



Australian
Human Rights
Commission

Australia's Third Universal Periodic Review

SUBMISSION BY THE AUSTRALIAN
HUMAN RIGHTS COMMISSION • 2020



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ISBN 978-1-925917-25-3

Acknowledgements

The Australian Human Rights Commission thanks Darren Dick, Olivia Aitken and Anna Lochhead-Sperling for their role in the preparation of this submission.

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Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

Telephone: (02) 9284 9600

Email: communications@humanrights.gov.au

Design and layout Dancingirl Designs

Graphics We Are 27 Creative

Cover photography iStock, Shutterstock, June Oscar and Olivia Aitken



Australia's Third Universal Periodic Review

July 2020

Australian Human Rights Commission 2020

About the Commission

The Australian Human Rights Commission is established and operates under the *Australian Human Rights Commission Act 1986* (Cth) and exercises functions under the following legislation: *Racial Discrimination Act 1975* (Cth); *Sex Discrimination Act 1984* (Cth); *Disability Discrimination Act 1992* (Cth); *Age Discrimination Act 2004* (Cth); *Fair Work Act 2009* (Cth) and *Native Title Act 1993* (Cth).

The Commission is an 'A status' national human rights institution, operating in conformity with the 'Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights' in General Assembly Resolution 48/134, 1993.

Information about the Commission's activities can be found on our website: www.humanrights.gov.au.



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Emeritus Professor Rosalind Croucher

*President
Australian Human Rights Commission*



Foreword

In early 2021, Australia's human rights record will be the focus of discussion in the third cycle of the Universal Periodic Review (UPR).

The UPR is a peer review dialogue that involves all member states of the United Nations and considers progress in the realisation of all human rights in each country. The UPR helps identify human rights achievements, challenges and solutions by inviting all nations to ask questions of and make recommendations on human rights to the country undergoing review. Each country engages in such a review approximately every four years.

Her Excellency Dr Michelle Bachelet, UN High Commissioner for Human Rights, considers that the UPR 'ensures ground-breaking scrutiny of the human rights record of every State in the world'.

National Human Rights Institutions are encouraged to be part of the process and provide an independent assessment of the country under review. The Australian Human Rights Commission has been actively engaged in the UPR since Australia's appearance at the first cycle in 2011.

This Submission is the next step in our engagement.

The UPR is based on three main reports: a national report by the Australian Government; a summary of UN engagement since the previous UPR appearance; and a 'stakeholder report' for Australia bringing together input from the Commission and NGOs.

The Commission's submission describes the current status of human rights in Australia and makes 48 recommendations about ongoing challenges.

It welcomes positive developments since the last cycle, including the ratification of the Optional Protocol to the Convention against Torture and the passage of Marriage Equality legislation.

It also highlights the substantial weaknesses in Australia's human rights protections and the challenges that the COVID-19 pandemic presents for ensuring the realisation of rights for all.

The document reflects on the 290 recommendations made by 110 countries at Australia's second cycle review. At this time, approximately 11% of those supported by the government have been fully implemented, approximately 80% have been partly implemented and approximately 9% not implemented.

The UPR is a positive process aimed at encouraging reflection and debate and generating movement towards better human rights protections in Australia and around the world. I look forward to engaging with government, NGOs and the community as we strive together to realise human rights.

Emeritus Professor Rosalind Croucher
President Australian Human Rights Commission

July 2020



1 Introduction

1. This submission is made by the Australian Human Rights Commission (AHRC). Recommendations are in **bold**.
2. The Commission acknowledges the positive steps taken by the Australian Government since its 2nd UPR.¹
3. Australia does not take a proactive approach to human rights. There are limited national targets and commitments to address known human rights challenges, and limited accountability for outcomes.
4. Throughout 2019–20 the AHRC conducted a national conversation on human rights to develop a national reform agenda to comprehensively respect, protect and fulfil rights.² This submission makes recommendations to implement this reform agenda, and to address the impact of the COVID-19 Pandemic in Australia.



