



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fourth session

Summary record of the 715th meeting

Held at Headquarters, New York, on Monday, 30 January 2006, at 10 a.m.

Chairperson: Ms. Manalo

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Combined fourth and fifth periodic report of Australia

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic report of Australia (CEDAW/C/AUL/4-5, CEDAW/C/AUL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Australia took places at the Committee table.*

2. **Ms. Flanagan** (Australia), introducing the combined fourth and fifth periodic report of Australia (CEDAW/C/AUL/4-5), explained that the Australian system of government comprised the national, state and territorial levels and described how that affected the services delivered to women. The Office for Women, which she headed, worked at the national level to ensure that the gender perspective was included in Government policies and programmes. It also cooperated closely with women's offices at the state and territorial levels. Several other institutions further supplemented the work of her office — for example by producing sex-disaggregated data on Australian women, which were available from an online database and from statistical publications.

3. With regard to women's health, she reported that, thanks to the national cervical screening programme, instituted in 1991, the incidence of cervical cancer had fallen by over 30 per cent and mortality from the disease by over 50 per cent. However, because indigenous women's access to primary health care was still of concern, culturally appropriate community-controlled services were being instituted at the local level. Moreover, given Australia's large size and relatively small population, special programmes and incentives had been established to deliver health care to women in remote areas.

4. Referring to education, she emphasized that more women than men continued to be represented at the secondary level and at the masters and doctoral levels the number of women was nearly equal to that of men. Although the number of women undertaking traditionally male areas of study had grown, they continued to be underrepresented in some fields such as engineering and information technology.

5. In the area of employment, she pointed out that the Australian Government provided legislative protection and practical support to enable women to participate fully in the workforce and to balance their work and family responsibilities. The proportion of working women and their salaries had both increased in the past 10 years, compared to those of men. She also drew attention to the generous, wide-ranging family assistance and childcare benefits provided through a non-contributory, tax-based system.

6. She further explained concerning the elderly that the special assistance for all women over age 63 was often means-tested to ensure that the neediest women received the most aid. Women accounted for nearly three quarters of all those receiving special care, whether in their own homes or in special institutions. In addition, Australia had implemented measures to meet the needs of caregivers, who played a very important role for the elderly and 70 per cent of whom were women.

7. Thanks to Australia's commitment to building women's leadership role, the number of women in Parliament was at an all-time high and included six indigenous women. Women had headed state and territory governments, and 29 per cent of all appointments made to the federal judiciary since 1996 had been women. However, while women held approximately one third of the higher positions in public administration, their representation in such positions in the private sector remained low.

8. Her Government was strongly committed to addressing the problem of domestic violence and had set up a 24-hour national hotline and taken steps to assist women and children to escape from violent situations and deal with homelessness. Domestic violence was a particular problem in indigenous communities, and projects conducted jointly by the state and territory governments and the communities themselves provided ongoing support to indigenous victims of family violence and child abuse.

9. Referring to prostitution, which was regulated by the state and territory governments, she pointed out that the decision by one state to decriminalize prostitution had reduced the exploitation of women and had given them access to health services. Outreach programmes provided advice to prostitutes on a wide range of issues, including ways of leaving the sex industry for those who so desired.

10. She went on to describe the broad range of measures at all levels of government that Australia was taking to fulfil its commitment to eradicate trafficking and to support its victims. Those measures included the investigation and prosecution of suspected traffickers, specially tailored victim support services, a witness protection visa for victims willing to aid in the investigation and assistance to victims wishing to return to their home countries. Moreover, Australia was also cooperating with other countries, particularly in the Asia-Pacific region, in efforts to combat the smuggling and trafficking of human beings.

11. Under her Government's humanitarian immigration programme, nearly half of all visas granted the previous year had gone to women and girls. Indeed, almost one quarter of the Australian population had been born abroad and, given the diversity of its population, Australia could not afford to harbour racism. She pointed out as an example that the relevant commission had recently consulted the Muslim community with a view to determining the extent of racism being experienced by that community and developing strategies to address it; particular attention had been given to issues relating to Muslim women.

