

Report from Convention of Elimination of Discrimination Against Women (CEDAW) July 2018

The CEDAW Committee consists of 23 experts on women's rights from around the world that monitors implementation of the recommendations of the CEDAW Committee

Countries who have become party to the treaty (States parties) are obliged to submit regular reports to the Committee on how the rights of the Convention are implemented. During its sessions the Committee considers each State party report and addresses its concerns and recommendations to the State party in the form of concluding observations.

Day 1 1.7.2018

I arrived in Geneva at 8.15 am after 23-hour flight from Melbourne. I met with representatives from the civil society including

- Maria Nawaz and Tess Deegan - the Kingsford Legal Centre,
- Ngila Bevan from People - Disabilities Australia,
- Lee Carney - Human Rights Law Centre
- Lucy McKernan - Global Initiative for Economic, Social and Cultural Rights,
- Anna Kerr - Feminist Legal Clinic,
- Cassandra Goldie - ACOSS
- Tina Dixon - AWAVA
- Lavanya Kala - Beryl Women Inc /AWAVA / Harmony Alliance
- Ruth Saovana Spriggs from Papua- New Guinea



9.00 am – 12.00 am Briefing and training hosted by International Women's Rights Action Watch Asia Pacific (IWRAP). This was to inform us on the CEDAW process. The oral statement was to be finalised and speakers agreed upon.

12.00 -3.00 pm – I worked with other civil society representatives to finalise the oral statement that was presented to the CEDAW hearing. – see attachment 1



I then found my accommodation and went for a swim in Lake Geneva – it was so hot – 33 degrees



Day two 2.7.2018

7.30 am I arrived at the entrance to the UN to get my CEDAW pass. Meet up with other members of the civil society.

10.30 – 12.30 Some civil society members (including me), travelled to the Australian Government briefing that was held at the Australian Consulate-General in Geneva, Switzerland located at Chemin des Fins 2. This was some distance from the UN. It was hosted by Ms Suzanne Stein, PSM The Consul-General for Switzerland and Liechtenstein and Trish Bergin the head of the OFW. We introduced ourselves and where we were from and outlined briefly our concerns.



1.45 -2.45 back at the UN, we met privately and informally with the CEDAW Committee. Australia's rapporteur was Patricia Schultz from Switzerland - in the foreground with her folder of the all the civil societies reports – including the NCWA report. She had read them all. We all went around the room of civil societies and introduced ourselves where we were from and the areas that concerned us. I raised the issues that we had submitted in our report:



- Violence against women,
- Overall approach to gender equality, stereotypes and harmful practices,
- Economic, social and cultural rights – including housing and homelessness for older women,
- Public participation of women in leadership, politics and the judiciary

Some of the members raised some questions. The CEDAW Committee Member Mr Gunnar Burgby, from Norway, was particularly interested the lack of superannuation for women from the first dollar that is earned. I addressed his concerns and later sent a report along with the Kingsford Legal Centre (Australian NGO Coalition) to him for consideration – see Attachment 2.

At 3.00 - 4.30

Australia, followed by Cyrus, Liechtenstein and Mexico presented their oral statements. There a number of questions asked by the rest of the committee



The statements could be made in English, French or Spanish in which case you needed to listen to the translation by the ear piece.

Kate Jenkins Australia Sex Discrimination Commissioner made a presentation and raised three main issues:

- Need to accelerate action for Aboriginal women
- Sexual harassment – undertaking a study right now
- Reducing barriers for gender pay gap, ensuring economic security for women

Day three 3.7.2018

10.00 – 10.30 The Australian government delegation led by Trish Bergin (FAS Office of Women, PM&C) appeared to make a 30-minute presentation of the Australian government achievements. Panel members included



- Chantelle Stratford, - Family Safety – Chantelle Stratford, Branch Manager DSS
- Amy Haddad - Gender Equality Branch (GEB) AS & Principal Gender Specialist DFAT
- Steve McGlynn Home affairs Minister Counsellor Geneva Steve McGlynn (desig August 18)
- Rebecca Lanner - Indigenous Employment & Recognition - PM&C
- Margaret Kid Department of Education and Training

