



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org – cedaw@ohchr.org

REFERENCE: AA/follow-up/Australia/55

3 September 2013

Excellency,

In my capacity as Rapporteur for 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 combined sixth and seventh periodic report of Australia at the Committee's forty-sixth session, held in July 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/AUL/CO/7). You may recall that in the concluding observations, the Committee requested Australia to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 29 and 41 of the Concluding Observations.

The Committee welcomes the follow-up report received on 22 November 2012, although it was received with a four-month delay, under the CEDAW follow-up procedure (CEDAW/C/AUL/CO/7/Add.1). At its fifty-fifth session, held in July 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 29** of the concluding observations “to adopt national legislation on violence against women”: The Committee takes note of the information provided by the State party that legislation on violence against women exists at provincial levels.

Regarding the recommendation “to adopt as a matter of urgency the National Action Plan to Reduce Violence against Women and Their Children”: The State party indicated that the Council of Australian Governments (COAG) had endorsed the National Plan to Reduce Violence against Women in early 2011 and that it was publicly launched on 15 February 2011. The Committee considers that the recommendation has been **implemented**.

Regarding the recommendation “to implement the National Action Plan to Reduce Violence against Women and Their Children”: The State party provided relevant information on the agenda for the implementation of the Action Plan. However, other information before the Committee indicates that: i) two years after its publication, the National Plan has not universally reached service providers on the ground or impacted on the wider regional, rural and remote communities; and ii) in August 2012, the first three-yearly national implementation Plan, which was due to be developed by July 2011, had not yet been presented and not all state/territory jurisdictional Implementation Plans had been developed. The Committee considers that the recommendation has been **partially implemented**.

H.E. Mr. Peter Woolcott
Permanent Representative of Australia
to the United Nations
Chemin des Fins 2
1218 Grand-Saconnex

E-mail: un.geneva@dfat.gov.au

Regarding the recommendation “to assure adequate funding for the National Action Plan to Reduce Violence against Women and their Children”: The State party indicated that the Government had committed over \$86 million since 2009 and had allocated a further \$8.5 million over four years from 2011-12 to 2014-15. The Committee considers that the recommendation has been **implemented**.

Regarding the recommendation “to include a mechanism for independent monitoring of the National Action Plan to Reduce Violence against Women and their Children”: The State party indicated that, through the National Plan Implementation Panel (NPIP), governments and their community partners will develop a framework for the evaluation of the National Plan over the 12 years and the evaluation will be underpinned by two national surveys. As the establishment of a mechanism for independent monitoring of the National Action Plan to Reduce Violence against Women and their Children is part of the National Action Plan adopted in 2011, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to develop strategies to prevent homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate on going accommodation and integrated support”: The State party mentioned the implementation of the National Partnership Agreement on Homelessness commenced in January 2009 and indicated that the National Plan to Reduce Violence against Women (2011) contains a number of strategies that intersect with responses to homelessness. However, the National Partnership Agreement on Homelessness was launched before the issuance of the COBs and, according to information before the Committee, it does not have specific core outputs addressing homelessness driven by domestic and family violence. In addition, the State party failed to provide information on the strategies of the National Plan to Reduce Violence against Women that intersect with responses to homelessness. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to take appropriate measures, including specific legislative measures criminalizing acts of domestic violence, prosecute acts of domestic violence and punish the perpetrators of such acts”: The State party mentioned the adoption of the Domestic and Family Violence Protection Act 2012 (Qld) commencing in September 2012 and the Criminal Justice Legislation Amendment Act 2011 (NT). While the State party took some steps to criminalize acts of domestic violence, prosecute acts of domestic violence and punish the perpetrators of such acts, improvements still need to be made. The Committee considers that the recommendation has been **partially implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Ensure the effective and complete implementation of the National Action Plan to reduce violence against women and their children, including in all states/territories and for wider regional, rural and remote communities;
- 2) Establish an independent multi-sectoral mechanism to monitor the implementation of the National Action Plan; and
- 3) Strengthen its efforts to ensure prosecution of acts of domestic violence and punishment of the perpetrators of such acts.

Please also provide information on the strategies of the National Plan to Reduce Violence against Women that intersect with homelessness responses.

Regarding the recommendation made in **paragraph 41** of the concluding observations “to adopt and implement targeted measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, to improve indigenous women’s enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests”: The State party referred to measures launched before the issuance of the COBs

and to measures envisaged, but it failed to mention measures taken since the issuance of the COBs. In addition, while the measures mentioned aim at improving the rights of indigenous people, most of them are not targeted at women. However, although the programmes were launched before the issuance of the COBs, the State party provided information on the continued implementation of these programmes. Therefore, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to implement specific strategies within the national plan to address violence against Aboriginal and Torres Straits Islander women”: While the State party indicated that it has adopted strategies to address domestic violence against Aboriginal and Torres Strait Islander women within the National Plan to Reduce Violence Against Women and their Children, it failed to provide information on these strategies. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to provide measures to fund culturally appropriate indigenous women’s legal services in urban, rural and remote areas of Australia”: The State party indicated that the Commonwealth Attorney-General’s Department (ADG) administered USD 19.8 million in 2011-2012 to 14 organizations under the Indigenous Family Violence Prevention Legal Services Program. The State party further indicated that the Attorney-General’s Department also administers the Community Legal Services Program, which provides USD 4.926 million in 2012-2013 to community legal centres, including Women’s Legal Services, Indigenous Women’s Projects and Rural Women’s Outreach Services. While the State party provided relevant information on funding of culturally appropriate indigenous women’s legal services, other information before the Committee mentioned the persistence of the lack of culturally appropriate legal services for Aboriginal and Torres Strait Islander women, in particular in urban areas or when the perpetrator is already represented by the Aboriginal Legal Service. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to pay particular attention to ensuring access to quality education, including post-graduate education and vocational training”: The State party provided information on programmes aimed at providing quality education to Aboriginal women. The State party announced that it will undertake a review regarding post-graduate education. Regarding vocational training, the information provided by the State party only concerns some of the States and territories. Besides, the Committee has been informed that the level of access and support for Indigenous women, including funding and resources, continues to be a major obstacle for the training and education opportunities for Aboriginal and Torres Strait Islander women. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to pay particular attention to ensuring access to adequate health and social services”: The State party provided detailed information on programmes taken to ensure adequate health and social services to Aboriginal and Torres Strait Island women. While important steps have been taken, the Committee was also informed about challenges as regard ensuring that the voices and views of Aboriginal and Torres Strait Islander women are included in consultation and are placed at the forefront of policy and service development. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to pay particular attention to ensuring access to legal literacy and access to justice”: The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Carry out the review that will examine how to ensure Aboriginal and Torres Strait Islander people equal access to quality higher education sector, and take further steps to ensure access to quality post-graduate education; carry-out nation-wide programmes to ensure Aboriginal women’s access to vocational training; and ensure that adequate funding and resources are allocated to Aboriginal women’s access to quality education;



- 2) Continue its efforts to improve access to adequate health and social services for Aboriginal and Torres Strait Island women and ensure that their voices and views are taken into account in this regard; and
- 3) Ensure access to legal literacy and access to justice.

Please also provide information on the content of the strategies to address domestic violence against Aboriginal and Torres Strait Islander women within the National Plan to Reduce Violence Against Women and their Children.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Australia on the implementation of the Convention.

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

Yours sincerely,

A handwritten signature in black ink that reads "Barbara Bailey". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women