



WRANA

**WOMEN'S RIGHTS ACTION
NETWORK AUSTRALIA**

“(Our Rights, Our Voices)”

**The New South Wales
Community Report on
Women's Human-Rights
in Australia**

December 2004



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Introduction

On 30 March 2004 the Council of Social Service of New South Wales (NCOSS) and the Women's Rights Action Network Australia (WRANA) hosted a consultation forum attended by 100 women. The forum titled *Our Rights, Our Voices* was part of a broader Australian project, *The Women's Report Card*.

The idea behind the forum was to consult with women and non government organisations that work with women about what is really happening in our communities and to include this in a written report on the status of women's rights in New South Wales in 2004.

By taking part in *Our Rights, Our Voices* women were able to have their say, learn more about human rights and share with other women. On the day, the forum included storytelling from individual women, open mike sessions, music, community theatre and human rights training.

Participatory workshops (talking circles) discussed, explored and reported on New South Wales women's experiences under the main themes of *The Women's Report Card*. These were open to all women. In addition we ran groups for women with disability, Aboriginal women and women from culturally and linguistically diverse (CALD) communities.

Our findings from the forum have been summarised in this report. This report is an expression of local women and communities voices, ideas and solutions. It will go into the Australian non-government organisation (NGO) shadow report to the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee.

Thank you to all the members of the New South Wales Women's Report Card Committee, students from the University of Technology Sydney and the University of New South Wales law schools and especially to the participants at the *Our Rights, Our Voices* forum.



Violence Against Women

Our Rights

“Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men and hence State Parties should take appropriate and effective measures to overcome all forms of gender-based violence.”¹

Our Voices

Overview

Violence against women remains a pervasive problem in Australian society, afflicting women of all ages, cultures, classes and backgrounds. The Australian Bureau of Statistics (ABS) reports that 1.1 million Australian women have experienced violence from a previous partner, which occurred during and after the relationship.²

Collectively, women at the consultation felt there was still a lack of awareness of the complex issues associated with violence. They felt that in order for acknowledgement and acceptance to occur, the stigma associated with domestic violence must be addressed.

Stigma leads to survivors of violence being reluctant to seek help due to the myriad of barriers to disclosure, such as feelings of fear, shame, isolation, lack of support and negative community attitudes. This is supported by the finding that only 4.5% of women who were physically assaulted contacted a crisis organisation.³

Lack of support services

There is a lack of emergency and supported housing for women escaping domestic violence. In New South Wales in 2002-03 the Supported Accommodation Assistance Program (SAAP) provided services to 12,650 women. The main reasons for seeking assistance from women with children was domestic violence (50.9%) with a further 16.2% of women without children also seeking refuge from domestic violence.⁴

Whilst there is crisis intervention there is little funding for long-term support. A re-occurring theme throughout the consultation was that there is no enduring integrated response for victims of violence. Women felt that not only is there a distinct lack of preventative strategies but there is also few early intervention programs aimed at eliminating violence.

Using the legal system

Women reported that the legal system fails to recognise that violence is gendered and the obstacles to women taking legal action are not fully comprehended. Women reported that police often hold prejudices against victims and do not consistently follow through with domestic violence charges. These accounts challenge the ABS finding that 67.3% of women were satisfied with services provided by police.⁵



Although some programs have been established such as police programs⁶, programs in the courts⁷ and perpetrator programs it may be that the effectiveness, as well as awareness and access to such programs remain a pivotal issue.

Women highlighted that ensuing effects of violence against women, such as the potential psychological ramifications and economic implications, are not adequately addressed; along with the social, cultural and community pressures on women to remain in violent relationships. This is particularly relevant to Indigenous women and women from CALD communities, since a compelling body of research suggests that many factors actually prevent these women from taking action.⁸ For instance, a history of oppression, racism, entrenched poverty, lack of awareness of the laws relating to violence against women and concerns of further disadvantage. Evidently, such multi-causal factors also consistently impact upon their ability to access both the law and support services and may underlie the higher rates of violence, especially within specific communities.⁹

Indigenous women

Indigenous women reported police violence towards Aboriginal women, when they're escaping violence. Aboriginal Women are seen as criminalised if they've been drinking. Doctors were not seen as assisting Aboriginal women when asking for help. The onus is placed on women and children to leave and governments are not funding appropriately to meet the demand for grass-root services.

The Partnerships against Domestic Violence program has taken a positive step however the program does not fund ongoing service delivery. Despite alarming rates of family violence in Indigenous communities, ATSIIS only received \$1 million of the allocated \$50 million.

Women and girls with disability

For women and girls with disability, violence is more extensive and more diverse in nature. Women and girls with disability also experience violence in significantly different ways, such as forced institutionalisation, denial of control over their bodies, unwanted sterilisation, chemical restraint, medical exploitation, humiliation and harassment and lack of financial control.¹⁰ These forms of violence are often inherent in the disability, health and justice systems. Violence is perpetrated by individuals as well as being a result of service systems' policies and programs.