12. The disadvantaged situation of Australia's indigenous people, who accounted for approximately two per cent of its population, had led to a search for improved ways of providing services, in particular to the Aboriginal and Torres Strait Islander communities. The indigenous Australians chosen to advise the special task force dealing with that endeavour included five women, one of whom was the chairperson. New ways of working with indigenous communities, to respond to problems identified by those communities were being tested in eight localities. In addition, the ministers dealing with women's affairs met every year with indigenous women from throughout the country to hear their concerns directly; the current focus was on women's safety from violence.

13. At the international level, she noted that gender mainstreaming was integrated into all international aid programmes and was being reviewed within the Australian Agency for International Development. Australia was an active participant in the work of the United Nations Commission on the Status of Women and, in 2007, it would be hosting the meeting of the members of the Asia Pacific Economic Cooperation (APEC); as part of that it would host two gender

forums focused on promoting women's involvement in regional economies, trade and entrepreneurship.

14. She said that, although Australia retained its reservations with regard to paid maternity leave and women in direct combat roles and did not intend to sign the Optional Protocol, employees with 12 months of continuous service were entitled to a minimum of 52 weeks of shared unpaid parental leave following the birth of a child. Recent data also showed that 45 per cent of female employees were given paid maternity leave by their employer.

15. In conclusion, she assured the Committee that its recommendations would be disseminated to all levels of Government. She welcomed recognition of the need to reform the United Nations treaty body system and congratulated the Committee in that respect.

Articles 1 to 6

16. **Ms. Schöpp-Schilling** noted that Australia was currently redesigning the format of its core report. She asked what the future format would be, what information it would provide about women and what role would be played by the Office of the Status of Women in its preparation. While recognizing the efforts made to integrate information into the treaty-specific report, she found the latter to be too descriptive. She would appreciate an indication of how the findings of a recent review of Australia's engagement with United Nations human rights treaty bodies were reflected in that report. The statistics given in the appendix were inconsistent and barely covered violence against women; because of the complex nature of Australian society, it was difficult to arrive at an overall picture. She inquired whether the Government attached any conditions relating to the achievement of equality for women and non-discrimination when giving grants to state and territorial governments, whether issues concerning the implementation of the Convention were regularly discussed in the Standing Committee of Federal, State and Territorial Attorneys-General and whether NGOs were involved in the preparation of the report or received a draft for comments. If they did, she would like to know if the comments were taken into account.

17. Noting that, according to Australia's responses (CEDAW/C/AUL/Q/4-5/Add.1, p. 5), the 1984 Sex Discrimination Act gave effect to certain provisions of the Convention, she asked what parts of the

Convention were not covered by that Act or by other laws and why no reference was made to the Convention in the 1986 Human Rights and Equal Opportunity Commission Act. She asked whether the Government had discussed the Committee's General Recommendation 25 on temporary special measures and whether it regarded such measures as optional or as necessary. A distinction had to be made between temporary special measures under article 4, paragraph 1 and gender mainstreaming. She wished to know whether gender mainstreaming was obligatory in the country and whether there was any body responsible for overseeing it.

18. **Ms. Šimonović** asked whether the definition given in the 1984 Sex Discrimination Act was in line with that contained in article 1 of the Convention and whether it included indirect discrimination. She wondered why Australia did not intend to ratify the Optional Protocol and whether it had anything to do with the difficulty of implementing international treaties at national level. She wished to know whether Australia was planning to include further follow-up action to the Convention in its Beijing Plus Five Action Plan, especially in respect of the Concluding Comments to be adopted by the Committee.

19. **Ms. Popescu** said that she would have liked to have seen more sex-disaggregated data in the report so as to be able better to assess progress. She requested clarification about the coordination of the complex system for addressing women's issues, at Commonwealth, state, territorial and local levels, particularly with regard to the transmission of best practices, and how the strategic and action plans were reflected locally. She expressed concern that the transfer of the Office for Women out of the Prime Minister's Office into the Department of Family and Community Services might have weakened national gender mainstreaming capacity. She asked for details about the role of the National Secretariats, especially in relation to women's constituencies and grass-roots organizations, how they operated and how organizations were selected for membership. She wondered why the Human Rights and Equal Opportunity Commission needed to obtain permission from the Attorney-General before intervening in court proceedings. She asked for fuller information about the operation of the Parliamentary Advisory Group on Women.

