

Australia

1. Discrimination in the family

a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage (Marriage Act 1961, sect. 5). Marriage is based on consent of both spouses (Marriage Act 1961, sect 42). Forced marriage is criminalised under section 270.7B of the Criminal Code 1995. Forced marriage is defined as when one party to the marriage entered into the marriage without freely and fully consenting because of the use of coercion, threat or deception or because the party was incapable of understanding the nature and effect of the marriage ceremony (Criminal Code Act 1995, sect. 270. 7A). An act of facilitating a forced marriage is punishable for seven years of imprisonment.

The law does not provide for official registration of all marriages and partnerships including customary marriages and informal or de-facto unions. A religious or a religious organisation can be authorised to solemnise official marriages (Marriage Act 1961, sect. 26 & 27). Informal or de-facto unions are regulated by law (Family Law Act 1975, sect. 4AA).

b) Child marriage

The legal age of marriage for women and men is 18 years old (Marriage Act 1961, sect. 11). A judge may allow marriage below the legal age of a person who is younger than 18 years old but older than 16 years old (Marriage Act 1961, sect. 12). Child marriage is void (Marriage Act 1961, sect. 23B). The law provides for funding to be allotted for the conduct of programmes of marriage education (Marriage Act 1961, sect. 9B). Additionally, the law includes sanctions for those facilitating the marriage of an individual who is under the minimum of marriage (Marriage Act 1961, sect. 95). As such, a person who goes through a form of ceremony of marriage with a person who is not of marriageable age is punishable of imprisonment of 5 years (Marriage Act 1961, sect. 95). A person who subscribes his/her name as witness to a marriage of a minor is punishable by a fine of USD 500 (US dollars) or imprisonment for 6 months (Marriage Act 1961, sect. 95). Early marriage does not appear to be a practice of concern in Australia.

c) Household responsibilities

The law provides women with the same rights as men to be recognised as the head of household (Family Law Act 1975, sect. 72). Additionally, the law provides women with the same rights as men to be the legal guardians of their children during marriage and in informal unions (Family Law Act 1975, sect. 61C). Women are granted the same rights and responsibilities as men with regards to their children during marriage (Family Law Act 1975, sect. 61DA). No provision could be located in the legal framework which would restrict married/unmarried women's right to choose where to live.

d) Divorce

The law provides women with the same rights as men to initiate divorce and women and men have the same requirements to finalise a divorce or annulment (Family Law Act 1975, sect. 48 & 51). Additionally, the law provides women with the same rights as men to be the legal guardians of their children after divorce and women and men have the same rights and responsibilities with regards to their children after divorce (Family Law Act 1975, sect. 61C).

There is no legal discrimination regarding divorce and there are no practices which may restrict those rights.

e) Inheritance

Inheritance laws are regulated at the State and Territory levels. For instance, the law provides daughters with the same rights as sons to inherit land and non-land assets (New South Wales Succession Amendment (Intestacy) Act 2009, sect. 127). Additionally, the law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (New South Wales Succession Amendment (Intestacy) Act 2009, sect. 110 & 111). Women and men have the same rights to make a will (New South Wales Married Persons (Equality of Status) Act 1996, sect. 9).

There is no legal discrimination regarding inheritance rights and there are no practices which may restrict those rights.

2. Restricted Physical integrity

a) Violence against women

There is no federal law addressing specifically violence against women and including provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for victims.

The National Plan to Reduce Violence against Women and their Children includes six national outcomes, notably (i) communities are safe and free from violence, (ii) relationships are respectful, (iii) indigenous communities are strengthened, (iv) services meet the needs of women and their children experiencing violence, (v) justice responses are effective, and (vi) perpetrators stop their violence and are held to account (Council of Australian Governments, 2010). Implementation is shared at all levels, including the Commonwealth, States and Territories (Council of Australian Governments, 2010). The National Plan is further implemented through a series of four three-years Action Plans (Council of Australian Governments, 2010). The Third Action Plan 2016-2019 of the National Plan to Reduce Violence against Women and their Children sets targets regarding prevention and early intervention, Aboriginal and Torres Strait Islander women and their children, greater support and choice, sexual violence, responding to children living with violence and keeping perpetrators accountable across all systems (Commonwealth of Australia, 2016).