2 Background and framework

2.1 Implementation of UPR recommendations

5. Of the 290 recommendations made to Australia in 2015, approximately 11% of those supported have been **fully** implemented over the past four years,³ approximately 80% have been **partly** implemented and approximately 9% **not** implemented.⁴

2.2 Scope of international obligations

6. The Commission commends Australia's ratification of OPCAT and the withdrawal of its CEDAW reservation on women in combat roles. Reservations continue under ICERD, ICCPR, CEDAW and CRC, and interpretative declarations under the CRPD, despite calls for their removal.⁵ The Migrant Workers Convention⁶ and the communications optional protocols under ICESCR and the CRC have not been ratified. **Parliamentary Joint Standing Committee on Treaties conduct a National Interest Analysis on ratification of the Migrant Workers Convention and Optional Protocols to ICESCR and CRC. Government remove existing reservations to human rights treaties and withdraw its interpretative declarations to the CRPD.**
7. Since ratifying OPCAT in 2017, implementation has been slow. Australia has delayed implementation of the National Preventive Mechanism (NPM) for 3 years, which concludes in late 2021. **Australian governments apply recommendations from *Implementing OPCAT in Australia* and commence operation of all NPM bodies without delay.**⁷

2.3 Constitutional and legislative framework

8. The Commission is concerned at the quality of 'Statements of Compatibility with Human Rights' that accompany bills, and limited consideration of the views of the Parliamentary Joint Committee on Human Rights (PJCHR) prior to the passage of legislation.⁸
Government train public servants to ensure that Statements of Compatibility are of a consistently high standard and ensure that the views of the PJCHR are considered prior to enacting legislation.
9. Many restrictions on movement and penalties were introduced to combat the COVID-19 pandemic without legislative oversight or review.⁹ **All Australian Governments ensure that restrictions enacted to combat the COVID-19 pandemic are proportionate, the minimum necessary intrusion on rights at all times and are removed fully as soon as the public emergency is over.**
10. Australia has an inadequate legal framework for implementing its human rights obligations and providing remedies. **Government ensure that Australia's international human rights obligations are comprehensively incorporated into law.**
11. Australia's discrimination laws are complex, do not provide comprehensive protection and lack regulatory mechanisms to assist compliance and promote equality.¹⁰
Government reform federal discrimination laws to ensure comprehensive protection and improve effectiveness.¹¹
12. The Standing National Mechanism on Human Rights has improved governmental coordination.¹² Concerns remain about inadequate responses to treaty body recommendations and a lack of accountability for implementation. **Government commits to formally replying to all treaty body recommendations within 12 months with civil society engagement, targets and identifying responsible government agencies for implementation.**

(a) Human rights education

13. References to human rights in the national school curriculum are limited.¹³ **Government expand human rights education in all areas of the public sector, particularly for those working with children and in the administration of justice and places of detention;¹⁴ and incorporate human rights more fully in the national school curriculum.**