20. **Ms. Dairiam** noted the existence in Australia of two types of temporary visa for asylum-seekers and seekers of refugee status: the protection visa and the humanitarian visa, introduced in 2001; those holding such visas were eligible for family reunion only in some cases, and under limited conditions. She asked whether the Government was planning to reconsider its position so as to comply with its international obligations in that regard. Where such visas were applied for through spouses, difficulties could arise in cases of separation. She inquired whether the competent ministry would allow women to make a second application in such cases. She wondered whether, since the 2001 Migration Legislation Amendment Act, the limited grounds for gender-based prosecution were consistent with the Government's attempt to be fair towards women, as reflected in its guidelines on gender issues for decision-makers, and asked how it understood gender-based discrimination.

21. **Ms. Flanagan** (Australia) said that she had taken note of the request for sex-disaggregated data. On the question of coordination of the various types of national machinery on women's issues, meetings were held every three months between officials from the different states, offering opportunities for exchange of good practices. Ministers of women's affairs in each state government met yearly; under their authority a safety task force had been set up to ensure a coordinated response at national level to a number of issues, including domestic violence, sexual assault and indigenous family violence. There was a regular exchange of expertise and resources between offices and different parts of Government; the skills base of the Office for Women, in particular, had thus been recently enhanced. Her Office was currently working with treasury departments throughout the country on women and ageing.

22. While the Office had been transferred to the Department of Family and Community Services, it still maintained a close link with the Prime Minister's Office and still had a minister in the Cabinet. It retained its full visibility and, through its various desk officers, enjoyed sustained relations with all the relevant ministerial departments. Membership of the National Secretariats was open to all NGOs, some of which were members of several.

23. **Mr. Minogue** (Australia) pointed out that the primary mechanism for implementing women's rights was the Sex Discrimination Act. Its definition of sex

discrimination was broad enough to include indirect as well as direct discrimination. Remedies were available under the Sex Discrimination Act or under the Human Rights and Equal Opportunities Act, both of which were worded carefully so as to ensure real substantive equality within Australian society. State, territorial and local government laws had nearly all been brought into line with the provisions of the Sex Discrimination Act; it was an integral part of the human rights machinery under the Human Rights and Equal Opportunities Act, with a special Commissioner responsible not only for raising awareness of discrimination issues and reviewing existing legislation, but also for other activities such as data collection.

24. The Government regarded education as the chief means for overcoming discrimination; the most important part of the machinery under the Sex Discrimination Act was that devoted to conciliation, partly due to constitutional reasons since the Human Rights and Equal Opportunities Commission was not a court. Most complaints about discrimination were the result of ignorance and misunderstanding rather than malice; 47 per cent of them resulted in successful conciliation while 23 per cent were terminated or withdrawn, which proved that that approach was correct in the majority of cases. As for the restructuring of the Human Rights and Equal Opportunities Commission, new legislation had been submitted in 2004 but had not found support in Parliament; the Government was, nevertheless, committed to reforming the Commission even though it was not yet clear what the form would be. Rather than intervening directly and therefore being a party to any court proceedings, it could act as an “amicus curiae”, and thereby retain its independence. There were no sex-disaggregated statistics regarding the Commission’s interventions but the overall policy was to ensure that most interventions were related to actions organized by the Commonwealth of Australia.

25. As to whether issues concerning implementation of the Convention were raised at the Standing Committee of Attorneys-General, any member could raise any issue at these meetings, and in any case human rights was a standing item on the agenda. As for the question regarding the failure to refer to the Convention in relation to broader human rights issues in the Human Rights and Equal Opportunities Act, he said that the Commission, acting either on a complaint or on its own, could enquire into the human rights

aspects of issues such as employment, where discrimination on the bases of sex did occur. The Act used the machinery put in place to deal with the broader human rights functions in order to make representations to the Attorney-General, who was obliged to submit the Commission’s recommendations to Parliament. The Act expressly stated that temporary special measures were not discriminatory.

26. **Mr. Giuca** (Australia) pointed out that Australia was not required to give permanent shelter to all who reached her shores as refugees. Temporary protection visas had been established in 1999 as part of a series of measures aimed at combating people-smuggling and preventing people who could find protection elsewhere from making the dangerous trip to Australia. Holders of such a visa — which were granted for three years — must apply for a permanent visa if wishing to stay permanently. Permanent residents of Australia could sponsor relatives wishing to immigrate, but Australia could not envisage abolishing the system of temporary protection visas. If a family applied for one and the application was unsuccessful, a woman member of that family could subsequently put in a separate application, for instance on grounds of domestic violence, without the Minister having to intervene. If the woman could not apply herself, then the Minister could intervene and waive the prohibition on applying more than once on the grounds that it had to do with a gender-related issue. Gender guidelines were intended to assist officials in terms of gender-sensitivity in their dealings with all applicants. They established rules — regarding, for example, the use of female interpreters and decision-makers when dealing with women applicants. Australia agreed that the definition of “refugee” could accommodate gender-related persecution, so gender was not of itself recognized as separate grounds for refugee status, though women could be defined as a separate group suffering persecution or harm as such.

