



**Australian NGO Shadow Report
on the Implementation of the
Convention on the Elimination of
All forms of Discrimination
Against Women (CEDAW)**

October 2005

10

**Prepared by Koorie Women Mean
Business with the National Network
of Indigenous Women's Legal
Services**

**With funding support from
Caritas Australia**

Table of Contents

	Table of Contents	2
20	Executive Summary	3
	Methodology	5
	Articles 1-3 Definition of discrimination against women, obligations to eliminate discrimination, the development and advancement of women	5
	Article 4 – Acceleration of equality (temporary special measures)	7
	Article 5 – Sex roles and stereotyping	7
	Article 7 – public participation	8
	Article 8 – International Participation	10
	Article 9 – Nationality	10
	Article 10 - Education	10
30	Article 11 – Work	12
	Article 12 - Health	14
	Article 13 – economic and social rights	16
	Article 14 – rural women	17
	Article 15 – equality before the law	20
	Article 16 – equality in family relations	20
	Includes Violence Against Women	20

40 This report focuses on experiences particular to Indigenous women in Australia, and the challenges these experiences pose to the implementation of CEDAW.

This report is additional to the Australian NGO Shadow Report on the implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)¹ and should be read in conjunction with that report.

While this Shadow Report acknowledges positive developments in the status of women during this reporting cycle, unfortunately for Indigenous women in Australia, the challenges and negative developments outweigh the improvements.

Over 2000 Indigenous women from around Australia participated in consultations that formed the basis of this report. These women have identified positive developments to include:

- 50 • The funding and implementation of Family Violence Prevention Legal Services in certain key locations around Australia.
- Encouraging efforts made by some State governments to incorporate Indigenous women's issues into policy frameworks across government.

Challenges to the implementation of CEDAW as they particularly affect Indigenous women during this reporting cycle include:

Leadership and Participation (Articles 4, 7 and 8)

The abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) has resulted in the removal of a directly elected voice for Indigenous women. This has affected our capacity to participate meaningfully both in the domestic and the international sphere.

60 It is essential that the Government take measures to promote Indigenous women's participation and leadership in the wake of ATSIC's demise, and that the Government engage in a transparent and accountable process in recruiting women into Government leadership programmes.

Health (Articles 12 and 14)

Indigenous women have significantly higher mortality rates, shorter life expectancy, and battle serious health threats at much higher rates than other Australians:

- 70 • Too many Indigenous women do not have access to appropriate primary health care, appropriate housing, adequate sanitation and reliable supplies of clean water, and fresh food.
- There are insufficient funds allocated to recruiting and training enough health care workers for all Indigenous women to have access to medical services.
- Relevant Indigenous organisations such as the National Aboriginal Community Controlled Health Organisation and Aboriginal and Torres Strait Islander Women's Forum, have not been properly consulted in any effort to increase the participation of Indigenous women in health screening programmes.
- There is insufficient reliable data available on Indigenous women's health, including disaggregated data showing health status by age, location, disability, income, housing status, and educational attainment.

Housing and Utilities (Articles 11 and 14)

There is the risk of inequitable provision of essential services to remote Indigenous communities via the mechanism of "Shared Responsibility Agreements".

80 Indigenous women experience appallingly high levels of homelessness, housing stress and discrimination in access to housing. A thorough investigation into this situation has been carried out

¹ WRANA, "Australian NGO Shadow Report on the Implementation of CEDAW," (Melbourne: WRANA, 2005).

in Western Australia by the Equal Opportunity Commission. The recommendations from that Inquiry could usefully form the basis of vastly improved Government policy in relation to housing.

Indigenous women have not, to date, been involved in the design and planning of appropriate public housing. Public housing therefore continues to fail to meet the needs of many Indigenous women and their families.

The introduction of pre-payment meters for electricity in some communities is a concern. There is insufficient information about the gendered impacts of pre-payment meters and the ongoing impact of the privatisation of utility services. We believe that Indigenous women who largely fulfil the roles of carers for children and elderly relatives will be unfairly affected by this system.

90 **Education (Articles 10 and 14)**

Indigenous women continue to face unacceptably poor educational opportunities and outcomes:

- There is a desperate lack of Government support and funding for culturally and linguistically appropriate education programmes in schools, including proper training for teachers.
- There are insufficient programmes to assist young Indigenous mothers to continue at school.
- State/Territory Governments have failed to adequately fund Indigenous independent schools, including funding to address the impact of complex, intergenerational issues of discrimination.

Violence Against Women (Article 6, 14 and 16)

100 Violence against Indigenous women, whether by an intimate or a stranger, is more prevalent than for non-Indigenous women. The frequency and severity of the violence has is not improving, and according to some data is getting worse.

Additional services are required to address the high incidence of family and domestic violence suffered by Indigenous women particularly in rural, regional and remote areas.

Law & Justice (Article 5, 14 and 15)

Indigenous women continue to have their children removed from them, and Indigenous children continue to be over-represented in State “care”. It is crucial that the Government seek the advice of Indigenous women to review the statutory child protection mechanisms as they affect Indigenous children, to halt the damage being done by the existing regime.

Indigenous women continue to be over-policed and incarcerated at alarmingly high rates.

110 Indigenous women face multiple barriers in accessing legal services, and in attempting to have input into the system of administration of justice.

That Government include consultations with local Indigenous women on identified sexual assault, family and domestic violence initiatives as part of program development, implementation, monitoring and evaluation particularly as programs respond to local concerns in rural and remote locations.

Economic Security and Employment (Articles 11 and 13)

There is an increasingly punitive approach to the provision of welfare and benefit payments to Indigenous women.

Unemployment rates remain unacceptably high, and discrimination against Indigenous women by employers remains as a real barrier to employment.

120 The stolen wage issue is yet to be properly investigated, with a view to formulating a payback proposal.

130 Ensuring the participation of a diverse range of women has been the fundamental principle guiding the development of this report. Koorie Women Mean Business adopted a range of different methods to bring the voices of community women into the process. We held six forums which had the dual purpose of strengthening our understanding of how the UN could work for Indigenous women and to identify key issues for Indigenous women who attended the forums. We also spoke about the project and the UN system at a range of national Indigenous women's gatherings and forums. We undertook an online campaign, which included e-lists and an web-based survey in which we asked participants to identify key issues affecting Indigenous women and strategies to address them. We promoted the project through the Indigenous media, which enabled the message to be taken to a broader range of individuals. We also mailed hard copies of the draft report to key Aboriginal women's organisations and individuals nationally in order to receive feedback and amendments. The final report reflects all of these consultative processes.

