through community engagement. Examples include the Federal Government *Stop it at the Start* campaign, Victorian Government *Respect Women: Call it out* campaign, and Our Watch's *the Line, and Doing Nothing Does Harm* campaigns.
- **Local governments** have been active in developing and supporting primary prevention activity in their communities, including developing strategies, implementing direct participation programs, and supporting local organisations.
- As popular social institutions, **sport settings** have been a key focus of primary prevention activity in Australia including work with national sporting organisations, media campaigns, and community sporting club activity.
- **The media**, particularly news media, can address widespread condoning of violence by reporting accurately, safely and respectfully. Primary prevention activity in this setting includes the release of the Australian Press Council's Advisory Guideline on Family and

500 For further information: <https://workplace.ourwatch.org.au/>

501 For further information: <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/national-inquiry-sexual-harassment-australian-workplaces>

Domestic Violence Reporting to suggest a 'best practice' approach.<sup>502</sup> Our Watch has also produced guidance to support reporting on violence against women and their children.<sup>503</sup>

- **Tools and resources for primary prevention practitioners** have been developed including Our Watch's handbook Putting the prevention of violence against women into practice: How to Change the story,<sup>504</sup> guidance from Women's Health West on speaking publicly about preventing men's violence against women,<sup>505</sup> a resource from VicHealth on strategies to respond to resistance to gender equality initiatives,<sup>506</sup> and a guide to engaging immigrant and refugee communities to prevent violence against women from the Multicultural Centre for Women's Health.<sup>507</sup>
- **Civil society advocacy on gender equality and violence against women** including strong feminist organising across the country plays an important role in addressing the underlying drivers of violence against women (for example, recent advocacy in Queensland and New South Wales to promote women's reproductive rights through the decriminalisation of abortion).
- **Youth-led advocacy and activity (such as peer educator models)** have highlighted the important role of young people in identifying and undertaking actions to challenge the drivers of violence against women and promote respectful relationships among their peers and more broadly.

502 For further information: [https://www.presscouncil.org.au/uploads/52321/ufiles/Guidelines/Advisory\\_Guideline\\_on\\_Family\\_and\\_Domestic\\_Violence\\_Reporting.pdf](https://www.presscouncil.org.au/uploads/52321/ufiles/Guidelines/Advisory_Guideline_on_Family_and_Domestic_Violence_Reporting.pdf)

503 For further information: <https://media.ourwatch.org.au/>

504 For further information: <https://www.ourwatch.org.au/getmedia/a8d9dc3d-2291-48a6-82f8-68f1a955ce24/Putting-prevention-into-practice-AA-web.pdf.aspx>

505 For further information: <https://whwest.org.au/resource/speaking-publicly-about-preventing-mens-violence-against-women/>

506 For further information: <https://www.vichealth.vic.gov.au/-/media/ResourceCentre/PublicationsandResources/PVAW/Encountering-Resistance-Gender-Equality.pdf?la=en&hash=F4343F59AFBF3A4C638A7CF3D6E07ED427C018DE>

507 For further information: <http://mcwh.com.au/downloads/Intersectionality-Matters-Guide-2017.pdf>

## 3.6 Harmful Traditional Practices/ Complex Forms of Violence (CFoV)

### 3.6.1 Background and Current Context

Harmful traditional practices are forms of violence which have been committed primarily against women and girls in certain communities and societies for so long that they are considered, or presented by perpetrators, as part of accepted cultural practice<sup>508</sup>. Traditional cultural practices reflect values and beliefs held by members of a community for periods often spanning generations<sup>509</sup>.

Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices include female genital mutilation (FGM); forced feeding of women; early and forced marriage; the various taboos or practices which prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; dowry price as well as other practices, including virginity tests, foot binding, female infanticide and dowry deaths, all of which violate female dignity. Despite their harmful nature and their violation of international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them.

For a number of years, many voices, in the national and international arena, have been echoing the United Nations call for an end to the suffering of girls and women caused by harmful traditional practices. Governments, the United Nations, and NGOs should now play a more important role in monitoring and implementing the 'UN Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children'<sup>510</sup> and '*...take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women*'<sup>511</sup>.

Currently, in Australia, Harmful Traditional Practices are often referred to as **Complex Forms of Violence (CFoV)**<sup>512 513</sup>.

508 Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) article 5 (a), adopted by the General Assembly Resolution 34/180, on the 18th December 1979

509 Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children. <https://www.ohchr.org/Documents/Publications/FactSheet23en.pdf>

510 Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children Prepared by the second United Nations Regional Seminar on Traditional Practices Affecting the Health of Women and Children, held at Colombo, Sri Lanka, from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10/Add.1 and Corr. 1); adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/30 of 26 August 1994 (para. 3).

511 Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children. <https://www.ohchr.org/Documents/Publications/FactSheet23en.pdf>

512 For the rest of this paper Harmful Traditional Practices will be referred to as Complex Forms of Violence.

513 This may change, as it is currently being argued that the definition of family and domestic violence should be expanded to encompass, rather than separate, these 'complex' forms of violence (e.g. forced marriage, human trafficking, FGM/C and dowry abuse). These should be recognised as a form of violence and not separated as an 'other' or 'complex' form of violence. Often the types of complex violence people experience are not in isolation (i.e. family violence may exist in association with trafficking; dowry abuse may be experienced as financial abuse or forced marriage); Department of Social Services (DSS) Consultation Summary Complex forms of violence Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022 Summary of Consultation - 26 September 2018 <https://plan4womenssafety.dss.gov.au/wp-content/uploads/2019/02/dss-4ap-consultation-summary-complex-forms-violence.pdf>

### 3.6.2 Australian Context – gains gaps and challenges

The multiple forms of violence against women and girls is a significant problem in Australia and defies simple analysis. Defining violence in different ways has both moral and material consequences, such as whether or not a perpetrator is prosecuted, whether or not a program is funded, or how a victim understands their situation. In this respect it is most important to understand the broad scope of violence and are able to identify points for successful intervention to prevent violence and its health and social impacts.

The forms of violence identified in this paper are categorized as separate issues; however, they are all consequences of the value placed on women and the girl child by society. They persist in an environment where women and the girl child have unequal access to education, wealth, health and employment.

