

WILPF Report: CESCR Australia

Tuesday 04 & Wednesday 05 May 2009



OVERVIEW:

On 04 and 05 May 2009 Australia's compliance with the Covenant on Economic Social and Cultural Rights (CESCR) was reviewed.

The Australian Delegation was headed by Ambassador Caroline Millar. The other delegation members were:

- * Sean Innis [Group Manager Social Policy, Department of Families, Housing and Indigenous Affairs].
- * Oon-Ying Chin [Minister Counsellor, Education and Employment, Delegation to OECD]
- * Sanjeev Commar [Minister Counsellor, Health, Permanent Mission]
- * John Matthews [Minister Counsellor, Immigration, Permanent Mission]
- * Miranda Brown [Counsellor and Deputy Permanent Representative, Permanent Mission]
- * Guy O'Brien [First Secretary, Permanent Mission]
- * Steve Thom [First Secretary, Permanent Mission]
- * Angela Robinson [Second Secretary, Permanent Mission]
- * Robyn Hodgkin [Research Officer, Permanent Mission]
- * Ian Gould [Policy Research Officer, Department of Foreign Affairs]

The two-day review of the situation of Economic, Social and Cultural was divided in four different parts, according to the different sections of articles of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Delegation took an open and self-critical approach to the review. In this report the presentation of the Australians can be found as are the main issues raised and the main follow-ups needed.

An overarching comment which was made by the Committee related to the increase in national wealth. According to the Committee the emphasis should be on the unemployment rate which fell from 8.2 to 4.6%. The more a country is economically robust, the more it is responsible for its economic and social rights.

AUSTRALIA REPORTING

From 1997 to 2006 important changes took place and in 2007 the new government adopted an ambitious agenda to promote social cohesion, gender equality, decent housing, and the right to work for all. On the 13th of February 2008 the Prime Minister apologised for laws and policies detrimental to indigenous people, which are the most disadvantaged group.

The following 6 Main targets are set:

- Increasing life expectancy
- Decreasing child mortality
- Halve illiteracy
- Ensure that all 4 years attend pre school
- Ensure that all 12 year olds attend secondary education

Other challenges: Sexual violence against women, cause for homelessness, the new financial crisis and the country telephone service. There needs to be funds allocated to these issues to ensure they are further researched.

Other legislative issues: 84 laws changed to remove discrimination against same sex relations and these reforms will be implemented by July 2009.

Although there is a global recession, Australia will increase overseas aid to 0.5 % of its GDP.

Key features of policy agenda:

[*Labour*]: New work place relations system, fair work act, enhance workers rights, enhance business competitiveness, 2009 safety net, protection for low paid, fair work act will be complemented and fairer work for asylum seekers

[*Housing*]: Construction of new social housing units for homeless, programme for first home buyers, first home saver accounts and assistance for affordable renting.

[*Health*]: 64 million boost to hospitals and 817 million committed to preventive health measures.

[*Education*]: Substantial investment, improving access to early childhood education by 2013, 2 billion digital improvements, 14,7 billion infrastructure investment and scholarships to students.

In general the following things were mentioned. The Australian report was a result of consultations. In 2009 diverse Australia programme to address issues of racial intolerance were launched. In 2008, Australia launched a national human rights consultation – which resulted in more than 12 000 submissions and was conducted by 4 eminent experts

MAIN ISSUES RAISED:

The following issues were raised by the Committee and answered by the Australian Government:

- [*ILO Convention 122 & 169*]: Both ILO Conventions are in the process of undergoing review by the different vital actors in the Australian Government.
- [*Counterterrorism*]: Australia has put in place a strong legal framework (law enforcement and intelligence agencies) to counter terrorism. Safeguards are put in place to ensure human rights. After the session the Delegation promised to provide more information on this issue.
- [*Free trade agreements*]: The Government is said to support free trade to enhance the situation of all Australians. Closer economic partnerships are necessary to improve living standards for all.
- [*Indigenous unemployment*]: The Delegation said that Indigenous Australians are taken into account in most policies as a vulnerable group, especially with long-term unemployment. The Australian government is investing into measures to decrease indigenous unemployment.
- [*Overrepresentation women in low paid part time work*]: The Delegation presented the Fair Work Act 2009, which has just been passed by parliament and will be fully in effect in January 2010. It is said to provide a safety net of multiple new legal standards. Which the Delegation acknowledged, is necessary, as women are overrepresented in lower paid, part-time jobs.
- [*Crisis payment*]: The Australian Delegation said that crisis payments are in place to be paid to people in cases of natural disasters or for example domestic violence victims, who otherwise wouldn't be eligible for social security payments.
- [*Housing*]: Has the Government implemented the recommendations made by the Special Rapporteur on the Right to Housing? Has a federal housing strategy been adopted in line with the Committee's recommendations? The Committee noted that on the ground of social status discrimination exists against homeless. What steps are being taken to remedy the situation? How many homeless people are present in Australia? Concrete numbers should be provided to the committee for more contextual understanding towards the report. Does the Australian Government approach homelessness as a human rights issue?
- [*Health care*]: What concrete measures will be taken to combat obesity? What are the results of the HIV/AIDS research?
- [*Trafficking of persons*]: There are many programmes and laws which have been launched to combat trafficking of persons, but the phenomenon persists. What has the Australian Government been able to do to eradicate this problem?
- [*Education*]: On the Right to Education: The Committee noted that many statistical tables were used to describe the performances of the educational systems. They expressed approval of this practice, but said that it seemed that the right to education has shortcomings: 1) On financing of education for the youngest children and 2) On Indigenous peoples access to education. How does the Delegation explain the situation of pre-school services? Are there interim figures? Could the Delegation provide explanations about the education of indigenous peoples? What about the education/teaching of the indigenous languages?

- [*Indigenous populations*]: The committee raised a lot of questions on this issue: What measures are you taking to tackle the adverse effects of climate change, which also seem to have more impact on aboriginals? Are there two different health care systems? One for Australians and one for indigenous peoples? How do you explain the expenditure and costs being different between these groups? There should be tangible possibilities offered by the State to persons who have been discriminated to access culture. How does this work for poor or indigenous people? Does the State party have a regime for indigenous populations to manage resources, know how, talents and science? Does the State support indigenous populations to manage their own? Do indigenous children end up in segregated schools de facto? Are indigenous languages and beliefs promoted in Australian schools?

MAIN ISSUE TO FOLLOW-UP:

- [*Counter terrorism measures*]: The Australian Delegation promised the Committee to provide more information in written on its counter terrorism measures.
- [*Migrant access to labour market*]: The Delegation said that access for migrants to the Australian labour market will be worked on, as the current system is seen as unfair. The Australian government has several programmes in place to ensure that migrants receive sufficient English language skills to ensure a good access to the Australian labour market, but this is not seen as enough.
- [*Education rural areas*]: In the Western Territories the educational facilities have been underutilized. The demand for educational services needs to be met.
- [*Paid parental leave*]: Acknowledged that the Committee was absolutely right in asking questions on this issue, as there has been an interim report from the productivity commission. The issue was said to be before the Australian government and to be considered swiftly.
- [*Work in prison*]: The Committee recommended that Australia ensured that work in prisons is voluntary.
- [*Violence against women*]: Sexual and physical violence against women is described as a serious concern, with a national telephone service and a very laudable planned allocation of funds. Many of the projects have been started in 2006/2007, but their results have not been presented so far. Is there a status of the implementation of measures planned to fight domestic violence?
- [*Sterilization policy disabled*]: The Committee expressed concern over the sterilization policy and practice of intellectually disabled people. What are the criteria and is it forcibly used? Is it involuntary or voluntary? Who makes the decision?