10.30 – 5.00 (with a lunch break)

The rest of the day answering questions with the panel from the CEDAW committee. This was led by Australia's rapporteur was Patricia Schultz. She and the committee raised many questions on the impact of various government policies including:



- The lack of human bill of rights
- The effectiveness of the Sexual Discrimination legislation and office given amendments and funding
- Effectiveness of the HR Commission given funding cuts not always able to undertake their work
- Deletion of Section 57 of the constitution
- Discontinuation of the of shore processing and accept boat arrivals on the mainland - renounce cuts in Status Resolution Support Services
- Cuts to legal aid
- Lack of funding to the civil society
- Merging family law courts and supreme court? No background to do this
- What steps are being taken to increase women's economic security
- Violence against women –
 - confusion over definitions,
 - Policies are not working - no reliable data –
 - move to mainstream and churches/ religious based services - loss of women's services
 - Judiciary require specific training nature and dynamics of DV
- Elimination of DV against Aboriginal women suffer more –
 - ?how to look after the children and improve living conditions.
 - How can they ensured to have sufficient access to support they need?
- Women in detention 24% are Aboriginal – what is the reason? Stop Strip searching women

- Political life – women are demeaned ? Ministerial code of conduct
- Enrolment in education of females from disadvantaged groups for STEM
- Data missing for Indigenous comment
- Effect of poor housing on education
- Employment
 - gender pay gap
 - paid parental leave – should be 26 weeks as per ARHC replace working wage and include superannuation
 - Groups discriminated against – people with disabilities, CALD ? National Employment framework
 - Sexual harassment
 - Superannuation – key to economic system
 - Women are defacto discriminated
 - Single women – retire in poverty
 - Those paid \$450.00 miss out ?why not paid from the first dollar earnt
- Health
 - More information about differences between public and private
 - Breast feeding – promoting contact through maternal nurses
 - Abortion – what steps are taken to ensure that all women have access to safe services? What steps are taken to collect data on abortion services?
 - Older women 55 and older – growing homelessness and poverty
 - NDIS – individual packages – effect on community and mental health services
- Australia a rich country
 - to tax and services - no-one should be left behind
 - Undertake a gender impact analysis
- Recognition of legal gender – self determination



Day four 4.7.2018

11.00 – 12.30 PM Meeting Australian Government delegation



WE met with the Australian delegation again back at the Australian Consulate-General in Geneva to review the presentations and questions asked by the CEDAW Committee. The Civil society had some feedback for the Australian Government delegation see Attachment 3.

Trish stated the committee was well informed and briefed on many issues and asked many robust, thought provoking and in-depth questions.

It highlighted gender issues cross everything, it is complicated

This is just the beginning to inform, shape, setting and framing the agenda to– immense constraints- however our only failure is if we don't continue.

It highlighted the importance of the civil society and how better to engage with them. Will look towards a women forum in Sydney in 6 months, and a telephone hook up to start with.

Agencies such as Office of Women, HR Commission and Sex Discrimination need to better work together strategically to achieve positive outcomes. Data needs to be disaggregated to include diverse groups of women, including ATSI, CALD, LGBTI, and older women.

Overall it was an amazing experience both personally to be present at the CEDAW review and represent NCWA and raise our profile and voice in an important international forum.



Attachment No 1 Oral Statement prepared for CEDAW 3 July 2018

Thank you for the opportunity to speak to issues of human rights for Aboriginal Australian women today. Aboriginal women continue to experience severe human rights issues and my submission will cover three areas being:

- Violence
- Child removal
- Incarceration Violence against women

Too many Aboriginal women, and also young girls, experience unacceptably high levels of violence and sexual assault. Nationally, **Aboriginal women are 35 times more likely to be hospitalised as a result of family violence related injuries.** In Western Australia, an Aboriginal mother is 17.5 times more likely than a non-Aboriginal woman to be a victim of homicide. Aboriginal women experience high levels of sexual assault. According to UN Women - **1 in every 3 Indigenous women will experience rape in her life.** Many times, Aboriginal women do not report the violence.