For women with disability, reporting violence is difficult where they are dependent on the perpetrator to provide their daily care, or if they do not communicate verbally. Women with disability felt the legal system did not provide justice for them, as their evidence is not seen as credible or the police see the disability service system as responsible for addressing the issue. Generalist services can be inaccessible to women with disability. There are few specific policies, programs, and services for women with disability who experience violence. There is also a lack of research and data on gender, violence and disability.¹¹



The Australian Government's Standing Committee of Attorney's-General (SCAG) has agreed to develop a nationally consistent approach to the authorisation procedures required for the lawful sterilisation of children with a decision-making disability. So instead of developing legislation that prohibits sterilisation except in circumstances that pose a serious threat to health or life, the current proposal concentrates on the authorisation procedures required for the lawful sterilisation of children with a decision-making disability.¹²

Our Solutions

- More training and education programs, which focus on domestic violence and healthy relationships, should be implemented. The current paucity of programs targeting men needs to be rectified
- Educational programs in schools, along with negotiation and conflict resolution seminars would be particularly valuable. Community education in schools around violence must acknowledge that Indigenous violence is different
- Improved research and data collection by governments, law enforcement agencies and services and programs on violence against women with disability would contribute to developing support and prevention programs that are accessible to all women, including those with disability
- SCAG should focus on developing universal legislation which prohibits sterilisation of children except in circumstances that pose a serious threat to health or life
- More services for Aboriginal children such as counselling must be made a priority.
- Increased funding for sexual abuse services for survivors of sexual assault or abuse

Law and Justice

Our Rights

Women's right to equal access, representation and treatment under the law are recognised in 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), 7 (politics and public life), 8 (Representation) and 15 (equity before the law).

Our Voices

Lack of access to legal services and knowledge of legal rights

There is limited access to legal services and education about women's legal rights. In 2000–2002, only 15%¹³ women in New South Wales used Legal Aid and community legal centres.¹⁴ Indigenous women identified the lack of access to and knowledge of the legal system as a major concern. Other research based on community consultations supports this perception.¹⁵ ¹⁶ The legal system does not adequately reflect Indigenous women's lives and concerns due to the lack of consultation in the development of law and policy.



Similarly, women from CALD backgrounds thought cultural needs and barriers were not taken into account in the legal system. Fear of the legal process and the costs involved have deterred women from CALD backgrounds from asserting their legal rights. Lack of knowledge of, and education about a 'new' legal system different to the ones in their home country also hinders women from CALD backgrounds from recognising their rights. Some examples given in the forum were "women who spoke out in Iraq were beaten up or locked up"; "many women are sexually abused without realising that it's illegal". Many women from CALD backgrounds do not know about their legal rights in Australia. For women who have Temporary Protection Visas, they have no access to free and ongoing education about their rights in Australia.¹⁷

Women with disabilities also found education about women's services, disability services, and the justice system insufficient. Women with disabilities felt disadvantaged in their access and understanding of contracts, such as bank loans and tenancy agreements. They were also concerned about women being regarded as the "property of others", not individuals with human rights and freedoms. In the legal setting, women with disabilities felt that they were not treated as equal to other women and they are often viewed differently, and not seen as 'credible' victims or witnesses. This is particularly the case for women with intellectual disability and women with psychiatric disability.¹⁸

Lack of participation by women in law making bodies, government departments and legal services

There is a lack of representation of women in law making bodies, government departments and legal services, with the possible exception of community legal services. In law making bodies there are very few women who are Indigenous, from CALD backgrounds, or have a disability.

The lack of diversity in legal services also impacts on a service delivery level. For example, Muslim women may feel uncomfortable giving instructions to non-Muslim women. Additionally the way in which services are delivered may be shaped by a model which does not reflect the diversity of the community.

There is a lack of a nurturing and encouraging environment to promote women's participation in decision making processes and civil life, compounded by cultural, physical and attitudinal barriers to exercising citizenship rights. This is especially the case for Indigenous women, women from CALD backgrounds and women with disabilities. For example, some women with disabilities are prevented from serving as jurors because of physically inaccessible locations.



Insufficient funding for community organisations, legal aid and community legal centres

Due to lack of adequate funding, legal aid services do not ensure women's access to some areas of the law, such as disability discrimination law and some forms of family law. Many questioned the amount of funding provided to the anti-terrorism campaign rather than to organisations that support and assist women in understanding and asserting their rights.

Our Solutions

- Increased funding for community legal education that is accessible to both men and women, to Indigenous communities, women from CALD backgrounds and women with disabilities. Education could include the use of media, advertising campaigns on national television, community radio stations and magazines in various languages
- A Bill of Rights or Constitutional Preamble (to) clarify and entrench our (civil, political, economic, social and cultural) rights as women living in Australia, and to ensure the principle of non-discrimination on additional grounds of disability, sexual orientation, and non-citizen status
- Disability awareness education for police, lawyers and judges. This should include training around alternative communication techniques for questioning, providing statements and giving evidence in court
- Improved choices for women going to law including a community based approach to legal problem solving
- Creating a supportive and encouraging atmosphere for women (of all backgrounds) to participate in law reform, government decision making processes and all aspects of legal services
- There should be more indigenous services run by Indigenous people¹⁹, in particular Indigenous women's legal services.
- Increased funding to community organisations to ensure equal access to comprehensive services for a variety of women. Including the establishment of disability rights centres that can deal with a range of disability issues not just discrimination
- More funding for specific services for female prisoners (such as de-toxication programmes) and improved post release services, particularly post release accommodation services



Leadership and Political Participation

Our Rights

Article 7 of CEDAW protects the rights of women to vote, stand for elections, be involved in formulating government policy, actively participate in political parties, lobby groups and non government organisations.

Our Voices

Statistics show that women in New South Wales do not participate on an equal footing with men in relation to political participation.