Violence against women in Australia is prevalent (OHCHR, 2017). One or two women every week throughout the country dies as a result of gender-based violence (OHCHR, 2017). One in three women

in Australia has experienced physical violence and one in five have experienced sexual violence (OHCHR, 2017). The scale of violence against women may be much higher, as most cases are not reported by women (OHCHR, 2017).

Aboriginal and Torres Strait Islander women face institutional, systemic, multiple, intersecting forms of discrimination and experience higher rates and more severe forms of violence, in particular domestic violence (OHCHR, 2017). Aboriginal and Torres Strait Islander women are more likely to die or to be hospitalised as a result of violent assault than non-Aboriginal and Torres Strait Islander women (Human Rights Council, 2017). Furthermore, the Special Rapporteur highlights that violence against Aboriginal and Torres Strait Islander women is largely under-reported (Human Rights Council, 2017). The reluctance of Aboriginal women to report violence and in particular family violence, is notably due to a lack of trust in the legal system, fear of retaliation and fear that their children may be removed (Human Rights Council, 2017). As reported by the Special Rapporteur on Violence against Women, its Causes and Consequences, Aboriginal and Torres Strait Islander children are nine times more likely to be on care and protection order and ten times more likely to be in out-of-home care than non-Indigenous children; “this maintains the cycle of violence, with aboriginal women being made unable to break it and change it” (OHCHR, 2017: 6).

The Special Rapporteur on the Rights of Indigenous Peoples notes that Aboriginal women and girls constitute the fastest growing prison population (Human Rights Council, 2017). The Special Rapporteur on the Rights of Indigenous Peoples notes the victimisation of Aboriginal and Torres Strait Islander women as many Aboriginal women who are incarcerated have been the victims of domestic violence, sexual assault, trauma and abuse (Human Rights Council, 2017 & OHCHR, 2017).

b) Domestic violence

At the federal level, the Family Law Act 1975 includes family violence under section 4AB and defines it as a violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family or causes the family member to be fearful. Additionally, domestic violence is addressed under states and territories legislation, notably through the Queensland Domestic and Family Violence Protection Act 2012, the New South Wales Crimes (Domestic and Personal Violence) Act 2007, the South Australia Domestic Violence Act 1994, the Tasmania Family Violence Act 2004, the Victoria Family Violence Protection Act 2008, the Australian Capital Territory Domestic Violence and Protection Orders Act 2008 and the Northern Territory Domestic and Family Violence Act 2007. All above-mentioned legislations provide for protection orders in cases of domestic violence.

Domestic violence is considered a criminal offense, for instance under section 4 of the New South Wales Crimes (Domestic and Personal Violence) Act 2007. Additionally, the legislation covers abuse perpetrated by former partners and within the family; as such the New South Wales Crimes (Domestic and Personal Violence) Act 2007 includes a broad definition of domestic relationship (sect. 5). The legislation covers physical, sexual, psychological and economic abuse; for instance, the Queensland Domestic and Family Violence Protection Act 2012 defines domestic violence as behaviour that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, is threatening or coercive or in any other way that aims to control or dominate (sect. 8). Furthermore, the law forbids mediation and/or conciliation in cases of domestic violence (Family Law Act 1975, sect.

60J). The legal framework provides specific provisions for investigation, prosecution and punishment of perpetrators; as such the Victoria Family Violence Protection Act 2008 includes provisions for police officers to exercise certain power if it is believed to be necessary to ensure the safety of a family member or to preserve the property of a family member (sect. 13 – 16).

At State and Territory level, there are several action plans addressing domestic violence, such as the Tasmania Family Violence Action Plan 2015-2020; the Victoria Family Violence Rolling Action Plan 2017-2020; the Queensland Domestic and Family Violence Prevention Strategy 2016-2026; the Northern Territory Domestic and Family Violence Reduction Strategy 2014-2017; or the New South Wales Domestic and Family Violence Prevention and Early Intervention Strategy 2017-2021.

The New South Wales Domestic and Family Violence Prevention and Early Intervention Strategy includes notably specific provisions for the prevention of domestic violence such as awareness building, promoting healthy relationships, influencing social norms, identification, early engagement to change behaviour and referral pathways (New South Wales Ministry of Health, 2016).

The Victoria Family Violence Rolling Action Plan provides for emergency shelters for victims of domestic violence, notably through the development of around 6000 social housing dwellings, additional help for people at risk of, or experiencing, homelessness, upgrade the remaining family violence refuges and build two new Aboriginal family violence refuges (Victoria State Government, 2017).