Articles 1-3 Definition of discrimination against women, obligations to eliminate discrimination, the development and advancement of women

140 **Positive Developments**

Integration of Indigenous women's issues into policy framework

Encouraging efforts are being made by some State governments to incorporate Indigenous women's issues into policy frameworks across government. Examples of this can be found in Western Australia and Victoria.

In WA the Indigenous Women's Congress guided the consultation process followed by Office for Women's Policy to produce the *Indigenous Women's Report Card 2005 - Supplement to the Women's Report Card*.² The statistical information contained in the report may be used to inform and drive change in key policy areas across many facets of Indigenous women's lives.

150

In Victoria the Indigenous Women Going Places Ministerial Advisory Committee (IWGP MAC) worked with the Office of Women's Policy to develop a strategic plan for the "whole of Government."³ That is, across key policy areas, they identified Government action required to address the needs of Indigenous women in Victoria.

Challenges in the implementation of Articles 1-3

Over-representation of Indigenous children in State "care"

160 We are gravely concerned at the ongoing failure by the Government to engage in real dialogue with Indigenous women to formulate practical and positive strategies to protect children at risk. Of the submissions provided to the "National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families", not one Indigenous organisation saw the current statutory interventions by child welfare department to be an effective response to their communities' child

² Office for Women's Policy - Department for Community Development, "Indigenous Women's Report Card, 2005 - Supplement to the Women's Report Card," (Perth: DCD, 2005).

³ Department for Victorian Communities Office for Women's Policy, "Indigenous Women Going Places - Ministerial Advisory Committee Strategic Plan 2002-2005," (Melbourne: DVC, 2002).

protection needs.⁴ There is a strong argument that the current mainstream child protection models based on pathologising particular individuals and families are not applicable to Indigenous culture.⁵

170 Clearly the past and current regimes of protecting children have failed woefully, and often inflicted great damage on Indigenous children. Indigenous children continue to be removed from their families and placed “in care” at six times the rate of non-Indigenous children⁶ perpetuating a cycle that spans generations of removing children from their families and communities. In 2000, Aboriginal and Torres Strait Islander Children comprised 2.7% of children in Australia, but were 20% of those placed in “out-of-home” care.⁷ Often there are not enough appropriate Indigenous carers for children who are placed “in care”, so children are placed elsewhere, removed from their communities and culture. Where appropriate carers are found insufficient support is provided for those carers.

Shared Responsibility Agreements

180 Following on from the abolition of the directly elected Aboriginal and Torres Strait Islander Commission (ATSIC), the Federal Government, as a part of a stated strategy to engage directly with Indigenous communities, commenced a process of negotiating “Shared Responsibility Agreements” (SRAs). While it may be said that SRAs provide some communities with the chance to negotiate for funding that may not have been previously available, this does not make the process fair or equitable.

There are a range of criticisms of SRAs. A principal concern is that SRAs make the provision of basic services and infrastructure, which government owes to all citizens, contingent upon specific behavioural change in Indigenous communities, and in so doing, place the responsibility for existing problems and lack of progress wholly on to Indigenous communities.

190 There is a presumption that SRAs are a type of contractual arrangement entered into by choice, and negotiated between two equal parties. However, there is an enormous power imbalance both in negotiating capacity and built into the substance of the agreements.

Indigenous communities are put in the position of having to compete with each other for a specific pool of government funding - often for essential services that non-Indigenous communities simply expect to be provided.

The government ideology behind the formulation of SRAs is alarmingly reminiscent of old assimilationist policies: behave like Anglo-Australians and we’ll provide some services to you.⁸

Punitive approach to welfare and benefit payments

200 In the remote Kimberley town of Halls Creek, in the north of Western Australia, parents whose children do not attend school face having their social security payments cut off.⁹ This accords with

⁴ J Stanley, AM Tomison, and J Pocock, “Child Abuse and Neglect in Indigenous Australian Communities - Issues Paper No 19,” (Melbourne: Australian Institute of Family Studies: National Child Protection Clearinghouse, 2003), 23-24.

⁵ C Cunneen and T Libesman, “A Review of International Models for Indigenous Child Protection,” (Sydney: Department of Community Services, 2002).

⁶ Stanley, Tomison, and Pocock, “Child Abuse and Neglect in Indigenous Australian Communities - Issues Paper No 19,” 5.

⁷ C Cunneen and T Libesman, “Postcolonial Trauma: The Contemporary Removal of Indigenous Children and Young People from Their Families in Australia,” *Australian Journal of Social Issues* 35, no. 2 (2000).

⁸ R McCausland, “Shared Responsibility Agreements: Practical Reconciliation or Paternalistic Rhetoric?,” *Indigenous Law Bulletin* 6, no. 12 (2005).

⁹ www.abc.net.au/news/wa/Kimberley/200510/s1476773.htm

210 new Centrelink policy as proposed by the Minister for Indigenous Affairs, Amanda Vanstone, in which parents in remote Aboriginal communities will only receive welfare payments if their children attend school, and attend school “clean”.¹⁰ This policy in particular affects women headed households and sole parent households. There are numerous reasons why an Indigenous child may not attend school (see commentary at Article 10). Making education conditional upon parents accepting and adhering to government imposed standards places an additional barrier to children’s education. It also frees Government actors from having to examine the education system and curriculum to assess real causes of non-attendance by Indigenous children. To implement such a punitive and overtly discriminatory policy also places women and children at risk of having insufficient income to afford such basics as food, shelter and essential medicines.

Lack of entrenched guarantees against racial discrimination

Australian law still lacks any entrenched protection against racial discrimination. There is no overriding Constitutional protection against racially discriminatory legislation.¹¹

220 Australians for Native Title and Reconciliation (ANTaR) found that recent cases analysing the Native Title Act 1998 (NTA) by the High Court have further entrenched the racially discriminatory operation of the NTA.¹²

Indigenous Australians have been further disenfranchised by the abolition of their representative body, the Aboriginal and Torres Strait Islander Commission (ATSIC), and inadequate and untimely information on the reallocation of these areas to other sections of government.

We recommend that the CEDAW Committee

⇒ Recommend that the Government seek the advice of Indigenous women to review the statutory child protection mechanisms as they affect Indigenous children, to halt the damage being done by the existing regime.