27. **Ms. Burrell** (Australia) pointed out, in the context of the reform agenda, that the Office for Women worked with the Department of Foreign Affairs and Trade on the issue of the impact on women of treaties signed by Australia; the Convention was one of them. Regarding the question of whether the report was sent to NGOs, she said that it was so as to receive their input and in order to help them draft their shadow report; however, the two reports were completely separate.

28. **Ms. Flanagan** (Australia) pointed out that, although it had moved, the Office for Women had not changed its name or function. Regarding the question on equal opportunity legislation for businesses with more than 100 employees she said that, in fact, most women were employed in small businesses. The Government was keen for them to have available the tools to set these up and keep them viable. Finally, regarding Australia's five-year plan to move forward with implementation of the Beijing Platform for Action, she said that more work needed to be done to inform Australian women about the Convention and the tools it gave them to combat discrimination in society.

29. **Ms. Simms** said that she was curious to know what percentage of the Office for Women's budget had been earmarked for programmes targeting the indigenous population and whether there were any immigrant or indigenous women on its staff. She also wished to know what the benefits were of replacing the Aboriginal and Torres Strait Islander Commission (ATSIC), which had been elected by communities, by a Government appointed body.

30. In response to the delegation's comments regarding health issues, she pointed out that indigenous women suffered from discrimination on two fronts: sex and race. She wondered how the Government planned to address that intersection. In light of the recent racial violence in Sydney, she wished to know how the Government planned to develop programmes for racial minorities, particularly women, who now had to deal with hostility not only from men within their own communities but also from men outside them. For example, what kind of direction was going to be given to the different Ministries and to the Sex Discrimination Commissioner and what impact would the shared responsibility agreements have on minorities?

31. Lastly, with regard to the over-representation of women — particularly disabled and indigenous women — in prisons, she wished to know how the Government planned to ensure that the factors that pushed women towards criminality in the first place were addressed in a real way, rather than within an anthropological framework.

32. **Ms. Shin** said that it would be interesting to learn what the Government was doing to improve the sexual assault reporting rate, which was currently below 10 per cent. She noted that even when cases were

reported, the prosecution rate was very low. She wondered whether the new method of videotaping witnesses might have something to do with that, as witnesses might feel intimidated. In that regard, she was curious to know about any measures to improve the prosecution rate and to train the police and prosecutors, including the defence counsel, in order to minimize such intimidation.

33. She was also concerned by the low reporting rate for domestic violence, which, despite the Government's best efforts, continued to be a major problem in Australia. She was particularly concerned that under the present system, only women who left a violent relationship and consequently became homeless qualified for support and assistance. Surely the emphasis should be on evicting aggressors, not on putting victims in a shelter. She wished to know whether any new schemes were being designed in that regard.

34. Regarding violence against women and girls with disabilities, she wished to know whether the State party was aware of the problem of the sterilization of disabled women and girls and, if so, what it was doing to address it.

35. Lastly, she was concerned that only trafficking victims who cooperated with the police were given permission to stay in the country. She wondered what happened to victims who, for whatever reason, were unwilling or unable to cooperate. She wished to know whether the Government was going to change that system and whether it was giving any assistance to NGOs working with trafficking victims.

36. **Ms. Morvai** said that a major problem where trafficking was concerned was the low success rate of prosecutions. In that regard, she wished to know how many convictions there were per year, why the success rate was so low, whether the concept of consent had been an issue and, if so, why, given that the Palermo Convention did not consider it to be an issue. She also suggested that Australia might wish to exchange information with countries such as Italy and the United States which had a high success rate regarding prosecutions.

