

# JustComment

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A joint publication of Edmund Rice Centre for Justice and Community Education &  
The School of Education, Australian Catholic University

## Working together to address **rights for women**

### Women's rights in Australia

are still not adequately protected. 86% of the targets of domestic violence are women; women make up only about one quarter of our elected representatives; and women in full time work are paid 16 cents in the dollar less than men, whilst also doing the bulk of society's unpaid work.<sup>1</sup>

Internationally, abuses of women's human rights increasingly cut across state boundaries, one of the best examples of this being the trafficking of people. Women's rights movements throughout the world have been instrumental in bringing about positive changes for women in these areas. There is a growing need for local women's movements, organisations and networks to connect and to work together for rights at the global level.

### Australia's commitments to women

Women's groups are supported by international law, including the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international bill of rights for women. CEDAW aims to bring about equality between men and women in a world in which "extensive discrimination against women continues to exist."<sup>2</sup>

Australia signed onto CEDAW in 1983, however our government did make

several reservations to the convention. In 2000 Australia also refused to sign the Optional Protocol, which would have ensured that if the rights guaranteed in CEDAW, by Australia, were not met, Australian women could lodge a complaint with the UN. Eighty-six countries have signed the optional protocol, including the United Kingdom, New Zealand, Germany, France and Mexico. In reference to the need to sign the optional protocol, Indigenous academic Larissa Behrendt argues that:

*"It is the reporting and monitoring mechanisms under international law that have created the most effective method of monitoring human rights in Australia."*<sup>3</sup>

### Why do Australian women need the protection of the Optional Protocol?

There have been attempts to reduce the power of the Sex Discrimination Commissioner; The Sex Discrimination Act has been amended to allow for discrimination between women on the basis of marital status; and the general trend towards mainstreaming gender issues (incorporating into various government departments) has not met expectations and has meant, according to WEL (Women's Electoral Lobby) that girls and women are missing out.<sup>4</sup> The dismantling or "enfeeblement" of institutions working for Australian women is a growing trend, as seen though the lack of an effective Office of Status of Women and federal Women's Bureau.<sup>5</sup>



### Violence against women and the refuge movement

The Declaration on the Elimination of Violence against Women states that "violence against women constitutes a violation of the rights and fundamental freedoms of women."<sup>6</sup> It is also the most widespread human rights abuse in the world today.<sup>7</sup> It is thought that sexual assault affects approximately 1 in 5 Australian adult women throughout their lifetime.<sup>8</sup> In Australia there have been moves to try to address the problem, for example the Federal Government's campaign – "Violence against women- Australia says no."<sup>9</sup>

However other institutional changes are needed to address this problem. For instance, in the criminal justice system the level of successful prosecutions for sexual assault is "appallingly low" due to inappropriate legal frameworks, and flawed attitudes and procedures which "mitigate against successful prosecutions."<sup>10</sup>

**An International Women's Network has recently been established within ERC, aiming to link grass roots women's organisations around the world. To find out more please go to [www.erc.org.au](http://www.erc.org.au)**

The World Health Organisation has highlighted the international nature of this issue, conducting interviews with over 24 000 women across eleven countries, and stating that:

*"Four out of five women who report violence report abuse by a partner. It is said that the streets are not safe-but it is homes that are not safe for most women."*<sup>11</sup>

Refuges such as Elsie's, in Sydney, aim at providing a safe place for those escaping domestic violence. Refuges also engage in advocacy, outreach, court assistance, help with housing and legal matters.<sup>12</sup> Internationally, refuges face constant struggles. For instance, in Ireland funding has been frozen, meaning many women are turned away, and in the USA there is a need for refuges suitable for Native American and Inuit women.<sup>13</sup>

## Indigenous women

Indigenous women's groups have been referring to the key risk factors in their communities, such as extreme disadvantage and structural racism, for decades. The Aboriginal and Torres Strait Islander Women's Task Force on Violence had "many, many women and men jeopardise their own safety to try and bring these issues out into the fore." These issues did not really come into the public's eye until the non-Indigenous prosecutor Nanette Rogers drew attention to violence in Indigenous communities in 2006.<sup>14</sup> This lack of regard for the opinions of Indigenous women has been a constant source of frustration for many.

The 2005 abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) removed a directly elected representative voice for Indigenous men and women, further limiting women's political participation.<sup>15</sup> This is out of step with Article 7 of CEDAW, which says states should ensure women "the right to participate in the formulation of government policy and the implementation thereof."<sup>16</sup>

Indigenous women's groups, along with many women from non-English speaking backgrounds, experience the "intersectionality" of gender and race – the double whammy. Indigenous women are 45 times more likely to be victims of violence than non-Indigenous women and 10 times more likely to die as a result.<sup>17</sup> Indigenous women also face an infant mortality rate which was three times higher than that for non-indigenous infants from 1999 to 2003.<sup>18</sup>

Indigenous women have not structured a formal movement or organisation to deal with issues which specifically relate to them. According to many Aboriginal women, non-Indigenous women need to understand how race and class impact on gender issues and the need for these to be considered in discussions about gender. Internationally, "networking and solidarity with other Indigenous groups could be a way of making the Indigenous Australian feminist's voice resonate louder."<sup>19</sup> Then a collective feminism which embraces both indigenous and non-indigenous Australians will be possible.<sup>20</sup>

## Trafficking

Trafficking in persons is "modern day slavery."<sup>21</sup> Internationally, trafficking is a growing problem which involves the ongoing exploitation of the victim in some manner to generate profits for the traffickers. As a \$32 billion dollar business, it is considered the third largest illegal trade after drugs and arms.<sup>22</sup> The United Nations Development Program has stated that trafficking manifests and perpetuates patriarchal attitudes, violates many laws and human rights, and undermines efforts to promote gender equality.<sup>23</sup> Article 6 of CEDAW instructs states to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Australia has legislative measures such as The Criminal Code

Amendment (Trafficking in Persons) Offences Act 2005 (Cth) and programs such as the Support for Victims of People Trafficking Program.<sup>24</sup>

Australia has increasingly become a destination country for traffickers. Many women trafficked and enslaved in Australia are told that they have a debt of up to \$50,000, supposedly to repay costs such as the trafficking, visas, and accommodation associated with the 'agent'.

The Anti-Slavery Project is an Australian organisation which promotes research and policy reform alongside community engagement to address the root causes of slavery.<sup>25</sup> This organisation worked with the Congregation of the Sisters of the Good Shepherd as members of Australian Catholic Religious Against Trafficking to produce a report at the CEDAW Committee Hearing, recommending that trafficking be addressed from a gendered perspective and within the human rights framework.<sup>26</sup> Sanlaap is an anti-trafficking organisation which runs out of Kolkata, in India – a country in which 10 million women and 400,000 children are involved in prostitution. Sanlaap runs programs which educate, support and empower women in red light districts, and their children.

Building international partnerships and sharing knowledge with grassroots women's organisations such as Sanlaap will help to enhance the human rights of women in Australia and across the world.

## Just Action

- To take action against trafficking, go to the Good Shepherds Sisters' site at <http://www.goodshepherd.com.au/justice/trafficking.html> or go to the Anti-Slavery Project at <http://www.antislavery.org.au/>
- Visit <http://www.sanlaapindia.org/>
- For all references please refer to the ERC website.



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