



WRANA

**WOMEN'S RIGHTS ACTION
NETWORK AUSTRALIA**

“(Our Rights, Our Voices)”

**The National Community
Report on Women's
Human-Rights in
Australia**

December 2004



Acknowledgements

The *Women's Report Card Project* National Working Group would like to thank the following individuals and organisations for their support and contributions to this Report:

All the wonderful women across Australia who took time out from their busy lives to come and share their knowledge and experiences with the Women's Report Card team.

The hard working and fabulous members of the State and Territory Working Groups.

The inspiring women who came together for the July 2003 Training and Project Development.

All the specialist readers who shared their knowledge and expertise with us, especially the Scarlet Alliance, Sisters Inside, Coalition of Activist Lesbians, People with Disability Australia Incorporated, Women with Disabilities Australia, the YWCA Australia, and Youthlaw.

Our partner organisations:

The National Network of Indigenous Women's Legal Services

Koori Women Mean Business

Working Women's Health

YWCA Australia.

Members of the National Working Group are associated with the following organisations and we thank them for their support:

Combined Community Legal Centres Group NSW

Disability Discrimination Legal Service VIC

Human Rights WA

Kingsford Legal Centre

Public Interest Advocacy Centre

People with Disability Australia Incorporated

Women with Disabilities Australia

Youthlaw

YWCA Australia

Funding support for this project has been received from:

The Reichstein Foundation

The Myer Foundation

Victorian Women Lawyers

Caritas Australia

Slater & Gordon

The WomenSpeak Network, which is funded by the Australian Government Office for Women (formerly the Office for the Status of Women)



This report is based on the consultations and views of women across Australia and represent an overview of the State and Territory Community Reports. The *National Community Report on Women's Human-Rights in Australia* was prepared by the following women:

Naomi Brown
Anna Cody
Caroline Lambert
Erica Lewis
Evelyn Loh
Clare Ozich
Annie Pettitt
Therese Sands
Shirley Southgate

The following women have been members of the National Working Group during the project:

Naomi Brown (August 2004 -)
Anna Cody
Amrita Dasvarma (to December 2003)
Juli Dugdale (February - July 2004)
Brigid Inder (to February 2004)
Caroline Lambert
Erica Lewis
Evelyn Loh
Kathleen Maltzen (to May 2003)
Annie Pettitt
Ladan Rahmani (to June 2003)
Therese Sands (July 2003 -)
Shirley Southgate (July 2003 -)

The *National Community Report on Women's Human-Rights in Australia* has been edited by Kelly Blainey.



WRANA

Our Rights, Our Voices - The Australian Community Report



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A Note on Terminology

Culturally and Linguistically Diverse (CALD) / Non-English Speaking Background (NESB) / Immigrant / Migrant Women

These terms have all been used in this document, as they are all used by government, non-government organisations (NGOs) or communities, and remain the subject of debate. 'Non-English Speaking Background' (NESB) had until recently been the preferred term to describe people who have immigrated to Australia, or who descend from immigrants. The current terminology used by government is 'Culturally and Linguistically Diverse' (CALD), which recognises that cultural identification is more complex than linguistic background. The terms 'immigrant' and 'migrant' flag the unique socio-cultural space occupied by some women in Australia. However, these terms may have little applicability beyond the first generation, and even first generation immigrants may cease to see themselves as 'immigrants' after a period of time. There are some situations where one term is more appropriate than another; for instance using 'NESB' when speaking of barriers to employment or education, or 'immigrant' when speaking of the effect of a visa category. T

Family and domestic violence

Family and domestic violence refers to violence that occurs within a relationship or after separation. It is an attempt to dominate and control another person. It is an abuse of power, and it is a crime. We use the term 'family and domestic violence' to illustrate that violence affects the whole family, and because it covers violence in situations and relationships other than those within a nuclear family. Different jurisdictions have different names for orders made to restrain the perpetrator of abuse from engaging in certain behaviours. To reflect these differences, we have not adopted a common naming practice, and refer variously to Apprehended Violence Orders (AVOs), restraining orders, intervention orders and domestic violence orders.

Intersectional discrimination

In developing this report, we have been mindful of the many different ways that women experience discrimination and disadvantage. There are many aspects of our identities which contribute to our sense of self, including: our age; income level or experiences of poverty; where and whether we work; our marital status; familial responsibility or status; our racial background, ethnicity and citizenship status; our experiences of migration, whether voluntary or forced; whether we were detained on entry to Australia; our experiences as a daughter or grand-daughter of migrants; our experiences of drug use or dependency; our experiences as a woman with disability, with a cognitive impairment, with mental ill-health, or with an acquired brain injury; our sexual orientation; our literacy levels; our interaction with law enforcement and prisons or juvenile justice facilities; our location in a metropolitan, regional or rural region.

These and many other aspects of our identities can inform our sense of self, and can also influence the ways individuals, institutions and communities respond to us. The totality of these factors contributes to women's experience of 'intersectional discrimination' and we have tried to reflect on this in the consultations and in our preparation of this report.



Executive Summary

The Women's Rights Action Network Australia's (WRANA) *Women's Report Card Project* has documented the experiences of women in relation to human rights and gender equality across Australia. In 2003-04, consultations were conducted in each state and territory. In total, over 60 consultations in four languages including over 1,000 women in all states and territories have been conducted. Issues covered include violence, leadership, the law, housing, health, education and economic security and employment. These are all human rights protected in the United Nations' *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW), to which the Australian Government has voluntarily committed. CEDAW requires that governments implement actions to stop discrimination against women. Based on this report, the *Women's Report Card Project* will produce a Shadow Report to go to the United Nations at the time that the Australian Government's Fourth and Fifth Periodic Report on the implementation of CEDAW is considered.

Violence Against Women

Women have the right to live free from violence. The CEDAW Committee has recognised that when women experience violence, a range of their rights are violated. CEDAW requires governments to ensure that laws, programs and policies are in place to enable women to live free from violence.

Women's Report Card consultations found that:

- Domestic and family violence in our community is compounded by inadequate legal responses, particularly the low levels of prosecutions in sexual assault cases and failure to enforce intervention orders against violent partners.
- The failure to adequately prevent and respond to violence that occurs in institutional and other service settings is of particular concern to women with disability, Indigenous women and women in prisons, juvenile remand and detention.
- Community attitudes and government programs continue to prioritise crisis responses and focus on physical and sexual violence, over emotional, financial, verbal, social and systemic forms of violence.



Leadership and Political Participation

CEDAW requires governments to ensure women's right to be involved in public and political life, including the right to vote, hold public office, participate in the formulation of government policy and non-governmental organisations concerned with the public and political life of the country, and represent their governments and communities internationally. (Articles 7 and 8)

Women's Report Card consultations revealed that:

- Much work remains to be done to improve women's participation in parliaments, boards and senior management, and also in recognising other spheres in which women and girls demonstrate their leadership and political participation, such as communities, families and playgrounds.
- The political participation of women with disability, Indigenous women and women from culturally and linguistically diverse (CALD) backgrounds requires specific attention.
- It is essential that women's policy and policy machinery within governments and the capacity of women's non-government organisations be strengthened.

Law and justice

CEDAW recognises women's right to equality before the law, equal right to access to, representation in, and treatment under the law. (Articles 2, 3, 4, 8, and 15)

Women's Report Card consultations found the key difficulties resulting in the exclusion of women from all areas of the legal system are:

- Insufficient funds for legal services, particularly for community legal centres and legal aid, which particularly impacts on Indigenous women.
- A lack of information and education for women about their rights and available services. Women with disability found education about the law, legal processes and their rights particularly inaccessible.
- A lack of culturally appropriate legal services. Fear and a lack of understanding of the legal system create barriers for women from CALD and Indigenous communities.
- A lack of law enforcement in relation to family and domestic violence.
- A lack of participation and representation in law-making bodies, government departments and legal services by Indigenous women, women from CALD backgrounds and women with disability.



