Women's Rights in Australia:
An Introduction For People Who Came To Australia As Refugees

2nd Edition

AMES Australia
UNSW SYDNEY
Centre for Refugee Research

Acknowledgements

This Booklet is part of a Training Package to assist newly arrived refugees understand how the Human Rights Conventions are applied in Australia and what it means to family life. It was developed at the request of representatives of a number of recently arrived refugee communities who took part in a consultation held by AMES Australia and the UNSW Centre for Refugee Research in 2010. The Consultation was about exploring solutions for the problems some families are experiencing as they settle into their new home in Australia. This training package was one of their suggestions.

You may also like to read

‘Human Rights in Australia: An Introduction For People Who Came To Australia As Refugees’, and

‘Children’s Rights in Australia: An Introduction For People Who Came To Australia As Refugees’.

We would like to thank:

All the participants who came to Australia as refugees, and who contributed their time, experience and suggestions about how to assist new arrivals as they settle into Australia.

The AMES Australia staff who participated in the process: Ramesh Kumar, Melika Yassin Sheikh-Eldin, Nanthu Kunoo, Jenny Blencowe, Terry Taylor, Hilary Bucumi, Mohamed Humad, regional managers, team leaders, case managers, Community Guides and all other staff who have contributed to the production of this Booklet. AMES Australia, as a service provider, understands the needs of newly arrived refugees and hopes to deliver high level of services to them.

AMES Australia would like to thank the staff from the UNSW Centre for Refugee Research for the development of this booklet: Eileen Pittaway, Geraldine Doney, Rebecca Eckert and Judi Tucker.

Graphics by Damayanthi Muthukamaraga. Updated appendices by Isobel Blomfield.

Final thanks to the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs for funding the translation of this Booklet into eight community languages.

2nd Edition February 2016. Updated as part of the ARC Funded Linkage Project-*The Meaning of Rights in Refugee Settlement*. ISBN 978-0-7334-3689-5.

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Why this book is needed

This Booklet is intended to assist families who arrived in Australia as refugees, to understand more about women's rights in Australia.

These rights form part of our legal system. They are based on the international human rights law.

There is a special convention for women and girls, called the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

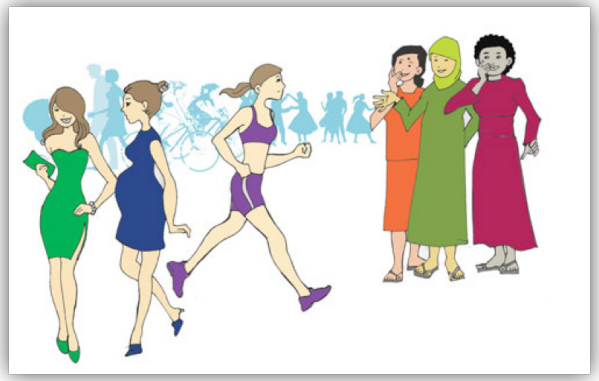
If you or your family need support and assistance there are a number of people and services who can help. You can think about talking to other members of your family, your community, a good friend, your case manager, community guide or other settlement service provider.

When migrant and refugees accept permanent residence or citizenship in a new country, they are agreeing that they will obey the laws of that country.

This can be much harder than it sounds. Often people do not know or understand the laws of the new country. They did not expect that living in a new country would mean they would have to make major changes in the ways that they had lived previously.

When refugees first arrive in Australia, one of the biggest changes they often have to face is the difference in rights for women.

In Australia, women have the same rights as men. This is in all parts of life - in the family, the community, in education, and in relation to service in the political life of the society.



Some people find this very strange and some find it very confronting. Many men have always made all the decisions in a family. They can find it very difficult to accept that these things are changing. Many of the changes go against their traditional culture, for example, at times women may become the main breadwinner. If neither the father nor the mother are working, women and young people receive their own payments from Centrelink.

Some people react angrily and try to ignore the laws. This can lead to family friction, family breakdown and to great unhappiness.

Most people try to understand the new laws and society. They talk with family members and their community to see how they can adapt to the new laws, while keeping their culture and religion strong.

The history of the world tells us that culture never stands still. Australia is a country of many cultures. Happy and successful people in Australia are those who can take the best of their own culture and mix it with the best of this rich mix of other cultures.

They adjust to the Australian laws as they make a new life for themselves and their families.

Once they become citizens and enter into the political life of the country, if they really disagree with the laws, they can use the democratic process to see if other people also want change.

However, this only happens once people feel settled and secure in Australia. In the beginning, many people feel lost and confused as they try to learn about their new society, new laws and about Australian culture. Other people and organisations who can help include:

- Migrant resource centre
- Local community centre
- Counsellor
- Teacher
- Legal Aid
- Police

If you are not sure who to ask for help, talk to your settlement support worker. They will listen to your story and refer you to the best source of support.