The Northern Territory Domestic and Family Violence Reduction Strategy contains measures regarding specialised support services for victims and their children and capacity-building of front line workers through improved information sharing and domestic violence training, including to hospitals and community clinics (Northern Territory Government, 2014).

There is a national free of charge 24-hours hotline for sexual assault, family and domestic violence (Domestic Violence Resource Centre Victoria, n. d.). There are also hotlines at State and Territory level, such as the Western Australia Women's Domestic Violence Helpline (Domestic Violence Resource Centre Victoria, n. d.).

Guidelines for professionals who may deal with domestic violence are developed, for instance the Department of Health in its Clinical Practice Guidelines Antenatal Care includes a chapter on domestic violence (Australian Health Ministers' Advisory Council, 2012). Additionally, the New South Wales Justice Victims Services (2013) developed a guide of good practices in providing services to victims of domestic violence.

The Tasmania Family Violence Action Plan includes provisions for awareness-raising and education campaigns, such as to develop and deliver a Respectful Relationships Programme in all government schools or to take a lead role in supporting the national campaign to reduce violence against women and their children (Tasmanian Government, 2015).

The Special Rapporteur on Violence against Women, its Causes and Consequences stresses that domestic violence is a leading cause of homelessness in Australia (OHCHR, 2017). Our Watch (2014)

reports that 42% of women seeking help to homelessness services report family violence as the reason for leaving their home.

Aboriginal and Torres Strait Islander women face higher rates of domestic violence, as they are 45 times more likely than non-Aboriginal women to be victims of domestic and family violence and 35 times more likely to be hospitalised as a result of family violence-related assaults than non-Indigenous women (Australian Human Rights Commission, 2012). Domestic violence amongst Aboriginal and Torres Strait Islanders communities is linked to homelessness, poverty, incarceration, health and the removal of children (Human Rights Council, 2017).

c) Rape

Sexual violence and rape are criminalised at State and Territory level. As an example, the New South Wales Crimes Act 1900 includes provisions criminalising sexual violence and rape (sect. 61K & 61I). Rape is punishable of 14 years of imprisonment (New South Wales Crimes Act 1900, sect. 61I). The law is based on lack of consent and does not require proof of physical force, resistance or penetration (New South Wales Crimes Act 1900, sect. 61HA). Additionally, the legal definition of rape includes marital rape (New South Wales Crimes Act 1900, sect. 61T). Increased penalties for aggravated forms of rape and sexual violence are included in the legislation, such as in case where the offender inflicts bodily harm on the victim or on a person nearby, threatens to inflict bodily harm, of gang rape, threat or use of weapon or deprivation of liberty (New South Wales Crimes Act 1900, sect. 61J). Furthermore, the law repeals discriminatory practices such as reduced sentences or escaping punishment if the perpetrator marries the victim (New South Wales Crimes Act 1900, sect. 61T).

There is no action plan specifically addressing rape and sexual violence, but it is covered in the National Plan to Reduce Violence against Women and their Children (Council of Australian Governments, 2010).

Services for victims of rape and sexual violence are established at State and Territory level; for instance the New South Wales Sexual Assault Services include the delivery of crisis and ongoing counselling, a specialised medical service which always includes general health and wellbeing assessment and treatment and can include the collection of evidence related to the assault for legal purposes, support for non-offending family members and carers, advocacy, court preparation, court support and court reports (New South Wales Government, n. d.). Additionally, the Sexual Assault Services deliver training, consultation, networking and interagency forums for professionals (New South Wales Government, n. d.). Education programmes, awareness-raising and prevention actions are also provided by the Sexual Assault Services to communities (New South Wales Government, n. d.).

Research shows that one in five women in Australia has experienced sexual assault since reaching the age of 15 (Australian Human Rights Commission, 2012). About 17% of reported sexual violence cases reach conviction (CASA Forum, 2017). Girls between the ages of 10 and 14 represent the greatest proportion of victims of sexual violence (CASA Forum, 2017). Young women between 15 and 24 years old are the largest second category of victims of sexual violence in Australia (CASA Forum, 2017).

d) Sexual harassment

Sexual harassment is addressed in the legal framework, under the Sex Discrimination Act 1984 (sect. 28A). No provision could be located related to civil remedies or criminal penalties for sexual harassment. The definition of sexual harassment covers the workplace and educational establishments (Sex Discrimination Act 1984, sect. 28B & 28F). The legislation does not cover specifically sexual harassment in sporting establishments, public places or cyber harassment.