Housing and Utilities

CEDAW require governments to ensure women's right to be free from discrimination in economic and social life. Rural women in particular have the right to "enjoy adequate living conditions, particularly in relation to housing." (Articles 13 and 14)

Secure, affordable and accessible housing is a right that must be respected in order to protect and promote women's rights and wellbeing in related areas. Women's Report Card consultations revealed that:

- Over the past 10 years housing affordability has fallen to record low levels.
- The lack of appropriate, affordable, secure and accessible housing is linked to poor health, poverty, a lack of basic services and community infrastructure, domestic violence, poor education outcomes, limited job opportunities, social isolation and lack of community participation.
- For many women, and women-headed households in particular, adequate and appropriate housing is now beyond their means.

Health

CEDAW requires governments to eliminate "discrimination against women in the field of health care in order to ensure ...[equal]...access to health services, including those related to family planning." (Article 12)

Indigenous women, women from regional and remote Australia, women with disability, women from CALD backgrounds and women from low socio-economic backgrounds all reported barriers to accessing affordable, appropriate, timely and quality health care. Women's Report Card consultations found that:

- The general trend in government policy has been towards the privatisation of hospitals and health services, which has had a detrimental impact on women seeking to secure their own health and the health of their families.
- Incentives for individuals to purchase health insurance has diverted funding from the public health system and has a negative impact on the health of low-income women.
- The reduction in bulk-billing by doctors has limited the accessibility and affordability of primary health care throughout Australia. This is of concern, especially for women living in rural and regional areas and women from low socio-economic backgrounds.
- There is a need for local, community-based health care services designed specifically for women. Currently there are few of these services, particularly outside metropolitan areas.



Education

CEDAW requires governments to ensure women's right to all aspects and levels of education and training. (Article 10)

Women's Report Card consultations documented that:

- The Higher Education Contribution Scheme (HECS), up-front fees and other user-pays systems in tertiary education limit women's access to university and Technical and Further Education (TAFE).
- Indigenous women, women from regional and remote Australia, women with disability and women from low socio-economic backgrounds are at greatest risk of missing out because of the unreasonable cost of studying.
- Young women and girls faced barriers to accessing affordable education due to increased 'voluntary' fees in primary and secondary schools.
- A lack of accessible and appropriate support services prevent or limit the participation of women in education. Additional resources to support students, including adequate childcare, would improve the entry and retention of women in tertiary education.

Economic Security and Employment

CEDAW requires governments to ensure women's rights in relation to work, including equal pay for work of equal value, equal access to benefits, the right to not be discriminated against in the workplace, the right to paid maternity leave and access to support services to balance family and work responsibilities. (Article 11)

Women's Report Card consultations found that:

- Work and life balance, pay equity and discrimination on all grounds remain issues for women in seeking work, and in caring, education and volunteering commitments.
- The costs of childcare, education and disability are significant barriers to women's economic security.
- There are serious concerns about the ongoing inequalities for workers in traditional female industries such as childcare and other caring professions.



Methodology

This report is the culmination of numerous volunteer hours by many women across Australia, over a period of more than two years.

The Women's Rights Action Network Australia (WRANA) first met to discuss the *Women's Report Card Project* in late 2002. A commitment was made to produce state, territory and national community reports in order to provide relevant overviews for each community, to provide an alternative perspective to the government CEDAW report with issues and solutions identified by the community, and to ensure the development of a proactive policy agenda for women. This provided women with the opportunity to do more than produce a reactive CEDAW shadow report, which would only allow responses and objections to the Australian Government Periodic Report to the UN CEDAW committee.

The *Women's Report Card Project* offered local training and community development opportunities, providing women from around Australia with the chance to learn about CEDAW and human rights more broadly, and to develop practical applications for that knowledge.

The *Women's Report Card Project* National Working Group was established in April 2003. The National Working Group developed CEDAW training materials to use in an initial train-the-trainer two-day workshop, held in Melbourne in July 2003. Women from around the country attended, with the intention that people who came to the training would facilitate the training and consultation processes in their home state or territory. From WRANA's preparatory work, and through the course of this training, seven key areas were identified: violence against women, leadership and participation, legal issues, housing and utilities, health, education and economic security and employment. It was agreed that these areas would form the framework for other training and consultation sessions, and for the state, territory and national reports.

Subsequently, state and territory working groups were formed, additional research was carried out, and training and consultations were conducted. Abridged versions of the training materials were translated into Vietnamese, Chinese, Arabic and Tagalog to facilitate consultations among women in those communities. Through these processes, since late 2003, the *Women's Report Card Project* has documented the experiences of women in relation to human rights and gender equality across Australia.

Women from a wide variety of backgrounds and experiences participated in the consultations. Some women were representing agencies and organisations, including refuges, domestic violence services, refugee organisations, Indigenous women's organisations, migrant women's groups, health care services, older women's groups, educational institutions, unions, youth agencies, disability services and legal services. Other participants were individuals interested in human rights. In total, there have been over 60 consultations in four languages involving over 1,000 women across all states and territories.



State and territory working groups submitted their reports to the National Working Group in July 2004. On the basis of these reports, the National Working Group prepared a chapter on each of the seven key areas, providing a national overview of women's experiences in relation to human rights in Australia.

In order to ensure that the national report properly incorporated the voices of women from a diverse range of communities, the National Working Group sought review and comment on the draft national report from specialist readers with expertise in the areas of women with disability, Indigenous women, migrant women, lesbians, young women, older women, prisoners, sex workers, single mothers, and regional, rural and remote women.

To find the specialist readers, the National Working Group approached People with Disability Australia Incorporated, the National Network of Indigenous Women's Legal Services, Coalition of Activist Lesbians, the Scarlet Alliance, Sisters Inside, the YWCA Australia, Youthlaw, Immigrant Women Speakout Association of New South Wales, the National Rural Women's Coalition, the National Council of Single Mothers and their Children and the Older Women's Network. The National Working Group then incorporated comments and suggestions received from the specialist readers into the national report.

Indigenous women participated in many of the state and territory consultations. However, it became apparent early in the process of conducting consultations that specific Indigenous women's consultations were also necessary to ensure the particular experiences of Indigenous women, in relation to their human rights, were reflected. Funding was obtained to facilitate Indigenous women's consultations, and an additional Indigenous women's report will be produced by Koori Women Mean Business and the National Network of Indigenous Women's Legal Services.

The information gathered and documented through the consultations, together with relevant existing research, was collated by each state or territory working group into a state or territory report. These reports will be available on the WRANA website (www.vicnet.net.au/~wrana) and will be part of the CD produced at the conclusion of the project. The CD will include the training materials, state and territory reports, *National Community Report on Women's Human-Rights in Australia*, CEDAW Shadow Report, concluding comments from the CEDAW Committee, and an implementation report.

Finally, the *National Community Report on Women's Human-Rights in Australia* will also be available in Arabic, Vietnamese, Chinese, Braille, audio and large print formats.

The National Working Group has attempted, within the constraints of limited funding, and an almost total reliance on volunteers, to include as many women as possible in this project. The process of producing the *National Community Report on Women's Human-Rights in Australia* has been extensive, but by no means exhaustive. However, we trust that the women who have been involved have found the experience valuable, and we hope that women across Australia can make practical use of the *National Community Report on Women's Human-Rights in Australia* and the state and territory reports.



Violence Against Women

Our Rights

Women have the right to live free from violence. The CEDAW Committee outlines this right in a separate document, which recognises that violence against women is a form of discrimination, and that when women experience violence, a range of their rights are violated. Governments must ensure that laws, programs and policies are in place to enable women to live free from violence.

Our Situation

Legislation

For the most part, physical, emotional and verbal abuse have been criminalised. However, women in same-sex relationships in South Australia and the Northern Territory are unable to access restraining orders against violent partners under domestic violence legislation. Sexual assault has been criminalised in all jurisdictions. Slavery and sexual servitude is the subject of federal legislation. Sexual harassment in the workplace is addressed by state/territory equal opportunity legislation, and by the *Sex Discrimination Act 1984* (Cth).