230

Article 4 – Acceleration of equality (temporary special measures)

Challenges in the implementation of Article 4

Introduction of a minimum quota for parliamentary representation

Given the lack of Indigenous women representatives at all levels of Government, we suggest that a measure that could assist to redress this is the introduction of a quota of seats allocated specifically to Indigenous women. Such a temporary special measure would facilitate and encourage Indigenous women’s public participation and leadership.¹³

Recruitment of women into key employment areas

240 Temporary special measures are required to promote the recruitment, training and mentoring of Indigenous women in key employment areas such as medicine, teaching and administration.

Article 5 – Sex roles and stereotyping

¹⁰ National Association of Community Legal Centres, “Australian NGO Submission to the Committee on the Elimination of Racial Discrimination,” (Sydney: NACLC, 2005), 58.

¹¹ Ibid., 13.

¹² Australians for Native Title and Reconciliation, “Submission to the Committee on the Elimination of Racial Discrimination,” (Melbourne: ANTaR, 2005), 5.

¹³ WRANA, “Our Rights, Our Voices: The Western Australian Community Report on Women,” (Melbourne: WRANA, 2004), 8.

Challenges in the implementation of Article 5

Work roles

We are concerned that stereotyping still exists around what sorts of work are suitable for Indigenous women. In the Northern Territory, where so many women are dependent on the exploitative Community Development Employment Projects (CDEP) work program,¹⁴ CDEP places are made available on a gender basis, in many cases under the guise of “cultural practices.”¹⁵

250

Victim blaming

Indigenous women who are victims of assault, whether by a partner or family member or stranger, are often reluctant to report the matter to police or other authorities. Women are often faced with the attitude that they “must have asked for it” or that they had done too little to prevent it. This is particularly the case in instances of sexual assault, as Indigenous women battle the stereotype of being “easy”.

Over-policing

Young Indigenous women, particularly when they are out at night, attract high levels of police scrutiny. They report being questioned about their activities, with insinuations or direct accusations of prostitution or other unlawful activities. In the event that they react to such questioning, they often find themselves arrested and thus drawn into the criminal justice system.

260

Article 7 – public participation

Positive Developments

The central role of women in local communities

Indigenous women have always played a central role in our own communities. Our strength, participation and leadership are crucial within our communities, even though we are frequently not acknowledged by the wider society.¹⁶

270

National Network of Indigenous Women’s Legal Service model - a community initiative

The NNIWLS was established in 1988 by Indigenous women working in community legal centres. The Network works to promote social justice for Indigenous women with particular emphasis on Indigenous women and the law, and undertakes advocacy, promotes high quality service delivery and service coordination. The Network membership includes: Indigenous Women’s Projects (legal services); Aboriginal Women’s legal services in Queensland and New South Wales; Family Violence Prevention Legal Services in various parts of Australia; and individual Indigenous women who have a commitment to social justice for Indigenous women.¹⁷

280

Our Strong Women - Indigenous Women and the Law Leadership Project

This was a national advocacy training project undertaken by the National Network of Indigenous Women’s Legal Services Inc in partnership with the Public Interest Advocacy Centre (PIAC), and funded by the Commonwealth Office of the Status of Women. The project aimed to boost leadership and advocacy by Indigenous women on behalf of their communities. The project delivered nine two-day workshops across Australia from Broome to Hobart, and has been an

¹⁴ See discussion under Article 11.

¹⁵ WRANA, “Our Rights, Our Voices: The Northern Territory Community Report on Women,” (Melbourne: WRANA, 2004), 16.

¹⁶ WRANA, “Our Rights, Our Voices: The Western Australian Community Report on Women,” 8.

¹⁷ National Network of Indigenous Women's Legal Services, “Network Booklet,” (Perth: NNIWLS, 2004), 6.

outstanding success with 200 Indigenous women across Australia completing the training since the project's launch in Darwin in August 2002.

290

Through the training workshops Indigenous women working on the front line of services and leading in their communities developed skills to promote the status of our women at a community, regional, state and national level. Indigenous women studied planning, media, lobbying, and other advocacy skills because we need more voice and we want to be listened to.¹⁸

Challenges in the implementation of Article 7 *National Indigenous Women's Leadership Program*

This is a Federal Government initiative under the "Indigenous Women's Development Program". This Program is managed by the Office of Indigenous Policy Coordination (OIPC) within the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). We are concerned at the lack of transparency in the process of selection to participate in the program. The Office of Indigenous Policy Coordination determines who participates, and the basis for selection is neither clear nor open. To date there seems to be inequitable participation across Australia: at the national funded conference there were only 6 women from Victoria, out of 300 attending.

300

Abolition of ATSIC

We are concerned that the mechanisms for Indigenous Women's public participation are inadequate. In 2004 the Australian Government abolished the Aboriginal and Torres Strait Islander Commission (ATSIC). The demise of ATSIC represents the demise of a democratically elected voice for Indigenous people in the Australian community. ATSIC has been replaced with a range of "mainstreaming" mechanisms, including the establishment of the OIPC in DIMIA and the replacement of ATSIC regional offices with Indigenous Coordination Centres.

310

A 2001 report the Commonwealth Grants Commission concluded that, "while mainstream and Indigenous-specific programmes have often complemented each other, and both have been essential to meeting clear needs: 'it is clear from all available evidence that mainstream services do not meet the needs of Indigenous people to the same extent as they meet the needs of non-Indigenous people.'"¹⁹

320

We are concerned that information on where programs have been re-deployed has not been effectively communicated to women in community. We are also concerned about the measures taken to promote Indigenous women's leadership in the wake of ATSIC's demise. In particular, we are concerned about processes to ensure that women in community are engaged in government leadership programs in particular in processes adopted by the OIPC.

Strengthening the implementation of Article 7 *Need to increase political participation of Indigenous women at all levels of government*

Indigenous women are dismayed at their inadequate representation in parliament. Currently there are only two Indigenous women elected to State parliaments in Australia - one in Western Australia and one in New South Wales. There are no Indigenous women elected to Federal parliament.²⁰

330

CEDAW Committee consideration of the issue

¹⁸ National Network of Indigenous Women's Legal Services, "Our Strong Women - Indigenous Women, Law and Leadership Project Home Page, [Http://www.Nniwls.Org.Au/Strong_Women.Htm](http://www.nniwls.org.au/Strong_Women.htm)," (2005).

¹⁹ Angela Pratt and Scott Bennett, "The End of Atsic and the Future Administration of Indigenous Affairs," (Canberra: Parliamentary Library, 2004).

²⁰ WRANA, "Our Rights, Our Voices: The Western Australian Community Report on Women," 8.

In the concluding comments for the Third Periodic Report at paragraph 404 the Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in the workforce, in decision making, in politics and administration, and in the judiciary with a view to enhancing programmes that would benefit them. It suggested that the Government might include representatives from these communities when it presented its next report to the Committee.