Interpreter Services

Each person in your family has the right to participate in conversations and decisions which will affect your lives in Australia.

To support you, the Australian Government provides Interpretation Services through 'Translating and Interpreting Services' (TIS National).

You can receive interpreting support on the telephone or in-person.

You can ask the organisation you are working with to arrange an interpreter for you.

You can telephone TIS on 131 450 or read their website:

www.tisnational.gov.au/

Women's Rights in Australia

‘Women have the right to not be discriminated against just because they are female. Discrimination means any actions which stop women from accessing and enjoying all their human rights’

References to Human Rights Documents:
UDHR Art. 1, 2; CEDAW Art. 1; ICCPR Art. 2; ICESCR Art. 3.

In Australia, this means

In Australia, women are entitled to access all of their rights. This is reflected in our legal system.

These include the rights to education, to health care, equal access to the law, the right to live independently, to have their own money, to travel wherever they want to, to vote, to be professionals, and to be in every way equal to men.

Women have access to these rights in the school, the workplace and in the family.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth) (See appendix 1); Australian Human Rights Commission Act 1986 (Cth) (See appendix 2).

‘Women have the right to not be discriminated against in laws, customs and regulations’

References to Human Rights Documents:
UDHR Art. 2, 7; CEDAW Art. 2; ICCPR Art. 26.

In Australia, this means

Under Australian law, women cannot be discriminated against in the name of politics, religion or culture. Women cannot be forced to do anything they do not want to do. They cannot have their rights taken away from them, even by family members. If this happens, the woman has the right to go seek help from friends, community leaders or people such as the Humanitarian Settlement Services community guides or case managers.

The Government works to make sure that women have full access to their rights and the law. People who try to prevent them from doing this can be taken to court and face fines or if violence is used, they can be placed in prison.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Australian Human Rights Commission Act 1986 (Cth);
Workplace Gender Equality Act 2012 (Cth) (See appendix 3); Fair Work Act 2009 (Cth) (See appendix 4).

‘Women have the same right to equal opportunities in their public and private lives as men. Governments must introduce laws and programs to increase equality’

References to Human Rights Documents:
UDHR Art. 1, 2, 7; CEDAW Art. 3, 4; ICCPR Art. 26; ICESCR Art. 6.

In Australia, this means

Government has introduced special programs to make sure that women have access to their rights and are able to take an equal place in decision-making in our society. This includes in politics, in business, in the law, and on company boards.

It means that if they can afford to, they can take loans, for example, to buy a car, or a house. They can make contracts, such as work contracts, or rental agreements in their own names. They can become citizens of Australia, even if a woman's husband or father is not a citizen. Once they are citizens, they can vote in all government elections.

References to Australian Domestic Law:
Workplace Gender Equality Act 2012 (Cth); Australian Human Rights Commission Act 1986 (Cth).

‘Women have the right to enjoy equal practices that don’t discriminate against them due to their gender’

References to Human Rights Documents:
UDHR Art. 1; CEDAW Art. 4, 5.

In Australia, this means

Child protection laws, anti-discrimination laws and labour laws protect women from being forced to take a less equal role in our society.

This means that women cannot be paid less than men for doing the same work.

They cannot be forced to do paid work which is traditionally ‘women’s work’ such as child-minding or cleaning, if they want other kinds of employment.

They cannot be locked in their homes and not be allowed to travel.

They cannot be forced into marriage.

Young women cannot be forced to leave school to help with home duties.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Workplace Gender Equality Act 2012 (Cth); Fair Work Act 2009 (Cth); Marriage Act 1961 (Cth)

‘Women have the right to be protected from trafficking and exploitation’

References to Human Rights Documents:

UDHR Art. 3,4,5,13; CEDAW Art; CEDAW Art. 8, 12; ICESCR Art. 7.

In Australia, this means

There are strict laws in place to protect women from being trafficked and to assist women who have been trafficked to Australia. Women who have been trafficked to Australia can get help.

There are also laws which protect women and girls from forced prostitution.

The police should be called if this happens. They take trafficking and forced marriage very seriously, and will help keep you safe.

People who try to force women and girls into prostitution can be put into prison for a long time.

There are other laws which protect women who choose to work in the sex industry to make sure that they are safe at work.

There are laws to make sure that you have choices about work and are safe when working.

References to Australian Domestic Law:

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 (Cth) (See appendix 6).

‘Women have the right to enter all levels of politics and political decision-making’

References to Human Rights Documents:
UDHR Art. 21, 23; CEDAW Art. 7; ICCPR Art. 25.