Complex Forms of Violence (CFoV) are forms of gender-based violence as well as cultural / traditional practices that drive family and domestic violence and are best understood in terms of power dynamics and social structures, rather than treated as purely individual experiences or experiences that are defined by a given culture or background. CFoV has complex and varied impacts on women and their families. It is clear an intersectional approach must be taken to understand the multiple forms of complexity inherent in many of the cultural practices cited below. For Australia, this includes the intersection of visa status, community and issues of displacement.

In order to better service CFoV, Australia's Department of Social Services (DSS) has taken an intersectional and transitional approach to CFoV indicating that *"there is a need to understand the intersection of family (including offshore families), family/ domestic violence and an individual's migration status , visa status, and how this in turn impacts access to services, employment and housing)"*<sup>514</sup>. In this vein, the call is to expand the definition of family and domestic violence to encompass rather than separate complex forms of violence.

Harmful traditional practices / Complex Forms of Violence (CFoV) are recognised in the Beijing Platform for Action (BPFA) (113a p 48); Convention on All Forms of Discrimination Against Women (CEDAW) Article 5 (a) and CEDAW General Recommendation 19: Violence Against Women (1992). They are also recognised in the Sustainable Development Goals (SDGs), Goal 5 under Gender Equality target 5.3 – *"Eliminate all harmful practices such as child, early and forced marriage and FGM"*.

Over the last 5 years, the Australian government has increased its strategic actions on Violence Against Women in the last five years through National Plan) to Reduce Violence Against Women and their Children with Four Action Plans each covering 3 years. In 2019 Australia developed the last 4th Action Plan of the National Plan to Reduce Violence Against Women and their Children (2019 - 2022). The Fourth Action Plan focuses on two main types of violent crimes that have a major impact on women in Australia; viz. a viz Domestic and Family Violence and Sexual Assault. However, there remains a clear gap in the area of cultural / traditional practices that directly drive Violence Against Women (VAW) and girls' which impact on the human rights of women and girls.

The framed approach by the Australian National Plan<sup>515</sup> has clearly been informed by the BPFA objective C.2 – *'strengthening preventative programmes that promote women's health including programmes for men and women that emphasises the elimination of harmful attitudes*

514 Department of Social Services (DSS) Consultation Summary Complex forms of violence Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022 Summary of Consultation - 26 September 2018 <https://plan4womenssafety.dss.gov.au/wp-content/uploads/2019/02/dss-4ap-consultation-summary-complex-forms-violence.pdf>

515 The National Plan to Reduce Violence against Women and their Children 2010 – 2022 <https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>

and practices including FGM, early marriage and child marriage' (pg 67). Adopting preventative measures to protect women, youth and children from abuse, including exploitation, trafficking and violence including formation and enforcement of laws and providing legal protections, medical and other assistance<sup>516</sup>.

### 3.6.3 Child, Early and Forced Marriage (CEFM)

Child, early and forced marriage (CEFM) is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence. CEFM threatens the lives and futures of girls and women, robbing them of their agency to make decisions about their lives, disrupting their education, making them more vulnerable to violence, discrimination and abuse, and preventing their full participation in economic, political and social spheres. Child marriage is also often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. CEFM often result in women and girls attempting to flee their communities or to commit suicide to avoid or escape the marriage.<sup>517</sup>

Australia's awareness and experience of CEFM is relatively new. Regional or international migration to Australia adds an additional complexity to the continuing practice of CEFM. For while it is unusual for early and enforced marriage to take place within Australia, CEFM marriage or promises of marriage, can occur outside Australia's borders and girls return to Australia having been married or promised through marriage ceremonies to men. The transnational scope of these transactions affects both citizens and migrants. It can occur to Australian citizens overseas, and also to girls who are Australian permanent residents or citizens who are coerced, threatened or deceived into entering into marriages or cultural or religious ceremonies that seek to create marriage like relationships or commitments to marry relatives or family friends' relatives overseas. Catalysts for CEFM in other countries such as natural disaster, war, civil unrest, poverty, lack of education or natural disasters, can affect Australian families and communities because of their connections to relatives or communities at risk overseas.<sup>518</sup>

CEFM is often contained within community, due to the 'illegal nature' of CEFM in Australia, those affected risk isolation and lack of support. Specialist services are working to better understand the complexity of CEFM. The coercive nature of these marriages, veiled as 'tradition' or 'culture' and being against Australian law maintains a cloak of silence for those affected by violence.

There is currently a lack of comprehensive data on the nature and context of forced marriage in Australia. There are some studies which highlight the unique characteristics of those at risk of CEFM including:

- migrants who migrated at a young age from overseas.<sup>519</sup>
- siblings or cousins to be forced into marriage either in Australia, New Zealand or elsewhere.<sup>520</sup>
- family concern that a girl was becoming too much like their non-traditional or non-community peers, or where family reconciliation was important with citizens and permanent residents being betrothed and then married to overseas based relatives to enable spousal visas.<sup>521</sup>

516 Beijing Declaration and Platform for Action (BPFA). P 69 [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf)

517 UN OHCHR <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>

518 The Salvation Army/RMIT, Without Choice: examining forced marriage in Australia (2018), pg 20.

519 Lyneham S & Bricknell S 2018. When saying no is not an option: Forced marriage in Australia and New Zealand. Research Reports no. 11. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/rr/rr11>, pg vii.

