



Introduction

1. This submission is made by the Australian Human Rights Commission (Commission), an 'A status' national human rights institution operating in conformity with the Paris Principles,¹ based on work it has undertaken in accordance with its mandate and functions.

Human Rights Framework

2. The *Sex Discrimination Act 1984* (Cth) gives effect to Australia's obligations under CEDAW.
3. Australia's legal framework for implementing its human rights obligations is limited. As part of its 'Free & Equal' project, the Commission has recommended reforms to federal discrimination laws, to ensure more robust, effective protection against discrimination.² The Commission will also publish a model for a federal Human Rights Act and accompanying reforms in February 2023. The Australian Human Rights Commission is also facing significant challenges to its 'A status' due to concerns about appointment processes and adequate resourcing.³ This Committee, in its 2018 Concluding Observations, recommended that the Commission be provided with the human, technical and financial resources necessary to enable it to discharge its mandate.⁴
4. The Parliamentary Joint Committee on Human Rights (PJCHR) analyses bills and legislative instruments before the federal Parliament for compliance with human rights. The Commission is concerned about the variable quality of 'Statements of Compatibility with Human Rights' that accompany bills, and limited consideration of the views of the PJCHR prior to the passage of legislation.⁵

Issues for consideration:

- **Information about improving and strengthening the federal discrimination law system to ensure its effectiveness**
- **Information about Government efforts to ensure the Australian Human Rights Commission remains an A status institution, including the provision of adequate resourcing.**
- **Information about efforts to domestically incorporate Australia's international obligations through a federal Human Rights Act**
- **Information about procedures for considering the concerns raised by the PJCHR.**

Reservation

5. The Commission remains concerned by Australia's reservation to Article 11(2).

Issues for consideration:

- **Information on steps taken to withdraw this reservation**

Violence against women and girls

6. Domestic and family violence against women remains endemic in Australia.⁶ The Australian Institute of Health and Welfare and Australia's National Research Organisation for Women's Safety (ANROWS) report that:
 - one woman is killed every nine days by a current or former partner
 - one in six women have experienced physical or sexual violence by a current or former partner
 - one in four women have experienced emotional abuse by a current or former partner, and
 - intimate partner violence is a leading contributor to illness, disability and premature death for women aged 18-44.⁷
7. The intersection of gender with other forms of inequality results in women with disability and from First Nations, LGBTIQ+, and culturally and linguistically diverse backgrounds experiencing higher rates of violence, and additional barriers to support.⁸
8. The Commission welcomed the Government's commitment of \$600 million⁹ to address family violence, the introduction of a minimum standard for domestic violence leave,¹⁰ and the prioritisation of women and children who are escaping family violence in the National Housing and Homelessness Agreement.¹¹
9. The Commission notes the significance of the National Plan to End Violence against Women and Children 2022–32, and emphasises the importance of prevention and early intervention measures to addressing family and domestic violence. The Commission notes that, as part of this Plan, children and young people should be recognised as victim/survivors of domestic and family violence in their own right, and their voices should be heard in the design of policy and service systems.
10. To address systemic failures associated with domestic and family violence, the recommendations of Coronial Inquests should be fully implemented. The Commission has previously called for a coherent national system of death reviews to consider cross-jurisdictional issues and ensure accurate monitoring, and made recommendations to support this in *A National System for Domestic and Family Violence Death Review*.¹²
11. The Commission's 2022 National Survey on Sexual Harassment in Australian Workplaces found that 1 in 3 people who had been in the workforce in the previous five years said they had experienced workplace sexual harassment.¹³
12. The Commission's National Inquiry into Sexual Harassment in Australian Workplaces, and resulting *Respect@Work* report,¹⁴ identified drivers and impacts of workplace sexual harassment, assessed the adequacy of the current legal framework, and recommended comprehensive measures to address this issue. The Commission welcomes legislative reforms introduced to implement key recommendations of the report, and the Government's commitment to implement all 55 recommendations of the report.¹⁵