In Australia, this means

Many political parties in Australia have female politicians. In 2010, Australia elected its first female Prime Minister, Julia Gillard and we have had female State Premiers. Many political parties have special programs to assist women to take their place in political life.

These programs help women who are interested in politics to learn the skills that they need to be a politician and assist them to stand for election.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Workplace Gender Equality Act 2012 (Cth); Fair Work Act 2009 (Cth); Australian Human Rights Commission Act 1986 (Cth).

‘Women have the right to represent their countires at an international level equally with men’

References to Human Rights Documents:
UDHR Art. 21, 23; CEDAW Art. 8; ICCPR Art. 25.

In Australia, this means

Many women have been appointed by the Government to serve at the United Nations, for example in the Human Rights Council, and in the United Nations High Commission for Refugees. Women serve in our embassies in many countries and in international organisations around the world, such as AusAID, the International Organisation for Migration and CARE.

Australian women also sit on the boards of some international corporations.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Workplace Gender Equality Act 2012 (Cth); Fair Work Act 2009 (Cth); Australian Human Rights Commission Act 1986 (Cth).

‘Women have the right to choose to retain their nationality, or to change it if they wish. Women have the right to give their nationality to their children’

References to Human Rights Documents:
UDHR Art. 15; CEDAW Art. 9; ICCPR Art. 24.

In Australia, this means

Women have the right to have the nationality of their country of origin and to give this to their children.

If they are permanent residents, once they have been here for four years they can also apply to become citizens of Australia. Their children will then become citizens of Australia too.

References to Australian Domestic Law:
Australian Citizenship Act 2007 (See appendix 6).

‘Women have the right to full access to the same education as men at all levels, including scholarships’

References to Human Rights Documents:
UDHR Art. 26; CEDAW Art. 10; ICESCR Art. 13, 14.

In Australia, this means

The same education is offered to boys and girls, men and women, at primary, secondary and tertiary levels.

Women are equally able to access most scholarships for tertiary study.

Public education is free, but parents are expected to provide uniforms and some scholastic materials and school outings. If they cannot afford to do this, they should speak to the school counsellor, or their Humanitarian Settlement Service (HSS) provider or their local Migrant Resource Centre (MRC) who will advise them where to go for assistance.

It is against the law to not send children to school in Australia.

References to Australian Domestic Law:
Education Act 1990 (NSW); Education and Training Reform Act 2006 (VIC); Queensland Education (General Provisions) Act 2006 (QLD) (See appendix 8).

‘Women have the same rights as men in the workplace. This includes the right to equal pay for equal work, and maternity leave and special care during pregnancy’

References to Human Rights Documents:
UDHR Art. 23; CEDAW Art. 11; Art. ICCPR 25; Art. ICESCR 6, 7, 10.

In Australia, this means

There are laws which state that women should receive equal pay for equal work. If this does not happen, women should go to a trade union, or to Fair Work Australia.

Many working women in Australia are entitled to paid parental leave. Most women can take some form of leave for the birth of a child, and some companies have extra leave available.

Men are also often able to take leave when a child is born.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Workplace Gender Equality Act 2012 (Cth); Fair Work Act 2009 (Cth); Australian Human Rights Commission Act 1986 (Cth).

‘Women have the right to equal access to health care, in particular to reproductive and maternal health care and access to family planning services’

References to Human Rights Documents:
UDHR Art. 25; CEDAW Art. 12; ICESCR Art. 11.

In Australia, this means

The Government provides a network of women's health services which cover all aspects of health and wellbeing for the whole of her life.

In particular women are entitled to sexual and reproductive health care, which includes care during pregnancy, at childbirth and in the months following the birth.

There is assistance for families suffering from infertility.

Family planning services are available to all women who wish to control when they have children, or to stop having further children.

For further information on sexual health services in your State contact:

NSW Sexual Health Clinics: 1800 451 624
Melbourne Sexual Health: 1300 60 60 24
Queensland Sexual Health 13 43 35 84

‘Women have the right to equal access to income, family benefits, credit and loans, social support, sports and recreation’

References to Human Rights Documents:
UDHR Art. 22, 23, 24, 25; CEDAW Art. 13; ICESCR Art. 9, 10.

In Australia, this means

When the government is assisting families with social and family support, the woman and the man are each paid their portions of the family benefits separately. If there are children under the age of 16, a portion of the benefit paid to women is for the support of the children. It is intended that each member of the family who receives a Centrelink benefit will contribute to the household costs. However this does not always happen. The separate payments are to make sure that if for some reason, the man does not contribute to the household costs, the woman has sufficient money to feed and care for the family.

