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COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: BJ/follow-up/Australia/79

19 July 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the eighth periodic report of Australia, at the Committee's seventieth session, held in July 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/AUS/CO/8](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 62 on follow-up to the concluding observations, the Committee requested Australia to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (b), 46 (b), 50 (a) and 54 (b) of the concluding observations.

The Committee welcomes the follow-up report received in February 2021 ([CEDAW/C/AUS/FCO/8](#)) under the CEDAW follow-up procedure. At its seventy-ninth session, held remotely due to the ongoing COVID-19 pandemic in June 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 12 (b)** of the concluding observations, urging the State party to “**recognize First Nations in the Constitution to enable indigenous women to claim their rights**”:

The Committee welcomes progress made with the establishment by the Australian Parliament, in March 2018, of a Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples and the presentation of its recommendations, in November 2018: (1) a co-design process to articulate the detail of the First Nations Voice to the Parliament; (2) subsequent to co-design, the Australian Government consider legislative, executive and constitutional options to establish the First Nations Voice; and (3) the Australian Government supports the process of truth telling and considers the establishment of a National Resting Place for Aboriginal and Torres Strait Islander remains which could be a place of commemoration, healing and reflection. The Committee notes the decision of the high court of justice in march 2019 recognizing for the first time the dispossession of indigenous Australian, welcomes the adoption of these recommendations by the Australian Government and the development of an Indigenous voice through a process of co-design with Indigenous women and men. While noting the lack of substantial progress on constitutional reform which alone can provide a fundamental basis and legislative guarantees for the recognition of aboriginal and Torres Strait Islander People 's rights, the committee is also concerned about the lack of information on this process.

Her Excellency  
Ms. Sally Mansfield  
Ambassador  
Permanent Representative of Australia  
to the United Nations Office at Geneva

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The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 12 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Expedite the recognition of the First Nations in the Constitution to enable indigenous women to claim their rights**

In relation to the recommendation made in **paragraph 46 (b)** of the concluding observations, urging the State party to “**reinstate funding to services that focus on women’s rights and to women’s organizations, including to those which focus on the rights of indigenous women**”:

The Committee takes note of the State party’s announcement of an additional \$63.3 million in funding for front line legal assistance services in May 2020, including \$19.9 million to be allocated to services addressing domestic violence. It further welcomes the 2020 Women’s Economic Security Statement (WESS20) that accompanied the 2020 federal budget in October, and includes \$240.4 million in funding for a range of initiatives, primarily targeted at women’s employment. However, the Committee regrets the lack of indication that additional spending on programs aimed at alleviating gender inequality will be allocated with a focus on increasing the proportion of funding allocated to specialist women’s organisations or organisations focussed on the rights of Aboriginal and Torres Strait Islander women. The Committee also regrets the lack of information on whether the initiatives included in the 2020 Women’s Economic Security Statement (WESS20) will provide funding to specialist women’s services or feminist organisations.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Noting the persistent high prevalence of violence, the Committee recommends that, in relation to **paragraph 46 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on measures, including post-COVID-19 recovery measures, taken to:

**Reinstate funding to services that focus on women’s rights and empowerment and to women’s organizations, including to those which focus on the rights of indigenous women.**

With regard to the recommendation made in **paragraph 50 (a)** of the concluding observations, urging the State party to “**implement the recommendation made by the Children’s Commissioner in 2017 to review state and territory laws, policies and practices to guarantee access to legal and prescribed abortion services and to raise awareness of sexual and reproductive health rights among women and girls, parents, teachers, medical professionals and the general public and create safe zones around abortion clinics**”:



The Committee welcomes legislative measures taken by the State party to decriminalise abortion in New South Wales, Queensland and South Australia, which means that abortion have been decriminalised in all jurisdictions in Australia. It further notes with appreciation that a draft law on safe access zones around clinics has been introduced to the Parliament of Western Australia, the last state to have yet to pass legislation to this effect, in November 2020, and that the bill was introduced into the Legislative Council on 24 November 2020. However, the Committee regrets the lack of information on the measures taken by the State party to ensure the practical realisation of abortion law reform, including: adequate public funding and provision of abortion services throughout Australia, in both rural and urban areas; appropriate practitioner training (including university curricula and doctor training); and measures which recognise abortion as an essential component of women's reproductive health care.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 50 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Implement the recommendation made by the Children's Commissioner in 2017 to review state and territory laws, policies and practices to guarantee access to legal and prescribed abortion services and to raise awareness of sexual and reproductive health rights among women and girls, parents, teachers, medical professionals and the general public and create safe zones around abortion clinics.**

Regarding the recommendation made in **paragraph 54 (b)** of the concluding observations, urging the State party to **"stop offshore processing in Nauru and the processing of asylum claims at sea, and ensure that all women and girls seeking asylum have access to gender-sensitive and fair refugee status determination processes within the territory of the State party and to legal representation and legal remedies"**:

The Committee notes that since the release of its recommendation in 2018, the State party has removed most women and girls from offshore detention centres. Nevertheless, it is concerned that offshore processing and interception at sea remain, preventing women and girls from accessing asylum procedures onshore, and that asylum seeking girls and women lack access to gender-sensitive refugee status determination processes.

The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation has **not been implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **not satisfactory**

The Committee recommends that, in relation to **paragraph 54 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:



**Stop offshore processing in Nauru and the processing of asylum claims at sea, and ensure that all women and girls seeking asylum have access to gender-sensitive and fair refugee status determination processes within the territory of the State party and to legal representation and legal remedies and review its policy towards refugees and asylum seekers in line with the international principles and rules.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Louiza Chalal'.

Louiza Chalal  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women