Research has shown up to 90% of violence experienced by Aboriginal women is not reported to police (Willis, cited by ALRC at 167). The justice system response can be tainted by discrimination and traumatic to the victim. Aboriginal male perpetrators can hold powerful positions and the fear of repercussion is real. Aboriginal women also know their children will be removed from them if they report.

The Family Violence Prevention Legal Service funded by the Commonwealth is a critical service responding to violence against women that occurs in the family context. It provides legal and holistic support, community education and preventative role in the community. Unfortunately, there are gaps in the coverage of the service and services often operate at capacity due to high level need.

In 2017 the Special Rapporteur on Indigenous Peoples, Vicky Tali-Corpuz, visited Australia and urged the Federal government to adopt new targets in its Close the Gap program to reduce violence against women, as well as to reduce the rates of incarceration and child removal. She agreed with the recommendation of the Special Rapporteur on Violence Against Women that Australia increase efforts to address violence against Indigenous women by developing a specific National Plan of Action (NPA) with appropriate temporal and special measures to advance Aboriginal women's law and justice outcomes and human rights.

We must also address the problem of **racial discrimination** towards Aboriginal women and girls. Racism towards the victim was highlighted in the case of Ms Dhu a young Aboriginal woman suffering from injuries caused by intimate partner violence and who died in a police cell in inhumane circumstances. It was seen in the case of Tamica Mullaley, a victim of intimate partner violence viewed instead as an aggressor by police while she sought help for her abducted child later found raped and murdered. It happened to Lynette Daley, raped by two non-Aboriginal men, she sustained horrific injuries causing her death, yet the Crown had refused to lay charges and only did so after nationwide protests.

There has still been no justice for the family of Kwementyaye McCormack who died from stab wounds in 2015, against all evidence and a critical Coroner report, the police maintain she caused her death.

Racism by the state towards Aboriginal women is widespread and a barrier to the realisation of their rights. A specific NPA for Indigenous women should address women's empowerment, including employment and economic empowerment, leadership and decision making. While government is committing to gender equality measures, such as appointment of women on boards, these benefits may not 'trickle down' to Indigenous women, and Indigenous women can fall through the gap as a result of their intersectional identity.

Child Removal

Removal of Aboriginal children from their mothers and families has a long history in Australia. Policies to remove Aboriginal children were historically racist – and denounced as a form of cultural genocide by the national human rights institution in their 1997 Inquiry 'Bringing Them Home'. The Inquiry said that states should transfer responsibility for Aboriginal children to Aboriginal agencies but has only recently happened in Victoria and paternalistic child protection policies remain the norm in practice across Australia. Family violence is the most frequent reason for the contemporary removal of Aboriginal children.

Violence against Aboriginal women is cast as an a historical and gender-neutral problem yet Aboriginal families and children are experiencing trauma as a result of the past experiences of removal and childhoods in institutions that were highly abusive to them. And while removal of Aboriginal children is justified in the best interests of the child - children removed may experience multiple placements in homes that don't support their cultural identity and they may also be subject to abuse in care. In 2017 the Special Rapporteur on Violence in her visit to Australia criticized the high level of Aboriginal child removal, policies she mistakenly thought belonged in the past, noting this is contributing to the cycle of violence today. All Australian governments have signed the Permanency Policy – imposing short times for reunification in the absence of culturally appropriate programs. This policy will result in the highest level of removal of Aboriginal children in history and is not being support by Aboriginal peak bodies.

