

Date September 18, 2008

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Secretary, Joint Standing Committee on Treaties

House of Representatives, PO Box 6021, Parliament House, Canberra ACT 2600.
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Subject - Proposed accession to the Optional Protocol to the 1979 Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979

1. Members of the **United Nations Association of Australia - Status of Women Network** wish to express strong support for the proposal that Australia should accede to the Optional Protocol to the International Covenant for the Elimination of All Forms of Discrimination Against Women.

2. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the General Assembly in 1979. CEDAW is an important treaty, offering protection against discrimination against women in a wide range of contexts. Australia ratified CEDAW in 1983.

3. Members of the **UNAA Status of Women Network** have always a commitment to the widest community awareness of the role of the UN, in particular the evolving UN human rights treaty system especially CEDAW, and the obligations of Australia as a state party signatory to implement it in national and local domestic law (article 2). Further members have worked within the United Nations Association of Australia, the Network's parent body, expressed its support for the Optional Protocol: Thus

3.1 In 1999 the national council of the United Nations Association of Australia resolved: "UNAA (a) urges the Australian Government to sign the Optional Protocol to the Convention on the Elimination of Discrimination against Women (CEDAW) after its adoption by the UN General Assembly; and (b) urges its Divisions to request their State or Territory Governments to agree to the Australian Government signing the Protocol".

3.2 In 2001 UNAA further noted the need for the Australian Government to take steps to permit accession to the Optional Protocol: "UNAA calls on the Australian Government (a) to sign and ratify CEDAW 's Optional Protocol, and (b) to implement within Commonwealth legislation the reforms needed to meet the obligations set out in the Optional Protocol".

4. The monitoring method provided in main body of CEDAW is through a system of periodic reports: parties submit an initial written report to the CEDAW Committee within one year of CEDAW's entry into force for that party and then each 4 years afterwards (article 18). During the past twenty five years members of the **UNAA Status of Women Network** have actively responded to Australian Government invitations to contribute to the periodic reporting processes and to CEDAW Shadow Report processes as performance of this obligation is monitored by the Committee on the Elimination of Discrimination Against Women, an elected body of 23 experts.

5. In 1997 **UNAA Status of Women Network** one of civil society organizations involved in the submission made by the National Women's Justice Coalition to the then

Minister for Status of Women supporting the idea of Australia taking a lead role in the creation of an optional individual complaints procedure -- or 'Optional Protocol' -- for CEDAW. This collaboration of a wide range of NGOs led by the National Women's Justice Coalition submission was a way of reminding Australia of the commitments made under the 1995 Beijing Declaration and Program for Action. The Beijing PFA, to which Australia subscribed, calls for the development of such a procedure.

6. We are aware the other human rights treaties offer two further methods of monitoring the performance of states parties. The Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Covenant on Civil and Political Rights (CCPR) and the Convention Against Torture (CAT) all allow, as optional procedures, complaints of breach of treaty obligations to be made, first, by one state against another and, second, 'communications' by individuals containing complaints against a state. The complaints are made to the relevant treaty monitoring body: the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee Against Torture respectively. CAT also contains an inquiry procedure which allows its monitoring committee to investigate systematic torture.

7. Australia has already accepted the optional state and individual complaints procedures under CERD, CCPR and CAT and there is thus no reason in principle not to support the CEDAW individual complaints procedure as set out in the Optional Protocol. We believe accession to the CEDAW Optional Protocol will have a number of benefits including

*improving the implementation of CEDAW by encouraging identification of examples of breach of the treaty provisions

*encouraging the development of more effective national and local remedies for discrimination against women

*indicating that discrimination against women is taken as seriously as discrimination on the basis of race, violation of the human rights guarantees under the CCPR and violation of the prohibition against torture and other cruel or degrading treatment.

8. It is a matter of concern that over the 25 years since Australia committed to the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) there have been a number of developments which appear to signal a turning away from the principle of fundamental equality between men and women:

- One example identified in the Shadow Report to Australia's 4th and 5th CEDAW Report was certain machinery of government changes for example the down-grading of the women's policy units belonging to the Australian Government and within State and Territory administrations.
- Another example of this the way the various Charters of Rights emerging in the Australian States and Territories call for new legislation to be reviewed in the light of the International Covenant on Civil and Political Rights, so that CEDAW is seen as somehow peripheral in the discussion of rights in Australia in the 21st century.

9. Conclusion

Accession to the Optional Protocol would have significance as a demonstration of Australia's re-commitment to women's human rights in the 21st century. In particular the creation in this way of an additional mechanism to deal with complaints not resolved domestically, would help balance out the unfortunate neglect of CEDAW under the new Charters of Rights.

Members of the **UNAA Status of Women Network** are delighted that the Australian Government has committed to accession to the Optional Protocol to CEDAW, and to have had an opportunity to express their support in this submission.

Sheila Byard, Convenor

United Nations Association of Australia - Status of Women Network