520 Ibid, viii.

521 Ibid, 24.

- intergenerational experience of forced marriage and intergenerational trauma, the handing down of one way of doing things to another generation. “cultural fossilisation” or a culture being “frozen in time” through migration, in an effort to maintain family status and preserve cultural practices when faced with a new cultural experience.<sup>522</sup>
- Marriage is seen as a method to ‘normalise’ behaviour.<sup>523</sup> against sexuality, gender identity or expression that challenges rigid gender norms; disability, or aspirations for independent living.
- location of the marriage (that is, marriages that took place in countries of origin) lead to greater vulnerability as extrication was complicated and options for law enforcement were limited.<sup>524</sup>

### 3.6.4 CEFM response in Australia

Australia’s main legislative response to CEFM falls within criminal provisions of Section 270.70 of the *Criminal Code Act 1995* (Cth) amongst crimes of trafficking, slavery or slavery-like practices and trafficking, arising from Australia’s commitments under the Trafficking Protocol,<sup>525</sup> Slavery Conventions<sup>526</sup> and Convention on the Rights of the Child.<sup>527</sup>

Australia’s response as set out in the National Action Plan to Combat Human Trafficking and Slavery 2015-19,<sup>528</sup> has been focused largely on supporting a criminal justice approach and victim support. The Australian Government is currently seeking to strengthen its criminal provisions regarding forced marriage by seeking to expand the definition of forced marriage to include marriages involving any one under the age of 16.<sup>529</sup> Regarding victim support, the funding of an 18 month trial to provide tailored intensive support to forced marriage victims’ needs through the Australian Government funded Support for Trafficked People Program. Awareness raising initiatives have also been undertaken in the form of the establishment of a national online portal on forced marriage, My Blue Sky, and the development of a community pack. An increasing number of referrals to the Australian Federal Police of forced marriages (244 reported for period from 1 July 2013 to 30 June 2018) could demonstrate a growing awareness in affected communities of the illegality of the practice. In June 2018, the Australian Government announced its intention to introduce a forced marriage protection order scheme modelled on a similar scheme in the UK, however there has been no further indication of when that scheme will be introduced into Parliament for consideration.

Since 2017, there has been political will in some states and territories in Australia to recognise forced marriage as a form of family violence, and the basis for personal protection or domestic violence orders in state and territory legislative schemes.

These changes have not been adopted comprehensively across all States and Territories and therefore there is limited protection for those at risk across Australia. Amendments to domestic violence legislation in Victoria and South Australia led to the explicit listing of forced marriage as an example of abuse and allows children of a certain age, adults, government agencies or interested parties to apply for personal protection orders to prevent perpetrators from engaging in conduct that would force a marriage.

522 The Salvation Army/RMIT, *Without Choice: examining forced marriage in Australia* (2018), pg 21.

523 Lyneham S & Bricknell S 2018. When saying no is not an option: Forced marriage in Australia and New Zealand. Research Reports no. 11. Canberra: Australian Institute of Criminology. <https://aic.gov.au/publications/rr/rr11>, pg 24.

524 *Ibid*, 25.

525 United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000, Article 3(a), available at <https://www.unhcr.org/protection/migration/4d52493b6/protocol-prevent-suppress-punish-trafficking-persons-especially-women-children.html> United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)

526 Slavery Convention signed at Geneva on 25 September 1926, Entry into force: 9 March 1927, in accordance with article 12; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956.

527 Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Entry into force 2 September 1990, in accordance with article 49.

528 Accessed on 8 September 2019 at <https://www.homeaffairs.gov.au/criminal-justice/files/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf>.

529 See Combatting Child Sexual Exploitation Legislation Amendment Bill 2019 (Cth).

In the area of child protection, there have been changes to include specific reference to forced marriage in mandatory child protection reporting guidelines or definitions of what it means for a child to be 'at risk' and in South Australia, changes to the powers of child protection agency officers to seize passports to prevent travel if Female Genital Mutilation / Cutting (FGM/C) or a forced marriage is suspected.<sup>530</sup> New South Wales hopes to implement its own legislation which mimics the provisions at the national level regarding forced marriage but focuses primarily on children (those under 16 years of age) forced to marry. That legislation has been passed by both houses of NSW Parliament but has recently been sent for review by a parliamentary committee which is due to report back on its recommendations in early 2020.<sup>531</sup>

The transnational element of these marriages renders girls more at risk of being subject to coercion and other forms of violence to bring about the marriage. Those at risk are often threatened that they will not be able to return to Australia without assistance from family and do not understand how to access the justice systems or supports in their country of origin.

The justice system in countries where CEFM is practiced, would not be accessible to the young women or girl in the face of familial opposition because of their gender, age or lack of economic power, lack of support networks or familiar institutions from which to seek help and corruption within the justice system.

In this context, violence against the woman and girls can continue well past the engagement or marriage and extend to the forced support of bringing husband / child bride to migrate to Australia. The child bride can then become at risk of further physical, emotional, psychological and sexual harm from 'partners' and their families when they arrive in their country of residence and long term co-habitation is expected to begin. Australia is only now beginning to understand the complexity of the motivators and risk factors involved. CEFM must be recognised at every level as an issue concerning rights of the child, gender-based violence and inequality, trafficking for the purpose of exploitation and a slavery-like practice.

### 3.6.5 Australia's regional support for addressing CEFM and Human Trafficking

Australia's regional support for addressing **CEFM overlaps with commitments under the International Strategy to Combat Human Trafficking and Slavery**;<sup>532</sup> initiatives that combat both trafficking, slavery and slavery-like practices, such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime; and support for ASEAN initiatives to combat trafficking in Southeast Asia, including implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. In 2016, the United Nations Population Fund (UNFPA) reported that some countries have shown considerable reductions in CEFM including Indonesia and the Philippines, however no data was available on several countries from UNICEF databases for countries such as China, Myanmar and significantly, Australia.<sup>533</sup>

Regional responses regarding the issue of CEFM have primarily focused on legislative changes to address minimum ages for marriage or registration requirements for birth dates and marriages and primary prevention programmes within development or humanitarian settings that seek to

530 s 149(1)(d) of the Children and Young People (Safety) Act 2017 SA.

531 See Inquiry of the Standing Committee on Social Issues (Parliament of NSW) into the Modern Slavery Act 2018 and associated matters at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2546>

532 Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery (23 March 2016), accessed on 8 March 2019 at <https://dfat.gov.au/about-us/publications/Pages/amplifying-our-impact-australias-international-strategy-to-combat-human-trafficking-and-slavery.aspx>.