Banks are not allowed to discriminate against women seeking loans.

Women are entitled to join sports and recreation clubs in their own right and to participate in sports and recreational activities if they wish to.

For more information on Centrelink options view the government website www.humanservices.gov.au
Call 131 450 for translator services for Centrelink.

‘Women living in rural areas have a right to receive the same benefits and access to their rights as women living in towns and cities’

References to Human Rights Documents:
UDHR Art 2; CEDAW Art. 14; ICESCR Art. 9, 10, 14.

In Australia, this means

Governments have established specific services in rural areas to make sure that the populations have access to good quality education, health care and social support.

These are equally available to women and to men.

There are women's health centres in many small rural towns.

‘Women have the right to equality in law, including the right to enter into contracts and financial agreements, to choose where they live, and to appear in court’

References to Human Rights Documents:
UDHR Art 7, 8, 9, 10, 11, 12, 13, 17; CEDAW Art. 15; ICCPR Art. 12, 14, 17; ICESCR Art. 1, 3, 15.

In Australia, this means

All Australian residents and people living in Australia are bound by Australian Law.

Women have equal access to the law, and the law protects their rights to enter contracts, financial agreements such as housing and other loans from banks and financial institutions, to appear in courts, and to be protected by the law at all times.

Once a woman has been given permanent residency, she cannot be returned to her home country by her husband. She has equal rights to stay here.

Women have the right to be treated with respect and be safe within marriage.

References to Australian Domestic Law:
Sex Discrimination Act 1984 (Cth); Marriage Act 1961 (Cth).

‘Women have the same rights in marriage as men’

References to Human Rights Documents:
UDHR Art 16; CEDAW Art. 16; ICCPR Art. 23.

In Australia, this means

It is against the law to force anyone to marry someone against their will, or to force them to stay in a marriage when they wish to leave.

Men and women have equal rights and responsibilities within marriage,

Women and men have the same rights and responsibilities about the custody and raising of children.

Women have the right to be treated with respect and to be safe within marriage.

They have the same right as men to seek divorce if they wish to.

Both men and women can seek divorce if they do not wish to stay in a marriage.

If a person leaves the marriage because they were forced into it, or because they are being abused, it does not mean that they will be sent back to where they have come from.

Same sex couples who live together are recognised in law and for Centrelink and superannuation purposes, but are not allowed to marry.

References to Australian Domestic Law:
Marriage Act 1961 (Cth); Same Sex Relationships (Equal Treatment in Commonwealth Law- General Law Reform) Act 2008 (Cth) (See appendix 8).

‘Women have the right to be protected from physical or verbal harm’

References to Human Rights Documents:
UDHR Art 1, 3, 4, 5, 8, 22; CEDAW Art. 6; ICESCR Art. 12; ICCPR Art. 7, 8, 17.

In Australia, this means

It is against the law for anyone in Australia to threaten, intimidate or harm a woman. This includes threats, intimidation or harm from partners, ex partners or family members or strangers.

In Australia, women have the right to feel protected in their own home and on the streets.

There are many punishments in Australia for this kind of behaviour. The courts and police will act to protect the woman. This might include making a family member leave the woman in peace, forcing the perpetrator to leave the house of the woman and live elsewhere, or ordering a prison sentence.

References to Australian Domestic Law:
Crimes (Domestic and Personal Violence) Act 2007 (Cth) (See appendix 9); Crimes Act 1900 (Cth) (See appendix 10).

‘Women have the right to be protected from sexual violence and assault’

References to Human Rights Documents:
UDHR Art 1, 3, 4, 5, 8, 22; CEDAW Art. 6; ICESCR Art. 12; ICCPR Art. 7, 8, 17.

In Australia, this means

Women have the right to be safe from sexual assault. In Australia, the law says that there must be consent by both partners when having sex with no force or intimidation of any kind involved.

Sexual assault is a very broad term in Australia and includes non-consensual sex in a marriage. Women who are married still need to consent to having sex with their partners, otherwise this will be considered sexual assault. Additionally, a woman must be over 16 years old in New South Wales, Queensland and Victoria, and must not be unconscious or asleep and cannot give consent when they are substantially intoxicated or on drugs.

If you leave your marriage or your family it does not mean you will be sent home. If you are looking for support call the National Domestic Violence Helpline on 0808 2000 247, the Sexual Assault & Domestic Violence National Help Line on 1800 737 732 or look for a women's refuge in your area.

References to Australian Domestic Law:
Crimes Act 1900 (Cth); Crimes (Domestic and Personal Violence) Act 2007 (Cth).

