

***Women's International League for Peace and Freedom***  
***Ligue internationale des femmes pour la paix et la liberté***  
***Liga Internacional de Mujeres por la Paz y la Libertad***  
***Internationale Frauenliga für Frieden und Freiheit***

**Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO**

**Special Consultative Relations with FAO, ILO and UNICEF**

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We thank the National Human Rights Consultation for the opportunity to make this submission which is made on behalf of the Australian Section of the Women's International League for Peace and Freedom (WILPF).

### **Introduction**

WILPF is an international NGO formed during WW1. On 28<sup>th</sup> April 1915, just three days after the landing at Gallipoli, women from neutral and warring countries met at the first International Congress of Women, where, for the first time in history, women met to express their opposition to war and to consider ways of ending the conflict. At the same time in Australia, women's peace groups were actively and successfully campaigning against compulsory overseas military conscription in two referendums. They aligned with the aims of the International Congress of Women which later became the Women's International League for Peace and Freedom.

After the War ended, women from many nations planned to meet in France, side by side with the official Peace Conference at Versailles. However, when women delegates from the defeated countries were not permitted to enter France, a neutral location was found in Geneva. Their Congress, the second International Congress of Women, was the first international gathering to critique the terms of the Treaty of Versailles. They decried its harsh terms for reparations (especially those demanded by the Australian Prime Minister, Billy Hughes) and predicted that the harshness violated the principles upon which alone a just and lasting peace could be secured and which the democracies of the world had come to accept. They predicted, rightly, that it would lead to further war and determined that a permanent peace could only be built on the basis of equal rights, including equal rights between women and men, of justice within and between nations, of national independence and of freedom.

These women asserted the right and responsibility of women to participate in decision-making on all aspects of peace and security. They adopted twenty resolutions which laid down the principles and policies which guide the work of the Women's International League for Peace and Freedom to this day.

The need for an International Declaration of Human Rights had been formulated by the WILPF as far back as 1939, well before the Universal Declaration of Human Rights was adopted in 1948. Certain fundamental human rights have always been a special concern to WILPF. The elimination of discrimination on grounds of race, sex or creed was built into its constitution as a prerequisite for social and political advancement. It has also fought for the rights of minorities, of refugees and other displaced stateless peoples and for machinery to deal with petitions from individuals.

### **Australia Lagging on Our International Undertakings**

In general, WILPF believes that an Australian human rights charter should be enacted in order to ensure enhanced legal protections of equality and non-discrimination, that is, the rights recognised in the Universal Declaration as well as the International Conventions on Civil and Political Rights, and on Economic, Social and Cultural Rights. A human rights act or charter would thus allow for review of existing and new legislation in order to check for compatibility between domestic legislation and international human rights norms. We are in strong support of such a mechanism in order to protect the rights of all Australians, to promote increased respect and greater tolerance in the Australian community, and to require governments to act in a way consistent with human rights norms through having “checks and balances” on government action.

WILPF (Australia) is currently conducting consultations Australia-wide on a National Action Plan to implement Security Council resolution 1325 on *Women, Peace and Security* (UNSCR 1325). Despite Australian WILPF representatives and Australian UN diplomatic staff playing leading roles in the formulation and passage of this resolution through the Security Council, Australia is lagging behind other countries in implementing this resolution in our own backyard.

In addition, Australia is the only western democracy without some kind of human rights machinery in the form of a bill or a charter to implement the UN Universal Declaration of Human Rights although in 1948 over 60 years ago Australian diplomatic personnel similarly played a leading role in formulating and securing its adoption by the UN. As such, Australia is in breach of several of the articles of the UN Universal Declaration.

Because of our failure to fully implement these significant resolutions which we have played key roles in initiating, Australia is in danger of losing credibility in the international community, as “action speaks louder than words”.

### **Constitutional Recognition of Aboriginal and Torres Strait Islanders as First Peoples**

WILPF believes that a human rights charter should ensure constitutional recognition of Aboriginal and Torres Strait Islander peoples as the first peoples of this nation. WILPF supported the first gathering of Indigenous People at the UN in September 1977 and has been monitoring and working for the extension of the protection of human rights for Australian Indigenous peoples since the 1930's. In fact, the 1919 WILPF Congress recommended that: “members of this Congress should do everything in their power to

abrogate laws and change customs which lead to discrimination against human beings on account of race or colour.”