According to UN CERD advice to Australia in 2017, Australia should,

- Increasing funding to Aboriginal legal services including the Family Violence Prevention Legal Services;
- Develop and implement national strategy to reduce children's over- 3 representation in out of home care; and,
- Increase investment for family support services and ensure community led organisations can provide child and family support services. Incarceration

According to the Australian Law Reform Commission, Aboriginal women represent the 'fastest growing prison cohort' in Australia. Whilst comprising only 2% of the adult female population, Aboriginal women nationally make up one-third (34%) of all incarcerated

women. **The incarceration rate for Aboriginal women is 21 times the rate for non-Aboriginal women.**

In some States, Aboriginal women comprise the overwhelmingly majority of women prisoners. Aboriginal girls are also being detained in high numbers. In 2017 the Special Rapporteur on Violence Against Women emphasized the importance of diverting Aboriginal women, especially mothers, from the criminal justice system. States should amend laws that unnecessarily incarcerate indigenous women, particularly imprisonment for unpaid fines. Most Aboriginal women in prisons have been victims of family violence and sexual assault, as women and as children. According to one study 90% of Aboriginal women prisoners are survivors of family violence and other violence (ALRC at 167). Rates of psychological disability for Aboriginal women are also high and double than that for Aboriginal men. Another study showed that 92% of Aboriginal women prisoners had lifetime diagnosis of mental illness (ALRC 354). Notwithstanding their trauma needs, Aboriginal women routinely experience abusive practices including strip-searching. Last year, according to public reports, an Aboriginal woman was transported to hospital naked, handcuffed and bleeding. Another Aboriginal woman had to give birth alone in her cell. The recent ALRC 'Pathway to Justice' report has examined the situation of Aboriginal women prisoners and recommended that programs for Aboriginal women prisoners should be developed with and delivered by Indigenous women – and they should be trauma informed and culturally appropriate. The Inquiry also acknowledged the connection between incarceration and child removal and called for a national inquiry into child protection laws and processes affecting Indigenous children. The Commonwealth should also introduce national justice targets to reduce both the incarceration of Indigenous peoples and the rate of violence against Indigenous women. Thank you, Committee, we appreciate your attention to these matters of human rights and hope your advice can help bring about change for Indigenous women.

Human rights framework

Human rights are not comprehensively protected in Australia – we remain the only western democratic nation without a bill of rights. Australia's parliamentary joint committee on human rights has limited effectiveness. Australia has not comprehensively enacted CEDAW in law. Australia's anti-discrimination laws are limited in scope, have wide exemptions, and fail to address systemic or intersectional discrimination.

Recommendation

We urge the Committee to recommend that Australia enact a Human Rights Act and a comprehensive Equality Act.

Women's economic disadvantage

Women in Australia continue to face significant economic disadvantage.

- Endemic pregnancy discrimination, sexual harassment, a significant gender pay gap of over 15%, and a superannuation gap act as barriers to women's financial independence.
- The government has cut billions from social security for single mothers. In 2013, the government cut single mothers' access to social security reducing payments by about \$6000 per year, and a complaint is before this Committee from Juanita McLaren and the National Council of Single Mothers and their Children Inc, to which the government is yet to respond. 40% of children of single mothers are living in poverty.
- Housing affordability is a key concern. Australia has the highest cost of housing in the OECD and there has been no new funding for low income housing for decades. Women over 55 are the fastest growing cohort of homeless people in Australia.

Recommendation

We urge the Committee to recommend that Australia respond to the CEDAW complaint as a matter of urgency and repeal amendments that restrict single mothers' access to social security.

Women's reproductive rights

Accessing or providing abortion services remains criminalised in many states and territories and abortions are not freely available through the public health system. Women continue to face intimidation and harassment by anti-abortion protesters while attempting to access reproductive health clinics.

Separation of children from mothers has a terrible history in Australia and it's continuing. Inadequate efforts are made to support mothers to retain care of their children.

Recommendation

We urge the Committee to recommend that Australia decriminalise abortion and enact safe access zones in all states and territories; and ensure reproductive health services are freely and quickly available through the public health system for all women.

Gendered Violence

Violence against women is endemic in Australia. One in three women will experience violence during their lifetime. One woman a week is murdered by a current or former partner.

Despite current efforts, there is a lack of proper investment and resourcing in long-term strategies to end violence against all women and girls in their diversity and many different circumstances. Insufficient efforts are in place to achieve attitudinal cultural change; resource primary prevention, early and crisis intervention; resource specialist women's services and culturally appropriate and accessible women's services; improve access to housing and justice; and ensure perpetrator accountability and reformation.