Plain Language Version of the *Universal Declaration of Human Rights*

Adopted by the General Assembly of the United Nations on 10 December 1948

Article 1	Everyone is born free and equal in dignity and rights.
Article 2	Everyone is entitled to all the rights and freedoms in this Declaration.
Article 3	Everyone has the right to life and to live in freedom and safety.
Article 4	No one can be forced into slavery.
Article 5	No one can be tortured or treated cruelly.
Article 6	Everyone has the right to be treated equally by the law.
Article 7	The law is the same for everyone and should be applied in the same way to everyone.
Article 8	Everyone has the right to ask for legal help when their rights are not respected.
Article 9	No one can be randomly imprisoned or sent away from their own country.
Article 10	Everyone has the right to a fair and public trial by an independent court.
Article 11	Everyone should be considered innocent until proved guilty.
Article 12	Nobody can interfere with someone's family, home, privacy or correspondence without good reason. Everybody has the right to be protected from such actions.

Article 13	Everyone has the right to travel wherever they want within their own country. Everyone also has the right to leave their country and to return to it.
Article 14	Everyone has the right to go to another country and ask for protection if they are being mistreated or are in danger.
Article 15	Everyone has the right to belong to a country. Nobody can be prevented from belonging to another country without good reason.
Article 16	All men and women have the right to marry and have a family.
Article 17	Everyone has the right to own property and possessions.
Article 18	Everyone has the right to freedom of thought, conscience and religion. Everyone has the right to practice a religion. Everyone also has the right not to practice a religion.
Article 19	Everyone has the right to freedom of opinion and expression.
Article 20	Everyone has the right to peacefully take part in meetings and belong to groups.
Article 21	Everyone has the right to choose to take part in the government of their country. The will of the people is the foundation for the authority of government. The will of the people is expressed in free and fair elections.
Article 22	Everyone has the right to social security and is entitled to economic, social and cultural rights.

Article 23 Everyone has the right to work, the right to equal pay for equal work and the right to a decent income and working conditions. Everyone also has the right to form and to join trade unions.

Article 24 Everyone has the right to have time to relax and have fun.

Article 25 Everyone has the right to a standard of living adequate for health and wellbeing. Motherhood and childhood are entitled to special care and help.

Article 26 Everyone has the right to free education. Primary school education should be available to everyone. Everybody should also have access to higher education.

Article 27 Everyone has the right to participate in their community's cultural life.

Article 28 Everyone has the right to live in a society in which the rights and freedoms in this Declaration are available.

Article 29 Everyone has a responsibility to ensure that the rights of others are respected.

Article 30 No one has the right to try and take away any of the rights in this Declaration.

This text is a plain language version of the *Universal Declaration of Human Rights* compiled by the *New Zealand Human Rights Commission*.

Plain Language Version of the *United Nations Declaration Of The Rights Of The Child*

All children have the right to what follows, no matter what their race, colour, sex, language, religion, political or other opinion, or where they were born or who they were born to.

1. You have the special right to grow up and to develop physically and spiritually in a healthy and normal way, free and with dignity.

2. You have a right to a name and to be a member of a country.

3. You have a right to special care and protection and to good food, housing and medical services.

4. You have the right to special care if handicapped in any way.

5. You have the right to love and understanding, preferably from parents and family, but from the government where these cannot help.

6. You have the right to go to school for free, to play and to have an equal chance to develop yourself and to learn to be responsible and useful.

7. Your parents have special responsibilities for your education and guidance.

8. You have the right always to be among the first to get help.

9. You have the right to be protected against cruel acts or exploitation, eg you shall not be obliged to do work which hinders your development both physically and mentally.

10. You should not work before a minimum age and never when that would hinder your health and your moral and physical development.

11. You should be taught peace, understanding, tolerance and friendship among all people.

www.curriculum.edu.au/cce/default.asp?id=9458

Plain Language Version of the *Convention on the Elimination of All Forms of Discrimination against Women*

Article 1: Definition of Discrimination
Discrimination against women is: “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women…of human rights and fundamental freedoms”.

Article 2: Policy Measures to be Taken
Governments condemn discrimination against women in all its forms and will work to end it. This includes abolishing all existing laws, customs and regulations that are discriminatory.

Article 3: Guarantee of Basic Human Rights
Governments will take all appropriate actions to ensure the advancement of women and to protect their rights on a basis of equality with men.

Article 4: Temporary Special Measures
Governments may institute affirmative action programmes to ensure women’s advancement. This will not be considered discriminatory.

Article 5: Sex Roles and Stereotyping
Governments will strive to eliminate cultural and traditional practices that perpetuate discrimination and gender stereotyping of women.

Article 6: Trafficking and Prostitution
Governments will work to eliminate trafficking in women and the exploitation of the prostitution of women.