3 Promotion and protection of human rights on the ground

3.1 Aboriginal and Torres Strait Islander peoples

14. There is no program to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia, nor consultation with Indigenous peoples about priorities.¹⁵
Government develop a national program to implement UNDRIP and schedule it to the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011 (Cth)*.
15. The Australian Constitution permits racial discrimination.¹⁶ A referendum has not yet taken place to address this or recognise Aboriginal and Torres Strait Islander peoples¹⁷ despite multiple processes since 2011.¹⁸ Constitutional reform, truth telling and agreement making are critical to addressing the concerns experienced by Aboriginal and Torres Strait Islander peoples. A Voice to Parliament as set out in the Uluru Statement is a vital component of the necessary reforms.¹⁹
Government support a national voice to Parliament for Indigenous peoples, and ensure the informed consent of Indigenous peoples in all decision making that affects them. Government sets timetable for achieving reform of the Constitution to remove capacity for racial discrimination.
16. The Closing the Gap strategy aims to ‘close the gap’ between Indigenous and non-Indigenous Australians across a range of life outcomes.²⁰ In 2020, two of the seven targets—early childhood education and Year 12 attainment—are on track to be met by 2031.²¹ Other areas such as employment and school attendance have not seen improvements,²² and the life expectancy gap has persisted.²³ The Commission welcomes the Partnership Agreement in 2019 between the Coalition of Peaks and NFRC—the peak intergovernmental forum in Australia.²⁴
Government implements shared decision making and partnerships with Aboriginal and Torres Strait Islander peoples through the Closing the Gap strategy, and commit to funding and actions to achieve targets by 2031.
17. The AHRC’s *Wiyi Yani U Thangani* project identifies actions to improve the human rights of Aboriginal and Torres Strait Islander women and girls. This includes an urgent focus on reducing over-representation of Indigenous people in care and protection systems,²⁵ criminal justice,²⁶ and as victims of family violence,²⁷ with a focus on trauma recovery. **Government implement the recommendations of the *Wiyi Yani U Thangani* report,²⁸ including by developing a National Action Plan for Aboriginal and Torres Strait Islander women and girls.**
18. Significant concerns have been expressed about the evidentiary requirements required under the *Native Title Act 1993* for proving Indigenous peoples’ connection to country. **The Government implement the recommendations of the ALRC’s *Connection to Country* report.²⁹**

3.2 Gender equality

19. Australia's national gender pay gap is currently 14%,³⁰ contributing to the significant gap in retirement savings for women.³¹ **Government implement targeted strategies to close the gender pay gap and ensure women's economic security later in life.**³²
20. Women and girls face particular challenges during the COVID-19 pandemic, including economic impacts, increased violence at home and the compounding effects of intersectional disadvantage.³³ **Government implement evidence-based gender sensitive policies, including affordable access to childcare, equal investment in job creation efforts for men and women, and ensuring that women contribute to decisions affecting Australia's COVID-19 recovery.**
21. The Commission's *Rights@Work* report identifies drivers and impacts of workplace sexual harassment, the adequacy of the current legal framework and measures to address this.³⁴ **Government, in partnership with the business and community sectors, implement the recommendations of the National Inquiry into Sexual Harassment in Australian Workplaces.**
22. The Commission welcomes the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children 2010–2022.³⁵ Domestic and Family violence (DFV) against women remains endemic.³⁶ The intersection of gender with other forms of inequality results in women with disability and from Indigenous, LGBTQI, and culturally and linguistically diverse backgrounds experiencing higher rates of violence, and additional barriers to support.³⁷ **Government increase prevention and early intervention initiatives on DFV; tailored measures to address the needs of women experiencing intersectional discrimination; and commit to a further National Plan from 2022.**

3.3 Older persons

23. Older Australians continue to face challenges relating to stereotyping and various forms of abuse.³⁸ The Commission welcomes the launch of the National Plan to Respond to the Abuse of Older Australians (2019–2023),³⁹ Age discrimination is a major barrier to the participation of older Australians in the labour force, which is likely to be exacerbated during the COVID-19 pandemic and likely recession.⁴⁰ **Government reduce workplace discrimination against older Australians, and implement recommendations from the ALRC's report *Elder Abuse—A National Legal Response*⁴¹ and the AHRC's *Willing to Work* report.⁴²**
24. Older women were the fastest growing cohort of homeless Australians 2011–2016, increasing by 31%.⁴³ **Government develop solutions to reduce women's risk of homelessness.**⁴⁴

3.4 People with disability

25. The National Disability Strategy 2010–2020 remains underfunded, with key commitments not achieved. There has been limited progress in addressing the sterilisation of people with disability without consent,⁴⁵ and implementing a nationally consistent supported decision-making framework.⁴⁶ **Government address the UNCRPD Committee's recommendations in the new National Disability Strategy; adopt uniform legislation prohibiting sterilisation of people with disability without their consent; and implement a nationally consistent supported decision-making framework.**⁴⁷
26. Rates of labour force participation of people with disability have not improved.⁴⁸ **Government implement the *Willing to Work* report recommendations⁴⁹ and provide services to transition people with disability into open forms of employment.**