Policy and trends

The primary response to domestic and family violence is through the Supported Accommodation and Assistance Program (SAAP), which provides funding to shelters. *Partnerships Against Domestic Violence* (1997-2003) provided short-term funding to examine new approaches to ending domestic violence. A four-year *National Initiative to Combat Sexual Assault* was launched in 2003. There is no over-arching national action plan to address violence against women. The majority of states/territories have introduced, or are in the process of introducing 'whole of government' approaches to the eradication of violence against women.

Our Voices

Culture of violence and sexual assault

Women at consultations across Australia identified a culture of violence against women within the Australian community. Women were concerned by the ongoing trivialising of women's experiences of violence and the false perception that violence is always perpetrated by strangers. Women also expressed serious concern about the failure of the legal system to secure successful prosecutions of sexual assault, which in some states/territories is as low as 6%.



Focus on physical and sexual violence

Women who participated in the community consultations recognised that violence against women encompasses a range of violent behaviours, including dating violence, physical, verbal, sexual, spiritual, emotional, systemic, social and economic abuses and homicide. However, women reported that government and community perceptions predominantly recognised physical and sexual violence, and ignored the other forms of violence. In particular, the revised Commonwealth *Violence Against Women* campaign was criticised for focusing primarily on physical and sexual assault, for referring women to non-specialist counsellors, and for excluding specialist domestic violence and sexual assault services from the tendering process.

Lack of funding

At all consultations, women identified a failure of government to provide adequate and appropriate funding. Funding for crisis responses are prioritised over long-term support, prevention work, or early intervention programs aimed at eliminating violence. There is no government funding to support structural advocacy on issues of violence against women.

Sex workers

Women identified that while all women should have equal access to the justice system, the criminalisation of some sex work, such as the work of street workers and trafficked women, means that women experience extreme barriers to reporting crimes related to their work.

Women with disability

Women and girls with disability can experience violence in significantly different ways, such as unnecessary institutionalisation, denial of control over their bodies, forced sterilisation, chemical restraint, medical exploitation, humiliation and harassment and lack of financial control, as well as being at an increased risk of violence, including sexual violence.¹ These forms of violence are often inherent in the disability, health and justice systems. Violence perpetrated by carers presents additional challenges. Inaccessible support services and lack of appropriate supported accommodation prevents many women with disability from maintaining safe and appropriate accommodation. Women at the consultation reported that women with disability are less likely to be believed when reporting violence, and are less likely to have assaults successfully prosecuted.

Women in prison

Women working with women in prison identified that beyond the violence perpetrated by prisoners and prison officers, the practice of strip-searching amounts to institutional violence against women. Strip-searching re-traumatises the 97% of women prisoners who have experienced physical abuse and 89% who have experienced sexual abuse in their lifetimes.² In Queensland, mandatory strip-searching is conducted after contact visits, to look for concealed contraband and illicit drugs. Sisters Inside (Queensland) found that of 41,728 searches in a three-year period, only two searches revealed any significant contraband. Concerns were also raised that minimum-security prisoners were being held in maximum-security facilities due to the inadequate resourcing of women's prisons.



Indigenous women

Indigenous women reported police violence towards them, generally, and also when they are escaping violence. Inadequate funding to support community-initiated solutions for women in all Indigenous communities, but particularly rural and remote communities, was identified as a key concern.

Violence in the workplace

Women reported that violence in the workplace undermines women's capacity to work effectively and adversely affects productivity. Young women, immigrant women, women with low educational qualifications and women with disability are particularly vulnerable to exploitation in the workplace. Women identified that employers need to be held accountable for violence in the workplace.

Homophobic violence

Homophobic community attitudes mean that lesbians, bisexual, transgender and intersex people continue to experience discrimination, harassment and violence, because of their sexuality. Few people in this group report acts of violence to the police, as they do not feel confident of a sensitive and adequate police response. In particular, the consultations revealed that lesbians who experience domestic violence find that they are not taken seriously when reporting to health services, the police and community services.

Immigration status

Immigration status can affect the capacity of women to access services which would enable them to leave violent relationships. Women identified that mainstream services rarely provide adequate responses to women from CALD backgrounds. Reduced funding for interpreting and translation services was identified as a significant impediment for women from non-English speaking backgrounds (NESB). In addition, the two-year waiting period for new migrants to access financial support services contributed to women staying in situations of domestic or family violence. The mandatory detention of asylum-seeker women is a form of structural violence.

Our Successes

- Two groundbreaking reports have assessed the economic and the health costs of domestic violence. *Access Economics*, commissioned by the Office of Status of Women, estimated the total extent of the costs of domestic violence, economy-wide. VicHealth has highlighted the cost of the diseases and illnesses women experience as a result of violence.
- Community advocates are exploring new ways to support women, rather than the perpetrator, to stay in their homes. Important actions include education for magistrates, innovations in funding for support services for women who stay in the home, and improved police responses to breaches of intervention orders.
- The integration of local responses that bring together all agencies in a region, such as the protocols in place in the Australian Capital Territory and Townsville, Queensland.



- Programs challenging abusive behaviour, predominantly by men, such as the Facing Up To It (FUTI) program being run in outlying communities in Tasmania.
- Specific domestic violence courts and in-court support programs that provide outreach and support networks, and assist women to secure immediate protection from violence such as the programs in Victoria and New South Wales.
- High-level political and resource commitment by the Chief Commissioner of Victoria Police has resulted in programs to improve police practice in response to domestic violence and to address domestic violence within the policing community.
- The Domestic Violence and Incest Resource Centre websites - *Bursting the bubble* and *When love hurts* - provide useful information for young women experiencing abuse.
- *Sisters Inside* provides sexual assault counselling to women in prison and has worked to address domestic violence experienced by women prisoners, and the impact this has on their incarceration.

Our Solutions

- Sex work, including street-based sex work, should be decriminalised in order that sex workers have equal access to justice.
- In order to prevent the re-trafficking of women the forced repatriation by destination countries like Australia must stop,
- Strip-searching in prison should not be mandatory after contact visits, and should only be allowed when there is *reasonable* suspicion of possession of contraband.
- Minimum-security prisoners should not be held in maximum-security prisons.
- The low levels of successful sexual assault prosecutions must be addressed through legislative reform, reform of evidentiary procedures, education of the legal profession and community, and a change to community attitudes and culture of the criminal justice system.
- Long-term funding for a diverse range of programs, including community education, early intervention programs, alternative and accessible housing responses, perpetrator programs and crisis responses are needed. These programs must address the full spectrum of violence against women, not just physical and sexual violence, and must recognise all forms of relationships.
- Coherent and consistent criminal and civil justice responses are required across Australia. Police must receive better training to ensure that they respond adequately to women who have experienced violence, and must ensure that they prosecute and enforce criminal and relevant restraining-order law.



Leadership and Participation

Our Rights

Under Articles 7 and 8, CEDAW requires governments to ensure the right of all women to be involved in public and political life, including the right to vote, hold public office, participate in the formulation of government policy and non-governmental organisations concerned with the public and political life of the country, and to represent their governments and communities internationally.

Our Situation

Legislation

The Commonwealth *Sex Discrimination Act 1984* (Cth) implements into domestic law some of Australia's obligations under CEDAW. In recent times the *Sex Discrimination Act* has come under attack particularly to weaken its protections for women's access to health services. The Human Rights and Equal Opportunities Commission which monitors compliance with human rights instruments has also come under attack with attempts to remove its specialist Commissioners and to limit its ability to intervene in court cases in support of human rights.

Policy and trends

Decreased funding

In recent times operational funding has been removed or significantly reduced from many women's organisations and the national youth peak body. In addition the National Women's Roundtable, which was the predominant means of government consultation with key stakeholders in the women's sector, has been abolished. In many jurisdictions women's machinery and budget reporting has been abandoned, downgraded or rendered useless.