Article 7: Political and Public Life
Governments will work to eliminate discrimination against women in political and public life and will ensure women the right to vote, hold office and actively participate in political parties, lobby groups and NGOs.

Article 8: Participation at the International Level
Governments will take action to ensure women the opportunity to represent their government at the international level and participate in international organizations.

Article 9: Nationality
Governments will grant women equal rights to change or retain their nationality and that of their children.

Article 10: Equal Rights in Education
Governments will act to eliminate discrimination against women in education. This includes giving women and men equal access to education and vocational guidance; the same curricula,

examinations, standards for teaching and equipment; and equal access to scholarships and grants.

Article 11: Employment
Governments will eliminate discrimination against women in the workplace.

Women will have the same employment rights as men as well as maternity leave and special protection against harmful work during pregnancy.

Article 12: Health Care and Family Planning
Governments will eliminate discrimination against women in health care and provide them with equal access to health-care services, including family planning.

Article 13: Economic Life, Sport and Culture
Governments will act to eliminate discrimination against women in the economic and social arenas. Women will have equal access to family benefits, loans and credit, and an equal right to participate in recreational activities, sports and cultural life.

Article 14: Rural Women
Governments will ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities and social equity schemes, and act to eliminate discrimination against them.

Article 15: Equality Before the Law
Governments will give women equality with men before the law, including rights to enter contracts, administer property, appear in court or before tribunals, and to choose residence and domicile.

Article 16: Marriage and the Law
Governments will ensure that women and men have equal rights to choose a spouse and to marry; the same rights and responsibilities within marriage and on divorce; and equal rights in all matters relating to the birth, adoption and raising of children.

Articles 17-22:
Detail the establishment and function of the Committee on the Elimination of Discrimination against Women.

Articles 23-30:
Detail the administration of the Convention.

Adapted from: *CEDAW MADE EASY Question & Answer Booklet*, published by UNIFEM.

These national services exist to support you if you have suffered abuse or violence of any kind or if you need help with family problems. They are free services and some have interpreter services. They are safe places where you can receive help and support.

Women

- Women can telephone Immigrant Women's Domestic Violence Service on FREECALL 1800 755 988 (Interpreter services are available free of charge)
- Domestic Violence Resource Centre
  FREECALL 1800 732 732 or www.dvrcv.org.au

Children

- ReachOut.com is Australia's leading online youth mental health service. ReachOut.com helps hundreds of thousands of young Australians with information support and stories on everything from finding your motivation, through to getting through really tough times. http://au.reachout.com
- Kid Help Line provides online information and a telephone counselling service for children and young people.
  FREECALL 180055 1800 or www.kidshelp.com.au/

- Australian Childhood Foundation provides information for families about Children and Young People affected by abuse. www.childhood.org.au

Men

- MensLine Australia provides telephone counselling support for men dealing with relationship problems and helps you to find solutions in a practical and effective way. Call 1300 78 99 78 or www.mensline.org.au/

Family

- Lifeline provides counselling and crisis support on the telephone 13 11 14 available anytime day or night.
  www.lifeline.org.au/
- Family Relationships Advice Line
  www.familyrelationships.gov.au or
  1800 050 321 (8am-8pm Monday – Friday and 10am – 4pm Saturday)

LEGISLATION APPENDIX

This section of the training kit talks about some of the Australian laws that help protect everyone living in Australia. It is important that we know these rights so that we can make sure that everyone is protected at home, in public and in the workplace.

Some of these rights are Federal laws, which means they apply to all states in Australia. This means that if you live in any state in Australia (Queensland, New South Wales, Victoria, South Australia, Tasmania and Western Australia) you must follow these laws. For example, it is illegal to marry someone who is under 18 years in every state in Australia under the *Marriage Act 1981* (Cth).

Others laws are state laws, which means that your state will have specific law. The laws in each state are not always exactly the same. For example, in New South Wales and Victoria a child must be 17 years of age and have completed year 10 to complete school. In Queensland however, a child can finish school when they are 16 years old or when they have finished Year 10.

This information is to assist you to explain to people that in Australia, our Human Rights are made stronger by laws. If they question this, for example on the grounds of culture, you can give them examples them how the laws apply. This training kit is not a legal guide, and cannot be used to help people take legal action themselves. If you or someone you are working with thinks that the law is being broken you must seek proper legal advice.