### **Freedom from Conscription for Military Service**

Considering the formation of WILPF at the time of the great anti-conscription movement in Australia during WW1, we would like to see enshrined in an Australian human rights charter the right of citizens to be free from conscription for military service. We believe that our forebears established this right, both by their mobilisation of support for the anti-conscription movement during WW1 and, in some instances, by their own blood as the soldiers serving overseas voted in the referendums with a majority NO vote.

### **Freedom from Torture, Cruel, Inhuman or Degrading Treatment or Punishment**

Although Australia is signatory to the UN Convention Against Torture, nevertheless it is apparent that torture continues to be practised in Australia from time to time. The number of deaths in custody in Australian prisons and lock-ups, for instance, continues to be greater than we as a nation should tolerate.

Following the official sanctioning of the use of torture (aka “enhanced interrogation techniques”) under the recent US Administration of President George W. Bush, it is evident that there is no assurance that state-sanctioned torture will not reappear in western democracies given the “right” circumstances. We conclude from the experience in the United States under Bush that it is not beyond the bounds of possibility that a similar thing could happen here in Australia. Thus WILPF believes that an Australian human rights charter could add an additional check on potential government overreach as we as a nation - and as an international community - move towards a situation where torture will eventually become a thing of the past.

### **Women’s Human Rights**

Australian women were among the first women in the world to gain the right to vote and many of the founding members of WILPF came to its peace and anti-conscription work straight from the long struggle to secure universal suffrage in Australia. The elimination of violence and war, and the achievement of economic and social rights for all were seen as the next most important priorities for women after gaining the right to vote. These priorities still infuse the work of WILPF today.

WILPF believes that women’s human rights must be observed and protected. Like us, the vast majority of Australians believe that women should not be discriminated against on the basis of their sex, marital status or family responsibilities, yet despite the passage of the Sex Discrimination Act in 1984, Australian women still have not achieved equality with men. For instance, domestic violence (violence against women) is still a widespread phenomenon although some legislation exists targeting perpetrators; women still earn on average significantly less than men; and the current visa system fails to protect women (who are not Australian citizens) from trafficking of their persons for purposes of sexual servitude. WILPF strongly endorses the WomenSpeak Consortium’s submission to the

National Human Rights Consultation on the need for rights associated specifically with women's human rights. We are making this additional submission, however, in order to reiterate some areas of special concern to WILPF as the oldest women's peace organisation both in Australia and in the world and to give illustrations of the way in which present legislative protections are failing to ensure that human rights are upheld in Australia - a failure which we believe can be addressed by the provision of an enhanced human rights protection machinery.

We are looking in this submission in particular at women's economic, social and cultural rights. The Montréal Principles on women's economic, social and cultural rights developed in Canada demonstrate that women's equality includes:

1. An adequate standard of living, including food, freedom from hunger, water and clothing;
2. Access to affordable private or public housing with workable alternatives to eviction;
3. The right to equal pay for equal work;
4. Access to equal education opportunities;
5. A standard of mental and physical health throughout a woman's lifecycle including reproductive and sexual health with freedom to choose medical options;
6. Equal inheritance and ownership of land and property; and
7. Social security, social protection, social insurance and social services including special assistance before, during and after childbirth.

We have recognised that women as a group continue to be disproportionately impoverished, and have less social, economic and political power than men. In addition, because women are the principal providers of health care, education, child care, and other forms of social care and because a large part of this work is unpaid, women are also disproportionately affected by the presence or absence of social programs and services that deliver this care.

### **Some Present Impediments to Women's Rights Within Australia**

Structural impediments to women's equal enjoyment of economic, social, and cultural rights that need to be sensitively and carefully addressed are:

- social norms, customs and traditions (including religious practices) that legitimise women's inequality;
- failure to take account of women's disadvantage or their distinct experiences when designing laws to implement economic, social and cultural rights;
- restrictions to access to legal or administrative bodies where remedies for rights violations may be sought;
- women's under-representation in decision-making processes;
- women's unequal status in families;
- the failure to recognise women's unremunerated work and to encourage the fairer distribution between women and men of family and community-supporting labour;
- the neglect of women's economic, social and cultural rights in post-conflict situations; and

- the gender differentiated effects of economic globalisation.

Impediments in these areas must be addressed to ensure justice and women's equality with men.<sup>1</sup>

**“All are equal before the law and are entitled without discrimination to equal protection before the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.” (Universal Declaration of Human Rights: Article 7)**

Both state and federal governments must establish and maintain effective mechanisms for protection of women's economic, social and cultural rights, including independent courts and tribunals, administrative authorities, and national human rights and women's commissions. Judges and other adjudicators must be provided with adequate training regarding women's right to equality and to the equal enjoyment of their economic, social and cultural rights. States must ratify and use relevant international, regional, national or state treaties/laws such as the Convention on All Forms of Discrimination Against Women (CEDAW); the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; and Federal and State Anti-discrimination laws.