Despite the existence of the National Plan to Reduce Violence Against Women and Their Children, key efforts remain underfunded. The National Plan insufficiently addresses the need for adequate crisis services, specialist women's shelters or refuges. Australia is not providing women with opportunities for empowerment nor mainstreaming gender equality.

Australia's deficient Family Law system is actively preventing women and their children escaping violence to obtain access to justice. Gender bias in free legal aid leaves women unrepresented. The presumption of shared parental responsibility contributes to removal of children from mothers and risks placing them into custody of perpetrators. Legal processes are being misused by perpetrators to continue their victimisation of women and children. We believe that the principle of safety and wellbeing for victims/survivors of violence and children should be a paramount consideration in any reforms to the family law system.

For women on temporary visas experiencing violence extra barriers are in place due to their migration status especially for asylum-seeking and refugee women, international students and new migrants. Migration rules must not impede access to services for all women from culturally and linguistically diverse backgrounds or discourage them from leaving violent relationships.

Recent changes to the Status Resolution Support Service (SRSS) program limit women's capacity and financial independence. From July 2018, asylum-seeking women will lose SRSS support regardless of their vulnerability.

Intersectional discrimination

Women's rights do not have a 'one size fits all' solution.

Australian Governments are still not meeting the intersectional and diverse needs of women and girls.

The Rights of Women with Disability

Women and girls with disability continue to experience significantly higher rates of violence, particularly sexual violence, by a greater number of perpetrators, and which is exacerbated in institutional settings.

Yet the National Plan is not responsive to the experiences of women and girls with disability, Australia has ruled out a Royal Commission into violence against people with disability despite a 2015 senate inquiry recognising it is a 'national epidemic', and the NDIS Quality and Safeguards Framework only applies to 10% of all people with disability.

Women and girls with disability continue to be subjected to forced sterilisation, forced contraception and menstrual suppression. And Australia has failed to legislate against forced or coerced medical intervention on the bodies of people with intersex variations.

Recommendations

We strongly urge the committee to recommend Australia establish a Royal Commission into violence, abuse and neglect against people with disability.

We strongly urge the committee to again recommend the prohibition of sterilisation of children, except where there is a serious threat to life; the prohibition of sterilisation of adults with disability in the absence of their prior, independent, fully informed and free consent, except where there is a serious threat to life; and the prohibition of sterilisation, genital normalising and hormonal interventions on people with intersex variations without their prior, independent, fully informed and free consent.

Lesbian, bisexual, transgender and queer women and girls

Lesbian, bisexual, transgender and queer women and girls should not face violence or discrimination because of who they are or who they love.

Australian Governments need to do more to:

- Reduce unacceptably high levels of discrimination and harassment, which cause staggering rates of mental health issues, suicide and self-harm,
- Remove broad, outdated discrimination exemptions,
- Improve access to legal recognition of gender,
- Protect against so-called conversion therapy, bullying in schools, hate speech and hate crime, and
- Implement LGBT-sensitive screening processes for assessing refugee status, in immigration detention and accessing support services.

Women and Girls Seeking Asylum

Finally, time and time again, Australia has been condemned for its inhumane treatment of women and girls seeking asylum.

Yet the Australian Government continues to reject the UN's calls for compassion.

Australia's cruel and arbitrary offshore immigration regime separates families and imprisons women in dangerous conditions on refugee prison camps on Nauru, who do not have access to appropriate quality healthcare, and have not had a day of freedom in 5 long years.

We ask the Committee to hold the Australian Government to account - when it seeks to offload responsibility to state and territory governments, or falsely claim extra-territorial impunity - we ask the Committee to urge Australia to implement its fundamental human rights obligations and ensure the Convention makes a real difference to the lives of women and girls on the ground.

Recommendations:

We urge the Committee to recommend that Australia urgently close offshore processing centres and bring refugees and asylum seekers to Australia; and address its treatment of LGBTI asylum-seeking and refugee women and girls. In addition, it is imperative to ensure that the principle of non-refoulement is implemented when considering LGBTI individuals seeking asylum.