37. Noting that demand for prostitution was one of the biggest pull factors of trafficking, she wished to know whether Australia had any programmes that targeted the clients of prostitution. In her view, there was a clear link between legalized prostitution and

trafficking, as countries where prostitution was legal were bound to be much more appealing to traffickers. Moreover, countries that legalized prostitution were basically saying that men were entitled to have sex with women without any responsibility. In that regard, she would appreciate more information concerning prostitution in Australia — for example, how many men visited prostitutes, whether the numbers were increasing, whether the men tended to be in long-term relationships and, if so, whether the use of sex services affected the physical or mental health of the man's partner or the man's understanding of sexuality and relationships.

38. **Ms. Flanagan** (Australia) said that she did not agree that they were addressing the issue of indigenous women within an anthropological framework. Turning to the question concerning the replacement of ATSIC, a body elected by indigenous people, she said that many indigenous people themselves felt that the model was not working. As certain members had pointed out, Australia had had a problem dealing with its indigenous people ever since white people had arrived in the country; however, there was a huge level of commitment on the part of both society and Government to tackle the issue and find solutions.

39. Turning to the question concerning what percentage of the Office for Women's budget had been earmarked for indigenous populations, she said that Australia was not a country of targets or quotas. However, on issues such as family violence, which would be a real focus for spending, there would certainly be an indigenous component. The current multimedia campaign on violence against women, for example, used the indigenous press and indigenous people to convey its message; some messages had even been translated into indigenous language. As for diversity, there were no indigenous staff in her Office, but it worked very closely with the Office of Indigenous Policy Coordination, which did.

40. Indigenous women had made it very clear that they wanted to have their own voice; however, they also recognized the power of using mainstream vehicles. Regarding the intersection of race and sex, she said that consultations with indigenous women had revealed that on some issues they wanted to be regarded as women first and indigenous second and, in such instances, they wanted mainstream mechanisms, such as the Office for Women, to represent them.

Under that model, the Office asked indigenous women how they wanted to be represented.

41. The Government continued to be very concerned that, according to statistics, life expectancy was much lower and morbidity and mortality rates much higher among the indigenous population. One contributing factor was that a high proportion of the indigenous population lived in very remote areas and it was therefore difficult to deliver services to them. A number of models had been tested to train people in the community. In another instance, women living in a remote community where there was no police officer recorded instances of violence in their community, so at least there would be a record. In the past, many different government departments had worked in indigenous communities in a completely uncoordinated manner. Under the new model, which was being tested in eight localities, a lead agency was responsible for coordinating government efforts, in consultation with the community.

42. **Mr. Minogue** (Australia) said that, interestingly, not only government and community leaders, but also very disparate community groups, had all responded to the recent racial violence with abhorrence. It was true that there was a history of tension between the gangs involved; however, no one had suggested that such tensions had justified the incident in any way. Much of the tension dated back to the New York terrorist attacks of September 2001, which had drastically changed people's perspective on a whole range of issues.

43. The formal machinery for handling racial discrimination in Australia was the Racial Discrimination Act 1975, which provided a useful mechanism for addressing instances that arose both generically and in response to specific incidents, such as the New York attacks of 2001 or the Bali bombings of 2003. The Act provided remedies for complaints of unlawful discrimination and of racial harassment and offensive behaviour. Remedies included conciliation and, where that failed, the possibility of taking complaints to a higher court.

44. The Government also had several mechanisms in place to promote understanding, tolerance and education, which were equally important. For example, the Aboriginal and Torres Strait Islander Social Justice Commissioner also served as the Race Discrimination Commissioner and therefore had functions relating not only to indigenous issues but also to the broader issue

of race discrimination. Following the New York and Bali attacks, the Human Rights and Equal Opportunity Commission had undertaken a long process of consultation with the Muslim community. Some of their recommendations — such as the introduction of a Religious Discrimination Act — had not been adopted; others — such as the designation of groups in the media to ensure more neutral and balanced reporting — had. The Government also recognized that increased surveillance and security were not sufficient; it was also necessary to address grievances within communities. Following a meeting with Muslim community leaders in August 2005, a Muslim Community Reference Group had been established and a National Plan of Action was being formulated.

45. Lastly, the Government was also very keen for the Human Rights and Equal Opportunity Commission to develop cross-portfolio working methods so that Commissioners did not focus solely on one issue. It was hoped that such a method would be more effective than the traditional issue — complaint — remedy approach. That said, some of the people involved in the recent racial violence in Australia had committed criminal offences and were therefore now being prosecuted.