13. The Commission welcomes steps taken by the Government to implement the recommendations of its *Set the Standard* report, which outlines the need to ensure Commonwealth Parliamentary workplaces are safe and respectful,¹⁶ including the passage of the *Parliamentary Reform (Set the Standard) Act 2022* (Cth) which improves workplace protections for Parliamentary staff.¹⁷
14. The Commission remains concerned by the maltreatment of children and, in particular, the instances and impacts of sexual and emotional abuse experienced by girls and young women aged 0–24 years. The Commission is currently leading a survey of secondary students about experiences of consent education and sexual harassment.
15. **Issues for consideration:**
- **Information about measures to increase prevention and early intervention initiatives on domestic and family violence, including tailored measures to address intersectional discrimination, attention on the experience of children, and information on funding for specialist support services**
 - **Information about the implementation of recommendations outlined in *A National System for Domestic and Family Violence Death Review***
 - **Information about the implementation of the *Respect@Work* and *Set the Standard* reports**
 - **Information on action taken to address the maltreatment of children, particularly instances of sexual and emotional abuse experienced by girls and young women aged 0–24 years.**

Women and girls with disability

16. Rates of violence against people with disability,¹⁸ in particular women and girls, remain high.¹⁹ Initiatives aimed at addressing violence against women and children often fail to adequately address the extra challenges faced by people with disability. The Commission welcomes the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
17. In 2018, the Commission published *A Future Without Violence: Quality, safeguarding and oversight to prevent and address violence against people with disability in institutional settings*, and recommended improved quality, safeguarding and oversight mechanisms in the disability and mainstream sectors.²⁰
18. Australia has not implemented a nationally consistent supported decision-making framework and lacks legislation prohibiting the sterilisation of people with disability without consent.²¹ The Commission remains deeply concerned that the non-therapeutic sterilisation of people with disability, particularly women and girls, continues to take place in Australia without their free, prior and informed consent.
19. The Commission remains concerned by the forced administration of contraceptives and abortion procedures to people with disabilities.²²

Issues for consideration:

- **Information on steps taken to address violence against women and girls with disability**
- **Information on steps taken to address the sterilisation of people with disability without consent**

- **Information on steps taken to address the continued forced administration of contraceptives and abortion procedures.**

People born with variations in sex characteristics

20. The Commission is concerned about involuntary surgery on people born with variations in sex characteristics, especially infants.²³
21. The Senate Community Affairs Committee conducted an inquiry into the involuntary or coerced sterilisation of intersex people in Australia in 2013.²⁴ The Government responded in 2015, with many of the recommendations not being implemented.²⁵
22. The Commission's report, *A human rights-based approach for people born with variations in sex characteristics*, makes recommendations for how Australia should protect and promote the human rights of people born with variations in sex characteristics in the context of medical interventions to modify these characteristics.²⁶

Issues for consideration:

- **Information on steps taken to address involuntary surgery on people born with variations in sex characteristics, and involuntary or coerced sterilisation**
- **Information on steps taken to implement the recommendations outlined in *A human rights-based approach for people born with variations in sex characteristics*.**

Women and work

23. There are a range of gender equality gaps in Australia that impact women's rights to work, including the enjoyment of just and favourable conditions of work and adequate standards of living for themselves and their families. Australia's national gender pay gap is currently 14.1%,²⁷ contributing to the significant gap in retirement savings for women,²⁸ and women are under-represented in the workplace and in leadership roles.²⁹ This has been exacerbated by the COVID-19 pandemic.³⁰

Issues for consideration:

- **Information on measures to support women in paid work and unpaid caring work, reduce gender gaps in workforce participation, wages, retirement incomes and savings, and address the challenges faced by women and girls during the COVID pandemic.**

First Nations women and girls

24. First Nations women and girls experience higher rates of domestic and family violence than non-indigenous women and girls. Factors relating to exclusion, inequality, intersectional discrimination and inherited trauma increase First Nations families' vulnerability to family violence.³¹
25. Three in five First Nations women have experienced physical or sexual violence.³² First Nations women are 32 times more likely to be hospitalised because of violence, and the rates of such violence are significantly underreported.³³ First Nations women are 11 times more likely to die due to assault than non-Indigenous women.³⁴