	Women's participation rate
Public Sector	
NSW Legislative Assembly	25%
NSW Legislative Council	30%
NSW Local Councillors	26% ²⁰
NSW Public Sector Board and Committee Members	35%
Australian Labor Party Carr government	25% ²¹
Full time positions	49% ²²
Chief executives Services officers	17.1% ²³
Private Sector	
Board positions in ASX listed companies	5.35% ²⁴
Total Women's Population	50.22%²⁵

Women indicated there were still a number of significant barriers to active participation in politics, and the public life. Three factors that were highlighted included:

- The existing political and social frameworks
- Lack of education in terms of women's rights to participate in political spheres
- Lack of female role models

Women from CALD backgrounds considered the current political structure as excluding women from non-English speaking backgrounds. They thought cultural needs and differences were not taken into account by the participation methods. They believe the current system devalues women's issues and the particular experience of migrant women. Accordingly, women from CALD backgrounds in the community do not see participation in the present system as a viable or realistic option.



The overarching barrier, which restricts women with disability from participating in politics, is the issue of access. Women argued that the most basic right of voting should be made more accessible. This means ensuring that voting methods and locations are equally accessible for everyone, and in particular people with vision, hearing, intellectual and mobility impairments.

Women with disabilities highlighted the need for education, support and mentoring systems and a general commitment to ensure women with disabilities are aware of their rights and are encouraged to exercise their right to participate.

Government and social attitudes must change so as to motivate women, particularly those with a disability to assume roles of leadership at the various levels of government, community and the private sector. It was stated that an increase in female engagement in the political sphere, particularly amongst young women can only occur in the event that the current male political paradigm becomes more humanistic and adaptable, factoring and accounting for the personal costs women experience in becoming involved in politics.

Case study: The abolition of the New South Wales Department for Women: possible breach of Article 7(b)

The Department for Women (DFW) was established in 1995. It was the only women's agency in Australia with full departmental status, reporting directly to the New South Wales Minister for Women. Its stated objective was to provide advice and assistance to government agencies and other organizations on women's policy and related matters. Its aim was to "achieve justice and equity for women in New South Wales in aspects of life, including equal access to economic and social opportunities."

The DFW also ran a \$1 million *Women's Grants Program*, which allowed community based organizations to implement projects dedicated to achieving social justice objectives for women.

On 6 April 2004 the New South Wales Treasurer announced the abolition of the DFW, to be replaced by a new Office for Women within the Premier's Department. By the end of 2005-06 the budget will be scaled back to a point where there will be a reduction in capacity/functioning of about 85%.

There is no doubt that the program initiatives being undertaken by DFW at present, or planned should continue and even be enhanced. There remains the critical need for a genuine 'whole of government' positive outcome for women in policy, programs, service delivery and regulatory functions of Government to be both further promoted and monitored.



There is little information available on the political participation of Indigenous women in mainstream politics although it is recognised that Indigenous women vigorously participate in their communities. Linda Burney became the first Indigenous member of the New South Wales Parliament at the 2003 state elections. She is only the fourth Indigenous woman to be elected to any Australian parliament, and is currently the only Indigenous woman in any Australian parliament²⁶.

Our Solutions

- More independent information, analysis and statistics should be available in regards to participation and representation, especially of those women from CALD and Indigenous backgrounds
- Mentoring programs for women aspiring to political and/or public roles. Forums and consultations in order to facilitate a platform for women to voice their opinions and concerns were also suggested
- Changes to the existing tenure conditions of parliamentarians, senior government posts and civil society organisations, for example, the modification of parliamentary sitting hours and greater provision of government sponsored childcare
- Women from CALD backgrounds suggested an increase in funding for forums and consultations in order to facilitate a platform for women to voice their opinions and concerns. The women stated that education would be the most effective method of overcoming the current flaws, by providing accessible language classes and instructing students in schools, universities and community colleges, and providing a mentoring scheme
- At a more structural level, women with disability, particularly those with physical, sensory and intellectual disabilities require greater accessibility, such as ramps and lifts, hearing loops, and other visual, oral, aural and mobility aids. Women suggested these aids be incorporated in a broad range of areas, from the local polling booth, to council and parliamentary facilities
- Public education about the needs of women with physical, sensory and intellectual disabilities with an emphasis on a movement away from the view that all such women are one amorphous group with identical needs and desires
- Woman also suggested the introduction of an education campaign aimed at female school students to encourage them to participate in community activities. Such a campaign may include education about Australia's parliamentary system, the rights of all citizens to vote, and the publicising of groups and support networks within the community that may be suitable forums for women of all ages and backgrounds to voice their concerns and plans for representation at governmental level



Housing

Our Rights

Article 1 prohibits any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Article 13 expressly requires that women have equal access to economic life including access to financial credit and mortgages.

Our Voices

Overview

The consultations revealed a general consensus that housing, across the three tenure forms was inaccessible either due to lack of affordability (home purchase or private rental), or lack of supply (social housing).

Currently, there is a disturbing pattern of a lack of basic services, high rates of domestic violence, poor education outcomes, and limited job opportunities, alongside high rates of housing stress in many communities. These problems are amplified for women with disabilities, Indigenous women and women from CALD backgrounds who face further intersectional discrimination.

Housing is not promoted as a right in Australia and both the Commonwealth and the New South Wales Governments appear to have no long-term vision of sustainable housing. A cultural shift in vision is needed regarding both private and public housing with the resources to deliver better housing outcomes for women.