Political participation

The political participation of women with disability, Indigenous women and women from CALD backgrounds requires specific attention. Ongoing support for national representative organisations is essential. Significant efforts need to be made by women's organisations and generalist community organisations to improve inclusion and participation of these women in membership, committees and organisational activities.

Women in Australia have continued to increase their representation on corporate and public sector boards. However, parity remains a far-off goal. At the 2004 Federal Election held October 9th 2004, women's representation fell in the federal parliament from 60 out of 226 members of parliament or 26.5%³ to 56 out of 226 members of parliament or 24.7%. Only 8.4% of women are board members of Australia's top 200 companies as listed by the Australian Stock Exchange.⁴ It is notable that the Australian Council of Trade



Unions' (ACTU) Executive is made up of 50% women, although the ACTU also notes that women continue to be underrepresented in many levels of Union leadership.⁵

Our Voices

Overview

The Women's Report Card consultations revealed that much work remains to be done to improve women's participation in parliaments, boards and senior management. It is important that we recognise the many spheres in which women and girls demonstrate their leadership and participation, such as communities, families and playgrounds. It was felt by women at the consultations that through the period of the Australian Government's fourth and fifth CEDAW reports, women's voices in public spaces were still being sidelined and denigrated, including the concerns and voices of children and young women.

Strengthen policy

Women at the consultations expressed the important need to strengthen women's policy and policy machinery within governments, as well as the capacity of women's non-government organisations. In many jurisdictions women's policy has expired and not been renewed, such as the National Women's Health Strategy, and there was a feeling that women's policy machinery overall has been sidelined, downgraded or ignored.

Portrayal and participation of women in the media

Women continue to express concerns about the portrayal and participation of women in the media. Women at the consultations believed that much of the mainstream media continues to promote unrealistic and unsafe images of women, and acts to reinforce negative gender stereotypes.

Representation of women in traditionally male areas

Ongoing improvements of the representation of women in traditionally male areas of leadership, such as politics and business, continue to move slowly. Women often lack the critical mass to support actions which will make a difference in structures and outlook.

Our Successes

The continuing growth and survival of many women's organisations promoting women's participation in issues of public policy and interest is definitely a major success that the women of Australia can be proud of. It is estimated that there are over 120 national women's organisations operating in Australia, almost all of which are run largely by volunteers fuelled by their commitment to women's rights. In a political climate that has seen women's issues sidelined and funding resources restricted, the ongoing existence and perseverance of many of these organisations is a testament to our determination, our broad interpretations of what it means to be a leader, and the fundamental role we still see for the voices of women to speak for women. Many organisations continue to be actively involved in promoting women's leadership and political participation, for example:

- There are women's networks in each of the major political parties. For example,



- EMILY's List provides financial support, training and mentoring to support endorsed Australian Labor Party women candidates in territory, state and federal elections. EMILY's List has a specific network supporting Indigenous women; and
- The National Foundation for Australian Women, the Foundation for Australian Agricultural Women and the YWCA Australia each run programs specifically aimed at identifying, training and mentoring women leaders, especially in regard to board membership. The YWCA Australia extends this commitment by requiring that 30% of all its board members are women under 30 years

Our Solutions

While the breadth of the women's movement is a testament to our strength, it is also vital we recognise that certain groups of women have found it particularly difficult to organise and sustain national organisations that represent them. Therefore we propose:

- There should be significant and long term funding to support the development of national women's organisations that are particularly representative of Indigenous women and women from CALD backgrounds.
- All women's organisations must continue to work to ensure that they represent the diversity of all Australia's women, particularly representing diversity and intersections of ability, age, ethnicity, religion, culture, class and sexuality.
- Core funding should be provided to a greater diversity of women's groups to ensure policy is adequately informed by the perspectives of those whose lives are most directly affected by it, including women with disability, young women and single mothers.
- Project funding should be provided to women's groups to undertake research and advocacy in new or neglected policy areas.
- That the Government reinstate the National Women's Roundtable and provide funding for representatives of all national women's organisations, or state/territory organisations where there is not a national equivalent, to participate in the roundtable twice a year, in recognition that good policy development by government requires consultation with women.
- Restore the capacity within government for expert analysis of the gender impact of policy through:
 - specialist gender units within all central and line departments;
 - enhancing the gendered policy expertise of the social policy unit within the Department of Prime Minister and Cabinet;
 - ensuring that the Minister for Women retains access to the staff and expertise to review all Cabinet submissions for a gendered analysis and comment, and is expected to give that analysis and comment;
 - creating a mechanism for co-coordinating gender mainstreaming work across government from the highest levels of government; and
 - including 'whole of government' gender budgeting processes that rigorously analyse budget inputs and outputs.



Women's participation in community activities, leadership roles and political activities is also impacted by the other issues discussed in the Women's Report Card. In order to support and extend women's participation, these activities need to be:

- conducted in safe community spaces free from violence and intimidation, and stereotypes based on race, age, ability, culture, sexuality, religion and class; and
- accessible regardless of ability, access to transport, the need for child or respite care, ability to pay or position in the workforce.

Law and Justice

Our Rights

Women's right to equality before the law, equal access to, representation in and treatment under the law are recognised by CEDAW. The most relevant articles ensuring women's rights relating to law and justice are Articles 2 (law, policy and prejudices), 3 (guarantee of human rights and freedom), 8 (representation) and 15 (equality before the law).

Our Voices

Lack of funding and access to legal services

Insufficient funding and a greater shift towards a user-pays system has affected the availability of legal aid services. Women identified access to affordable and appropriate legal assistance, including access to legal information, advice, and representation in legal proceedings, as a major issue of concern. Funding cuts to legal aid and the focus on criminal law matters have resulted in the prioritising of men's legal needs over women's, specifically impacting family law matters. Community legal centres suffer from inadequate funding and pressure to accommodate the rise in demand for legal services. This restricts their ability to challenge and change systemic flaws in the legal system, and prevents systemic advocacy on behalf of women. In Western Australia the lack of interpreters for rural, remote and regional centres mean that some women are going through the justice system, including court processes, without an interpreter. Indigenous women are notably affected by insufficient legal aid funding. The proposed tendering out of Indigenous legal services would create another barrier for Indigenous women seeking to initiate or defend legal proceedings.

Lack of education about rights and legal services

The lack of access to legal services and education about women's legal rights are key issues which affect women. The law and the assistance it can provide are readily available only to those who can afford to pay for it, understand how and when it can be used and can communicate their instructions and make sense of the assistance provided. Women with disability found education about the law, legal processes and their rights particularly inaccessible. This prevents them from using the power of the law to pursue their rights and protect themselves.



The lack of access to culturally appropriate legal services

Women at the consultations reported the lack of culturally appropriate services for women from CALD backgrounds as a key issue. Cultural values which support male domination, the fear of the legal process, and the cost involved, have deterred women from CALD backgrounds from asserting their legal rights. Consultations in New South Wales highlighted how many women are sexually abused without realising that it is illegal. The lack of access to interpreters in Victoria causes barriers when attempting to access the law. Migrant women from CALD backgrounds who have Temporary Protection Visas have no access to free and ongoing education about their rights in the new country.

The marginalisation of groups of women in the legal system

The legal system continues to marginalise particular groups of women and their needs. Women with disability, especially those with multiple and complex needs face barriers in receiving equitable access to justice and the law. Sex workers continue to face discrimination through newly enacted legislation and historical laws that criminalise their activities. Women in detention are amongst the least powerful, most vulnerable people in Australia, who need the greatest amount of protection. Women seeking asylum, held in detention centres across Australia such as Port Hedland or Christmas Island have no access to legal assistance, or it is severely limited. The experiences of sexual assault victims/survivors continue to be marginalised in the legal system (see Violence Against Women section).