26. The Commission's *Wiyi Yani U Thangani* project identifies actions to improve the human rights of First Nations women and girls, including an urgent focus on reducing over-representation of First Nations victims of family violence, and in care and protection systems, with a focus on trauma recovery.³⁵ The Commission welcomes the Government's commitment to delivering a dedicated National Plan for First Nations people to end family violence and violence against women.³⁶
27. The Commission emphasises the importance of ensuring that this National Plan is self-determined, and that First Nations women and children are at the centre of its design and delivery. The Commission also stresses that sustained investment in community-controlled services and programs is crucial to preventing and responding to family violence and its impacts on children.³⁷
28. First Nations peoples make up 3.2% of the total population,³⁸ but constitute 30% of the prison population.³⁹ First Nations women are the fastest growing prisoner population, and are 19 times more likely than non-Indigenous women to be incarcerated.⁴⁰
29. The Commission welcomes the 2019 Partnership Agreement on Closing the Gap between the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments,⁴¹ and the commitment to reduce the rate of First Nations adults held in incarceration by at least 15% and First Nations children (10–17 years) in detention by at least 30% by 2031.⁴²
30. To reach a solution to over-incarceration, it is necessary to attend to the root causes of First Nations inequality in a comprehensive manner, which involves addressing factors both within, and beyond, the justice system. The Commission welcomes the Government's commitment of \$79 million for justice reinvestment initiatives,⁴³ but remains concerned that the *Optional Protocol to the Convention against Torture* (OPCAT) has not been fully implemented despite the passing of Australia's extended deadline of January 2023.⁴⁴
31. First Nations children are significantly over-represented in care and protection systems, and family violence is a key factor driving the contact of First Nations families with child protection authorities.⁴⁵ It is also a factor that leads to women having greater interaction with the criminal justice system.⁴⁶
32. While the Commission welcomes the Government's commitment to hold a referendum on a Constitutional Voice to Parliament, this should be accompanied by the full realisation of the Uluru Statement of the Heart, and a national plan to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).⁴⁷

Issues for consideration:

- **Information on steps taken to implement the *Wiyi Yani U Thangani* project recommendations**
- **Information on steps taken to completely implement OPCAT**
- **Information on steps taken to institute Constitutional reform, including a Voice to Parliament, national truth telling and treaty processes as set out in the Uluru statement, and steps taken to implement UNDRIP**
- **Information on funding and actions to achieve Closing the Gap targets by 2031**

- **Information on diversionary programs for First Nations adults, young people and children, and on Government efforts to fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.**⁴⁸

Women in rural, regional and remote areas

33. National consultations by the Sex Discrimination Commissioner in 2016 identified that women living in rural, regional and remote Australia experience negative and discriminatory gender-based stereotypes and attitudes.⁴⁹ They also experience a gender gap in leadership, access to services, economic security and education; and higher rates of violence, sexual harassment and sexism.⁵⁰

Issues for consideration:

- **Information on steps taken to address the discrimination faced by women in rural, regional and remote areas, specifically in the areas of violence, sexual harassment, and barriers to economic security.**

Older women and homelessness

34. Older women face a higher risk of homelessness and were the fastest growing cohort of homeless Australians in 2011–2016, increasing by 31%.⁵¹ The Committee on Economic, Social and Cultural Rights previously observed a shortage of affordable housing, including rental and social housing, and overcrowded housing for First Nations peoples in remote areas.⁵² These problems persist.⁵³

35. Elder abuse is a fundamental human rights issue faced by many older people, and is presenting a range of complex challenges for the Australian community. In 2019–20, residential aged care services reported 5718 allegations of assault under the mandatory reporting requirements of the *Aged Care Act 1997* (Cth).⁵⁴