You can seek free advice at one of your local Migrant Resource Centres on where to find legal information:

New South Wales: Community Migrant Research Centre **(02) 9687 9901**

Queensland: The Migrant Centre Organisation Inc **(07) 5591 7261**

Victoria: Spectrum Migrant Resource Centre **(03) 9496 0200**

You can also contact your community legal centre for free and seek advice if the law has been broken, or you think the law has been broken. Each suburb usually has a community legal centre. These centres aim to protect everyone's right to live without violence, to be protected in the workforce, law, healthcare and employment. For a list of community legal centres in your state, these websites have information on all the local community legal centres available:

New South Wales: www.clcnsw.org.au/clc_directory.php?letter=m

Queensland: www.qails.org.au/01_directory/search.asp?action=search

Victoria: www.fclc.org.au/centres.php?centre_type=2

If you are under 18 you are considered a child in Australian law. If you feel like you have been discriminated at school or not treated correctly, the National Children's and Youth Law Centre offers a free email service. You can email any questions you have to them and they will inform you of your rights. www.lawstuff.org.au/lawmail

APPENDIX 1: *Sex Discrimination Act 1984* (Cth)

This law is designed to protect women, and people from minority groups such as gays and lesbians, from discrimination. This includes discrimination in places such as work, when finding accommodation and in schools and other places of education. It also covers service providers in all areas, such as Migrant resource centres, or in government departments or shops. The Sex Discrimination Act makes sexual harassment at work and in educational institutions illegal. If you have a child, the Sex Discrimination Act makes it illegal for employers to discriminate against you on the grounds of family responsibilities (such as taking time off work to look after the baby). The Sex Discrimination Act is based on the UN Convention on the Elimination of All Forms of Discrimination Against Women.

If you believe you have been discriminated on the basis of your sex, you can call your state women's legal service:

New South Wales: Women's Legal Services **(02) 8745 6988**

Queensland: Women's Legal Service **(07) 1800 957 957**

Victoria: Women's legal service Victoria **(03) 8622 0600**

APPENDIX 2: *Australian Human Rights Commission Act 1986* (Cth)

This law aims to give equal opportunity and eliminate discrimination based on race, the colour of your skin, whether you are male or female, what your religion or political opinion is, your nationality, your age, your criminal history, your martial or relationship status, your physical or mental health, disabilities and whether you are gay or lesbian. This law establishes a Human Rights and Equal Opportunity Commission.

If you have a human rights complaint and you think you have been discriminated against, you can call the Australian Human Rights Commission on **1300 656 419**.

APPENDIX 3: *Workplace Gender Equality Act 2012* (Cth)

This law is intended to improve equality between men and women in employment and the workplace. This means they must be paid equally if they are doing the same work or a similar job. In order to protect these rights, employers have to report on the things they have done in their workplace to make sure they are responsible for men and women getting equal treatment. This Federal law aims to protect women's right to fair and equal opportunities in the workforce in Australia.

If you do not think you are being paid correctly, calculate how much you should be paid https://calculate.fairwork.gov.au/findyouraward

If you are not being paid enough money or if you are getting less money than men who are doing the same job, you can call the Fair Work Ombudsman on 13 13 94.

APPENDIX 4: *Fair Work Act 2009* (Cth)

This law aims to provide safety in the workforce and improve equality between women and men in the workplace and employment. This means that workplaces must meet minimum wages, so that women and men are paid enough for the work they do. Everyone has the right to be paid fairly for the work they do. Also, the law requires that there are safe conditions for everyone working in Australia. If you are not being paid enough money or if you are getting less money than men who are doing the same job, you can call the Fair Work Ombudsman on **13 13 94**.

APPENDIX 5: *Marriage Act 1961* (Cth)

The law defines marriage as "the union of a man and a woman to the exclusion of all others, voluntarily entered into for life". This means that in Australia you are only allowed to marry one person at a time, otherwise the second marriage will be illegal under Australian law. Marriage in Australia cannot be forced - women and men have the freedom to choose who they wish to marry if they are 18 years or older. However, this Act also means that people in same-sex relationships cannot legally marry in Australia.

If you are not happy in your marriage, you can also get a divorce from your husband, even if he doesn't want one. No one has to be at fault.

If you want more information on getting a divorce or relationship questions, you can call the Family Relationships Advice Line for free on **1800 050 321**.

APPENDIX 6: *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012* (Cth)

This law aims to remove slavery and people trafficking in Australia. The law acknowledges that everyone has the right to freedom and protection from abuse. A wide range of behaviour that takes advantage of another person is illegal. For example, forced labour, people trafficking and forced marriage are illegal in Australia. The government has increased the punishment for a broad range of crimes that are seen as slavery or continuing a person's slavery.