I am Ruth Saovana Spriggs, reading this statement on Australia's Extra Territorial Obligations in PNG and I am presenting on behalf of Voice for Change, HELP Resources, Bougainville People's Research Centre, the emerging Hela Women Never Give Up in PNG and Development Alternatives with Women for a New Era (DAWN) who submitted a joint Shadow Report to CEDAW for the review of Australia.

I am an academic, researcher and activist, from the Autonomous Region of Bougainville (AROB – a former province of the Independent State of Papua New Guinea).

Thank you, Madam Chair.

The Australian Government finances large-scale Extractive Industry Projects in PNG, which systematically exclude women and entrench male monopoly over decision-making and benefit flows. Women lose access to economic resources and status, increasing their vulnerability to violence.

Highly profitable, Australian Joint Venture Projects operating in regions with **pre-existing high levels and extreme forms** of gender-based violence and armed conflict are contributing to increased impunity for perpetrators and reduced access to justice.

Australia Aid programs advocate gender equality and deliver development assistance in health, education and justice sectors in PNG. However, neither these, nor **Australian Corporate Social Responsibility Programs and Partnerships**, address structural discrimination and substantive equality in relation to women, in the context of Extractive Industry.

Thank you again and good afternoon.

Attachment 2

this information was send to the secretariat on the Monday after our informal briefing

Please find below additional information on superannuation, parental leave and flexible work arrangements for CEDAW Committee Member Mr Gunnar Burgby, prepared by Kingsford Legal Centre (Australian NGO Coalition) and the National Council of Women Australia.

Superannuation

Superannuation is a key pillar in the potential economic security of women in retirement in Australia. In 2015 – 2016 the average woman retired with \$113,660 less than men. If no steps are taken to address this issue, by 2030 the retirement income gap is still expected to be 39% with average balances projected to be \$262,000 for women and \$432,000 for men. Currently 220,000 women miss out on \$125,000 of superannuation contributions as they do not meet the \$450.00 monthly threshold (before tax) from one employer. Many women work more than one part-time job.

The effects of the lack of superannuation is cumulative and disadvantages women, contributing to homelessness. The fastest growing group of people experiencing homelessness in Australia is women aged 55 and over.

In 2016, the Senate Economic References Committee inquired into women's economic security at retirement. The subsequent report found that men's superannuation balances at retirement are on average twice as large as women's, putting women, particularly single women, at greater risk of experiencing poverty, housing stress and homelessness in retirement.

The report noted that women in Australia are more likely than men to work in lower paid roles and lower paid fields, are more likely to work part-time or casually, and are more likely to take breaks from paid employment to provide unpaid care for others. Over their lifetimes, as a consequence, they earn significantly less than men.

The report found that Australia's retirement income system does not adequately accommodate the differences in male and female economic participation and remuneration, structurally favouring higher income earners who work full-time, without breaks, for the entirety of their working life.

The report made 19 recommendations, covering tax reform, amendments to discrimination and work place legislation, housing affordability, superannuation legislation, the age pension and paid parental leave. Most these recommendations have not been implemented.

The government's paid parental leave scheme does not pay superannuation. Some employers voluntarily provide paid parental leave in addition to the government's paid parental leave. However, most employers do not pay superannuation during parental leave.

Recommendations

Australia should:

- ***immediately introduce superannuation payments for the paid parental leave scheme;***
- ***Amend superannuation law to ensure all workers should be entitled to superannuation regardless of their monthly earnings;***

- ***Urgently implement the recommendations of the 2016 Senate Economic References Committee Inquiry into women's economic security at retirement.***

Parental leave

Paid parental leave is an essential component of any attempt to address the gendered wealth gap, improve women's workforce engagement and ensure positive health outcomes for mothers and their children.