27. There remain high rates of violence against people with disability,⁵⁰ in particular women and girls.⁵¹ The Commission is also concerned about the lack of a nationally consistent approach to eliminating the use of restrictive practices.⁵² The Commission welcomes the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. **Government ensure that national policies to reduce violence against women and children prioritise disability. Government implement the interim and final reports of the Royal Commission.⁵³ Governments develop a national framework towards eliminating the use of restrictive practices.**
28. Little progress has been made in addressing the indefinite detention of people with disability who are assessed as unfit to stand trial or not guilty by reason of mental impairment.⁵⁴ The Commission is also concerned about the imposition of compulsory treatment and involuntary hospitalisation.⁵⁵ **Government implement the recommendations of the *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia*.⁵⁶ Governments adopt a human rights-based approach to mental health laws and ensure that mental health services do not violate the human rights of people with disability.**

3.5 Lesbian, gay, bisexual, trans, gender diverse and intersex people

29. The Commission welcomes marriage equality legislation⁵⁷ and legislation expunging historic criminal convictions for consensual homosexual sex.⁵⁸
30. The Commission is concerned about involuntary surgery on people born with variations in sex characteristics, especially infants.⁵⁹ **Government ensure a nationally consistent human rights-based approach to medical interventions on people with variations in sex characteristics.**

3.6 Rights of the child

31. There are inadequate legal protections for children's rights in Australia, including remedies.⁶⁰ Significant gaps in the implementation of children's rights exist across all areas of data collection, policy, programs and service delivery. **Government fully incorporate the CRC into Australian law; develop a National Plan for Child Wellbeing and a national children's data framework; and create a Cabinet-level Minister for children's rights.**
32. Rates of children in out-of-home care have steadily increased,⁶¹ with Indigenous children significantly over-represented.⁶² **Governments urgently prioritise early intervention programs to prevent children entering child protection systems. Governments fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.⁶³**

3.7 Refugees, asylum seekers and migrants

33. Immigration detention remains mandatory for all unlawful non-citizens,⁶⁴ which can result in prolonged and/or indefinite detention that may be arbitrary and risks mental ill-health.⁶⁵ The average period of immigration detention is currently 545 days.⁶⁶ Immigration detention facilities are approaching capacity, making physical distancing for COVID-19 difficult.⁶⁷ **Government ensure immigration detention is justified, time limited, and subject to prompt and regular judicial oversight. Government reduces numbers of people held in immigration detention to maintain safety during COVID-19 pandemic. Government amends the *Migration Act 1958 (Cth)* to prohibit placing children in immigration detention.**

34. The Commission is concerned about possible refoulement, arbitrary, prolonged and/or indefinite detention and separation from family resulting from decisions to cancel visas of non-citizens under sections 501 and 116 of the Migration Act.⁶⁸ **Government repeals mandatory visa cancellation provisions in sections 501(3A) and 501CA and removes a criminal charge as a prescribed ground for cancellation of a Bridging Visa E under section 116(1)(g) of the Migration Act.**
35. The Commission is concerned about human rights protections for refugees and asylum seekers in the 'Legacy Caseload'⁶⁹—especially inadequate safeguards against refoulement,⁷⁰ insufficient support to ensure an adequate standard of living,⁷¹ and restrictions on family reunion that create a risk of constructive refoulement.⁷² Asylum seekers arriving by boat may only apply for temporary protection visas, discrimination based on mode of arrival.⁷³ **Government repeal the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth). Government conduct refugee status determination consistently with international obligations, and provide permanent protection for refugees and family sponsorship. Government provide sufficient support to asylum seekers to ensure an adequate standard of living.**
36. Australia's current regime of third country processing in Papua New Guinea and Nauru for asylum seekers who arrive by sea is inconsistent with international human rights law.⁷⁴ **Government immediately cease the current regime of third country processing, and offer viable long-term protection for all refugees subject to third country processing, including those transferred to Australia, and confirm they will not be sent back to PNG or Nauru.**
37. The Commission is concerned that refugees and asylum seekers in regional processing countries are receiving inadequate physical or mental health care. The Commission considers the repeal of 'Medevac legislation',⁷⁵ which established a framework for transferring refugees and asylum seekers from regional processing countries to Australia for medical treatment, is retrogressive in ensuring the highest attainable standard of physical and mental health.⁷⁶ **Government ensure refugees and asylum seekers access timely and appropriate healthcare in Australia, unless there is a medical reason why another destination is more appropriate.**
38. Racial discrimination is present in Australian society, particularly for Aboriginal and Torres Strait Islander peoples.⁷⁷ The Commission is concerned about the increase in severe Islamophobic attacks,⁷⁸ far-right extremism,⁷⁹ increased racism experienced by people of Asian background during the COVID-19 pandemic⁸⁰ and cyber racism, and calls for renewed funding of national anti-racism efforts.⁸¹ **Government support social cohesion, community harmony and national unity initiatives underpinned by accurate data. Government fund a new national anti-racism strategy.**
39. There is limited cultural diversity in leadership of Australian organisations.⁸² **Government support pathways to improve the representation of cultural diversity within Australian leadership.**⁸³

