



CEDAW follow-up consultation: A summary

On 23 September 2020, Harmony Alliance and Jesuit Refugee Service Australia (JRS) jointly hosted a stakeholder consultation on the rights of women and girls seeking asylum. The purpose of the consultation was to ascertain how Australia is tracking against its obligations under the UN Convention on Elimination of All forms of Discrimination Against Women (CEDAW).

In 2018, the CEDAW committee recommended that Australia stop the offshore processing of asylum claims on Nauru or at sea and ensure that rights of women and girls seeking asylum are protected. This year, Australia is scheduled to report to the CEDAW committee on the status of implementation of this recommendation.

Harmony Alliance and JRS Australia have partnered to prepare a civil society response to the Committee on the status of asylum-seeking women and girls in Australia. This consultation will inform our input towards the CEDAW Shadow Follow-Up Report 2020. Below are some of the key issues raised in the consultation:

Inadequate refugee status determination procedures:

The CEDAW committee recommended to ensure that “all women and girls seeking asylum have access to gender-sensitive and fair refugee status determination processes within the territory and to legal representation and legal remedies”. However,

- The long timeframes for refugee status determination in Australia are extremely cumbersome and deprive asylum seeking girls and women of their fundamental right to freedom and safety for extended periods.
- Asylum seeking girls and women lack access to culturally responsive and age appropriate legal representation and remedies.
- The official refugee status determination procedures do not apply to asylum seekers arriving on boats or through other un-recognised means.
- The refugee status determination procedures do not have gender responsiveness built into them; LGBTIQ asylum seekers are not afforded protection and safety that they need.

Mandatory detention:

The CEDAW committee recommended to “repeal provisions on the mandatory detention of asylum seekers and ensure, in the interim, that detention is used only as a last resort”. However,

- Mandatory detention is still used in Australia, not only as a last resort.
- Women, girls, and LGBTIQ persons are put in detention despite clearly established risks to their safety and well-being.

Access to critical health and well-being services:

The CEDAW committee recommended to guarantee that “all refugee and asylum-seeking women and girls who are under the responsibility of the State party have access to comprehensive, adequate and accessible sexual and reproductive health services and



information, including to emergency contraception and abortion services, on its territory". The CEDAW committee also recommended that "refugee and asylum-seeking women and girls have unconditional access to gender, age, culture and language-appropriate social, education, mental and physical health services on the territory of the State party".

- Australia is failing to provide adequate sexual and reproductive health, physical and mental health services to all asylum-seeking women and girls. In particular, those who are placed on temporary or bridging visas while waiting for their refugee status determination cannot access appropriate healthcare services.
- Even when asylum seeking women and girls have access to public healthcare via Medicare, they are not provided age, culture and language appropriate information about their rights and availability of essential services.
- Transgender women are often left out in provision of essential sexual and reproductive health services.
- Asylum-seeking women's and girls' health and well-being is also undermined due to lack of childcare options available to them.

Sexual and gender-based violence:

The CEDAW committee recommended to "ensure that all immigration facilities under the responsibility of the State party adhere to standards for the prevention of sexual and gender-based violence, instigate all complaints of sexual and physical violence against women and girls, including rape, bring perpetrators to justice and guarantee that they are punished, and provide redress and adequate compensation to victims".

- Sexual and gender-based violence against asylum-seeking women and girls is a significant problem in Australia. This violence does not happen only in detention centres but within community areas as well.
- LGBTIQ asylum seekers are disproportionately affected by sexual and gender-based violence in detention centres as well as within the communities.
- Reporting of sexual and gender-based violence by asylum-seeking women and girls is really low due to lack of appropriate information about their rights.
- Sexual and gender-based violence also includes emotional abuse and coercive control which is often neglected by the authorities.
- Women dependent on their male family members for their refugee status determination procedures are more vulnerable due to lack of independent visa pathways and are less likely to report violence.
- Sexual and gender-based violence responders are often not trained in cultural responsiveness and trauma informed approaches to provide safe service to asylum seeking women and girls.

In view of the issues highlighted above, it is apparent that the Australian Government should strengthen measures to ensure safety and well-being of women and girls seeking asylum to fully meet its obligations under CEDAW.