A variety of well maintained affordable and adaptable housing (both public and private) is needed for people with or without disabilities. We need to educate non-disabled people that anyone can live in adaptable housing. Access to generic services and entry, such as refuges, tenancy and home ownership should be open to all people including women from CALD backgrounds and women with disability. Additional support services are needed to ensure the same access and choice – so that all women can live in the tenure form, area and community of their choice.

Homelessness

The Australian Bureau of Statistics estimates that there are just 100,000 people who are homeless in Australia, of these over one quarter (26,676) are in New South Wales.²⁷

Supported Accommodation Assistance Program (SAAP) services in New South Wales have not received any state-wide overall growth funding for the last nine years, despite clear evidence of increasing demand from homeless people. Nationally, 315 adults and



200 accompanying children requesting immediate accommodation are turned away each day. During 2001-2002 there were 10,300 children in SAAP services in New South Wales and almost 50% of these children were between 0-4 years old. 20.3% of New South Wales SAAP clients are Indigenous women even though they represent only 1.8% of the general New South Wales population.²⁸

It was reported at the consultations that SAAP does not provide an adequate range of services for older women who are homeless. The SAAP in New South Wales is also failing women with disability: refuges and crisis housing are often not physically accessible in terms of location or facilities; staff are not trained in working with women with disability or skilled in meeting their needs; equipment, aids and personal care services are generally not available; and information about the service policies and rules are usually not made accessible to women with disability.²⁹ SAAP services in New South Wales have also been found to directly discriminate against some women with disability, particularly those with a mental illness and / or substance dependency by excluding them from service entry.³⁰

The impending withdrawal of free interpreters in SAAP (and other community based agencies) will create additional barriers for women from CALD backgrounds who are homeless and escaping domestic violence. Research undertaken by the SAAP Peaks Forum indicates that at least a quarter of SAAP services (over 100 services in New South Wales) could be using interpreters in any week. This rises to approximately 40% of women's refuges. Clearly withdrawal of free interpreting would have gender discrimination as well as a race discrimination impact.

Private rental market

This sector is not a viable option for many low-income women, because it is unaffordable and discrimination still occurs on the basis of family composition. Direct discrimination also occurs on the basis of employment status, for example against sex workers and race, for example against Aboriginal women.

Consultation participants gave examples of women with more than two children being refused tenancies by landlords. There were occasions where women had to lie about the number of their family members in order to get a property. Arabic and Muslim people are discriminated against in private rental markets as well – there is a 'cyclical' effect – where the discrimination tends to flow with what happens internationally and nationally. Tougher immigration laws and government policies are creating more tension within communities.

The issue of tenancy database and 'black lists' was also highlighted. Tenant databases contribute to homelessness in that they operate to exclude potential tenants, identified (rightly or wrongly) as 'problem tenants'.³¹

Consultations also revealed that physical standards and lack of repairs continue to typify the rented sector. This has a flow on effect for the health of private tenants. Tenants remain fearful of enforcing their limited rights because they might be evicted for complaining.



Women from CALD backgrounds reported that access to information about tenancy issues, or where they can go to for assistance when they have a problem is rather limited. Language is one of the factors that hinder people from accessing services. There is a missing step between people knowing about the existence of an organisation and people going to those places to seek assistance.

Women with disability, particularly those with intellectual and psychiatric disability report discrimination by private landlords who have the perception that they are unable to look after a place or that they will cause trouble.³²

The lack of affordable rental housing in metropolitan Sydney is well documented. Research has found that Rent Assistance does not deliver affordability for any single person in Sydney, even those living in the cheapest form of accommodation, a boarding house.³³ The rent gap also is growing in rural New South Wales. The average fortnightly rent outside Sydney is \$245, yet average rent assistance paid is only \$73, leaving disadvantaged people having to find \$172 every fortnight to meet the rent. It has been estimated that at least 140,000 people in rural New South Wales are struggling to make the rent.

Home ownership

The 'great Australian dream' of home ownership was viewed as out of the reach of low and middle-income earners. Consultation participants reported barriers for single women with children to obtain a financial loan compared to men. Because housing costs are so high, it takes at least two people to afford a mortgage. For those who have purchased it was reported that some families couldn't afford proper health care as a result of mortgage payments. The increasing expense of housing is now associated with a fear of the future and what will happen in retirement, for example, will one's superannuation be enough to pay the rent or mortgage? With little public housing available or appropriate, there is concern that homelessness amongst older women might escalate further.

Social housing

Against this growing tide of housing need only 10,000 households were able to get into public housing in 2002-03 and allocations are decreasing year on year. Less than 20% of New South Wales public housing stock is outside Sydney, compared to the national average of 26.6%. At June 30 2003 the number of households on the general housing register for the New South Wales Department of Housing was 80,188.³⁴

Women, and particularly sole parent women are over-represented in social housing, as other housing is not affordable. But public housing is bound up in stigma. This is associated with the ongoing policy shift away from social housing to welfare housing. 96.1% of new public tenants in New South Wales (2002-03) were households on low income and/or had special needs including disability.³⁵ Large public housing estates remain in a poor state of repair and are isolated from the community. High rise and key hole estates are good examples of how poor planning and design can amplify social problems and create a culture of fear and mistrust in communities.



The support needs of public tenants with mental health disabilities or dual diagnosis and the social dislocation impacts of homelessness, imprisonment, family breakdown or domestic violence upon a persons ability to successfully maintain their tenancy lead is not dealt with adequately by the Department of Housing.