533 World Health Organisation and Inter-Parliamentary Union, Child, early and forced marriage legislation in 37 Asia-Pacific countries (2017), pg 7.



address the social, cultural and economic reasons why CEFM may be promoted within families and communities.<sup>534</sup> For example, in March 2019, ASEAN hosted a forum together with UNICEF, UNFPA and Plan International to raise awareness of CEFM, to take stock of the current situation and discuss innovative and promote practices to prevent, reduce and eliminate CEFM. It was observed that similar to the global trend, the prevalence rates of child marriage and early unions as well as teen pregnancies in Southeast Asia remain high.<sup>535</sup>

### 3.6.6 Human Trafficking of Women and Girls

Human Trafficking is defined in the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime' (2000)<sup>536</sup>, as "The recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation"<sup>537</sup>

The BPFA focuses on the suppression of trafficking in women and girls, particularly for labour, forced marriage the sex trade or in international prostitution and trafficking networks. In this respect forced marriage and trafficking have a direct relationship.

Trafficking of women and girls within the context of a domestic relationship or intimate partner relationship, is a fairly new and emerging area in Australia. Internet brides, early and enforced marriages, trafficking of women for sex trade / slavery are gaining in frequency. When violence occurs and women seek support, there may be severe challenges due to their visa status. The challenge of returning women affected by violence, merely on the basis of their visa status, back to countries of origin, without follow up or support, or being allowed to seek access to Australian justice system for acts of violence or exploitation is compounding the violence against those affected by trafficking.

The transnational context within which violence and exploitation of women and girls occur is summed up in a 2017 Study<sup>538</sup>. The study found that women were subject to domestic violence, financial and psychological abuse<sup>539</sup> and that these issues were exacerbated by the transnational character of the marriage and left women vulnerable to exploitation in the home of their in-laws in their home countries and deception from both the husband and the in-laws as to the nature of the marriage they were entering.

There are several local and transnational contexts that explain the abuse, exploitation and abandonment of wives. The inequalities within the institution of marriage are exacerbated by the geopolitical inequalities between nations, whereby the groom's family is able to command greater resources, mobility, knowledge of state institutions, and legal mechanisms. In the majority of cases documented in our research, men colluded with their families to derive benefits from such a marriage.<sup>540</sup>

534 Save the Children/Human Rights Center, *Toward an end to child marriage: lessons from research and practice in development and humanitarian sectors* (June 2018).

535 Media announcement, ASEAN calls for ending child, early and forced marriage (Jakarta, 8 March 2019), accessed on 8 September 2019 at <https://asean.org/asean-calls-ending-child-early-forced-marriage/>.

536 'Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime', Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000

537 Ibid (Article 3(a))

538 Sundari Anitha, Anupama Roy, and Harshita Yalamarty, 'Gender, Migration, and Exclusionary Citizenship Regimes: Conceptualizing Transnational Abandonment of Wives as a Form of Violence Against Women' 24(7) *Violence Against Women*, 747.

539 Sundari Anitha, Anupama Roy, and Harshita Yalamarty, 'Gender, Migration, and Exclusionary Citizenship Regimes: Conceptualizing Transnational Abandonment of Wives as a Form of Violence Against Women' 24(7) *Violence Against Women*, 747.

540 Ibid, 769.

### 3.6.7 Dowry Abuse

‘Dowry’ is a cultural practice referring to money, property or gifts typically transferred by a woman’s family to her husband upon marriage<sup>541</sup>. The payment of dowry is common in the Indian, South East Asian, Chinese, African and Middle-Eastern communities<sup>542</sup>. Dowry traditions can differ from country to country and culture to culture. The total value of the dowry can be a significant amount that is multiple times the annual income of the family of a bride or the groom<sup>543</sup>.

The United Nations Division for the Advancement of Women defines dowry-related violence or harassment as *‘any act of violence or harassment associated with the giving or receiving of dowry at any time before, during or after the marriage’*<sup>544</sup>.

Dowry abuse can include: battering, mutilation, rape, acid burning, wife burning, murder and suicide<sup>545</sup>. The practice of dowry usually involves the giving of gifts by one family to another before, during or any time after marriage. It is a global practice with different customary characteristics across different communities and has a long history in Europe, South Asia, Africa and other parts of the world. However, dowry abuse is most prevalent in South Asia: India, Pakistan, Bangladesh and Sri Lanka. The system of dowry itself is not inherently exploitative or abusive; but can become so when practised in such a way that involves force, coercion, threats and violence.

### 3.6.8 Global prevalence of Dowry Abuse

A number of barriers exist to globally calculate numbers of victims of Dowry Abuse including fear and retaliation or being implicated in the violence prohibiting reporting, shame or stigma associated with victim status, being blamed for violence, ineffective complaint system and misrepresenting dowry deaths as accidents or suicide. Country based records indicate that there were 7,621 dowry deaths in India in 2016, according to the rights organisation Odhikar, in Bangladesh, at least 2,800 women were killed, 1,833 were physically abused and 204 committed suicide because of dowry-related violence between 2001 and July 2014<sup>546</sup>. These statistics are also deemed to be the tip of the iceberg.

It is also noted that in some cases, dowry is not a one-time demand, it can continue throughout the whole marital life for some women. Dowry is a cause of poverty as it pushes households into debts. It is a life-threatening practice and can cause death and injuries to women and girls. The woman and her parental family face ‘extortion’ by the groom and/or his family. *‘Dowry and related violence do not only ruin the life of a bride but also ruin the family’*<sup>547</sup>

Dowry Abuse, is clearly noted in the Beijing Platform for Action (Critical Area D 133 (a)) in the critical area of Violence against Women. The impacts of Dowry abuse impact across other critical areas such as the Human Rights of Women; Women and Poverty; and Economic security for women.

It is also firmly situated in the Sustainable Development Goals (SDGs): Goal 5 (Target 5.3) and CEDAW Article 5 states *“Modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices”*

541 Victoria, Royal Commission into Family Violence, Report and Recommendations (2016) vol 5, 113. However, we note that in the Muslim faith, dowry (called Mahar or Dower) is paid in the marriage by the groom to the wife: see Australian Centre for Human Rights, Submission No 168 to Royal Commission into Family Violence, Parliament of Victoria, Royal Commission into Family Violence, 10 May 2015, 10

542 Australian Centre for Human Rights, Submission No 168 to Royal Commission into Family Violence, Parliament of Victoria, Royal Commission into Family Violence, 10 May 2015.

543 Victoria, Royal Commission into Family Violence, Report and Recommendations (2016) vol 5, 113.

544 United Nations Division for the Advancement of Women, ‘Good Practices in Legislation on “Harmful Practices” against Women’, 26 – 29 May 2009.