In 2014, the Australian Human Rights Commission, the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry elaborated a national strategy on sexual harassment in the workplace, entitled 'Know Where the Line Is' (Australian Human Rights Commission, 2017). The national strategy aims to increase understanding on sexual harassment, inform employers on how to prevent and respond to sexual harassment and encourage employers to support colleagues who are victims of sexual harassment (Australian Human Rights Commission, 2017).

Sexual harassment in the workplace is reportedly prevalent in Australia (Australian Human Rights Commission, 2017). A survey conducted on sexual harassment in the workplace reveals that the most common types of behaviour are sexual suggestive comments or offensive jokes, intrusive questions and inappropriate steering or leering (Australian Human Rights Commission, 2017). Sexual harassment in the workplace remains largely under-reported, the survey indicates that one in five respondents who were victims of sexual harassment made a formal report or complaint (Australian Human Rights Commission, 2017). Additionally, a study conducted in 2015 on the experiences of women university students in Australia reveals that 70% of respondents reported experiencing sexual harassment or unwelcome sexual behaviour (Australian Human Rights Commission, 2017). The majority did not report it to the university or to the authorities (Australian Human Rights Commission, 2017). A campaign entitled 'Respect. Now. Always' on sexual assault and sexual harassment was launched across universities in Australia in 2016 (Australian Human Rights Commission, 2017).

e) Female genital mutilation

All state and territory laws criminalise female genital mutilation (FGM) (Australian Government, 2013). For instance, under the New South Wales Crimes Act 1900, female genital mutilation is punishable of up to 21 years of imprisonment (sect. 45). Similarly, under the Victoria Crimes Act 1958, female genital mutilation is punishable of up to 15 years of imprisonment (sect. 32). Both legislation criminalise additionally the fact to take a person outside of Australia to have a female genital mutilation performed (New South Wales Crimes Act 1900, sect. 45A & Victoria Crimes Act 1958, sect. 33). The legal framework includes criminal penalties for medical practitioners, parents or other practitioners of FGM (New South Wales Crimes Act 1900, sect. 45 & Victoria Crimes Act 1958, sect. 32). Female genital mutilation does not appear to be a practice of concern in Australia.

f) Abortion

Abortion legislation varies from each State and Territory. In Queensland and New South Wales, abortion figures in the Criminal Code Acts and penalties are included for women and doctors (Children by Choice, n. d.). In Queensland, the legislation provides that abortion can be legal if the doctor believes a woman's physical and/or mental health is in serious danger (Children by Choice, n. d.). The

New South Wales legislation considers social, medical and economic factors for a legal abortion to be performed (Children by Choice, n. d.). Abortion on request is legal in Australian Capital Territory (Children by Choice, n. d.). In Victoria, abortion on request is legal until 24 weeks of pregnancy (Children by Choice, n. d.). Additionally, the legislation in Victoria stipulates that it is illegal to protest within 150m from abortion services (Children by Choice, n. d.). The South Australian legislation stipulates that an abortion is legal if a doctor assesses that the woman's physical/mental health is in danger or in case of foetal unviability (Children by Choice, n. d.). Tasmanian legislation establishes legal abortion on request up until 16 weeks of pregnancy and prohibits protest within 150m of abortion services (Children by Choice, n. d.). In Western Australia, abortion is legal until 20 weeks of pregnancy (Children by Choice, n. d.). Abortion is legal in the Northern Territory with a doctor's approval; another doctor's approval is needed for abortions performed between the 14th and 23rd week of pregnancy (Children by Choice, n. d.).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The law provides married and unmarried women with the same rights as men to own, use, make decisions and use land, property and other non-land property assets as collateral (Commonwealth of Australia Constitution Act, sect. 51 & Sex Discrimination Act 1984, sect. 24; New South Wales Married Persons (Equality of Status) Act 1996, sect. 4 & Victoria Property Law Act 1958, sect. 21).

The law also provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Family Law Act 1975, sect. 78). Furthermore, a married woman has the same rights as a married man to administer marital property (New South Wales Married Persons (Equality of Status) Act 1996, sect. 4). Additionally, the law provides for joint land titling for land used or acquired by married couples and informal unions (Victoria Property Law 1958, sect. 82).