APPENDIX 7: *Australian Citizenship Act 2007* (Cth)

The *Australian Citizenship Act* sets out how you can become an Australian citizen (through birth, adoption or by applying to become one). Citizenship in Australia is not discriminatory on the basis of someone's gender, religion or cultural background. There are also situations in the law however where you may be stopped from being an Australian citizen. For example, being convicted of a serious offence is one way in which a person's citizenship may be revoked.

APPENDIX 8: *Education Act 1990* (NSW); *Education and Training Reform Act 2006* (VIC); *Queensland Education (General Provisions) Act 2006* (QLD)

Each different State in Australia has their own laws for education and what age a child has to stay in school until. In New South Wales, a child must start school in Kindergarten when they turn five on or before the 31st of July in that year. Additionally, in New South Wales a child must be 17 years of age and have completed year 10 to complete school. In Victoria a child needs to be five years old by the 20th of April to start attending school, and a child must be in school by the time they turn six years of age. Additionally, in Victoria a child must be 17 years of age and have completed year 10 to complete school. In Queensland Children must be 5 by 30 June in the year they enrol to go to school and must be in school when they are 6 years and 6 months. It is compulsory in Queensland to send your child to school until they turn 16 or finish Year 10. If a parent does not send their child to school this is illegal and they will be given a fine or penalty by the government.

To find out more details about enrolling in school in your state visit:

New South Wales: www.schools.nsw.edu.au/gotoschool/enrolment/index.php

Queensland: www.qld.gov.au/education/schools/find/enrolment/pages/how-to.html

Victoria: www.education.vic.gov.au/school/parents/primary/Pages/enrol.aspx

APPENDIX 9: *Same Sex Relationships (Equal Treatment in Commonwealth Laws- General Law Reform) Act 2008* (Cth)

The government aims to eliminate discrimination and make sure there is equal treatment for same-sex couples. The law aims to provide same-sex couples equality and stop people from discriminating against the. This includes ensuring the law is fairer for same-sex couples in superannuation, taxation and education. One of the main changes of this Act was allowing same-sex couples to be considered 'de facto partners', allowing them more rights and recognition of their relationship under Australian laws. This means that 'de facto partners' are considered in migration law and hold higher rights.

If you have been discriminated against at work for being in a same-sex relationship or being gay, lesbian or bisexual, you can call the Fair Work Ombudsman on **13 13 94**.

If you feel you have been discriminated against (for example by a service provider or a store) then you can contact your local community legal centre to get more information.

APPENDIX 10: *Crimes (Domestic and Personal Violence) Act 2007* (Cth)

The law intends to protect women by eliminating domestic violence in Australia. This includes offering safety and protection of all people in Australia, including children, who experience or have to see domestic violence. Courts are now able to take out apprehended domestic violence orders (ADVOs) which aim to protection people from domestic violence, intimidation (including harassment) and stalking. The Government recognises that domestic violence is unacceptable behaviour and needs an appropriate response from the police and legal system.

If you have been hurt or your partner is violent contact the police. Women and children have the right to be safe in their home. The police can try and stop the partner from harming you, or get him to leave the home.

If you are being hurt or know someone who is being hurt you can call for free:

New South Wales: Domestic Violence Line **1800 656 463**

Victoria: InTouch Multicultural Centre Against Family Violence **1800 755 988**

Queensland: Domestic Violence Hotline Queensland **1800 811 811**

APPENDIX 11: *Crimes Act 1900* (NSW)

The Government aims to eliminate and criminalise sexual assault. Sex needs to be between two consenting parties. This Crimes Act defines "consents" as "sexual intercourse where the person freely and voluntarily agrees to the sexual intercourse". If one of the parties doesn't consent to the sex, the other is committing a crime in Australia and will be punished. Someone cannot consent if they are too young, mentally unstable, intoxicated, unconscious or sleeping. Consent is also still needed between two partners who are married. If there is not consent to the sex in a marriage, this will be considered marital rape in Australia.

If you are being sexually assaulted or know someone who has been sexually assaulted, free helplines available to you are:

New South Wales: NSW Rape Crisis **1800 737 732**

Queensland: Queensland Sexual Assault Services **1800 010 120**

Victoria: Centre Against Sexual Assault **1800 806 292**

This Manual is part of a Training Kit which includes Three Booklets,

Human Rights In Australia: An Introduction For Newly Arrived Refugee Families;
The Rights Of Children In Australia; An Introduction For People Who Came To Australia As Refugees
Women's Rights In Australia: An Introduction For People Who Came To Australia As Refugees,
and an animated film of these materials.

The Booklets and animnated film are available in in 9 languages: English, Arabic, Burmese, Dari, Farsi, Hazaragi, Karen, Kiswahili and Tamil.

All materials can be accessed and downloaded from:
www.arts.unsw.edu.au/research/forced-migration-research-network/resources/