545 Anti-Slavery Australia Faculty of Law University of Technology Sydney: Submission to the Senate Legal and Constitutional Affairs References Committee The practice of dowry and the incidence of dowry abuse in Australia (August 2018)

546 (<http://www.humanrights.asia/news/ahrc-news/AHRC-PAP-001-2013/?searchterm=a+heartless+nation>)

547 <http://odhikar.org/are-you-a-silent-observer-of-dowry-and-related-violence/>

### 3.6.9 Dowry Abuse in Australia

There has been no comprehensive study into the cause, prevalence and incidence of dowry abuse in Australia and the available evidence is largely anecdotal, often cited by community groups, and there have been disturbing reports of abuse, including though two dowry-related murders that have been reported in Victoria<sup>548</sup>.

The work on Dowry Abuse in Australia has, to date, been led by Australasian Centre for Human Rights and Health through action research with Australian – Indian and the broader Australian South Asian migrant communities commencing in Victoria and Anti-Slavery, Australia who undertook wide ranging research for a submission to the Senate, Legal and Constitutional Affairs References Committee in August, 2018.

The Royal Commission into Family Violence Report (2016) found that some women in culturally and linguistically diverse (CALD) communities have experienced specific forms of family violence including, dowry related violence and forced marriage<sup>549</sup>.

The Australasian Centre for Human Rights and Health published a clinical audit comparing 50 cases of family violence in South Asian families compared with 25 Middle-Eastern family violence victims. The South Asian victims demonstrated dowry-related violence and associated financial extortion in 50% of cases whereas none of the Middle-Eastern women were subjected to dowry abuse<sup>550</sup>. The audit revealed one aspect of dowry abuse takes the form of threats of cancellation of visa sponsorship and deportation, threats to annulment of marriage with the consequence of bringing shame on the family, abandonment and demands for termination of pregnancies. This audit clearly links dowry abuse with violence against women and girls.

## Case Study

In 2014, Kiara\* arrived in Australia to marry an Australian citizen who was originally given a dowry of AUD\$6,000 but later demanded a further AUD\$100,000. When Kiara and her family were unable to pay this amount, Kiara was ultimately forced to repay this 'debt' through sexual servitude.

Shakti Australian Inc., Submission No 500 to Royal Commission into Family Violence, Parliament of Victoria, Royal Commission into Family Violence, 29 May 2015, pg 11.

In Australia, anecdotal evidence suggests that dowry abuse can be linked to migration status, particularly within the partner visa context<sup>551</sup>. This prospective entitlement to a visa can be used as a form of control, enabling escalating demands for dowry payments, which may escalate to physical, sexual, emotional, psychological abuse, social isolation, sometimes leading to death<sup>552</sup>. Dowry abuse can co-exist with other visa and migration challenges for women who hold spousal visas and are more limited in their options. Such women may be fearful of approaching authorities because of their limited visa status, or may be misled by abusers about their rights. These women often face additional challenges in accessing family violence services as they are often isolated from friends and family and are unable to read, write or speak English fluently.

548 Ashley Aragoon, 'Dowry links to murder and family violence', The Herald Sun (Victoria), 23 April 2015, 3.

549 Crime Statistics Agency, An Overview of Family Violence in Victoria: Findings from the Victorian Family Violence Database 2009–10 to 2013–14 (January 2016), 80; Victorian Multicultural Commission, Submission No 557 to the Royal Commission into Family Violence, Inquiry into Family Violence, June 2015, 4.

550 Australasian Centre for Human Rights and Health, Response to the Australian Law Reform Committee's issues paper no. 48, 8.

551 L Davies, Letter: Stopping dowry related abuse and violence (26 April 2018) White Ribbon Australia. <https://www.whiteribbon.org.au/2018/04/26/letter-stopping-dowry-related-abuse-and-violence/>

552 *ibid*

In response to a greater understanding of the issues of Dowry Abuse, the Victorian State legislation acknowledged dowry abuse as a form of family violence in the Victorian Family Violence Protection Act 2008 passed by Victorian Government in 2018. This legislation is yet to be copied in other States and Territories of Australia.

In February 2019 a Senate Enquiry on dowry abuse: *'The practice of dowry and the incidence of dowry abuse in Australia'* identified dowry as a direct cause of family violence, murders and suicides in Australia. The report from the Enquiry included 12 recommendations, including the creation of a temporary visa for nonfamily temporary visa holders who suffer serious and proven family violence including dowry abuse.

There is a clear need for further research and data collection in the area of Dowry Abuse in Australia.

### 3.6.10 Female Genital Mutilation /Cutting (FGM/C)\*

Note: It is worthy of note that FGM is currently referred to as FGM/C (Cutting) as cutting does not carry any judgemental undertones. For the purposes of this paper we will maintain the term FGM.

Female Genital Mutilation (FGM) is the collective name given to several different traditional practices that involve the cutting of female genitals. It comprises all procedures that involve altering or injuring the female genitalia for non-medical reasons. Most practitioners adhere to the World Health Organisation definition:

*"procedures that involve partial or total removal of the external female genitalia, or other injuries to the female genital organs for non – medical reasons"<sup>553</sup>*

Interest in the practice has focused primarily on the physical and psychological damage that FGM can cause. However, the act itself, is at its essence, a basic violation of girls' and women's right to physical integrity and violates a number of recognized human rights. FGM is therefore increasingly being discussed and addressed in the context of girls' and women's rights, rather than as a strictly medical issue. It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women and girls. The practice also violates their rights to sexual and reproductive health, security and physical integrity, their right to be free from torture and cruel, inhuman or degrading treatment, and their right to life when the procedure results in death.

Over 200 million girls and women worldwide are living with the effects of FGM, of which 14 million are under 15 years<sup>554</sup>. Two hundred million girls and women are at risk every year; making it a worldwide health issue as a result of global movements<sup>555</sup>.

Although primarily concentrated in 30 countries in Africa and the Middle East, (Iraq, Oman, Yemen), FGM is a universal problem and is also practiced in some countries in Asia (Indonesia and Malaysia) and Latin America. FGM continues to persist amongst immigrant populations living in Western Europe, North America, Australia and New Zealand.