36. The Commission welcomes the National Plan to Respond to the Abuse of Older Australians (2019–2023),⁵⁵ and the findings of the Royal Commission into Aged Care Quality and Safety, which highlight the importance of a rights-based approach to the aged care system.⁵⁶

Issues for consideration:

- **Information about homelessness and affordable housing as it relates to older women**
- **Information on the full implementation of the priorities outlined in the National Plan, alongside the Australian Law Reform Commission’s report, *Elder Abuse – A National Response*, and the recommendations of the Royal Commission into Aged Care and Quality Safety.**

Women from culturally and linguistically diverse backgrounds

37. The Commission is concerned about the increase in severe Islamophobic attacks,⁵⁷ far-right extremism,⁵⁸ increased racism experienced by people of Asian background during the COVID-19 pandemic⁵⁹, cyber racism and the limited cultural diversity in leadership of Australian organisations.⁶⁰

38. Through its report, *Sharing the Stories of Australian Muslims*, the Commission highlighted the experiences of discrimination, vilification, harassment and hate faced by Muslim women and girls.⁶¹
39. The Commission welcomes the Government's commitment of \$7.5 million for the development of a national strategy to tackle racism and promote equality in Australia.⁶²

Issues for consideration:

- **Information about addressing racial discrimination in a coordinated fashion, including the increase in racist incidents during COVID-19**
- **Information about cultural diversity in leadership positions, including Government**
- **Information about action taken to address the experiences of Muslim women and girls**

Poverty and social security

40. The Commission's *Children's Rights Report 2017* outlined that young parents and their children are particularly vulnerable to breaches of their rights to health, education and care, and are at risk of long-term disadvantage and welfare dependency.⁶³ Higher rates of teenage pregnancy are associated with family histories of teenage pregnancy, unstable housing arrangements, socio-economic disadvantage and sexual abuse in childhood.⁶⁴
41. The Commission is concerned by data indicating that many women who experience family or domestic violence are at risk of living in poverty if they were to leave that situation.⁶⁵ In particular, some single mothers choose to stay in a violent relationship to ensure financial security for themselves and their children.⁶⁶
42. The Commission has expressed concerns at punitive welfare programs, notably the ParentsNext⁶⁷ 'pre-employment' program⁶⁸ and compulsory income management schemes that disproportionately affect First Nations people.⁶⁹ The main income support payment for unemployed Australians, JobSeeker Allowance,⁷⁰ is also inadequate.⁷¹
43. The Commission welcomes the abolition of the Cashless Debit Card program, as well as the Government's commitment to replace the Community Development Program with one designed in partnership with First Nations communities.⁷²

Issues for consideration:

- **Information on action taken to support young mothers and their children**
- **Information on support provided to women who are at risk of poverty if they leave a situation of family or domestic violence, including single mothers**
- **Information on JobSeeker and other welfare support programs; and the extent to which they provide an adequate standard of living**
- **Information on compulsory income management schemes and effects on First Nations communities**
- **Information on plans to develop the Community Development Program in genuine partnership with First Nations people.**

Trafficking and modern slavery

44. The Commission commends the *Modern Slavery Act 2018* (Cth). The upcoming three-year review of the Act⁷³ provides a welcome opportunity to strengthen Australia's regulatory framework, noting that there are no financial penalties for non-compliance with reporting requirements, no federal Anti-Slavery Commissioner with oversight of modern slavery statements, and no national compensation scheme for victims of slavery and human trafficking.
45. The Commission welcomes the National Action Plan to Combat Modern Slavery 2020–2025.⁷⁴ In particular, the commitment to afford victims and survivors of modern slavery access to effective remedies. However, the Commission notes this would be strengthened by expanding the provision of support and pathways to remedy which are not contingent on either engagement with a policing agency or participation in criminal prosecutions.