A very clear message from the consultation was that a massive investment in social housing was needed. At this point in time social housing in New South Wales is not sustainable and analysts predict “there will be no public housing in ten years”. This is largely due to a series of very poor Commonwealth State Housing Agreements (CSHA). In the 10 years to 2003-04, Commonwealth base grant funding to the CSHA decreased by 54% to \$1.28 billion.³⁶

Housing options and community infrastructure

There needs to be a better recognition of the economic and social interdependencies of housing, employment, transport, social participation, community infrastructure and identity. It should also be recognised that social, economic and environmental factors interact at a sub-regional and local level in differing ways; so that a one size fits all policy approach will not necessarily produce the best result in all areas.

Housing needs to be linked to transport so that women can access employment, education, social support and health services. Within the home, equipment, fittings, adaptations and personal services need to be provided so that women with disability can enjoy substantive housing equality. The consultations revealed a debate around the current methods of providing supported housing and the challenges in ensuring that group homes or cluster based housing models do not replicate mini institutions.

Currently there is a lack of planning of housing for location and resident needs. In particular plans do not consider safety for women in relation to sexual and physical violence.

Our Solutions

- Housing must be made a state and commonwealth priority. Choices, support and funding are inextricably linked to solving the current housing crisis. Secure, affordable housing must be the goal of any housing policy
- Re-open negotiations of the Commonwealth State Housing Agreement with a view to providing more investment in social housing. A community voice is needed in the negotiations
- State Environmental Planning Policy 5 (SEPP 5) regarding housing for older people and people with disability needs to be more effectively implemented and that Land and Environment court should act according to their mandate
- Development Control Plans (DCP) developed by Local Councils should stipulate 100% adaptable housing developments
- SAAP services to develop Disability Discrimination Act Action Plans to address the discrimination of women with disabilities who need to access SAAP services
- Review the Residential Tenancies Act and consider fiscal incentives to promote



- longer leases of up to five to ten years duration
- Regulate tenant databases through amendments to the Residential Tenancies Act
- Establish a state based women's housing advisory structure to inform government policy
- Make good use of community radio stations and SBS to raise awareness of issues such as housing rights, gender and housing, and race and housing

Health

Our Rights

Article 12 requires countries to take all necessary measures to eliminate discrimination against women in the field of health care and ensure that women and men have equal access to health services. The article further requires that countries provide free and accessible health services in relation to pregnancy and postnatal care.

Our Voices

Overview

The Sydney metropolitan consultations revealed a pattern of poverty and discrimination being two of the major reasons underpinning lack of women's access to adequate health services. This is reinforced by lack of funding, lack of appropriate and affordable women specific services, and increasing privatisation and user pay systems for health services being established. Further, neither the State nor Federal Government systems allow women in the community to adequately participate in planning provision of public health services for women. Genuine efforts need to be made to provide universal free health care including dental services.

Lack of access to affordable services

Women reported that fewer health centres are now bulk billing under Medicare and there remain significant gaps where subsidies are not available, such as dental care.

Women specific/specialist services are not as easily accessible in urban fringe areas and rural areas.³⁷ Lack of transport, especially for elderly people and women with young children or babies, is preventing access to health services. It is estimated that between 13 and 40% of health service users in different regions of New South Wales have difficulty in getting to health services.³⁸ Furthermore, when women are forced to travel to the city for treatment they face problems getting affordable accommodation.

There are long waiting lists for women specific health services such as cancer screening and treatment.³⁹ The New South Wales Family Planning Services are facing a funding cut of up to \$1.5 million, which will lead to clinic closures in metropolitan and rural towns.⁴⁰ Women at the consultations also reported reduced provision in the area of sexual and reproductive health. There is a need for more free abortion services and better access to affordable contraception.



Women play the role of carer in families and are thus bearing the burden of lack of sufficient services for children and for the elderly and people with disability. In 1998 there were 38,000 carers over 65 years of age. Over 75% of these are women.⁴¹ There is only limited home care and support available under government programs such as Home and Community Care (HACC).

There has been a recent downward trend in children's oral health.⁴² Children in low socio-economic groups experience almost twice as many cavities as those in high socio-economic groups. Aboriginal and Torres Strait Islander children experience double the rate of cavities.

As part of implementing a social approach, policies and programmes need to focus more on prevention and harm minimisation, rather than limiting services to crisis response only. This is especially needed in dealing with STDs and HIV/AIDS.

Discrimination in health services

The discrimination women face prevents them from accessing preventative and crisis care for themselves and members of their family. Women from specific groups report facing direct discrimination from some health care workers. Further, where services are not developed to cater for women with specific needs, women are victims of systemic and indirect discrimination.

Women from CALD backgrounds report facing discrimination by health care workers. They consider that there is a lack of culturally sensitive medical practitioners and a lack of services catering for their specific needs. For example, there is insufficient access to interpreters, which is evidenced by reports that hospitals often rely on family or friends to interpret, rather than calling an interpreter. Women from CALD backgrounds with a disability also face particular hardships, as there are few programs which address their specific health needs.

Existing mechanisms of consumer participation are inaccessible to CALD community leaders, and are often not representative of issues faced by women from CALD backgrounds. There is a need for female/CALD members representing consumers of health services to be members of committees/policy boards, to ensure that the specific needs of women from CALD backgrounds are incorporated.

Access, availability, affordability and negative attitudes of health providers are significant obstacles preventing women with disability having good health care. Women with disability report being caught between an institutionalisation/custodial approach and the view that women with disability should not be catered for in mainstream services. To overcome this, women with disability should be identified within health services more positively in terms of their individual identity, rather than their disability and be provided with more substantial community support.