340

We recommend that the CEDAW Committee

- ⇒ Recommend that the Government take measures to finance and implement policies and action plans to engage Indigenous women's in the wake of ATSICs demise
- ⇒ That the Government engage in a transparent and accountable process in recruiting women into Government leadership programmes

Article 8 – International Participation

Challenges in the implementation of Article 8

Abolition of ATSIC

350

Indigenous women, through ATSIC, played a crucial role at an International level. We had a voice that could be heard through our involvement in the United Nations treaty monitoring process, briefing UN committees, and the Indigenous treaty preparations. The abolition of ATSIC has resulted in the loss of this capacity to participate internationally.

Article 9 – Nationality

Challenges in the implementation of Article 9

Funding applications for government funds

360

Aboriginal people must prove their Aboriginality based on three elements: the person must identify as Aboriginal, the Aboriginal community must recognise the person as Aboriginal, and the person is Aboriginal by way of descent. Descent has been judicially interpreted to mean genealogical descent provable by quantum Aboriginal genes.

The issue came into national focus in Tasmania, when the government of Tasmania challenged the constitutional power of the federal parliament to pass the *World Heritage Properties Conservation Act 1983* (Cth). Indigenous women are concerned that the issue of who decides who is, or is not, in this category has not been reviewed or defined on a national level.

Article 10 - Education

Positive Developments

370

Report on training issues for Aboriginal women in central Australia

'Security 4 Women' published research on what Indigenous women in remote communities in Central Australia want from vocational education and training (VET). The report notes that

... the project was driven by the priorities of the Waltja Tjutanku Palyapayi Aboriginal Association (Waltja) to address:

- the profound disadvantage experienced by Aboriginal women and their families in remote communities, and support community self-determination

- the problems of limited education, training or employment opportunities for women on remote communities.²¹

380

Challenges in the implementation of Article 10

Culturally inappropriate mainstream education system

We are concerned that educational outcomes for our children continue to be woefully inadequate. The truancy rates for Indigenous children are unacceptably high. Fewer Indigenous children complete school in comparison with other groups in Australia. Less than 10% of Indigenous women have post-secondary qualifications - the lowest of any group.²² We are obliged to go to, and send our children to mainstream schools, where our languages, customs, values and codes of behaviour are usually ignored. Often the teaching styles and cultural assumptions upon which the curricula are based are inconsistent with our cultural background. We experience mainstream education as a taking away of our and our children's Aboriginality.²³

390

Extreme racism in schools and other educational institutions

We and our children experience extreme racism in schools, both from other students, and from teachers who on occasion are culturally ignorant, racist, and ill-equipped to teach Aboriginal students.²⁴

The experience of racism extends beyond primary and secondary school. Indigenous law students have reported experiences of racism on campus from other students and from paternalistic lecturers.²⁵ Indigenous academics in law faculties experience similar racist attitudes.²⁶

400

Threats to reduce funding to Indigenous independent education providers

We are perturbed at the introduction of the *Indigenous Education (Targeted Assistance) Amendment Bill 2005* (Cth). This Bill threatens to reduce funding to Indigenous independent education providers by approximately \$4million. The Bill also proposes to change funding arrangements which to date have been reserved for Indigenous community-controlled education providers. This would force such providers to enter into a competitive tendering process with mainstream registered training organisations in each state and territory.²⁷

Poor standard of schools in regional, rural and remote communities

410

In some remote communities schools are staffed by inexperienced teachers merely doing a temporary "country stint" before being able to move to a more desirable post in the city. These teachers often have no background or special training in teaching Indigenous children. Frequently this leads to Indigenous children in communities having fewer opportunities to achieve good academic outcomes.

Educational opportunities not available in some communities

Whether it is due to poor standards of teaching in a particular local school, or the lack of access to post-compulsory secondary education, Indigenous women and children are forced to leave their communities if they want to access educational opportunities. The cost of doing so, and the lack of

²¹ WALTJA, WAVE, and Security4Women, "Helping People to Help Themselves: A Study of Training Issues for Aboriginal Women and Their Remote Communities in Central Australia," (Melbourne: Security4Women, 2005), 6.

²² Australian Bureau of Statistics, "Table 108," (1998).

²³ WRANA, "Our Rights, Our Voices: The Western Australian Community Report on Women," 21.

²⁴ Ibid.

²⁵ P Falk, "Law School and the Indigenous Student Experience," *Indigenous Law Bulletin* 6, no. 8 (2005).

²⁶ H McGlade, "The Day of the Minstrel Show," *Indigenous Law Bulletin* 6, no. 8 (2005).

²⁷ K Munro, "The Indigenous Education (Targeted Assistance) Amendment Bill (2005) - a Threat to Self-Determination in Indigenous Education," *Indigenous Law Bulletin* 6, no. 12 (2005).

420 resources and support for women outside their communities, prevents many women from pursuing further educational opportunities.

Lack of child care forcing young mothers to leave school

The lack of child care facilities and the cost of child care prevent many young Indigenous women from either finishing high school or continuing on to post-secondary studies. Some individual high schools have developed programmes to assist young mums, such as Wanganui High School in Shepparton Victoria, and Balga Senior High School in Perth, Western Australia.

The cost of continuing education

430 The cost of continuing education, including fees, child care, and inadequate student benefits when supporting a family all act as barriers to many Indigenous women. For those that do continue, some are compelled to choose not to work in community based organisations, where pay rates are usually lower, because of Higher Education Contribution Scheme (HECS) debts accrued while studying

We recommend that the CEDAW Committee

⇒ That the Government support and fund culturally and linguistically appropriate education programmes in schools. This must include appropriate training for teachers.

⇒ That the Government support and fund community programmes to assist young Indigenous mothers to continue at school.

440 ⇒ That State/Territory Governments adequately fund Aboriginal independent schools, including funding to address the impact of complex, intergenerational issues of discrimination.

Article 11 – Work

Challenges in the implementation of Article 11

Intersectional discrimination

It is important to highlight the complex intersection between employment issues such as casualisation of many jobs in female dominated areas; increasingly unreasonable hours; the difficulty in managing the work/life balance; lack of education and training opportunities; and Indigenous women’s experience of racism in every facet of their lives. Indigenous women often
450 lack opportunities to break into paid employment, and face discrimination by employers when they do enter the paid work force.²⁸

High unemployment rates

Some of the barriers to gaining paid employment are discussed in the preceding paragraph. Major factors in Indigenous women’s unemployment include: overt racism and racial stereotyping; the lack of appropriate and accessible education and training; and geographical remoteness for women in some communities.