Issues for consideration:

- **Information about the three-year review of the *Modern Slavery Act 2018* (Cth)**
- **Information about the implementation of the National Action Plan to Combat Modern Slavery.**

Immigration and citizenship

46. Immigration detention remains mandatory for all unlawful non-citizens,⁷⁵ which can result in prolonged and/or indefinite detention that may be arbitrary and risks mental ill-health.⁷⁶
47. The Commission is concerned about human rights protections for refugees and asylum seekers in the 'Legacy Caseload'⁷⁷ – including insufficient support to ensure an adequate standard of living,⁷⁸ and restrictions on family reunion that result in family separation and can create a risk of constructive refoulement.⁷⁹
48. The Commission is concerned about possible refoulement, arbitrary, prolonged and/or indefinite detention and separation from family resulting from decisions to cancel visas of non-citizens, including permanent residents, under ss 116 and 501 of the *Migration Act 1958* (Cth).⁸⁰
49. The Commission remains concerned at persistent reports of violence faced by women in detention, including instances of sexual assault, physical assault and sexual harassment.⁸¹

Issues for consideration:

- **Information on the use of mandatory and prolonged detention, considering the impacts that long-term indefinite detention has on the mental health of those detained**
- **Information on support provided to asylum seekers living in the Australian community and restrictions on access to services and entitlements that are based on a person's mode of arrival in Australia**
- **Information on the availability of family reunion visas for refugees, asylum seekers and migrants**
- **Information on addressing the harm faced by women in detention.**

APPENDIX

ENDNOTES

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- ¹ 'Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights' in General Assembly Resolution 48/134, 1993.
- ² Australian Human Rights Commission, *Free & Equal: a reform agenda for federal discrimination laws* (Position Paper, December 2021) <<https://humanrights.gov.au/our-work/rights-and-freedoms/publications/free-and-equal-reform-agenda-federal-discrimination-laws>>. The Commission has identified reforms for discrimination laws focused on building a preventative culture; modernising the regulatory framework; enhancing access to justice; and improving the practical operation of these laws.
- ³ GANRHI Sub-Committee on Accreditation, *Australia: Australian Human Rights Commission* (2022) <https://humanrights.gov.au/sites/default/files/nhri_australia_no_cover_4.pdf>.
- ⁴ United Nations Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report on Australia*, UN Doc CEDAW/C/Aus/CO/8 (25 July 2018) [18].
- ⁵ The *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) establishes the Parliamentary Joint Committee on Human Rights and requires the preparation of Statements of Compatibility with Human Rights with all bills and most legislative instruments introduced to Parliament for consideration. The Act defines human rights as the rights and freedoms recognised or declared by the International Convention on the Elimination of all Forms of Racial Discrimination; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination Against Women; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. There is limited human rights education and training for public officials to assist in the preparation of these Statements of Compatibility. See further: Parliament of Australia, *Parliamentary Joint Committee on Human Rights*, <http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights>.
- ⁶ Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia: continuing the national story 2019: in brief* (2019) <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-and-sexual-violence-in-australia-c/contents/table-of-contents>>; Australian Bureau of Statistics, *Recorded Crime – Victims, Australia, 2021* (July 2022) <<https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/latest-release>>.
- ⁷ Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia: continuing the national story 2019: in brief* (2019) <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-and-sexual-violence-in-australia-c/contents/table-of-contents>>; Australia's National Research Organisation for Women's Safety (ANROWS) *Violence against women: Accurate use of key statistics* (ANROWS Insights, May 2018) <<https://www.anrows.org.au/resources/fact-sheet-violence-against-women-accurate-use-of-key-statistics/>>.
- ⁸ Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Framework foundations 2: Think pieces, stakeholder consultations, issues, implications and approach Companion document to Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia* (2015) 14 <<https://www.ourwatch.org.au/getmedia/a415a239-5de6-4dbd-806d-4e92a53e532e/Change-the-story-framework-foundations-2.pdf.aspx>>; and Australian Human Rights Commission, *A Conversation in Gender Equality* (2017) <<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/conversation-gender-equality-2017>>.
- ⁹ Department of Social Services, *Historic investment in women's safety and domestic violence support* (2021), <https://www.dss.gov.au/sites/default/files/documents/05_2021/20-factsheet-budget-2021-22-womens-safety-investment-11may.pdf>.
- ¹⁰ *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022*.
- ¹¹ Department of Social Services, *National Housing and Homelessness Agreement* (July 2018) <<https://www.dss.gov.au/housing-support-programs-services-homelessness/national-housing-and-homelessness-agreement>>.
- ¹² Australian Human Rights Commission, *A National System for Domestic and Family Violence Death Review Report* (December 2016) <<https://humanrights.gov.au/our-work/sex-discrimination/publications/national-system-domestic-and-family-violence-death-review>>.
- ¹³ Australian Human Rights Commission, *Time for respect: Fifth national survey on sexual harassment in Australian workplaces* (2022), 12.
- ¹⁴ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (2020) <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020?mc_cid=1065707e3c&mc_eid=%5bUNI%5d>.