Women with disability often cannot access mainstream health services because the



services are physically inaccessible, the medical equipment is inaccessible or the way procedures are performed are inaccessible. There is a need for an agency or service that can provide information to women with disability in a manner that is understandable and accessible.

Women with disability face direct discrimination from doctors, often because doctors do not listen to women with disabilities. Direct communication needs to happen between the doctor and the woman with disability, not between the doctor and her carer.

Several areas of health for women with disability that are made invisible within the health system include:

- Sexual health of women with disability, partly because health providers tend not to recognise the sexuality of women with disability. This is especially so for lesbian women with disability
- Brain injuries among women with disability
- General and specialist services are not targeted to provide for people with intellectual disabilities

The health levels of Indigenous women is comparatively much lower than for other women in Australia due to the lack of adequate, accessible and affordable services, the direct and indirect discrimination and the impact of poverty.

Life expectancy for indigenous women is 61 years. Indigenous people are also experiencing an explosion of illnesses that require close medical supervision, such as type two diabetes, end stage renal disease and heart disease. Across Australia almost half of Indigenous patients with end stage renal disease live in regions that do not have treatment facilities.⁴³

Our Solutions

- Provide on-going training and support for women from CALD, backgrounds, Indigenous women and women with disability to participate in health consumer participation and consultation structures. This would include providing training for women to be on committees and boards in all health service areas
- Provide training programmes across all organisations in the private and public health sectors on cultural, disability and gender sensitivity
- Ensure all health services are accessible to all women, ensuring that there are no overt or indirect discriminatory barriers, particularly for women with disability
- Fund increased training of CALD and Indigenous health providers
- Provide more funding and programmes to encourage more bulk billing for health services
- Reinstate and enhance funding for health issues that are specific to women, such as breast cancer, pre and post-natal care
- Develop more public education programmes focusing on developing acceptance in the community for people with disabilities



Education and Training

Our Rights

Article 10 urges countries to ensure that women have the same opportunities as men in all aspects of education and training. Women should have access to the same curricula, professional staff and programs of continuing and adult education, especially those aimed at reducing any existing gender gaps within education, and opportunities to benefit from the same scholarships and grants as men. Governments are required to ensure that stereotypical concepts of the roles of men and women are eliminated.

Our Voices

Overview

The last ten years has seen an increase in women's participation in both vocational and higher education, and an increase in the retention rate for young women's participation in school.⁴⁴ Women's participation in post-school education also increased from 26% to 47.5% in 2002.⁴⁵ However, despite this apparent stability, women still have lower levels of post school qualifications.

Access

Lack of access to education and training programs is a key issue, particularly for rural women and for women with disabilities who felt segregated from the education system.

A major issue for women with disability is inclusive education, through equal access to mainstream educational centres and schools from birth. Introduction of higher education and TAFE fees and cuts to disability programs make education even less accessible for women with disability. Specialised transport costs, medication costs, carer and support costs also create barriers.

Women felt that recent government announcements to increase higher education and TAFE fees would discourage women from pursuing further education. This is significant, given that women who do not obtain post-school qualifications are more likely to work part-time or experience longer periods of unemployment.⁴⁶ Increases in government funding to privately funded primary and secondary schools were also seen as an issue for women.

For women from CALD backgrounds, access to English language tuition is a crucial determinant of access to education and training. English proficiency is a key factor in accessing and participating in the workforce.⁴⁷ There are significantly more women than men with poor English skills in New South Wales.⁴⁸ There is a need for greater access to English classes for on-arrival migrant and refugee women as well as women from CALD backgrounds who have been in Australia for some years.



Retention

In 2001, 24% of all Indigenous women had year 11 or year 12 as their highest level of schooling, compared to 45% of non-Indigenous women.⁴⁹ Low retention and completion rates consequently feed into the low participation of indigenous women in employment.

Women articulated that more funding was needed for education and training programs. Funding is also needed for promotion, to make women more aware of these programs. More community and cultural friendly courses and programs needed to be implemented, along with the appropriate mechanisms to support this, such as adequate child care support and adequate income support for those women who are participating.

Economic Security and Employment

Our Rights

Article 11 requires countries to protect women's right to work, to ensure that women have the same training and employment opportunities as men, that women receive equal pay for work of equal value, that women have access to the same benefits, compensatory schemes, and allowances as men, especially in relation to retirement and incapacity to work.

The article further requires that countries prohibit discrimination in the workplace on the basis of marriage, pregnancy and maternity, and introduce paid maternity leave without loss of benefits or career opportunities, and encourage the provision of supporting social services to allow parents to combine family obligations with work responsibilities.

Our Voices

Overview

While there have been increases in women's participation in the labour market⁵⁰, there remains a number of significant issues that limit women's economic rights and independence in the workforce. Wage inequity still persists with full time earnings for women approximately 82.4% of all those of full time male workers.⁵¹

Workforce participation

The lack of accessibility and flexibility in the workforce was identified as a major barrier for women with disabilities. Women with disability are more vulnerable to poverty due to fewer employment opportunities, low incomes and additional costs due to their disability.⁵² In particular, women reported the current lack of funding allocated to the Disability Support Pension (DSP) as a major issue, given that it is often the only source of income for people with a disability.