The Rural Industries Research and Development Corporation's Rural Women's Award provides training and networking opportunities for emerging leaders within rural communities (CEDAW, 2016). Additionally, the Department of Agriculture provides four rural women scholarships to the Australian Rural Leadership Programme (CEDAW, 2016).

b) Secure access to formal financial resources

The law provides women with the same rights as married men to open a bank account and obtain credit at a formal financial institution (Sex Discrimination Act 1984, sect. 22).

There is no legal discrimination regarding women's access to formal financial resources and there are no practices that may restrict these rights.

c) Workplace rights

Australia has ratified several International Labour Organisation conventions, including the Equal Remuneration Convention (No. 100), the Discrimination (Employment and Occupation) Convention (No. 111) and the Workers with Family Responsibilities Convention (No. 156).

The law mandates non-discrimination on the basis of sex in employment and specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination (Sex Discrimination Act 1984, sect. 14 & Fair Work Act 2009, sect. 772). The law mandates equal remuneration for work of equal value (Fair Work Act 2009, sect. 302).

The law offers a single paid parental leave system during 18 weeks (Paid Parental Leave Act 2010, sect. 11 & 54). The mother is the first beneficiary of the leave, who can then choose to transfer some of the leave to the father or other individual (Australian Department of Human Services, 2018). This transfer of leave can only be done with the mother's consent and if she and the father meet a range of criteria (Australian Government, 2018). The amount paid during parental leave is equal to minimum national wage (Paid Parental Leave Act 2010, sect. 65). Besides, the working fathers are entitled for 2 weeks of paternity leave, also being paid at the national minimum wage (Paid Parental Leave and Other Legislation Amendment 2012, art. 115EC). Furthermore, employees are entitled to 12 months of unpaid parental leave (Fair Work Act 2009, sect. 70).

The law protects women's employment security when they are on parental leave (Fair Work Act 2009, sect. 772). Additionally, the law prohibits employers asking about a woman's pregnancy or her intention to have children during the recruitment or promotion process (Sex Discrimination Act 1984, sect. 27). There are no legal restrictions related to women's rights to choose a profession/occupation or work or to register a business.

Additionally, the Workplace Gender Equality Act 2012 aims to promote and improve gender equality in employment and in the workplace, to remove barriers to the full and equal participation of women in the workforce, to promote the elimination of discrimination on the basis of gender in relation to employment matters, to foster workplace consultation between employers and employees on issues concerning gender equality and to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace (sect. 2A).

The specific body tasked with receiving, investigating, adjudicating and enforcing complaints based on sex discrimination in employment is the Fair Work Commission (Fair Work Act 2009, sect. 595). In addition to the Fair Work Ombudsman, other bodies address gender equality in the workplace, such as the Australian Human Rights Commission, the Centre for Workplace Leadership and the Workplace Gender Equality Agency (Commonwealth of Australia, 2017).

The Australian Government Strategy to Boost Women's Workforce Participation targets specifically groups of women that experience greater barriers in participating in the labour force, notably Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, mature age women, rural and regional women, women with disabilities and young women (Commonwealth of Australia, 2017). Additionally, the Government leads a series of measures to increase women's participation in the workforce, notably the Jobs, Education and Training Child Care Fee Assistance which assists in particular female sole parents with the cost of child care to undertake work, study or training (CEDAW, 2016). The Northern Territory Government Office of the Commissioner for Public Employment implemented an Indigenous Women's Leadership Programme to increase the representation of Indigenous women in senior management positions (CEDAW, 2016). The Industry Skills Councils, funded by the Government, has two projects aimed at increasing women's

participation in non-traditional trades: the Women in Industry Hub and Automotive Mentor Programme (CEDAW, 2016).

Women's decision to participate in the labour force continues to be hindered by the responsibility for child care and their role as mothers which affects women disproportionately compared to men (Commonwealth of Australia, 2017). Studies show that young women and men have nearly an equal participation in the labour force, the gap increases when women have children (Commonwealth of Australia, 2017). The workforce participation of men is not impacted by having children (Commonwealth of Australia, 2017). Additionally, discrimination in employment related to pregnancy is reportedly widespread, notably missing out on promotions and missing out on training or development opportunities (CEDAW, 2016).