460 In New South Wales, the workforce participation rate for Indigenous women is lower than that of women in general and Indigenous men. There is a low concentration of Indigenous women employed in the private sector, with most being employed in the government and community sectors. Even within the public sector, they are over-represented in lower-paid and temporary positions.²⁹

²⁸ WRANA, “Our Rights, Our Voices: The Western Australian Community Report on Women,” 24.

²⁹ WRANA, “Our Rights, Our Voices: The NSW Community Report on Women,” (Melbourne: WRANA, 2004), 18.

Exploitative “Community Development Employment Projects” (CDEP)

470 A “work for the dole” scheme aimed at Indigenous people CDEP has used cheap Indigenous labour as a 30-year “stepping stone” to jobs that do not exist. Often providing very little by way of practical and useful job skills, these projects do assist in improving the unemployment statistics. Indigenous women who participate in CDEP remain welfare dependent, wondering why, if there is enough work for CDEP positions, there is not enough work for permanent positions.³⁰ In the Federal Governments welfare to work plans CDEP’s are to expand through the mainstream job network system. At this stage no additional information is available.

480 CDEP participants do not receive paid leave such as sick leave, annual leave, carers leave or bereavement leave; have no recourse to “unfair dismissal” remedies, and receive far lower remuneration than had they been working for minimum pay and conditions. For some Indigenous women, particularly those in regional and remote locations, their entire working life is spent on CDEP. Often these positions require Indigenous women to carry great responsibilities, and to work in unsafe conditions, such as women who run community patrols at night, or staff safe houses and refuges. In the Northern Territory more than half of all Indigenous employment is through CDEP.³¹

Lack of recognition and remuneration as knowledge specialists

Indigenous women are weary of the lack of recognition and remuneration as knowledge specialists. All too often ‘consultants’ work with and depend upon local women. Women’s knowledge is transferred out of the community, but nothing is brought back to the community. Conversely, the ‘consultants’ get paid significant amounts, and often base academic qualifications on the work they do. The local women get neither the pay nor the recognition for their work.³²

Impractical and inaccessible superannuation

490 Superannuation (the mandated compulsory retirement saving scheme for workers in paid employment) is available to fully retired workers over the age of 60 years (if born after July 1960) or over the age of 55 years (if born before July 1960). The average life expectancy for Indigenous women is 62.8 years (compared to 82.4 years for non-Indigenous women).³³ Clearly, superannuation as it is currently structured does not provide a practical benefit for most Indigenous women.

In any event, superannuation sufficient for retirement depends upon long, unbroken periods of work remunerated at above the average wage. This is not a system that will assist most Indigenous women in their retirement.

500

High levels of unpaid and volunteer work

Many Indigenous women undertake unpaid roles as carers for children, relatives with disabilities, and elderly relatives. There are frequently no alternatives for the provision of these services. They also play central roles in their communities by volunteering at a great variety of community based agencies and services. This unpaid work is essential to the continued functioning of many communities, but is rarely acknowledged.

We recommend that the CEDAW Committee

510 ⇒ That the Australian give consideration to special measures in relation to Superannuation that should parallel the life expectancy of Indigenous women.

³⁰ WRANA, “Our Rights, Our Voices: The Western Australian Community Report on Women,” 24-25.

³¹ WRANA, “Our Rights, Our Voices: The Northern Territory Community Report on Women,” 16.

³² WRANA, “Our Rights, Our Voices: The Western Australian Community Report on Women,” 25.

³³ Australian Bureau of Statistics, “Deaths Australia 2001,” (Canberra: ABS, 2002).

⇒ Australian government give consideration to a census approach, similar to the model used in New Zealand, to investigate the levels of unpaid and volunteer work amongst Indigenous Australians.

Article 12 - Health

Positive Developments

The positive developments for Indigenous women's health resulted principally from community initiatives.

520 ***Aboriginal Women's Camps***

In 1998 Koorie Women Mean Business Inc - a non-government community organisation - convened three women's camps in different regions of Victoria, with a total of 511 Indigenous women attending. The camps were aimed at providing Indigenous women with a safe space to make connections with each other, and discuss and learn about health and related issues.³⁴ Recommendations from the camps have manifested as part of KWMB's operational plans.

Our Own Well Being Project

530 In 2000 Koorie Women Mean Business Inc together with the Goulburn Valley Aboriginal Elders Group conducted the "Our Own Well Being Project". The aims were to empower Aboriginal women elders to reinforce their traditional role at a local level as "decision makers"; to encourage them to look after themselves in many ways; to enable Aboriginal women elders to take responsibility for their own health needs; and to provide training for Aboriginal elders to be local community facilitators.³⁵

Challenges in the implementation of Article 12

Indigenous Australians experience higher levels of ill health, disease and death rates across all age groups. The general quality of life for Indigenous people has declined over the past decade in comparison to overall improvements for non-Indigenous communities.³⁶

540 ***Lack of accessible services***

We continue to find many barriers to accessing medical services. We experience discrimination by health care professionals who are unaware or careless of our cultural mores, and who lack respect for the diversity that exists within Indigenous communities. Many health care professionals have inadequate cultural diversity training, and so make invalid assumptions based on women's Aboriginality when providing services.

550 We are concerned that Indigenous women who live in regional and remote locations frequently do not have access to medical services. There is a shortage of doctors and other health professionals working in the area of Indigenous health, and to get to the available health services some women are forced to travel long distances. The distances, the cost of travelling, and the costs and difficulties of finding accommodation while away from home places some medical services beyond the reach of some Indigenous women.

³⁴ Koorie Women Mean Business, "Women's Camps 1998," (Melbourne: KWMB, 1998).

³⁵ Koorie Women Mean Business, "Our Own Well Being Report," (Melbourne: KWMB, 2000).

³⁶ National Association of Community Legal Centres, "Australian NGO Submission to the Committee on the Elimination of Racial Discrimination," 50-52.

Lack of translators and interpreters

Indigenous women whose first language is not English frequently do not have access to interpreters when seeking medical treatment. Necessarily this impairs the level of treatment we are able to receive. There is also a lack of translated information and educational material about health care and health services. This leaves some Indigenous women unable to access basic information that is freely available to other women.

560

Lack of basic amenities

In certain communities, Indigenous women lack appropriate housing and access to reliable supplies of clean water, adequate sanitation and fresh food. In other words, we lack the basic amenities that are the essential determinants of good health.