Access to employment and income was also raised as an issue for women from CALD backgrounds. While the problems associated with economic security and employment is not limited to just migrant women, it has been seen that men are more likely to be employed than women from CALD backgrounds.⁵³ The main issue raised was the two year wait for Centrelink payments which forces migrant women, especially with limited English, into low-paid jobs, where they are open to exploitation – particularly in the textile industry.⁵⁴

The workforce participation rate of Indigenous women in New South Wales is also significantly lower than Indigenous men and lower than New South Wales women in general.⁵⁵ There is a low concentration of employment of Indigenous women in the private sector, with the majority employed in government and community services.⁵⁶ Even within the public sector, Indigenous people are over-represented in lower paid and temporary positions.⁵⁷ While there are some initiatives implemented by the State Government to encourage more participation in the private sector and access to the workforce in general⁵⁸, the success of such initiatives are yet to be determined in terms of increases in real numbers.

Casualisation

Women are more likely than men to be in discontinuous employment such as part time or casual employment, with 70.8% of part time workers in Australia women.⁵⁹ With more women in part time or casual work in order meet family responsibilities, the risk for women to have their economic security compromised becomes real.

Of serious concern is the lack of protection of rights for casual workers, as they are not entitled to sick leave, maternity leave or other benefits. Their rights are significantly reduced, and women are often left at the hands of their employer to rely on a steady income. This also negatively impacts on skill development and reduces women's opportunities for career advancement.

Workplace discrimination

There is a current focus from the Federal Government towards a family oriented model, with a strong emphasis on women in the carer's role. Women commented that this fails to provide workplace arrangements to accommodate the needs of women with families. This lack of flexibility, such as work from home arrangements, job-share arrangements and part time work, limits women's capacity to participate in the workforce. There is also a need for more child cares services to enable women to participate in the workforce both in terms of child care spaces and affordability.

Discrimination on the basis of pregnancy, family and carer's responsibility still remains a crucial problem, despite specific legislative provisions in the *Sex Discrimination Act*. In 2002-2003, the New South Wales Anti-Discrimination Board received 1588 enquiries on discrimination relating to pregnancy, carers' responsibilities and marital status.⁶⁰



The lack of paid maternity leave is a major contributing factor to women's economic hardship, particularly since women are more likely than men to take unpaid leave.⁶¹ Women further commented that the lack of adequate paid maternity leave impacted on women's duration of leave and in their ability to re-enter the workforce.⁶²

Our Solutions

- Women clearly articulated that workplace legislation must be amended to recognise the rights of casual and part-time employees, as well as imposing an obligation on employers to provide for flexible workplace arrangements in order to increase women's participation in the labour market. Women felt that there also needed to be a greater acknowledgement of the role of working parents, and the need to adopt adequate paid maternity leave⁶³
- Women also stated that funding needed to be sufficiently increased in order to carry out programs and training initiatives especially in relation to women from CALD backgrounds and Indigenous women. Given the recent budget cuts to the Mature Workers Program and Specialist Migrant Placement Program the New South Wales Government is in fact providing less support
- 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

1. General Recommendation No 19 (11th session, 1992)
2. Australian Bureau of Statistics 1996, *Women's Safety Australia*
3. Ibid.,
4. SAAP NDCA (2004) *Annual Report 2002.03 p19*
5. Australian Bureau of Statistics 2000, *Population Survey Monitor*
6. For example, New South Wales police have provided the *Domestic Violence Liaison Officer Program* to support domestic violence victims in their interaction with police and the courts.
7. For example, the Women's Domestic violence Court Assistance Program which offers women legal support and assistance seeking apprehended violence orders (AVOs).
8. Violence in Indigenous Communities 2001, National Crime Prevention Program; The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report 1999; Australian Domestic and Family Violence Clearinghouse Topic Paper: Australian Statistics on Domestic Violence
9. Statistics clearly illustrate that Indigenous women experience violence at far higher rates than other women in Australia
10. Carolyn Frohmader 2002, *There is no justice – Just Us*, a report on the status of women with disabilities in Australia for Women with Disabilities Australia, page 22.
11. Ibid., page 22
12. See the *Submission to the Commonwealth and State/Territory Governments regarding Non-Therapeutic Sterilisation of Minors with a Decision-Making Disability* developed by Women with Disabilities Australia and Disability Studies and Research Institute, May 2004.
13. Calculated by: the number of female using legal services/ NSW female Population 2001. Data from Access to Justice and Legal Needs – Data Digest, Law and Justice Foundation, 2003 at 27.
14. Services include: Legal Aid NSW Information/Advice, Legal Aid NSW Duty Solicitor, and NSW Community Legal Centres.
15. Carol Thomas and Joanne Selfe, *Aboriginal and the Law*, Aboriginal Justice Issues, at 167 – 176. The objective of this report is to develop strategies to ensure that New South Wales's legal processes are accessible, appropriate and equitably available to Aboriginal women.
16. NSW's first Aboriginal Women's Conference in 1990, Surviving Rape Campaign in 1990, The New South Wales Domestic violence Strategic Plan Discussion Paper 1991, Women Out West Project.
17. These findings from the forum are similar to those in the reports Law Reform Commission (1992) *Multiculturalism and the Law* and Women Legal Resources Centre (1994) *Quarter Way to Equal*.
18. See Jennifer Keilty and Georgina Connelly, *Making a Statement: An Exploratory Study of Barriers Facing Women with an Intellectual Disability when Making a Statement about Sexual Assault to the Police* conducted for the NSW Intellectual Disability Rights Service; and J Davidson, 1997, *Every Boundary Broken – Sexual Abuse of Women In Psychiatric Institutions*, a report prepared for Women and Mental