Furthermore, there is an occupational gender segregation in the labour force (Commonwealth of Australia, 2017). For instance, men make up 84% of all persons with qualifications in science, technology, engineering and mathematics (Commonwealth of Australia, 2017). In contrast, the care economy has the highest proportion of female employees (Commonwealth of Australia, 2017). As such, the health care and the social assistance industry employs 78% of women (Commonwealth of Australia, 2017). Additionally, women are more likely to work part-time and are more represented in lower paid industries (Commonwealth of Australia, 2017).

The gender pay gap remains relatively high in Australia with an estimated 17% full time gender pay gap (Workplace Gender Equality Agency, 2016). "In November 2015, the Financial and Insurance services had the highest gender pay gap (30%), followed by Rental, Hiring and Real Estate Services (27, 3%) and Health Care and Social assistance (26, 8%). The lowest gender pay gaps were in the Public Administration and Safety (7, 7%), Electricity, Gas, Water and Waste Services (8%), and Administrative and Support Services (8, 4%) industries (Workplace Gender Equality Agency, 2016: 5). The gender pay gap is higher in the private sector than in the public sector and is higher for management positions than non-management positions (Workplace Gender Equality Agency, 2016).

4. Restricted Civil liberties

a) Citizenship rights

The law provides women with the same rights as men to acquire, change or retain their nationality (Citizenship Act 2007, sect. 20 & 22). Women are provided with the same rights as men to confer nationality to their foreign spouse (Citizenship Act 2007, sect. 22). Additionally, the law provides married/unmarried women with the same rights as married/unmarried men to confer nationality to their children (Citizenship Act 2007, sect. 12). The law provides married/unmarried women with the same rights as married/unmarried men to register the birth of their children (Victoria Births, Deaths and Marriages Registration Act 1996, sect. 15). The Constitution does not include a provision on multiple and intersectional discrimination.

There is law governing identity card in Australia. The law provides women with the same rights as men to apply for passports (Australian Passports Act 2005, sect. 7). Additionally, the law provides women with the same rights as men to acquire passports and other travel documents for their minor children

(Australian Passports Act 2005, sect. 11). No restrictions could be located in the legal framework which would impede women to travel outside the country.

There is no legal discrimination regarding women's citizenship rights or women's rights to apply for identity cards or passports and there are no practices which may restrict these rights.

b) Voting

The law provides women with the same rights as men to vote (Electoral Act 1918, sect. 93). There is no legal discrimination regarding voting rights and there are no practices which may restrict these rights.

c) Political voice

The law provides women with the same rights as men to hold public and political office, including within the legislature, the executive and the judiciary (Commonwealth of Australia Constitution Act, sect. 9, 61 & 72). There are no legal quotas nor temporary special measures to promote women's political participation at the national and local level.

There are programmes at state and territory level, for instance the state of South Australia has included in its Strategic Plan a target aiming to increase the percentage of women nominating to stand in local, state and federal government elections in South Australia (CEDAW, 2016). Another example is the Joan Kirner Young and Emerging Leaders Programme funded by the state of Victoria (Women Victoria, n. d.). The Tasmanian Women's Plan 2013-2018 includes measures to enhance women's leadership and community participation, through for instance the mapping of Aboriginal and Torres Strait Islander women's and girls' formal and informal leadership and participation in line with the Select Council on Women's Issues Reform Task, or to promote leadership, training and volunteering opportunities for women and girls in Tasmania through a 'Women's Portal' (State of Tasmania, 2013).

d) Access to justice

The law provides women with the same capacity as married men to sue and to be sued (New South Wales Married Persons (Equality of Status) Act 1996, sect. 4; Judicial Commission of New South Wales, 2017). Additionally, women's testimony carries the same evidentiary weight in court as a men's in all types of court cases such as civil, criminal, family court and tribunal (New South Wales Married Persons (Equality of Status) Act 1996, sect. 4; Judicial Commission of New South Wales, 2017).

Each state and territory provide legal assistance in criminal, family and civil law matters which can be accessed free-of-charge according to certain conditions (Australian Government, n. d.). However, it appears that criminal matters are given priority in terms of funding over family and civil matters and that men represent the majority of legal aid clients (Judicial Commission of New South Wales, 2017).