3.8 People from culturally and linguistically diverse backgrounds



4 Economic, social and cultural rights

(a) Right to social security

40. The main income support payment for unemployed Australians, 'JobSeeker Allowance',⁸⁴ is inadequate.⁸⁵ This has been acknowledged by the Government which increased payments during the COVID-19 pandemic.⁸⁶ The Commission has expressed concerns at punitive welfare programs, notably the 'ParentsNext'⁸⁷ 'pre-employment' program⁸⁸ and compulsory income management schemes that disproportionately affect Aboriginal and Torres Strait Islander peoples.⁸⁹ **Government ensure JobSeeker Allowance payments provide recipients with an adequate standard of living. Welfare support programs be reformed so they are not punitive, and current models of income management be discontinued or redesigned as voluntary, opt-in schemes that are used as a 'last resort'.**

(b) Children: health and education⁹⁰

41. The Commission is concerned about the availability of mental health services for children.⁹¹ **Government expands and funds the delivery of child targeted mental health and support services.**
42. Aboriginal and Torres Strait Islander children consistently identified the need for support for culture and language in primary and secondary education.⁹² **Government fully implement the cross-curriculum priority on 'Aboriginal and Torres Strait Islander histories and cultures' and ensure availability of bilingual education.**

(c) Human rights and the environment

43. Ongoing changes to Australia's physical environment and increasing instances of natural disaster are impacting Australians' rights to the enjoyment of the highest attainable standard of physical health and to safe and healthy working conditions. **Government take urgent steps to implement the Paris Agreement and integrate a human rights-based approach into all disaster recovery policies.**



5 Civil and political rights

(a) Business and Human Rights

44. The Commission commends Australia for reforms to its OECD National Contact Point.⁹³ The Government consulted on a National Action Plan on Business and Human Rights in 2017 but did not proceed. **Government develop a National Action Plan on Business and Human Rights; and legislate for large Australian companies and those operating in high risk sectors, including extraterritorially, to conduct human rights and environmental due diligence.**

(b) Slavery and Trafficking

45. The Commission commends Australia for the *Modern Slavery Act 2018* (Cth), which includes the Government as a reporting entity. The Commission welcomes the 12 proposed goals for the development of the National Action Plan to Combat Modern Slavery 2020–2024.⁹⁴ **Government establish an Anti-Slavery Commissioner with oversight of modern slavery statements; introduce financial penalties for non-compliance with reporting requirements; and fully implement the National Action Plan.**

(c) Counter-terrorism and national security laws

46. Australia's counter-terrorism laws disproportionately and unnecessarily limit ICCPR rights, especially relating to: 'declared areas' offences,⁹⁵ presumptions against bail and parole,⁹⁶ control orders and preventive detention orders,⁹⁷ continuing detention orders,⁹⁸ 'stop, search and seize' powers,⁹⁹ revocation of citizenship,¹⁰⁰ restrictions on fair trial rights,¹⁰¹ and measures limiting children's rights such as in the prosecution and sentencing of children for terrorism offences.¹⁰² **Government amend existing counter-terrorism laws that unduly limit human rights.**
47. National security laws and law enforcement powers¹⁰³ on metadata retention¹⁰⁴ and encryption,¹⁰⁵ unjustifiably limit freedom of expression and privacy, especially for journalists and whistleblowers.¹⁰⁶ **Government amend national security laws so that they do not unduly limit human rights, particularly freedom of expression and the right to privacy.**



