



SUBMISSION TO THE NATIONAL HUMAN RIGHTS CONSULTATION COMMITTEE

Victorian Women Lawyers Association is a non-governmental, voluntary association that promotes and protects the interests of women lawyers and engages with legal and social justice issues that affect women. We represent over 500 members, and more widely, speak on behalf of all women in the legal profession in Victoria. Further information about Victorian Women Lawyers ("VWL") can be found at www.vwl.asn.au.

In the main, VWL supports and agrees with the recommendations put forward in the submission 'A Human Rights Act for All Australians' authored by the Human Rights Law Resource Centre.

Human rights apply to all people, on the basis of their shared humanity. Women are entitled to have their human rights protected, and not be discriminated against on the basis of gender.

VWL recommends that the protection and promotion of human rights in Australia should not be purely a legislative initiative. VWL recommends that the government plan, fund and implement, in connection with the educational, private and not-for-profit sectors, extensive training, education, awareness raising, reporting and monitoring in relation to human rights, and any human rights obligations resulting from any legislation. Cultural change must be encouraged in relation to respecting human rights in Australia.

VWL's principal submission is that Australia should enact a Human Rights Act which protects and promotes the human rights of all persons.

We wish to draw the Committee's attention to human rights' problems that particularly affect women¹.

1. Homelessness: The Commonwealth census conducted in 2006 found more than 46 000 women were homeless. Women and their children are vulnerable to homelessness through relationship breakdown, domestic violence and sexual assault.
2. Violence: 1 in 3 women experience physical violence in their lifetime². Sexual assault, domestic violence and family violence, and the fear of such violence, impact upon a woman's right to participate socially, economically and culturally in life. VWL is particularly concerned about violence against indigenous, migrant and refugee women, who may face multiple challenges due to language and/or religious reasons, and little knowledge of available services.
3. Equal participation: Women experience barriers to participation in all sectors of society, but particularly in public life and the paid workforce. Discrimination, sexual harassment, and inflexible parental leave conditions are all concerns that limit women's participation.

¹ Based upon research by the Human Rights and Equal Opportunity Commission.

² Australian Bureau of Statistics, (2005) Personal Safety Survey, ABS Cat. No. 4906.0, Canberra: Commonwealth of Australia

WWL is particularly concerned about the equal participation of indigenous, migrant and refugee women.

4. Income disparity between men and women: Overall, as at May 2007, women earned 84c in income compared to every dollar earned by a male.³ This figure is based on average weekly ordinary time earnings. The lack of equal pay for equal work is still a problem faced by women. Our membership informs us that women lawyers are amongst those women whose earnings are less than their male counterparts who perform the same duties.

The rights defined in the International Covenant on Civil and Political Rights (ICCPR) should guide the rights in a Federal Human Rights Act. Of particular significance to women are the following rights:

The right(s):

- to an adequate standard of living, including adequate food, clothing and housing
- to the highest attainable standard of physical and mental health
- to be safe and free from violence
- to education
- to work, and fair working conditions (including equal pay for equal work)
- not to be discriminated against on the grounds of sex, marital (or relationship) status or pregnancy
- to special protections for a reasonable time before and after childbirth, including paid leave or leave with adequate social security benefits for working mothers
- to take part in cultural life and the conduct of public affairs.

WWL acknowledges the rights and protections afforded by existing legislation such as the *Sex Discrimination Act 1984 (Cth)*, the *Workplace Relations Act 1996 (Cth)*, and the *Equal Opportunity Act 1995 (Cth)* as well as comparable state legislation. The implementation of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* ("*Charter*") is an important contribution to human rights protections in Victoria. A National Human Rights Act would build on these existing protections and encourage a more holistic approach to human rights protection in Australia.

WWL urges the Federal Government to undertake reform in the area of human rights on a national scale. WWL believes that a National Human Rights Act would better protect and promote human rights, particularly for women. A national legislative scheme that operates similarly to the Victorian *Charter* could empower and oblige parliament to consider how the implementation of laws impact upon human rights. WWL sees this as particularly relevant in the context of workplace laws, superannuation and taxation laws and family law. Development of public policy and services would also be guided by human rights considerations. Decision makers in the public service would be obliged to consider a human rights' compatible approach in their decision making. WWL also submits that any national Human Rights Act should include a mechanism for enforceable remedies for breaches of human rights.

WWL invites the Committee to contact our Assistant Convenor, Astrid Haban-Ber, to answer any questions in relation to our submission or for further input into a National Human Rights framework.



Astrid Haban-Ber
Assistant Convenor
15 June 2009, Melbourne.

³ Australian Bureau of Statistics Year Book, 2008.