Reproductive health and maternal health

Indigenous women who live in remote communities often have to leave their communities and travel to a large town or city to give birth. Often, unless the woman is very young, she will not be accompanied by any family members due to the cost of travelling and living away from home. This places a great deal of stress upon the mother, and upon family left behind.

570

Indigenous women suffer double the incidence of infant death and low birth weight than non-Indigenous women.³⁷ This generally reflects the poorer nutrition and health status of the mothers, and the lower standards of ante-natal care accessed by Indigenous women.

We are concerned that on average Indigenous women become mothers at a much younger age than non-Indigenous women. For example, in the Northern Territory in 2004, Indigenous mothers were six times more likely to be under the age of 20 than non-Indigenous mothers.³⁸

580 ***Connection between land and health***

We are concerned that there is little acknowledgement of the connection between physical and environmental health, and our relationship to the environment. As custodians of the land, our voices are not sufficiently heard or respected, and the impact of environmental destruction on our health is devastating.³⁹

Lack of access to preventative and screening services

Indigenous women tend to be “under-screened” in programmes such as the National Cervical Screening program. This is of great concern, particularly when some groups such as Aboriginal women in the Kimberley region of WA have the highest rate of cervical cancer in the whole of WA.⁴⁰

590

CEDAW Committee consideration of this issue

The concluding comments for the Third Periodic Report at paragraph 397 noted a concern at the continuing adverse situation of Aboriginal and Torres Strait Islander women. Major causes of concern included a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence including domestic violence, and high unemployment rates. This situation was further compromised by an apparent rise in racism and xenophobia.

³⁷ Ibid., 51.

³⁸ WRANA, “Our Rights, Our Voices: The Northern Territory Community Report on Women,” 12.

³⁹ WRANA, “Our Rights, Our Voices: The South Australian Community Report on Women,” (Melbourne: WRANA, 2004), 20.

⁴⁰ National Aboriginal Community Controlled Health Organisation, “Issues Paper: How Can Cervical Cancer Incentives Benefit Aboriginal Women?,” (Canberra: NACCHO, 2001).

- 600 *Recommend that the CEDAW Committee*
- ⇒ Recommend that the government ensure access to appropriate primary health care, appropriate housing, adequate sanitation and reliable supplies of clean water, and fresh food.
 - ⇒ Recommend that the Government allocate additional funds to recruit and train sufficient health care workers for all Indigenous women to have access to medical services.
 - ⇒ Recommend that the Government consult relevant organisations such as the National Aboriginal Community Controlled Health Organisation and Aboriginal and Torres Strait Islander Women’s Forum, to develop solutions to increase the participation of Indigenous women in screening programmes.
 - ⇒ Recommend that the Government collect and make publicly available statistics on Indigenous women’s health, including disaggregated data showing health status by age, location, disability, income, housing status, and educational attainment.
- 610

Article 13 – economic and social rights

Challenges in the implementation of Article 13

Inadequate public housing

Indigenous women frequently experience barriers to accessing adequate and appropriate public housing. Public housing is seen as being housing of last resort provided by the State to those who have no other viable housing options. As discussed above at Articles 10 and 12, adequate housing is a prerequisite for adequate health and educational outcomes. Barriers include:

620

Insufficient housing stock

Women experience long periods of time on waiting lists due to insufficient housing stock. This is particularly chronic for Indigenous women in regional, rural and remote regions.

Tenancy Agreements

Inflexible, culturally biased tenancy agreements: many Indigenous women need to be able to cater for changing ‘concertina’ occupational patterns in order to meet family obligations, such as relatives seeking accommodation when attending medical appointments or funerals in a particular town. Currently, many women find themselves “in breach” of their tenancy agreements when relatives come to stay, and find that their housing is jeopardised when they fulfil their obligations to their families.

630

Housing Design

Inappropriate housing design: much public housing is not designed with the climate in mind. For example, many “fibro” and iron, or simply unlined iron ‘houses’ exist in the hot north of Australia. These are uninsulated, and lack air-conditioning, and are simply uninhabitable for a large part of each day. Many houses also lack any security. This is a particular concern for women attempting to escape domestic violence.

640

Housing policy

Discriminatory housing “allocation” policies operate to limit which houses and which areas are allocated to Indigenous tenants.

Inadequate housing

Indigenous women find that they are frequently housed in premises that need significant maintenance and repairs. However, their requests for such work are either ignored, or dealt with only after long delays and much agitation by the women.

Previous debt

650 Many Indigenous women find themselves denied access to public housing due to the existence of a previous debt to the housing authority. Often this debt arises from circumstances of domestic violence, or damage to poorly maintained properties for which the tenant has been made liable. Given their lack of alternative housing options, many Indigenous women either remain homeless, or are coerced into repaying debts that they do not owe.

Discrimination

Indigenous women report experiencing racial discrimination at the hands of neighbours, individual housing authority staff, and through the application of departmental policy.⁴¹

660 **Discrimination in private rental housing**

Indigenous women experience disproportionate overt racism when applying for private rental accommodation, making it impossible for them to find suitable private rental housing.

Discrimination in obtaining loans

Indigenous women experience overt discrimination when applying for home loans to private lending institutions. This inability to access mortgage finance, coupled with discrimination in the private rental market and insufficient public housing.

Welfare Payments

670 As noted above under Articles 1-3, Minister for Indigenous Affairs, Amanda Vanstone has proposed that parents in remote Aboriginal communities will only receive welfare payments if their children attend school, and attend school “clean”.⁴² This blatantly discriminatory policy in particular affects women headed households in those communities without reliable supplies of clean water, adequate sanitation and appropriate housing.

Stolen Wages and Entitlements

680 For a large part of last century, various State and Territory governments took wages earned by Indigenous women and men, and held those monies in trust accounts ‘for their own good’. Government administrators of these trusts resisted Indigenous applications for their own money. The record keeping for these accounts were extremely poor, and much of that money went astray. Despite the incomplete documentation, it is possible to identify some people and some categories of people who may have a claim for withheld wages and entitlements.⁴³

We recommend that the CEDAW Committee

- ⇒ Recommend that the Government consider the recommendations on public housing made in the Western Australian *Finding a Place Report*, with a view to implementing them, in conjunction with State housing authorities, across Australia.
- ⇒ Recommend that the Government develop a mechanism to involve Indigenous women in the design and planning of new public housing.
- 690 ⇒ Recommend that the Government launch a national inquiry into the stolen wages case, with a view to formulating a payback proposal.