Systemic issues

The formal and gendered nature of the legal system, including its laws and processes, makes the legal process difficult for many women. The distress of facing the person about whom they have complained, the formal processes, intimidating and confusing language, and the culture of the law, legal personnel and courtroom, means that many women find the process daunting and choose not to participate in it.

Family and domestic violence laws

Women felt the failure of police to enforce restraining orders where there is domestic violence has resulted in ineffective protection for women and children. In Townsville, many women seeking domestic violence orders cannot get legal representation and rely on social workers instead of solicitors. Women were also concerned that women are being held responsible for men's use of violence in relationships, having to move out themselves or face their children being taken away.

Indigenous victims experiencing domestic violence can feel too intimidated to talk to non-Indigenous people. According to community consultations undertaken in New South Wales, Indigenous women felt that current implementations of policies on domestic violence and responses to rape were done with little consultation with the community. Policies were not tailored to meet the needs of survivors of domestic violence, and this has resulted in insufficient access and awareness of legal services.



Insufficient cross-representation of the community

Women in consultations noted the lack of participation and representation of Indigenous women, women from CALD backgrounds and women with disability in law making bodies, government departments and legal services. This has created an exclusion of a cross-section of the community of women from all levels of the legal system, and means the existing archaic and patriarchal culture of the legal profession remains unchallenged.

Family law

Women at the consultations reported that family law often operated to the detriment of women, especially in relation to property settlement, child support and failure of the laws to protect women from violence. . Many women, including sex workers also face barriers in relation to custody of children. Women were concerned about the increasing power of men's lobby groups.

The domestic implementation of CEDAW in Australia

Women in consultations applauded the twentieth anniversary of the *Sex Discrimination Act 1984* (Cth). Nonetheless, they identified that the Act did not achieve full implementation of CEDAW in Australia and that exemptions in the Act significantly undermine its effectiveness. The failure to entrench equality in the Constitution and the continued existence of reservations against CEDAW (paid maternity leave and participation in direct armed combat) were identified as an ongoing impediment to the realisation of CEDAW rights in Australia.

Our Successes

- The enactment of anti-discrimination legislation at both state and federal levels has established a comprehensive framework that provides recourse to victims of discrimination, as well as educating, and acting as a deterrent to discriminators.
- Specialist courts, for example in Victoria the sex worker court and domestic violence court, are currently being developed. With the use of allocated magistrates and specialist workers, they will meet the needs of women more effectively.
- Community Legal Centres provide free legal assistance and representation to women who cannot afford it. The National Network of Women's Legal Services undertakes advocacy at the federal level.
- The establishment of the National Network of Indigenous Women's Legal Services enhances the ability of Indigenous women to enforce their rights.
- Programs that assist men in ending their violent behaviour, such as the *No to Violence* campaign in Victoria, are important in promoting the welfare of women and children.
- Public recognition of the importance of women's rights by high-profile figures such as Christine Nixon (Victorian Police Chief Commissioner) and Alastair Nicholson (retired Chief Justice of the Family Court of Australia) is having a positive influence on community attitudes.



Our Solutions

- The Federal Government should sign the Optional Protocol to CEDAW and remove reservations regarding the provision of paid maternity leave and the participation of women in direct armed conflict.
- Amend the *Sex Discrimination Act* to remove exemptions and broaden its application.
- Improve anti-discrimination laws to address structural inequality and not rely on individual complaints.
- Broaden anti-discrimination legislation to apply in more situations than it currently does, for example, include protection on the grounds of religion and economic status.
- Repeal current policies that discriminate against refugees and asylum seeker women, through the propensity to base familial refugee claims on the experiences of husbands/male partners.
- Increase funding to Community Legal Services and Legal Aid to help improve the legal outcomes for women.
- Broaden the scale of education programs that promote the human rights of women, including the acceptance, acknowledgement and awareness of the needs of the diverse groups of women. This includes specific education for people working with women, such as police and magistrates.
- Create an accessible and more supportive environment for women to participate in law reform, decision-making processes and legal services.
- Education for women about their legal rights and remedies, which is accessible and culturally appropriate.
- Increase funding for accessible domestic violence and legal services that support women to escape violence, including refuges and outreach workers. Also, support workers who assist female victims of crime in courts with adequate educational facilities.
- Increase funding to specific services such as drug rehabilitation programs, sexual abuse services and services for female inmates.
- Improve the availability of interpreters in rural, remote and regional centres and increase funding to these areas where the provision of services is inadequate.



Housing and Utilities

Our Rights

CEDAW requires that governments secure women's right to be free from discrimination in economic and social life in Article 13. In Article 14, the right of rural women in particular to "enjoy adequate living conditions, particularly in relation to housing" is recognised. These rights are also secured through the work of the Committee, which addresses issues of housing in its concluding comments.

Our Situation

Legislation

The relevant legislative frameworks are not uniform across Australia. However, each state and territory provides legislation that governs residential tenancies, public housing authorities, equal opportunity, domestic violence protection, and the provision of basic services. Each state also works with the Commonwealth Government under the Commonwealth State Housing Agreement (CSHA).

Policy and trends

According to a recent national summit, over the past 10 years housing affordability has fallen to its worst-ever level⁶: average house prices relative to income have almost doubled; the proportion of first home buyers has fallen by 30%; the average monthly payments on new loans have increased by around 50%; the proportion of low-rent homes has fallen by about 15%; more than 1.5 million low-income Australians spend more than 30% of their income on housing; and the opportunities to rent public housing have fallen by 20%.

- According to the Australian Bureau of Statistics, in 2001 there were 100,000 people who were homeless on any given night of the year.⁷
- National policy trends include a decrease in public housing stock, and a move away from social housing towards welfare housing, with ever-tightening eligibility and allocation criteria; and
- There has been an accompanying trend encouraging investment in the private rental market through tax incentives.

Our Voices

Overview

The lack of appropriate, affordable, secure and accessible housing is inextricably linked to health stresses, poverty, the lack of basic services and community infrastructure, domestic violence, poor education outcomes, limited job opportunities, social dislocation, recidivism rates for women leaving prison, and reduced participation in the community. Women's success in securing safe, affordable and accessible housing is interdependent with the protection and promotion of their rights in all these related areas outlined above.



Public housing

Lack of appropriate public housing stock

Every state and territory reported a severe lack of public housing. In particular there is a lack of appropriately maintained, secure and accessible housing that caters for a variety of household types and tenant needs, including women with disability. As women are disproportionately over-represented as public housing tenants, they are particularly disadvantaged.

Narrow eligibility criteria and long waiting lists

The eligibility criteria and allocation decisions are so specific that many women, unable to afford other forms of housing are locked out of public housing. They, along with the many women who are on lengthy waiting lists for public housing, are effectively made homeless.

'No just cause' evictions

Public housing providers are often able to evict tenants for no reason, simply by following the 'termination of tenancy' process set out in legislation. Women evicted in this way are effectively made homeless.

Homelessness

The extent of homelessness is underestimated, with a failure to take into account those women and children who live temporarily and nomadically with friends and relatives, or who are housed from time to time in caravans and cars. Homeless women and children are more vulnerable and at greater risk of violence outside the family.

Lack of support services

Many women in public housing are unable to access appropriate and sufficient support services. Women in crisis, women with complex needs, young women, women with disability, and women leaving prison or rehabilitation facilities, all need long-term and sustainable support programs. The current Supported Assistance Accommodation Program (SAAP) services are insufficient.

Private renting and purchasing

Cost barriers to renting and purchasing

Women reported being locked into a cycle of poverty due largely to the cost of housing. For women in private rentals, the cost of rent often meant there was insufficient money left to pay for other essentials like adequate health care. The low paid and casual work of many women meant that getting a loan to purchase a house was out of the question, even when the cost of servicing a mortgage was less than the amount of rent. The discriminatory practices of some lending institutions when dealing with women, especially single women, makes it even harder for some women to secure a loan to purchase a house.