### 3.6.11 FGM response in Australia

Migrant and refugee movement to Australia brought the practice of FGM to attention in Australia through the maternity services in the 1980s although evidence of the prevalence continues to be limited; however, research undertaken by the Australian Institute of Health and Welfare (AIHW) has estimated that 53,000 women and girls living in Australia have undergone FGM.

553 [https://apps.who.int/iris/bitstream/handle/10665/70638/WHO\\_RHR\\_11.18\\_eng.pdf;jsessionid=7976FC39CCEC8AE8160A9B5838971033?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/70638/WHO_RHR_11.18_eng.pdf;jsessionid=7976FC39CCEC8AE8160A9B5838971033?sequence=1)

554 UNICEF <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

555 ibid

Whilst there is alignment and agreement with the international perspective on FGM, response and treatment for FGM in Australia falls in a medical model from the angle of reproductive health and legislation. Australia has had a response to FGM as a priority since before the Fourth World Conference in Beijing based on research and investigation into the status and prevalence of the practice in Australia. There has been increased response and action as a priority in health, legislation and community education since then.

The legal approach is to view FGM as a crime under state – based law in every state and territory in Australia, with these laws applying extraterritorially, prohibiting an Australian from travelling overseas to undergo or to have the procedure performed on an Australian whilst overseas. The penalties for FGM range from 7 – 12 years.

Further to the legislation, Australia also has funded dedicated FGM programs in every state of Australia and the Australian Capital Territory. There is no dedicated service in the Northern Territory.

These programs provide essential support, information, community education to women and communities affected by FGM and its related health issues<sup>556</sup>. In addition, funding has been provided for a National Education Toolkit for Female Genital Mutilation (NETFA) which has as one of its aims to achieve zero tolerance to FGM in Australia in line with the global call for elimination of FGM. Although this is not an emerging issue in the BPFA, it has increasingly been brought under the umbrella of Gender Based Violence since after the Beijing Conference hence Complex Forms of Violence in recognition of the role of patriarchy around the practice.

### 3.6.12 Global responses to FGM

In the BPFA, FGM is among the critical areas of concern that need to be addressed for the achievement of equality as well as the rights of the girl child. Paragraph 39 and 93 describes female genital mutilation as a form of harmful practice affecting young girls. The declaration also classifies FGM as a form of violence against women and a grave risk to women and girls. The international community again addressed the human rights implications of FGM at a series of international conferences: the World Conference on Human Rights in Vienna in 1993; the International Conference on Population and Development (ICPD) in Cairo in 1994, and the Fourth World Conference on Women in Beijing (Beijing Conference) in 1995. Along with these advances, there has been a heightened focus on the manner in which the practice of FGM violates women's rights, as illustrated by the recent adoption of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (African Protocol on Women's Rights), which explicitly recognises women's rights to be free from FGM.

FGM is well researched, discussed and documented practice among academics, non-government practitioners, government agencies, UN Bodies, legal practitioners and health practitioners around the world. In addition, legal and human rights organisations have begun including information on FGM in training programs on women's rights for lawyers, judges, and society at large. Increasingly, the law is being used to combat the practice and legislation criminalizing FGM has been adopted in many countries.

In July 2018, the Secretary General produced the report Intensifying global efforts for the elimination of female genital mutilation.<sup>557</sup> It states that efforts to end these practices should also target the groups of women and girls who are most at risk, in particular those who face multiple and intersecting forms of discrimination, including refugee and migrant women, women living in rural

<sup>556</sup> Lifeline Australia DV- Alert Complex Forms of Violence Facilitator's Guide 2019

<sup>557</sup> Intensifying global efforts for the elimination of female genital mutilation Report of the Secretary-General A/73/266, 27 July 2018 <https://undocs.org/en/A/73/266>

and remote communities and young girls, so as to leave no one behind. Similarly, the principles of universality and respect for human rights that underpin the 2030 Agenda mandate that stakeholders address female genital mutilation, regardless of individual circumstances, prevailing cultural and social norms, or country of origin or destination. Political commitment from governments and policy makers is needed to translate their efforts into concrete actions at the national and grassroots level to reach the goal of zero tolerance to female genital mutilation by 2030.

*The Sustainable Development Goals in 2015 calls for an end to FGM by 2030 under Goal 5 on Gender Equality, Target 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.*

The elimination of FGM has been called for by numerous inter-governmental organizations, including the African Union, the European Union and the Organization of Islamic Cooperation, as well as in three resolutions of the United Nations General Assembly.

Besides Australia and New Zealand that are migrant and refugee receiving countries in the Region, FGM is documented as a practice in Indonesia and Malaysia. The World Health Organisation in 2011 indicated a decline in the practice of FGM but it is actually seeing practices at much higher rates among Southeast Asian Muslims than previously thought; suggesting this rise to correlate directly to increasing conservative attitudes throughout the region<sup>558</sup>.

The rise of this practice in Southeast Asia is reinforced by the government's medicalization of FGM which serves as a tacit validation of the practice. A number of academics and non-government agencies are advocating an interdisciplinary and multi-pronged approach to address the ideological foundations of the practice

### **3.6.13 Recommendations aligned with BPFA, SDGs AND CEDAW**

We call for protective and preventative action for those who have suffered and are at risk of complex forms of violence, including:

- A commissioned national report – particularly focused on reporting on at risk communities, initiatives that governments are taking to address the violence and to consider/establish indicators and motivators for these complex forms of violence and any new and emerging forms of this violence, for example forced marriage amongst the elderly or those with a disability and exit trafficking.
- Greater recognition of these complex forms of violence as a form of gender based violence and domestic and family violence in both legislation and policies at a national level.
- Greater coordination of law enforcement, government agencies and civil society organisations in order to provide better access to justice and supports.
- Implement measures to address the holistic and long term support needs of those who experience complex forms of violence, acknowledging that those who experience this type of violence can be young, ostracised or isolated from their communities for seeking help or taking actions to protect their rights.
- Commitments and resources from State, Territory and Federal governments for comprehensive programmes that heal and rehabilitate victims of complex forms of violence including job training, legal assistance, housing, confidential health care to address social, medical and psychological needs.
- Allocate resources to research and data collection with government agencies and inter-governmental organisations across the Asia Pacific region to monitor the migratory