(d) Technology

48. The Commission is concerned at inadequate protections relating to decision making using artificial intelligence (AI).¹⁰⁷ **Government adopt a national strategy on new technologies, promoting the development and use of AI in compliance with human rights.**

(e) Freedom of assembly

49. Some state and territory laws unduly restrict the right of peaceful assembly.¹⁰⁸ **Governments ensure that all laws that regulate protest activity are consistent with the right of peaceful assembly.**

(f) Freedom of religion and belief

50. Protections from religious discrimination are not comprehensive. **Government introduce a religious discrimination law that protects all people in Australia consistently with international human rights law and other Commonwealth discrimination laws.**¹⁰⁹

(g) Criminal justice system

51. Aboriginal and Torres Strait Islander people continue to be significantly overrepresented in prisons,¹¹⁰ especially children¹¹¹ and those with intellectual or psychosocial disabilities.¹¹² Aboriginal and Torres Strait Islander women are the fastest growing prisoner population.¹¹³ **Government ensure the availability of diversionary programs for Indigenous peoples and expand justice reinvestment trials. Government commit adequate, ongoing funding for Indigenous legal assistance programs.**
52. Mandatory sentencing laws¹¹⁴ continue to exist in most Australian jurisdictions.¹¹⁵ **Governments abolish mandatory sentencing laws and expand the use of non-custodial measures where appropriate.**
53. The minimum age of criminal responsibility in all Australian jurisdictions is 10 years of age.¹¹⁶ **Governments raise the minimum age of criminal responsibility to at least 14 years.**
54. The Commission is concerned about conditions of detention for children, including excessive and punitive isolation practices.¹¹⁷ **Governments prohibit the use of isolation and force as punishment in juvenile justice facilities.**

Annex 1:

Recommendations for Australia's appearance at the third cycle of the UPR

2.2 Scope of international obligations

1. The Commission recommends that the Parliamentary Joint Standing Committee on Treaties conduct a National Interest Analysis on ratification of the Migrant Workers Convention and Optional Protocols to ICESCR and CRC. Government remove existing reservations to human rights treaties and withdraw its interpretative declarations to the CRPD.
2. The Commission recommends that Australian governments apply recommendations from *Implementing OPCAT in Australia* and commence operation of all NPM bodies without delay.

2.3 Constitutional and legislative framework

3. The Commission recommends that Government train public servants to ensure that Statements of Compatibility are of a consistently high standard and ensure that the views of the PJCHR are considered prior to enacting legislation.
4. The Commission recommends that all Australian Governments ensure that restrictions enacted to combat the COVID-19 pandemic are proportionate, the minimum necessary intrusion on rights at all times and are removed fully as soon as the public emergency is over.
5. The Commission recommends that Government ensure that Australia's international human rights obligations are comprehensively incorporated into law.
6. The Commission recommends that Government reform federal discrimination laws to ensure comprehensive protection and improve effectiveness.
7. The Commission recommends that Government commits to formally replying to all treaty body recommendations within 12 months with civil society engagement, targets and identifying responsible government agencies for implementation.

(a) Human rights education

8. The Commission recommends that Government expand human rights education in all areas of the public sector, particularly for those working with children and in the administration of justice and places of detention; and incorporate human rights more fully in the national school curriculum.