Under these mechanisms, existing laws and rules need to be examined and changed where necessary in order to reflect true equality for all. Federal and State Governments must repeal laws that through existing structures may inadvertently discriminate against women. Thorough review of laws should be carried out with a view to eliminating areas of insensitivity and inequality.

In the legal system in particular, women often experience discrimination. All are entitled to equal protection and must receive equal access to information and advice concerning their rights, and all are entitled to be assured of their right to fair and adequate professional representation before a court of law. WILPF is concerned that the provisions of the Family Law Act 1975 place too great an emphasis on contact with both parents, and may override other provisions intended to recognise the need to protect children from family violence and abuse.

The following comments are conclusions based upon anecdotal evidence which has been presented to our organisation. These were accounts of numerous women's experiences with the legal system:

- Disrespect and lack of institutional impartiality towards women in general (and in particular towards women with disabilities or women of different ethnic origin) must be recognised and addressed.

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<sup>1</sup> From the Montreal Principles on Women's Economic, Social and Cultural Rights p 10

- Law providers and judges must be adequately trained to be respectful and impartial in their dealings with and judgement of women in order to take into account the necessity of special support in situations where women have family responsibilities.
- Mechanisms for redress should be readily available if violations of respect and impartiality occur.
- Women must be fully informed of procedures by trained personnel.
- Because women often have greater responsibilities than men for children and as carers for the aged and infirm, special consideration should be given to support for women especially where they are required to come before the law.
- Women most often have the responsibility of caring for children and in some cases may need to bring children with them to public places such as court hearings. There must be a good and safe system available to care for children at a court so that women need not have concerns about their children during what is frequently a stressful ordeal - often with an outcome affecting their children.
- Very young children should not be coerced into giving evidence.
- Sensitivity training of officers, preferably female, is needed to deal in confidence with cases particular to women such as sexual assault, common assault and rape are needed so that victims may feel respected and understood.

### **Freedom of Information**

WILPF (Australia) would also like to comment on the need to ensure that freedom of information is enshrined in an Australian human rights charter. One of WILPF's founding aims was to seek and to make known the causes of war. The second International Congress of Women was particularly critical of the sanctioning of the secret treaties and diplomacy which had already allocated the spoils of the war to the victors long before the Peace Agreement was due to be negotiated. It is clear that, 100 years later, Europe has never recovered from the effects of these secret financial and economic sanctions which saw a hundred million Europeans condemned to poverty, disease and despair, the consequences of which led directly to WW2.

Without legislative assurances for freedom of information, government can indefinitely withhold information about its workings from its citizens. In addition to rights under Freedom of Information legislation, WILPF believes that there is no justification by way of confidentiality for keeping important historical papers secret for a period longer than ten years, rather than the current thirty years - or even longer, as is the case with material relating to the Australian Government's role in the Indonesian invasion of East Timor in 1975. This material still remains classified and secret.

### **Freedom of Political or Other Opinion**

During the anti-conscription campaigns, Australian peace activists had their mail opened and their publications censored, without any recourse to object to this denial of their rights. The right to freedom of political expression, to receive and impart information and ideas without interference by government needs to be guaranteed within the recognised

limitations of “hate speech” and/or incitement to violence against any particular group or individual. This right is especially important at this time when fears have been generated about global terrorism. For example, in the recent case concerning Dr Haneef, it became apparent that there was no mechanism to protect an individual when false accusations were made against him by government officials in order to keep him in custody. The media can also act to protect human rights in such cases, and the media’s right to protect their sources should be guaranteed. A human rights charter could help to ensure in such cases that journalists, judges, politicians and other government officials could work together in defence of human rights in a transparent and accountable manner befitting the best democratic values.

## **Conclusion**

Because insufficient protection presently exists in Australian law, WILPF is strongly supportive of a human rights charter which we believe would, if introduced, bring an increased awareness to our community of the importance for all Australians (and non-citizens visiting our country) of tolerance and respect. Although some are complacent about present levels of respect and tolerance, we in WILPF are keenly aware that significant gaps still exist in our human rights protection machinery and we look forward to a time when we can move together towards a more equitable Australia, one which is less sexist, less racist and less class-ridden.

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June 2009*