Article 14 – rural women

⁴¹ An examination of systemic racism in relation to public housing can be found in Equal Opportunity Commission of WA, “Finding a Place: Report of the Inquiry into the Existence of Discriminatory Practices in Relation to the Provision of Public Housing and Related Services to Aboriginal People in Western Australia,” (Perth: EOC, 2004).

⁴² National Association of Community Legal Centres, “Australian NGO Submission to the Committee on the Elimination of Racial Discrimination,” 58.

⁴³ *Ibid.*, 44-45.

Australia is a vast country, with most cities and large towns concentrated on the coast, particularly on the south and south east coasts. Many Indigenous women live outside these cities and towns in regional, rural and remote (RRR) Australia. These women deal with the problems discussed elsewhere in this report, compounded by the difficulties of extreme distance, isolation, and the very high cost of transport.

700 **Positive Developments**

Family Violence Prevention Units

The funding of specialist family violence prevention and legal units is a welcome initiative. These units are set up to provide culturally appropriate legal advice on family violence and related issues, counselling for victims and families of victims, and community education. The units are located in RRR area in the Northern Territory, Queensland, Western Australia, South Australia and New South Wales.

Challenges in the implementation of Article 14

Utilities

710 Pre-payment meters for electricity have been introduced in some regional parts of some Australian states (SA, WA and Tasmania). We understand this has had a disproportionate focus on low-income, rural and Indigenous communities. We are concerned that this program will reduce equal access to electricity, and that it may exacerbate domestic violence. Additionally, in some cases, the practice is beyond the current consumer protection framework.

Indigenous women are commonly the carers for children and vulnerable adults for whom access to reliable supplies of clean, safe drinking water, and proper sanitation are particularly important.⁴⁴ Women report that in some remote communities they do not have assured access to clean safe drinking water, and this has a negative impact on their and their families' health.

720

Women in RRR regions frequently do not have access to reasonably priced telecommunication services. This increases the isolation of many Indigenous women, and makes them more vulnerable in cases of threats of violence or medical emergencies.

Housing

730 The barriers Indigenous women face in accessing appropriate and affordable housing are outlined in the discussion under Article 13. For Indigenous women in RRR areas, the additional difficulties to those already discussed include: A lack of available housing of any kind small rural communities. The cost of housing in some remote towns⁴⁵ puts private rental and home-ownership well beyond the reach of many Indigenous women. The discrimination experienced by many Indigenous women is compounded by a lack of choice to go elsewhere. The inflated cost of building materials due to freight costs impacts upon their capacity to effect necessary repairs. Many Indigenous women live in the very hot north of Australia, and find a lack of housing appropriate to the climate.

Health

Our anger and dismay at the exceedingly poor health outcomes faced by most Indigenous women is outlined in detail in the discussion under Article 12.

⁴⁴ WRANA, "Our Rights, Our Voices: The Western Australian Community Report on Women," 14.

⁴⁵ For example, in the remote East Kimberley town of Kununurra in the far north of Western Australia, a 3 bedroom, 1 bathroom, fibro and iron house would rent at between \$300-\$400/week. A 4 bedroom, 2 bathroom house rents at between \$500-\$600/week.

Education

740 The difficulties faced by Indigenous women accessing educational opportunities in RRR regions is discussed above at Article 10. In addition we note that some Indigenous women in remote communities may not see the importance of a mainstream education, due to the lack of employment opportunities in the community. As a result women may prefer a bush education, as at least this enables them and their children hunt, fish and collect bush foods, and so put food on the table while maintaining their cultural identity.⁴⁶

Violence against women

750 Whilst we welcome the advent of the Family Violence Prevention Legal units in various RRR locations we note that Indigenous women still suffer shockingly high rates of violence (see the discussion below at Articles 15 and 16).

Indigenous women in RRR areas, particularly out on remote communities are especially vulnerable. Many communities do not have access to adequate police services or to safe houses. Some communities may rely on flights in and out as the only feasible form of transport, especially during “the wet season”, or they may be completely cut off for extended periods of time. The distances and cost of transport may rule out leaving the community to seek help, even when a woman is at great risk.⁴⁷ This also may rule out police getting to a community within a reasonable time to offer any assistance or protection.

760 Indigenous women may also fear “payback” from a perpetrator’s family if they take legal action, report the assault to the police, or attempt to leave the relationship. This fear increases if the perpetrator is hurt or killed while in custody. They also have concerns about both leaving the children in the community with the perpetrator, and about removing the child from their community.⁴⁸

Indigenous women in RRR areas frequently have difficulty accessing medical assistance after assaults. There are also very few counselling services available to women outside major centres.

770 Given these difficulties, many Indigenous women are unable to escape situations of extreme violence.

Access to Justice

The difficulties faced by Indigenous women in accessing the justice system are discussed below at Articles 15 and 16.

For Indigenous women in RRR locations, the factors of distance, isolation, the inability to travel, and the lack of locally available services exacerbate the situation.

780 Indigenous women often have to travel out of their community to seek legal advice, assistance from police, or to attend court. Many women have no understanding of or experience with the legal system. When they get to a place where they can get assistance, they often face a lack of understanding and respect from the service providers. There are seldom interpreters available to assist them to tell their story, and there is rarely translated or easily understandable information available to them. They may have nowhere safe to stay, and no support network while away from

⁴⁶ National Association of Community Legal Centres, “Australian NGO Submission to the Committee on the Elimination of Racial Discrimination,” 61.

⁴⁷ WRANA, “Our Rights, Our Voices: The Northern Territory Community Report on Women,” 5.

⁴⁸ *Ibid.*, 6.

their communities. If they are escaping a violent situation, they may fear the perpetrator finding them.

We believe that these types of circumstances mitigate against Indigenous women in RRR areas having reasonable access to justice, or equality before the law.

790

We recommend that the CEDAW Committee

⇒ Encourage comprehensive research to address the gendered impacts of pre-payment meters and the ongoing impact of the privatisation of utility services.

⇒ Encourage the provision of additional services to address the high incidence of family and domestic violence suffered by Indigenous women in rural, regional and remote areas.

Article 15 – equality before the law
Article 16 – equality in family relations
Includes Violence Against Women

800

Positive Developments

Family Violence Prevention Units

As noted above at Article 14, the funding of specialist family violence prevention units is a welcome initiative. These units are set up to provide culturally appropriate legal advice on family violence and related issues, counselling for victims and families of victims, and community education. The units are located in RRR area in the Northern Territory, Queensland, Western Australia, South Australia and New South Wales.