558 <https://www.pri.org/stories/2013-12-10/female-genital-mutilation-rise-among-southeast-asian-muslims>

patterns of source and destination countries (particularly with trafficking) and interaction between acts of complex violence which begin in one jurisdiction and continue in another

- Australia to support governments across the Asia Pacific region commit to gathering data and coordinating responses to such cases.
- Australia to take the lead in supporting coordination of governments and law enforcement, including the formulation of a regional response, is crucial to helping facilitate the return of children and adults to countries of residence when they have been brought to another country for exploitation or marriage against their will.
- Provision of specialised training and design long term, needs based support for women and the girl-child at risk, whose long term access to education, housing and health services is jeopardised when rejection of marriages lead to the withholding of support from their family and community, leaving them isolated and ostracised. There is no one framework for such a response.
- Governments are urged to promote awareness programmes that aim to change harmful attitudes and practices like Child, Early and Forced Marriage as well as FGM and in addition, make it punishable by law.

## 3.7 Care Economy

### 3.7.1 Background and Current Context

The role of carers in Australian society and the economy is substantial and continues to grow. Most of those who deliver intense and ongoing primary care are women, and much of the care provided is unpaid. Unpaid care is an important factor which is holding back progress in the task of securing greater economic and financial security for women. Indeed, greater financial security will be difficult if not impossible to achieve, unless there are significant policy reforms that involve a financial recognition of this vital and valuable contribution to society and to the Australian economy.

Care covers many aspects of modern society and the workforce. Carers Australia state that Carers are people who provide unpaid care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness, an alcohol or other drug issue or who are frail aged.<sup>559</sup>

According to the Australian Human Rights Commission, unpaid caring work is undertaken by two main groups in Australia:

- a) parents (who include biological, step, adoptive, or foster parents, and grandparents or guardians with caring responsibilities for a dependent child); and
- b) carers (who include people caring for a family member or friend with disability, chronic illness or frailty due to older age. Persons with disability include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Unpaid care is a significant part of Australian society and the economy, with the bulk of caring work undertaken by women. As the United Nation notes, “the gender imbalances in the unpaid care work burden act as a systematic source of gender inequalities in a myriad of other economic and social outcomes.”<sup>560</sup>

Carers Australia, in 2015 stated there were 2.7 million unpaid carers in Australia or around a fifth of the working age population. The data showed that the median weekly income of primary carers aged 15 to 64 years was 42% below that of non-carers and that over two-thirds of carers were women.<sup>561</sup>

The United Nations notes “Financing of public investments in the care economy remains a persistent challenge because of the magnitude of resources required and the competing claims for public funds”.<sup>562</sup>

Australia has agreed to Sustainable Development Goal (SDG) 5: *“Achieve gender equality and empower all women and girls” Target 5.4 “Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate”*

559 Source: <https://www.carersaustralia.com.au/about-carers/>

560 Source: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/issue-paper-recognizing-and-investing-in-the-care-economy-en.pdf?la=en&vs=2004>

561 Sources: <https://www.carersaustralia.com.au/about-carers/statistics/>

562 Source: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/issue-paper-recognizing-and-investing-in-the-care-economy-en.pdf?la=en&vs=2004>



Unpaid care work is the heart of the problem when it comes to economic security for women whose financial position is eroded by their caring roles. In simple terms, it means there is a large cohort of the population who sacrifice paid work to be carers and the fact that the vast majority are women leaves them with a lower income, lower superannuation balances and undermines longer term financial security. Current funding for carer support services, including measures that provide financial support, do little to improve economic security for carers. The current cost to the government of this funding is a small fraction of the savings to the budget and society.

As the July 2018 White Paper Defining the Concept of Economic Security for all Women<sup>563</sup> found, the pay and superannuation gap between men and women was exacerbated by the nature of caring and the reduction in income and superannuation contributions to carers. In November 2019, eS4W are producing a White Paper “On the Australian Care Economy”<sup>564</sup>. This Carer White Paper will draw on a broad range of research, insights and ideas of others who have undertaken detailed and comprehensive work in this field.

If women stayed in paid employment, for example, and as a result the person otherwise being cared for was institutionalised rather than being looked after at home, the women would clearly have a substantially higher income and would accordingly have a higher superannuation balance as contributions were made in line with their paid employment. In this circumstance, where the person being cared for was placed in a government funded facility with carers employed by the government, there would be an expense incurred by the government.

If conversely, and using this illustration, the care was otherwise conducted largely in the family home by the caregiver, opting to reduce or even abandon paid employment and was not compensated to any meaningful extent by the government, which is generally the case now, the cost to government would be miniscule.

The nature of care is often intensive and the special nature of the care needed is very expensive. One only has to witness the government money allocated to the National Disability Insurance Scheme, to aged care and to child care to see the many tens of billions of dollars that the government must budget for each year to maintain a fair and decent society, where the most vulnerable have a reasonable safety net of care.

In the above example, when a carer looks after the family member at home and has little formal assistance from government funded bodies, especially where accommodation, food and cleaning is involved, there is a substantial cost saving to the government. The so-called ‘replacement value’ of caring work according to a report from Deloitte Access Economics, there were 1.9 billion hours of unpaid care work in 2015 which had a replacement value of more than \$60 billion per annum. It is worth noting that with population growth, the aging population and other economic parameter changes (for example wages growth), in 2019 terms, the annual value of unpaid care work today would be approximately \$70 billion.<sup>565</sup>

Part of this vast pool of savings could be deployed to provide financial assistance via an income or superannuation payment to carers, which would help to enhance the financial security for carers who, as noted, are predominantly women.