Discrimination

- Many women reported the additional barriers of discrimination by landlord or agent across a variety and combination of grounds include: race, income source, gender, marital status, family size, age - both older and younger women - and disability. Indigenous women in particular reported discrimination when trying to access private rental accommodation.
- Women leaving prison facing the difficulties of looking of not only looking for private housing but also the stigma attached to women in prison, were often refused accommodation.
- In addition to being discriminated against in securing a rental home, women from CALD backgrounds experienced particular difficulty accessing information about their rights as tenants, and enforcing these rights.

Blacklists/tenant databases

Largely unregulated, these can lock women out of agent-managed private rental accommodation. Some women do not know that they are listed, or why. Women often find themselves on blacklists due to domestic violence-related damage or abandonment, debt incurred by ex-partners, mental health issues, or for simply enforcing their rights as tenants.

Domestic violence

Every state and territory reported on the overwhelming link between domestic violence and homelessness or housing distress. Some women stay in violent relationships as they have no alternative, accessible shelter, or no capacity to access assistance. Migrant and refugee women in particular report difficulties in finding out where they can go if they leave a violent relationship. For women who do leave, they and their children often face homelessness after short-term accommodation options are exhausted. Alternatively they are often forced into inappropriate, insecure and costly private rentals while they wait for public housing.

Regional, rural and remote women

The lack of choice in many regional, rural and remote areas means many women are forced into high rent, sub-standard accommodation. For women in these areas, escaping domestic violence often means leaving their district and community due to the lack of safe, alternative housing. Indigenous women, particularly those in remote communities, reported a lack of access to basic utilities such as water, a reliable electricity supply, and telephone services.

Health

Homeless and inappropriately housed women and children generally have poor health outcomes. They are unable to maintain treatment regimes, they are more at risk of contracting illnesses and they are unable to eat well and have their most basic health needs met.



Tenancy Legislation

Tenancy legislation across Australia routinely favours owners over tenants. Short and/or periodic tenancy agreements are usually entered into, giving tenants little security of tenure. In addition, tenancy legislation usually provides a process for owners to regain possession of premises for a variety of reasons, while making it difficult and costly for tenants facing hardship or violence to break or vary their lease. At times, public housing policies also impose unfair conditions on tenants.

Our Successes

- The types of supports and security required to enable women to stay in their homes has been examined by the 'Right to Stay' working group as part of the Victorian State Government Women's Safety Strategy. In addition, service providers are examining new housing and support models for women leaving family and domestic violence, including access to a small number of transitional houses for women not needing to enter high-security refuges, and access to cooperative housing models operating in South Australia and Tasmania.
- Programs to assist women to move into sustainable private rental are being considered. Some regions in Victoria provide a subsidy of up to \$1000 per annum to assist women to meet private rental costs. Women's Housing Limited in Victoria are examining whether there are tax breaks associated with renting a property to a registered charity, thus enabling below-market rental properties to be available to women.

Our Solutions

- Develop a sustainable national housing strategy. This must incorporate a renegotiated CSHA, best practice standards for residential tenancy legislation and public housing policy, principles of universal housing design and adaptable housing stock, community consultation in policy development and implementation, education for tenants and landlords, and the promotion of housing as a basic human right.
- Increase funding for public housing to increase stock, improve maintenance, provide for a variety of family structures and sizes, make housing accessible and adaptable, increase support to tenants in crisis, and provide appropriate support to tenants with disability and other specific and/or complex needs.
- Mandatory government provision of basic utilities and services to all households, including those in remote locations.
- Address the causes of homelessness and inadequate housing. Gather useful and accurate data by funding longitudinal studies of women and housing, and use the data in the formulation of housing policy and service provision. Develop effective and well-funded early intervention programs and integrate provision of appropriate, accessible housing with protection of other basic human rights that are linked to housing.
- Amend anti-discrimination legislation to prohibit discrimination on the grounds of income level, particularly in relation to housing.



Health

Our Rights

Article 12 of CEDAW requires governments to eliminate “discrimination against women in the field of health care in order to ensure ...[equal]...access to health services, including those related to family planning.” It also requires that governments ensure accessible appropriate health services in relation to pregnancy and postnatal care, including the provision of free services where necessary.

Our Situation

Legislation

Health programs and services are generally the responsibility of state and territory governments. However, funding arrangements exist between federal and state/territory governments to ensure that tax revenue is distributed equitably. The Federal Government administers the Medicare scheme.⁸

Policy and trends

The general trend in government policy has been towards the privatisation of hospitals and health services. There have also been incentives for individuals to take out private health insurance. There is currently a crisis in professional indemnity insurance, which is witnessing health professionals leaving the public health system due to extremely high insurance premiums. Women expressed major concern over the future of the Pharmaceutical Benefits Scheme (PBS) - which provides reduced-cost medicines to Australians who otherwise could not afford it - as a result of the Free Trade Agreement with the USA.

Our Voices

Public v Private

Since January 1999, all Australians who had private health insurance have been eligible to claim a 30% rebate from the government.⁹ Many women consulted believed that the money dedicated to supporting the private health system could be used to better support the public health system. The public health system is experiencing a decrease in bulk-billing doctors, resulting in many women having to travel long distances or attend a hospital emergency room to see a doctor, or miss out on essential medical treatment.

Indigenous women

Indigenous Australians experience higher levels of ill health, disease and death rates across all age groups.¹⁰ Indigenous people are less likely to have access to drinkable water, adequate sanitation, nutrition, and housing, which are essential determinants of health. Indigenous people often experience difficulties in accessing health services, due to affordability, availability, distance, transport and discrimination, and often do not have



access to interpreters. Health services may not always be culturally appropriate, and Indigenous women reported being treated unfairly when they seek medical services.

Lack of appropriate services

Across all groups, women in consultations reported that access, availability, affordability and negative attitudes presented significant barriers to receiving quality health care. In particular:

- Women with disability reported difficulty accessing mainstream health services such as preventative breast and cervical screening, due to the physical inappropriateness of the medical equipment used, and the manner in which these procedures are performed. The sexual health needs of women with disability were also particularly invisible.
- Women from CALD backgrounds reported a lack of cultural sensitivity and discrimination when accessing health services, for example the lack of available interpreters in hospitals.
- Women living in rural, regional and remote areas suffer from a lack of women-specific and specialist services, such as obstetrics and gynaecology, and face the added burdens of getting affordable accommodation and transport when they have to travel for health care.
- Women across Australia expressed the need for local, accessible, community-based health care services designed specifically for women. There are very few such services, especially outside the metropolitan area.

Lesbian health

Some lesbians experience discrimination when accessing health services, including being denied access to IVF reproductive technology. Studies show lesbians suffer stress-related illnesses such as addiction, suicide and depression, at rates three times that of heterosexual women.¹¹ Fear of harassment and discrimination leads some lesbians to hide their lesbian lives and partners, meaning that they may not fully disclose relevant matters to medical practitioners.

Asylum Seekers

The health of women asylum seekers in detention is severely compromised by being in detention. Women in detention also tend to carry the burden of health care for their children.¹²

Women in Prison

The physical health of women in prison is poorer than that of women in the general community.¹³ In addition, 57% of women in prison have been formally diagnosed with a mental illness,¹⁴ and 89% of women in prison are survivors of sexual abuse.¹⁵ Prison staff are not adequately trained and resources are not available to ensure proper treatment is available to women with mental health issues.



Sex workers

In Queensland and Victoria sex workers are required to undergo mandatory testing for sexually transmitted infections. In consultations, women were concerned that such policies are discriminatory and based on stereotyping.

Mental health

The stigma still attached to mental illness works to silence many women who are reluctant to speak about their experiences of the mental health system. Further, the impact of violence against women on mental health is not reflected in mental health policy and service provision.

Family planning

The provision of abortions is not legal in all states in Australia. For example, in Victoria abortion is lawful only when there is a serious danger to the pregnant woman's physical and mental health. Women expressed particular concerns about the imposition of politicians' personal religious/moral belief systems in the provision of family planning services, including access to reproductive technologies, a choice of forms of birth control, abortion, childbirth, and the development and delivery of useful community education programmes.