Challenges in the implementation of Articles 15 and 16

Indigenous women’s access to justice

810

Access to justice goes beyond merely access to legal services (although this is a significant component - see paragraph below). Rather it encompasses the capacity of Indigenous women to be truly “equal before the law”. This is not currently the case in Australia. Indigenous women often have no input at all into the administration of the justice system; Indigenous women face systemic and institutionalised discrimination; Indigenous women often do not have access to information in appropriate languages and formats; Indigenous women often do not have access to appropriate counselling and other services.⁴⁹ In other words, Indigenous women are not treated as equal before the law, and their access to justice is severely compromised.

Access to legal services

820

While the government has increased funding in some areas to the Commonwealth Community Legal Services Programme, many Indigenous women, still do not have access to timely and appropriate legal information, advice, casework and court representation. Many experience intersectional discrimination in attempting to access justice. The Senate Committee report on “Legal Aid and Access to Justice”, released in June 2004, made numerous recommendations to ensure increased access to justice for women. It is unclear what steps have been taken to implement these findings.

830

Moreover, in order to access legal assistance and have access to justice, many women require the assistance of interpreters. While the Translating and Interpreting Services provides services to many women from Non-English Speaking backgrounds, there are few services available to Indigenous women.

⁴⁹ Ibid., 29.

Over-policing

As noted above in Article 5, Indigenous women, particularly young Indigenous women attract high levels of police scrutiny. They report being questioned about their activities, with insinuations or direct accusations of prostitution or other unlawful activities. In the event that they react to such questioning, they often find themselves arrested and thus drawn into the criminal justice system.

Disproportionately high incarceration rates

840 In 2003 Indigenous women were incarcerated at a rate 19.3 times that of non-Indigenous women.⁵⁰ This incarceration rate reflects in part the over-policing that Indigenous women are subject to.

Tendering out of Indigenous Legal Services

850 We are concerned that the current policy of tendering out Indigenous legal services undermines the self-determination of Indigenous people.⁵¹ Services provided under the tender risk being less accessible and culturally sensitive this is a minor requirement for service providers. Given the existing barriers for Indigenous women accessing legal services (see above), this potential further reduction in accessibility may be devastating for Indigenous women. In addition, essential services such as prevention, education, test case work, policy and law reform may be removed from the services provided to Indigenous clients. As the greatest proportion of Indigenous legal service funding is allocated to criminal law, where the great majority of clients are Indigenous men, the reduction of funding to these other essential services disproportionately disadvantages Indigenous women.

Recognition of Aboriginal customary laws

860 In 1986, the Australian Law Reform Commission produced report 31, on “Recognition of Aboriginal customary laws”. While some of the recommendation have been implemented through the courts and at a state, territory and federal level, and some state and territory governments have themselves conducted inquiries, implementation of the recommendations has been ad hoc and remains incomplete. The failure to recognise customary laws has a marked impact on Indigenous women.

Royal Commission into Aboriginal Deaths in Custody

In October 1987, the Royal Commission into Aboriginal Deaths in Custody report was released. From 1991 to 2001 the number of Indigenous women in custody increased by 225.8 percent (the increase for all Australian women was 147%). While governments at a state, territory and federal level have implemented some of the recommendations from this report, they have not been implemented in full. Indigenous women still are incarcerated at alarmingly increasing rates.

Sexual assault, family and domestic violence and Indigenous women

870 In 2003 a significant community debate, led by Indigenous women, took place in relation to the levels of violence in Indigenous communities. In some areas of Western Australia the incidence of family violence is 45 times higher than that of non-Indigenous women and Indigenous women are ten times more likely to be killed as a result of domestic violence than non-Indigenous women.⁵² It

⁵⁰ Human Rights and Equal Opportunity Commission, “A Statistical Overview of Aboriginal and Torres Straight Islander Peoples in Australia,” (Sydney: HREOC, 2004).

⁵¹ National Association of Community Legal Centres, “Australian NGO Submission to the Committee on the Elimination of Racial Discrimination.”

⁵² A Ferrante et al., *Measuring the Extent of Domestic Violence* (Sydney: Hawkins Press, 1996) 10.

has been suggested that in some Indigenous communities, up to 90% of families are affected by violence.⁵³

880 As with the non-Indigenous community, it is recognised that Indigenous family violence is manifestly under-reported.⁵⁴ Numerous reasons are given for this, including extreme reluctance to approach government agencies, including the police, because of extremely negative experiences with such agencies.⁵⁵ Work in the Cape York communities argues that under-reporting occurs because of “fear of imprisonment of family members, loyalty to family and community, lack of information, inability to attract police presence, and a lack of cultural sensitivity from support services.”⁵⁶ Where women are willing to approach the police, a general frustration has been reported by Indigenous women in relation to inappropriate and inadequate police responses.⁵⁷

890 In response, a number of initiatives at federal and state/territory levels of government were introduced, subsequent to the submission of the Australian Government Report. Indigenous women have identified a need to ensure ongoing local consultation in relation to the development, implementation and evaluation of these programs to ensure that the programs respond to local concerns, particularly in rural and remote locations. For example, flexibility is required in the funding and placement of sexual assault support workers in different communities.

We recommend that the CEDAW Committee

- 900 ⇒ Recommend that Government include consultations with local Indigenous women on identified sexual assault, family and domestic violence initiatives as part of program development, implementation, monitoring and evaluation particularly as programs respond to local concerns in rural and remote locations.
- ⇒ Recommend that the Government seek the advice of Indigenous women to review the statutory child protection mechanisms as they affect Indigenous children, to halt the damage being done by the existing regime.
- ⇒ Recommend that the Government undertake a concerted and rigorous efforts under the Commonwealth Community Legal Services Programme, to fund and monitor programs to assist Indigenous women in accessing legal services, and providing input into the system of administration of justice.

⁵³ Aboriginal and Torres Strait Islander Women's Task Force on Violence (ATSIWTFV), “Aboriginal and Torres Strait Islander Women's Task Force on Violence Report,” (Brisbane: Department of Aboriginal and Torres Strait Islander Policy and Development, 1999), 29.

⁵⁴ Ibid.

⁵⁵ Harry Blagg and Rose Murray and Elveena Macarthy With assistance from Donella Ray, “Crisis Intervention in Aboriginal Family Violence: Summary Report,” (Perth Canberra: Crime Research Centre, University of Western Australia Partnerships Against Domestic Violence, 2000), 9.

⁵⁶ Partnerships Against Domestic Violence, *National Indigenous Family Violence Grants Programme* (OSW, 2000 [cited 20 January 2004]); available from <http://www.padv.dpmc.gov.au/IFV/ifvgp.html>.

⁵⁷ Ibid.([cited).