¹⁵ *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Cth); *Fair Work Amendment (Respect at Work) Regulations 2021* (Cth); 'Policies', *Australian Labor Party* (Web Page) <<https://www.alp.org.au/policies/womens-safety-at-work>>.

¹⁶ Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (November 2021) <<https://humanrights.gov.au/set-standard-2021>>.

¹⁷ Parliamentary Leadership Taskforce, *Set the Standard: Implementation Tracker – September 2022* <https://www.aph.gov.au/About_Parliament/Parliamentary_Leadership_Taskforce/Updates/-/media/8C2211AE256F46E690D12F4FC91B0B9D.ashx>.

¹⁸ Australian Human Rights Commission, *A Future Without Violence: Quality, Safeguarding and Oversight to Prevent and Address Violence against People with Disability in Institutional Settings* (June 2018) <<https://www.humanrights.gov.au/our-work/disability-rights/publications/future-without-violence-2018>>.

¹⁹ Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019* (June 2019) <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019/report-editions>>.

²⁰ Australian Human Rights Commission, *A Future Without Violence: Quality, safeguarding and oversight to prevent and address violence against people with disability in institutional settings* (July 2018) <<https://humanrights.gov.au/our-work/disability-rights/publications/future-without-violence-2018>>.

²¹ See Australian Human Rights Commission, *Information Concerning Australia's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women* (12 June 2018) [25]; Australian Human Rights Commission, *Information Relating to Australia's Joint Fifth and Sixth Report under the Convention on the Rights of the Child, Second Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and Second Report on the Optional Protocol on the Involvement of Children in Armed Conflict* (1 November 2018) [204]-[205]; and Australian Human Rights Commission, *Submission to the UN Human Rights Committee: Information Concerning Australia's Compliance with the International Covenant on Civil and Political Rights* (18 September 2017) [61].

²² See e.g., Australian Human Rights Commission, Submission No 5 to the Senate Community Affairs References Committee, *The Involuntary or Coerced Sterilisation of People with Disabilities in Australia* (20 November 2012) <<http://www.aph.gov.au/DocumentStore.ashx?id=3d3c9b64-7a59-4e30-bd96-e38d52fe85c8&subId=16108>>.

²³ Australian Human Rights Commission, *Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions* (October 2021) <<https://humanrights.gov.au/intersex-report-2021>>. The 2019 concluding observations of the Committee on the Rights of the Child called for the Government to 'enact legislation explicitly prohibiting coerced sterilisation or unnecessary medical or surgical treatment, guaranteeing bodily integrity and autonomy to intersex children as well as adequate support and counselling to families of intersex children'. See: Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, 1 November 2019, UN doc no CRC/C/AUS/CO/5-6 [31]. In 2017, the UN Human Rights Committee also made comments on the issue when considering Australia's obligations under the ICCPR. See also: Human Rights Committee, *Concluding observations on the sixth periodic report of Australia*, 1 December 2017, UN doc no CCPR/C/AUS/CO/6 [25].

²⁴ Senate Standing Committee on Community Affairs, *Involuntary or coerced sterilisation of intersex people in Australia* (2013) <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Involuntary_Sterilisation/Sec_Report/index>.