The current Australian government paid parental leave scheme provides employees with an entitlement to 18 weeks of leave funded by the Government at the minimum wage, with the expectation that the employer will also contribute further leave entitlements. Workers earning more than \$150,000 per annum are not entitled to the payment, which means that the scheme is aimed at those employees who are more likely to experience pressure to return to work following the birth (or adoption) of a child in the absence of financial support. Eligibility for paid parental leave is limited to employees who have worked for at least 10 of the 13 months before the birth or adoption of the child, and at least 330 hours in that 10-month period (just over 1 day a week), with no more than an 8-week gap between 2 consecutive working days. These eligibility criteria mean that many women are unable to access the scheme.

Under Australia's minimum National Employment Standards all employees with 12 months continuous service are entitled to 12 months unpaid parental leave. Where mothers do not have 12 months service, their employment is often terminated.

Recommendations

Australia should:

- ***Amend the National Employment Standard to extend the entitlement of 12 months unpaid parental leave to all employees.***
- ***Amend the Sex Discrimination Act 1986 (Cth) to include indirect discrimination on the grounds of 'family responsibilities' and a positive duty on employers to reasonably accommodate the needs of workers who are pregnant and/or have family responsibilities.***
- ***Improve the paid parental leave scheme to provide 26 weeks of Government-funded paid leave at the national minimum wage plus superannuation; and remove the work test to allow all mothers who are employed prior to giving birth or adopting a child to access the scheme.***

Flexible work arrangements

While the National Employment Standards in the *Fair Work Act 2009* (Cth) include a right for parents to request flexible work arrangements, there is no enforcement mechanism.^[3] An employee must request flexible work arrangements in writing. An employer must respond in writing within 21 days, including reasons if the request is refused. Many employers falsely claim that there are 'reasonable business grounds' to not agree to a flexible work arrangements. Workers are left without any effective remedy if a business refuses the request for flexible work arrangements under the *Fair Work Act 2009*.

The right to request flexible work arrangements is only available to parents of children school aged or younger, children with a disability, and only if the parent has 12 months service with the employer.

Recommendation:

Australia should amend the Fair Work Act 2009 (Cth) to:

- ***Place a positive duty on employers to implement flexible working conditions and make reasonable adjustments for employees; and***
- ***Introduce an enforceable right for employees to request flexible work arrangements and challenge a denial of such a request in the Fair Work Commission.***

Attachment 3 Debrief meeting with Australian Mission – Wednesday 4 July

Introduction

- We were pleased to see the CEDAW Committee's level of engagement with the issues and that they picked up many of the key concerns we raised
- Our observation was that the Committee was struggling to find a positive story about Australia's engagement with CEDAW.
- We note that the main concerns raised by the Committee, which we hold as well were: VAW, human rights framework, women's economic disadvantage, treatment of diverse groups of women, including ATSI, CALD, LGBTI, WWD, older women
- We're disappointed along with the Committee around the lack of implementation of the Committee's 2010 concluding observations. We were disappointed to see key recommendations that were raised by the committee were again rejected by the government delegation at the appearance yesterday.
- Other concerns were the refusal by the government delegation to commit to implementing recommendations from reports that require action and the government repeatedly indicating that you have no intention or no plans to implement key changes that would improve the rights of women and girls in Australia. The government, in answering many questions yesterday appeared to fail to approach issues with an understanding of intersectionality.
- At this stage, our primary concern is that the Australian government is not going to follow up on the concluding observations when they are released later this month.
- We're interested in discussing how we (civil society and government) can work together to implement the concluding observations before the next review.

Key points to raise

- What engagement is the government planning with civil society when the concluding observations are released? How can we work together to progress these? Suggestion of women's rights forum.
- We need better process around civil society engagement with treaty body reporting in the future i.e. funding
- Law reform transparency – we are disturbed to see a growing trend towards government making policy announcements (i.e. merger of family court and FCC) without conducting proper consultation and where consultation is conducted, refusing to make public reports and make policy announcements without an apparent evidence-base
- Gender analysis of budget is required. Can we work together for the release of data sets?
- Stifling of civil society advocacy
- Intersectionality
- Government delegation composition – we noted the government delegation would have been better able to answer questions if a representative from AGD was present.
- Where to from here/next steps.