Our Successes

- Working Women's Health is a Victorian statewide health promotion service for women from CALD backgrounds. Teams of bi-lingual and bi-cultural workers visit women in their workplaces or in community settings to provide them with health information.
- An IVF clinic in Melbourne has circumvented the Victorian legislation preventing single women and lesbians from receiving IVF treatment, by allowing women to take donor sperm home for self-insemination. After four failed treatments, they are deemed medically infertile and are granted full access to the IVF program.
- Sisters Inside's Sexual Assault Counselling Service employs two sexual assault counsellors, one Indigenous and one non-Indigenous, who work with the women in Southeast Queensland prisons. This program is highly successful and over 3,500 women access this counselling service annually.
- Abortion law reform in the last 10 years has strengthened women's right to access safe and legal abortions in Western Australia (1998) and Tasmania (2001). In 2002 the Australian Capital Territory removed all references to abortion from its Criminal Code.

Our Solutions

- Develop and implement a recruitment and retention plan for women doctors, both general practitioners and specialists.
- Increase the number of accessible bulk-billing doctors nation-wide.
- Increase health services catering to the specific needs of women.
- Improve accessibility of mainstream health services to all women, including location, physical accessibility, and cultural appropriateness.



- Establish an accessible national health complaints process to ensure clients are aware of their rights when accessing quality health care, and the reporting options available for raising health service concerns.
- Create community-specific participatory health promotion programs that are accessible to the diversity of women and that include related issues like housing and domestic violence.
- Adopt a 'whole of government' approach to women's health issues, for example, through a National Women's Health Strategy.

Education

Our Rights

CEDAW requires governments to ensure women's right to all aspects and levels of education and training. This includes equal opportunity to participate in school sport, equal access to scholarships and grants, equal ability to enter adult education and access to specific information on women's health and family planning. (Article 10)

Our Situation

The Federal Government uses the tied grants power in the Australian Constitution to effectively control the tertiary education sector. Tertiary education includes Technical and Further Education (TAFE), Vocational Education and Training (VET), and undergraduate and postgraduate university education. The Federal Government also uses this power to provide funding to private secondary and primary schools.

Legislation

The Government controls tertiary education funding through the *Higher Education Funding Act 1988* (Cth) and the *Higher Education Support Act 2003* (Cth). This legislation sets the funding parameters for universities, including student contributions to education costs. The *Higher Education Legislation Amendment Act (No. 2) 2004* (Cth) allows for more up-front full-fee paying domestic student places, and permits each university to increase student obligations under the Higher Education Contribution Scheme (HECS) by 25% from 2005.

Policy and trends

At the broad policy level, the government has imposed several conservative principles on tertiary education including user-pays, anti-unionism and individual workplace bargaining. This includes an attempt to stop membership of student organisations and an offer to universities for increased funds if they force staff onto non-union agreements and individual Australian Workplace Agreements (AWAs).

The growth of user-pays and parental contribution principles in primary and secondary education has placed many families, particularly in the public school system, under financial stress. The increasing amount of Commonwealth funds being provided to private schools is increasing inequity, as private schools already operate with two to three times



the resources of government funded schools. The reliance on alumni funding in the private sector also disadvantages girls' schools, as the general disparity in men's and women's wages and status means that women have less ability to support their former education institutions.

In 2004, the Australian Government released *Women: Shaping our Future*, a policy paper on women in VET. The policy paper is designed to feed into the National VET Strategy 2004-2010, with a focus on expanding women's participation beyond the narrow range of traditional occupations and industries in part-time support positions, and into VET sector's management and decision-making areas.

Women's access to secure employment, income support, appropriate housing, affordable childcare and accessible transport all affect their own, and their dependent's, access to education. Means-testing to assess women's eligibility for government assistance such as Youth Allowance and Austudy is rigid, and many young women are assessed according to their parent's income instead of their needs, regardless of their personal circumstances.

Our Voices

User-pays systems generally limit women's access to a quality education at all levels. Indigenous women, women from regional, rural and remote Australia, women with disability, and women from low socio-economic backgrounds run the greatest risk of missing out because of the unreasonable cost of studying and the need to prioritise necessities over their own and their dependent's educational needs. During consultations, women identified three key education issues:

- Cost of education;
- Access to education; and
- Career opportunities for women in education.

Cost of education

The economic burden of studying and supporting dependents is significant and often inhibiting. Recent amendments passed by the government have allowed universities to increase HECS fees by up to 25% from 2005. With many women likely to have a break in continuous employment to have children, HECS debts can be a particularly heavy burden. At present, 93% of men will have paid their HECS debt by the age of 65, but only 77% of women will. Women at the consultations felt this would discourage many women from pursuing further education, particularly those from low socio-economic backgrounds. The differential HECS system in which fees are charged according to the course studied, means that women are discouraged from studying high-end degrees such as medicine and law degrees that usually lead to higher salaries. Women are therefore further economically disadvantaged.

The indirect costs of education, such as childcare, also make studying prohibitive, especially for students on low incomes. The cost of childcare has pushed some women out of study, and into the casual and often unskilled job market, undermining their long-term financial stability. Concerns were also raised that childcare was not sufficiently



flexible for students, unable to take into account the additional demands of exam time, or the free time that semester breaks provide. Further privatisation of childcare is likely to further increase these costs.

For women supporting children in primary and secondary education, the increasing costs of 'voluntary' fees in the public education system, and costs such as excursions or uniforms places even greater burdens on the family budget. Unaffordable 'voluntary' fees lead to some children being discriminated against and left out of school activities.

Access to education

Many women identified a lack of access to education and training, both physically and regarding the curriculum, as key issues. In particular:

- Women in rural, regional and remote locations are often forced to relocate to study, particularly as they progress into secondary and tertiary education. The spread of on-line teaching has made gaining an education easier for some, but not all women find this mode of teaching accessible, affordable or appropriate.
- Quality education has been unattainable for many women with disability. This is likely to be exacerbated by the defences recent introduced by the *Disability Discrimination Amendment (Education Standards) Act 2004* (Cth). With most mainstream schools and universities unwilling to make commitments beyond their basic responsibilities under the *Disability Discrimination Act 1992* (Cth), women with disability continue to face attitudinal, communication and physical barriers to a quality education. Higher education and TAFE fees along with the additional cost of specialised transport, medication and carers, compounds the inaccessibility of education for women with disability.
- Histories of endemic discrimination and violence against Indigenous people are not systematically taught in Australia's education institutions. Indigenous women said they felt the mainstream education system ignored them and denied them an equal place in the curricula. One consequence of this is the poor retention rate of Indigenous women in education. The 2001 census showed that only 11% of Indigenous women completed Year 11 or 12.
- Women from CALD backgrounds have a varied experience of the education system, mostly dependent on their ability to speak English. For these women access to English language tuition is an important step in accessing further education and employment. Asylum seekers who are able to gain Temporary Protection Visas are not entitled to free English classes or subsidised tertiary education, making them vulnerable to exploitation. Children in immigration detention centres are not provided with adequate schooling, despite Australia's obligations under the 1951 Refugee Convention.



Career opportunities for women in education

Women in the community felt the recent public debate about the low numbers of male teachers had devalued the contributions female teachers have made. They were concerned that the recently introduced Sex Discrimination Amendment (Teaching Profession) Bill 2004 (Cth), which would allow employers to offer men scholarships to undertake teaching degrees, is reactionary, doing nothing to address the real causes of low male teacher numbers, such as relatively poor employment conditions and salary levels. Women also said that this measure ignores the fact that there are more men in better paid management positions. Women commented that it was hypocritical of the government not to offer similar scholarship opportunities for women in male-dominated industries such as engineering, science, trades and architecture.