²⁵ Commonwealth, *Parliamentary Debates*, Senate, 17 June 2015, 3755-3769 (Senator Fifield).

²⁶ Australian Human Rights Commission, *Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions* (October 2021) <<https://humanrights.gov.au/intersex-report-2021>>. The recommendations are designed around human rights principles, including protecting bodily integrity and children's agency.

²⁷ 'Australia's Gender Pay Gap Statistics' *Workplace Gender Equality Agency* (Web Page, August 2022) <<https://www.wgea.gov.au/sites/default/files/documents/GPG%20Factsheet%20Final%20August%202022.pdf>>. For factors that contribute to the gender pay gap; see also: KPMG, *She's Price(d)less: The economics of the gender pay gap. Prepared for Diversity Council Australia (DCA) and the Workplace Gender Equality Agency* (August 2019) <<https://www.wgea.gov.au/data/wgea-research/shes-pricedless-the-economics-of-the-gender-pay-gap>>; and Australian Human Rights Commission, *Submission to the Finance and Public Administration References Committee on Gender segregation in the workplace and its impact on women's economic equality* (March 2017) <<https://www.humanrights.gov.au/our-work/legal/submission/gender-segregation-workplace-and-its-impact-womens-economic-equality>>.

²⁸ See: ASFA Research and Resource Centre, *Superannuation account balances by age and gender* (October 2017) <https://www.superannuation.asn.au/ArticleDocuments/359/1710_Superannuation_account_balances_by_age_and_gender.pdf.aspx>; Roger Wilkins, 'The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 16' (Statistical Report No 13, Melbourne Institute, University of Melbourne, 2018) 35-38.; Senate Economics References Committee, Parliament of Australia, 'A Husband is Not a Retirement Plan: Achieving Economic Security for Women in Retirement' (Report, 2016) 5-15, 119; and Australian Human Rights Commission (AHRC), 'Accumulating Poverty? Women's Experiences of Inequality over the Lifecycle' (Issue paper, AHRC, 2009) 22-23.

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- ²⁹ See Chief Executive Women, *Senior Executive Census 2021* (September 2021) < <https://cew.org.au/topics/cew-senior-executive-census/>>; 'Women in leadership' *Workplace Gender Equality Agency* (Web Page, 2020) <<https://www.wgea.gov.au/women-in-leadership/>>; 'Women on ASX Boards' *Australian Institute of Company Directors* (Web Page, November 2021) <<https://aicd.companydirectors.com.au/advocacy/board-diversity/statistics>>.
- ³⁰ Australian Human Rights Commission, *Better Decisions, Better Futures* (Discussion Paper, June 2020) <https://humanrights.gov.au/sites/default/files/2020-06/PDF%20Better%20Decisions%2C%20Better%20Futures%20Discussion%20Paper_2020.pdf>
- ³¹ See generally, findings of the Australian Human Rights Commission, *Wiyi Yani U Thangani: Securing our rights, securing our future report* (October 2020) <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>>; 'Wiyi Yani U Thangani First Nations Women's Safety Policy Forum Delegate Statement' *Australian Human Rights Commission* (Web Page, September 2022) <<https://humanrights.gov.au/2022-wiyi-yani-u-thangani-first-nations-womens-safety-policy-forum-delegate-statement>>.
- ³² Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia, 2018* (Report, 2018) <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violencein-australia-2018/contents/summary>>.
- ³³ Australian Human Rights Commission, *Wiyi Yani U Thangani* (2020) 218 <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>> citing Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia 2018* (2018) and, Janet Phillips and Penny Vandenbroek, *Domestic and family violence in Australia: An overview of the issues* (2014) <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/ViolenceAust>.
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- ³⁵ Australian Human Rights Commission, *Wiyi Yani U Thangani: Securing our rights, securing our future report* (October 2020) <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/wiyi-yani-u-thangani>>. A key recommendation is the development of a National Action Plan for Aboriginal and Torres Strait Islander Women and Girls.
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