The New South Wales Equality before the Law Bench Book includes a chapter on women and provide guidelines for judicial officers (Judicial Commission of New South Wales, 2017). The Bench Book identifies how gender bias in court proceedings can manifest, for instance by using language and terminology carelessly or inappropriately, assessing a woman against how a man would have acted or felt in that situation, assessing a woman against how a 'normal' women ought to behave, showing a

lack of understanding of the nature of domestic violence or sexual assault and/or the impact of domestic violence or sexual assault on women, showing a lack of understanding of the value of household work and child care activities, not taking appropriate account of the statistical differences between men and women in relation to such matters as income level, household work and child care activities, or implying that a woman makes a less credible witness than a man (Judicial Commission of New South Wales, 2017). The Bench Book also offers guidelines for judicial officers specifically related to cases of domestic violence and sexual assault such as to consider the difficulties for a woman in presenting evidence about domestic violence or sexual assault or to not dismiss or undervalue the impact of domestic violence or sexual assault on a woman (Judicial Commission of New South Wales, 2017).

At the federal level, the Office for Women within the Department of the Prime Minister and Cabinet works across government to deliver policies and programmes to advance gender equality and improve the lives of Australian women (Department of the Prime Minister and Cabinet, n. d.). There are also Ministries of Women's Affairs in States and Territories; for instance, the Ministry for the Status of Women in South Australia, the Ministry for Women in Tasmania, or the Ministry for Communities, Women and Youth in Queensland (Australian Government, n. d.).

The Australian Human Rights Commission and its Sex Discrimination Commissioner is the specialised body tasked with monitoring gender equality (Australian Human Rights Commission Act 1986, sect. 8). It has the power to receive and resolve complaints on discrimination from women victims of discrimination and it has the power to monitor compliance of national laws and policies with international human rights standards (Australian Human Rights Commission Act 1986, sect. 11). The Australian Human Rights Commission also conducts education and public awareness on gender equality and women's human rights (Australian Human Rights Commission Act 1986, sect. 11).

Research from the Judicial Council on Cultural Diversity (2016) reveals that Aboriginal and Torres Strait Islander women face particular barriers in accessing justice and going to court. There is a lack of trust in the justice system from Aboriginal and Torres Strait Islander women, notably due to a fear that reporting violence will mean that authorities will remove children, the impact of police responses and feelings of intimidation during court proceedings (Judicial Council on Cultural Diversity, 2016). Family and community pressure on women also factor in women's decisions to seek justice, notably the fear or repercussions as well as the fear that reporting violence will mean to move away from kin and community (Judicial Council on Cultural Diversity, 2016). Another obstacle to be considered is the impact of trauma (including intergenerational trauma), discrimination, racism and violence that Aboriginal and Torres Strait Islander experience often in their daily lives (Judicial Council on Cultural Diversity, 2016). Practical barriers also impede Aboriginal and Torres Strait Islander women to seek help from the justice system, notably geographical barriers, lack of access to legal assistance and a lack of access to alternative accommodation (Judicial Council on Cultural Diversity, 2016). Additionally, the complexity of legal procedures, a lack of knowledge and understanding of their rights under the law as well as of court proceedings and communication and linguistic barriers were identified as a barrier in their access to justice (Judicial Council on Cultural Diversity, 2016).

Furthermore, the Judicial Council on Cultural Diversity (2016a) identifies barriers for migrant and refugee women to access justice, notably barriers related to their specific situation including the

impact of pre-arrival experiences and traumatic backgrounds, community pressure on women seeking to end relationships, perpetrators threatening the woman's family leaving overseas and uncertainty about immigration status and fear of deportation. Additionally, the lack of legal knowledge and understanding of court processes, the lack of financial independence and the cost of engagement with the legal system play a role in migrant and refugee women's decision to seek justice (Judicial Council on Cultural Diversity, 2016a). The research also identifies that poor police responses and the intimidating process of arriving at court discourage migrant and refugee women victims of violence from going to court (Judicial Council on Cultural Diversity, 2016a).

To respond to the specific needs of Aboriginal and Torres Strait Islander women and migrant and refugee women, the Judicial Council on Cultural Diversity (2017) has elaborated a National Framework to Improve Accessibility to Australian Courts for Aboriginal and Torres Strait Islander Women and Migrant and Refugee Women. The National Framework notably recommends for the establishment of diversity committees as well as Indigenous Court Liaison Officers and Cultural Court Liaison Officers (Judicial Council on Cultural Diversity, 2017). Judicial education and staff training are also highlighted in the National Framework as measures to be taken (Judicial Council on Cultural Diversity, 2017). The need for interpreters and effective legal and support services are included in the National Framework's approach (Judicial Council on Cultural Diversity, 2017).

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