46. **Mr. Giuca** (Australia) said that the community harmony policy focused on access and equity programmes for minority communities. A Community Harmony Grant had been awarded to the leaders of the two communities which had been involved in the recent violence in Sydney to allow for discussion of the problems and prevent the violence from ever being repeated.

47. **Ms. Flanagan** (Australia) said that the Shared Responsibility Agreements with indigenous people did not target basic services, but sought to build capacity and promote self-responsibility. It was true that the rate of incarceration for women, and indigenous women in particular, continued to rise, with high rates of recidivism, and the problem was being addressed in part through enhanced support services for women when they were released.

48. In reply to questions on rates for sexual assault and domestic violence, she said that a country-wide survey was to be conducted in 2006. The Government recognized that low prosecution rates were a problem, and was attempting to provide more support to victims and education and training within the judicial system in

dealing with such cases. In addition the national Government maintained a 24-hour free helpline to assist victims and family members. Consideration was also being given to the possibility of removing the abuser from the home.

49. **Mr. Minogue** (Australia) said regarding the issue of sterilization of women and girls with disabilities that the existing Disability Discrimination Act provided specific protections and remedies to disabled persons. In the context of the proposed United Nations convention on the rights of the disabled currently being negotiated, the Australian delegation to those negotiations was seeking the right balance — disabled persons should not be subjected to forced and involuntary treatments, but the right of States to take protective measures should also be preserved.

50. **Ms. Flanagan** (Australia), said that the Government did not provide funding to NGOs as such, but contracted for services through open tender; such organizations were frequently among the bidders.

51. Victims of trafficking — close to 95 per cent of whom came from Thailand — sometimes stayed in Australia illegally. The Government and several NGOs ensured that trafficking victims who were returned received support. The victim support package for those who remained in Australia included training in language and other vocational skills. According to the latest information, all 14 trafficking cases were still in the court system.

52. **Mr. Minogue** (Australia) said that the Human Rights and Equal Opportunity Commission provided ongoing training for police in sensitivity to the needs of victims. The National Judicial College also held sessions on procedures for sexual assault cases, seeking a balance between the right of the defendant to a fair trial versus the right of the person testifying to give evidence without intimidation.

53. **Ms. Flanagan** (Australia), with regard to the demand side of trafficking, said that the Australian legal system was quite different from that of the United States of America or Italy, in that prostitution was regulated at the state level. It was illegal in some states, but in the majority it was legal and regulated. No difference in trafficking rates had been noted between states; legalization of prostitution was actually seen as a deterrent to trafficking because the operations were subject to a great deal of scrutiny and the state was able to establish protections for workers.

54. **Mr. Flinterman** asked if the Government was awaiting the outcome of the proposed reforms of the human rights treaty body system before ratifying the Optional Protocol. He asked if the Convention had been appended to the Sex Discrimination Act of 1984 and if the judiciary was prepared to use the Convention in the interpretation and application of the Act. It would also be useful to have an overview of how the exemptions to the Act were applied and to know if there were any plans to amend the provisions of the Act regarding access to in vitro fertilization (IVF).

55. **Ms. Pimentel** said that the Sex Discrimination Act notwithstanding, several states and territories discriminated against same-sex couples by denying them access to IVF and adoption. She asked if there were any plans to eliminate that discrimination. She would also be interested to know if any measures had been taken to combat female genital mutilation.

56. **Mr. Minogue** (Australia) said that his Government had no plans to act on the Optional Protocol. The Convention was a schedule to the Sex Discrimination Act and had been made binding by Parliament. The courts had a wide latitude to use legislation in making their decisions, including the Convention. Exemptions under the Act were monitored under the Human Rights and Equal Opportunity Commission.

57. As for the lack of a specific bill of rights, the Constitution enshrined a number of protections; additional remedies were available through an administrative appeals process that was empowered to reverse court decisions.

58. With regard to discrimination on the grounds of sexuality, the national Government saw marriage as between a man and a woman; adoption by same-sex couples was not authorized, although that position was contested in some areas of the country.

59. Finally, the power to intervene in court proceedings under the Sex Discrimination Act had been used three times.

60. **Ms. Flanagan** (Australia) said that female genital mutilation was a matter for the state governments, which for the most part conducted information and awareness campaigns against the practice; certain states had criminalized it.

The meeting rose at 1.05 p.m.