Our Successes

The Deakin University Student Association has commenced a project to increase the access, participation, success and retention of incarcerated students enrolled at, or wanting to enrol at, Deakin University in Victoria. The project has considered barriers to accessing education for people in custody, and recommendations for the University to improve administrative flexibility in areas such as web based teaching, payment of General Service Fees and access to University staff. The study identified women in non-traditional areas of study and doing postgraduate study by research as a target group for this program.

Our Solutions

- Provide resources to primary, secondary and tertiary education sectors so people from all backgrounds can access a free, quality education system at all levels.
- The abolition of HECS. Alternatively, making the HECS system fairer, which could include removing the differential costs between courses, removing the link between the Consumer Price Index and HECS, or standardising the cost across universities.
- Ensure that programs for boys in school do not undermine the participation of girls in school. This may be by ensuring that commensurate resources are available for girls' education in both the public and private systems.
- Create more childcare places for students. This may require more flexibility in childcare bookings, such as half-day bookings and occasional care. It may also require more student input into childcare centre management, particularly for on-campus childcare centres.
- Provide Government and industry-funded scholarships for women in male-dominated courses, including science, engineering, architecture and in the trades.
- Create and support services and programs that promote equitable access to education. This may include flexible delivery of school programs and courses, institutions providing specialised staff, use of special entry programs, fee waivers, study and lecture support mechanisms, and community education campaigns to increase understanding of accessibility issues.



Economic Security and Employment

Our Rights

Women have the right to work, to receive training and employment opportunities, to receive equal pay to men for work of equal value, to have access to benefits, compensatory schemes and allowances, especially in relation to retirement and incapacity to work. Women have the right to not be discriminated against in the workplace on the basis of marriage, pregnancy and maternity, and to have their health and safety protected. Women have the right to paid maternity leave and to access support and social services which allow them to combine family obligations with work responsibilities. CEDAW requires governments to ensure these rights under Article 11.

Our Situation

Legislation

The current hostile industrial relations environment undermines attempts to enhance and protect women's working conditions. The federal *Workplace Relations Act 1996* (Cth), which strongly encourages individual contracts of employment over collective agreements, has marginalised union activity and limited the powers of the Australian Industrial Relations Commission.

Policy and trends

CEDAW consultations around the country identified the key causes of poverty among women include the continuing inequality of wage levels, the nature of the paid work most women do, the high costs of childcare and education, additional costs associated with disability, the lack of affordable housing, insufficient income support, especially for sole parent families, and the lack of wealth accumulation to support retirement. The 'mutual obligation' policy in the social security system places increased pressure on single mothers to accept low-paid jobs, and is particularly unfair for women whose carer commitments are high, and for women with language and mental health issues.

The deregulation of the labour market, casualisation and contract-based labour, and changes to employment laws reduce job security and income. Women are particularly vulnerable given their prevalence in part-time, casual and contract employment, and the level of sex segregation in Australian occupations and industries. The wages and financial security of women in the workforce also affects their financial security in retirement. It is likely that the majority of women will be poor in retirement, which is partially a consequence of their workforce experience.



Our Voices

Participation

While there continues to be increased participation of women in the workforce, there are still many barriers, including gender-stereotyping, harassment, lack of access to promotion and career progression, lack of flexibility, lack of affordable childcare, and lack of recognition of the value of women's unpaid work in the home. Women with disability experience particular barriers such as poor job design, minimal support services, inaccessible transport and workplaces and harassment on the basis of gender and disability. Women from CALD backgrounds and migrant women also experience high barriers to participation including the limited recognition of previous overseas qualifications/work experience, and language difficulties. The two-year waiting period for Centrelink payments forces many migrant women, especially with limited English, into low-paid jobs where they are open to exploitation, such as piece work in the textile industry.

Casualisation

Participants noted that the casualisation of work has impacted greatly on women, particularly women working in the hospitality and service industries. Casual workers now make up over 25% of the workforce in Australia and women are the majority of casual workers. This leads to unpredictable hours and pay, and a lack of leave provisions, including annual leave, sick leave and carer's leave. It also impacts negatively on women's ability to accumulate superannuation. Casual workers experience job and income insecurity and many remain in casual work for the majority of their working life. An increasing number of casual workers work regular hours for the same employer and yet have no paid leave entitlements or security of tenure. Young women are particularly affected by the casualisation of work.

Work and family

Women in the consultations felt that the lack of affordable and accessible childcare prevents them from fully participating in the workforce. Funding cuts to the childcare sector have made childcare prohibitively expensive for working women and have resulted in long waiting lists. Women felt that this reflected a lack of recognition of their contribution to the workplace, and of the continued undervaluing of unpaid carer responsibilities.

Women are experiencing continuing pressure to act as primary unpaid care givers, due to the lack of services for people with disability, the scarcity and high cost of childcare and the lack of services for frail aged. At the same time women experience the negative impact of the 'mutual obligation' policy in the social security system, which has a disproportionate impact on women, who are still primary care givers. 'Mutual obligation' breaches can force women and their families, including those they care for, into poverty.

Lack of workplace flexibility, such as work from home arrangements, job-share arrangements and part time work, limits the capacity of women to participate in the workforce. Maternity leave is not available to all women, and women on short-term



contracts or employed on a casual basis are ineligible for maternity leave.

Indigenous women

Indigenous women commented that their primary employment concerns are high unemployment rates for Indigenous women, who lack opportunities to break into paid employment, discrimination by employers, the lack of recognition and remuneration for Indigenous women as knowledge specialists. They also noted that the Commonwealth Development Employment Programs (CDEP) which entrench welfare dependency, provide limited job skills, and often do not lead to full paid employment.

Sex Workers

Women who work as sex workers reported that they are discriminated against by banks when applying for loans, and real estate agents when renting or purchasing

Women Prisoners

Economic disadvantage, including higher than average unemployment rates, contribute to women's imprisonment, particularly as the majority of women in prison are sentenced for non-payment of fines. Women's mandatory labour in prisons is not remunerated in a manner that reflects general levels of remuneration in the community and women receive lower recompense than male prisoners. Furthermore, prison labour for women does not provide training or skills to improve the opportunity for employment on release.

Our Successes

Positive developments include moves to address pay equity issues in many states, access to paid maternity leave in the public sector across Australia, although the length of such leave varies across states and territories, specialist women's employment services targeting the needs of marginalised women in the workplace or women looking for work, and some workplaces developing family friendly policies even though there is no requirement under law.

Family friendly policies may include flexible start and finish times, permanent part-time contracts, flexible work arrangements such as working from home, career breaks, lactation breaks for nursing mothers and transfer arrangements to other work locations, where possible, for family reasons. Some include leave provisions such as family leave, carer's leave and parental leave with the option of workers being kept up to date with training and information. Other family friendly workplaces have workplace-based childcare arrangements, subsidised childcare for school holidays and reimbursement for childcare costs incurred through unpaid and unplanned out of hours work.

Our Solutions

- Workplace legislation must be amended to strengthen the rights of casual and part-time employees, as well as imposing an obligation on employers to provide flexible workplace arrangements to enable women to more fairly balance their work and family responsibilities.



- Remove the Australian Government's reservation to the right to paid maternity leave that is stipulated in CEDAW, and enshrine paid maternity leave for all working women in legislation.
- Strengthen and strictly enforce laws against sexual harassment in the workplace.
- Increase funding to the childcare sector to lower childcare costs for women.
- Funding needs to be sufficiently increased in order to carry out employment programs and training initiatives especially in relation to women from CALD backgrounds, women with disability and Indigenous women.
- State and territory anti-discrimination legislation should be amended to include a category to prohibit discrimination on the basis of occupation, such as sex work.
- Pay equity issues for women prisoners must be addressed; vocational training should be integrated into women's prison labour to address the disproportionate levels of unemployment among the women prisoner population and to bring about effective change for women post-release; and community organisations should be adequately supported to provide post-release support for women seeking employment.
- Governments around Australia need to address wage inequity between male and female dominated industries.
- The two-year waiting rule for access to benefits should be abolished so that migrant women are not forced into exploitative employment such as out working.



Endnotes

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