563 Source: <https://www.security4women.org.au/boosting-womens-economic-security/economic-security-defined-for-all-women/>

564 Future Source: [www.security4women.org.au](http://www.security4women.org.au)

565 Source: <https://www2.deloitte.com/au/en/pages/economics/articles/economic-value-informal-care-Australia-2015.html>

## 3.8 Young women and Comprehensive Sexuality Education (CSE)

The Committee on Economic, Social and Cultural Rights states that when combined with other parts of the ICESCR, including the right to education and the right to equality between men and women, there is “a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, and scientifically accurate and age appropriate”<sup>566</sup>. Sexuality education in Australia is failing to meet the needs and expectations of young women and gender diverse young people. While Australia has a national curriculum which includes sexuality education, State and Territory governments are responsible for implementation which leads to optional delivery in some States<sup>567</sup>. The curriculum lacks a cross-cutting gender lens. Further gender-equitable policies and procedures and cultures are needed across school communities, and teachers report a lack of training and confidence to deliver CSE<sup>568</sup>.

### 3.8.1 CSE and young women and girls’ freedom from violence

In 2015, 63% of young women aged 16-21 reported that they had not learned about core concepts of gender equality and power in relationships, such as consent, in their education<sup>569</sup>. Young women drew clear links between their lack of education and later experiences of sexual assault. The Australian government supports a gender analysis on Respectful Relationships education, and recently announced further funding<sup>570</sup> for primary prevention of gender-based violence.

Respectful relationships education should not be at the expense of sexuality education. Integration with sexuality education in the Australian curriculum remains crucial.

There continues to be stigma that young women with disability don’t have sexuality or require CSE, in spite of being at greater risk of sexual violence. Young women with disability continue to have their sexuality denied and policed, and to experience forced sterilization and contraception<sup>571</sup>.

### 3.8.2 Technology and CSE

The use of technology in young people’s sexual relationships, including dating apps and ‘sexting’ or sharing nude or sexy images, texts and videos and dating apps, is common and must be considered through a lens that centres the agency of young people.

566 Committee on Economic, Social and Cultural Rights. ‘General comment No.22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights) – Interdependence with other human rights (Art.9), E/C.12/GC/22/Art.9, available from: <https://undocs.org/E/C.12/GC/22>

567 Queensland Health. 2016. Queensland Health Sexual Health Strategy. Brisbane: State of Queensland, p.24.

568 Amith, A., Schlichthorst, M., Mitchell, A., Walsh, J., Lyons, A., Blackman, P. and Pitts, M. 2011. Sexuality Education in Australian Secondary Schools 2010: Results of the 1st National Survey of Australia Secondary Teachers of Sexuality Education, Monograph Series No. 80, (Melbourne: La Trobe University, the Australian Research Centre in Sex, Health & Society).

569 Young Women’s Advisory Group (YWAG) to the Equality Rights Alliance. 2015. Let’s Talk: Young Women’s Views on Sex Education. Canberra: ERA, available at <http://www.equalityrightsalliance.org.au/wp-content/uploads/2016/10/Lets-Talk-Final-Report.pdf>, accessed 23 August 2018.

570 Powell, A. ‘The latest action plan to tackle violence against women isn’t perfect, but it takes a much-needed holistic approach’, 16 August 2019, The Conversation, available from <https://theconversation.com/the-latest-action-plan-to-tackle-violence-against-women-isnt-perfect-but-it-takes-a-much-needed-holistic-approach-121870>, access 23 August 2019.

571 Disabled Peoples’ Organisations Australia (DPOA). 2018. Factsheet: Forced Sterilisation of People with Disability and People with Intersex Variations. Available from: <https://dpoa.org.au/factsheet-sterilisation/>, accessed 3 September 2019.

Gendered patterns of harassment and image-based abuse are concerning, and educational responses must be gender-responsive and avoid victim-blaming<sup>572</sup>.

Legal frameworks in some States and Territories which criminalise 'sexting' under child pornography legislation. In its Inquiry into Sexting in 2013<sup>573</sup>, the Victorian Law Reform Committee recommended the introduction of a defence for minors, and a special offence for cases of non-consensual sharing of intimate images. It is imperative to young women's rights that these recommendations are introduced across all jurisdictions.

### 3.8.3 SOGI rights and inclusion

Young women report that their sex education is not inclusive of or safe for young people of diverse sexual orientation and gender identity (SOGI)<sup>574</sup>.

Recent figures show only 55.6% of women secondary students reported they were 'only attracted to males'. Young women need CSE that is inclusive of diverse SOGI to enable their rights to non-discriminatory education and which promotes health outcomes.

In 2017, the Safe Schools Coalition Australia (SSCA) program, intended to build the capacity of teachers and schools to deliver SOGI inclusive schools and education was defunded as a result of significant and misleading media scrutiny and critique from conservative politicians<sup>575</sup>.

Following the defunding of SSCA, the Australian government has made further critique of and moves to limit the delivery of SOGI inclusive CSE in Australian schools.

## Case Study

### The Young Women's Advisory Group (YWAG) to the Equality Rights Alliance

YWAG is made up of ten young women (aged 30 and under) from across Australia. YWAG is currently focused on strengthening sex education in Australia through their project: Let's Talk: Young Women's Views on Sex Education. In 2015, YWAG surveyed over 1000 young women aged 16-21 about their experiences of sex education in Australia. In 2019, YWAG is conducting a further survey, open to young women and non-binary young people, to update the 2015 findings. YWAG uses the findings from the Let's Talk project to advocate to improve comprehensive sexuality and respectful relationships education in the national curriculum.

572 Yeung, T., Horyniak, D., Vella, A., Hellard, M. and Lim, M. 2014. 'Prevalence correlated and attitudes towards sexting among young people in Melbourne, Australia', *Sexual Health* 11(4): 332-339.

573 Parliament of Victoria Law Reform Committee, Report of the Law Reform Committee for the Inquiry into Sexting, Parliamentary Paper No.230, Session 2010-2013, May 2013, (Victoria: Parliament of Victoria)

574 Fisher, C. M., Waling, A. Bellamy, R., Ezer, P., Mikolajczak, G., Brown, G., Carman, M. & Lucke, J. 2019. 6th National Survey of Australian Secondary Students and Sexual Health 2018, (ARCSHS Monograph Series No. 113), Bundoora: Australian Research Centre in Sex, Health & Society, La Trobe University.

575 Nicholas, L. 'We must celebrate gender and sexual diversity in our schools', 16 February 2016, The Conversation, available from <https://theconversation.com/we-must-celebrate-gender-and-sexual-diversity-in-our-schools-54740>, accessed 23 August 2019.