- Health Inc, Rozelle, NSW.
19. For example, the Wirringa Baiya Aboriginal Women's Legal Centre.
 20. Department of Local government website: <http://www.dlg.nsw.gov.au> (1999 data). These statistics may alter as data for the 2004 Local Government elections becomes available.
 21. There are 4 female cabinet ministers out of 20 ministers.
 22. Data from ODEOPE website: <http://www.eeo.nsw.gov.au>
 23. Unpublished data, Premier's Department Public Sector Management Office September 2003.
 24. 186 board positions are held by women out of the 2,474 board positions available in Australia's top 500 listed companies, 2002 survey of female board representation.
 25. Australian bureau of Statistics (2003) Australian Demographic Statistics, September Quarter, 2002 Cat No 3103.0 ABS Canberra 2003.
 26. D'Souza Carl, An Interview: Linda Burney MP, Indigenous Law Bulletin, July-August 2003, ILB Volume 5, Issue 23, pp.8-9.
 27. ABS (2003) *Counting the Homeless 2001*. pg 6
 28. SAAP NDCA (2003) *Annual Report 2001.02*
 29. Women with Disabilities Australia, 2004, *Unjustified Hardship – Homelessness and Women with Disabilities*.
 30. NSW Ombudsman (2004) *Assisting homeless people – the need to improve access to accommodation and support services*
 31. The NSW government is planning to regulate databases through the "Rules of Conduct" under the Property, Stock and Business Agents Act 2002 (PSBAA) and associated Regulations. However this will fall short of providing comprehensive protection to all renters in NSW.
 32. Carolyn Frohmader, 2002, op. cit., page 17.
 33. ACOSS and National Shelter. (2003) *Rent Assistance: does it deliver affordability?* p23
 34. Audit Office of NSW (2003) *NSW Auditor-General's Report Financial Audits. Volume Five*. Pg 180
 35. Productivity Commission (2004) *Review of Government Services 2002.03*
 36. ACOSS and National Shelter, 2003.
 37. Data from the New South Wales Midwives Data Collection on births in NSW, 1990-1997 showed that from 1990-1997, there were 685,631 confinements in NSW and these mothers resided as follows: 76% metropolitan, 5% large rural centres, 8% small rural centres, 11% other rural areas and 1% remote areas. Rural mothers were more likely to be teenagers, multiparous, with a married or de facto partner, public patients and smokers. Infants born to mothers in remote communities were at increased odds of stillbirth and low Apgar scores (all women) and small-for-gestational-age (indigenous women only). Maternity services need to be available and accessible to all rural women with targeting of interventions known to reduce low birth weight and perinatal death. (Christine L Roberts, Charles S Algert, The urban and rural divide for women giving birth in NSW, 1990-1997, *Australian and New Zealand Journal of Public Health*, Canberra, June 2000, 24: 3, p. 291-297)
 38. Rural Health Implementation Coordination Group (2001) *Non-emergency Health Related Transport – Facilitating access to health services in NSW*. p 47



39. O'Malley, N. "Health cuts slash cancer checks" *Sydney Morning Herald* 31 May 2004, P5.
40. *N2* at 5
41. *N3* at 27
42. There was a 21 percent increase in decay experience in 5-year-olds between 1996 and 1999. *Armfield et al* (2003)
43. Maggie Brady, Health care in remote Australian indigenous communities, *ABI Proquest*, December 2003.
44. NSW Department for Women, "Profile of Women in New South Wales – Education, training and transition to work" accessed at www.women.nsw.gov.au/profile/profile_printable.pdf on 11 May 2004.
45. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
46. NSW Department for Women, "Profile of Women in New South Wales – Education, training and transition to work" accessed at www.women.nsw.gov.au/profile/profile_printable.pdf on 11 May 2004.
47. NSW Department for Women, "2002 Update and Action Plan – Culturally and Linguistically Diverse Women"
48. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
49. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
50. Parliamentary Senate Committee, "A hand up, not a hand out: Renewing the fight against poverty" Report on Poverty and Financial Hardship, Commonwealth of Australia 2004, Chapter 10.
51. Australian Bureau of Statistics, "Average Weekly Earnings, Australia" August 2002, Cat No. 6302.0, Canberra.
52. Parliamentary Senate Committee, "A hand up, not a hand out: Renewing the fight against poverty" Report on Poverty and Financial Hardship, Commonwealth of Australia 2004, Chapter 6.
53. NSW Department for Women, "2002 Update and Action Plan – Culturally and Linguistically Diverse Women"
54. *Ibid.*,
55. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
56. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
57. NSW Department for Women, "2002 Update and Action Plan – Aboriginal and Torres Strait Islander Women"
58. See for example, The Redfern Micro Enterprise Partnership Project; the Indigenous Business Advisory Service.
59. Parliamentary Senate Committee, "A hand up, not a hand out: Renewing the fight against poverty" Report on Poverty and Financial Hardship, Commonwealth of Australia 2004, Chapter 10.
60. Anti-Discrimination Board Annual Report 2002-2003: Handling Complaints, accessed at http://www.lawlink.nsw.gov.au/adb.nsf/pages/ar02-03_handling_complaints.html



on 18 May 2004.

61. Australian Bureau of Statistics, "Australian Labour Market Statistics" August 2002, Cat. No. 6203.0, Canberra.
62. NSW Department for Women, "Jobs for Women", December 2003, accessed at www.women.nsw.gov.au on 8 May 2004.
63. As has been canvassed by the current Labor Opposition, Democrats and Greens party.