3 Promotion and protection of human rights on the ground

3.1 Aboriginal and Torres Strait Islander peoples

9. The Commission recommends that Government develop a national program to implement UNDRIP and schedule it to the definition of human rights in the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).
10. The Commission recommends that Government support a national voice to Parliament for Indigenous peoples, and ensure the informed consent of Indigenous peoples in all decision making that affects them. Government sets timetable for achieving reform of the Constitution to remove capacity for racial discrimination.
11. The Commission recommends that Government implements shared decision making and partnerships with Aboriginal and Torres Strait Islander peoples through the Closing the Gap strategy, and commit to funding and actions to achieve targets by 2031.
12. The Commission recommends that Government implement the recommendations of the *Wiyi Yani U Thangani* report, including by developing a National Action Plan for Aboriginal and Torres Strait Islander women and girls.
13. The Commission recommends that Government implement the recommendations of the ALRC's *Connection to Country* report.
15. The Commission recommends that Government implement evidence-based gender sensitive policies, including affordable access to childcare, equal investment in job creation efforts for men and women, and ensuring that women contribute to decisions affecting Australia's COVID-19 recovery.
16. The Commission recommends that Government, in partnership with the business and community sectors, implement the recommendations of the National Inquiry into Sexual Harassment in Australian Workplaces.
17. The Commission recommends that Government increase prevention and early intervention initiatives on DFV; tailored measures to address the needs of women experiencing intersectional discrimination; and commit to a further National Plan from 2022.

3.2 Gender equality

14. The Commission recommends that Government implement targeted strategies to close the gender pay gap and ensure women's economic security later in life.

3.3 Older persons

18. The Commission recommends that Government reduce workplace discrimination against older Australians, and implement recommendations from the ALRC's report *Elder Abuse—A National Legal Response* and the AHRC's *Willing to Work* report.
19. The Commission recommends that Government develop solutions to reduce women's risk of homelessness.

3.4 People with disability

20. The Commission recommends that Government address the UNCRPD Committee's recommendations in the new National Disability Strategy; adopt uniform legislation prohibiting sterilisation of people with disability without their consent; and implement a nationally consistent supported decision-making framework.
21. The Commission recommends that Government implement the *Willing to Work* report recommendations and provide services to transition people with disability into open forms of employment.

22. The Commission recommends that Government ensure that national policies to reduce violence against women and children prioritise disability. Government implement the interim and final reports of the Royal Commission. Governments develop a national framework towards eliminating the use of restrictive practices.
23. The Commission recommends that Government implement the recommendations of the *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia*. Governments adopt a human rights-based approach to mental health laws and ensure that mental health services do not violate the human rights of people with disability.

3.5 Lesbian, gay, bisexual, trans, gender diverse and intersex people

24. The Commission recommends that Government ensure a nationally consistent human rights-based approach to medical interventions on people with variations in sex characteristics.

3.6 Rights of the child

25. The Commission recommends that Government fully incorporate the CRC into Australian law; develop a National Plan for Child Wellbeing and a national children's data framework; and create a Cabinet-level Minister for children's rights.

26. The Commission recommends that Governments urgently prioritise early intervention programs to prevent children entering child protection systems. Governments fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.

3.7 Refugees, asylum seekers and migrants

27. The Commission recommends that Government ensure immigration detention is justified, time limited, and subject to prompt and regular judicial oversight. Government reduces numbers of people held in immigration detention to maintain safety during COVID-19 pandemic. Government amends the *Migration Act 1958* (Cth) to prohibit placing children in immigration detention.
28. The Commission recommends that Government repeals mandatory visa cancellation provisions in sections 501(3A) and 501CA and removes a criminal charge as a prescribed ground for cancellation of a Bridging Visa E under section 116(1)(g) of the *Migration Act*.
29. The Commission recommends that Government repeal the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (Cth). Government conduct refugee status determination consistently with international obligations, and provide permanent protection for refugees and family sponsorship. Government provide sufficient support to asylum seekers to ensure an adequate standard of living.

30. The Commission recommends that Government immediately cease the current regime of third country processing, and offer viable long-term protection for all refugees subject to third country processing, including those transferred to Australia, and confirm they will not be sent back to PNG or Nauru.
31. The Commission recommends that Government ensure refugees and asylum seekers access timely and appropriate healthcare in Australia, unless there is a medical reason why another destination is more appropriate.

3.8 People from culturally and linguistically diverse backgrounds

32. The Commission recommends that Government support social cohesion, community harmony and national unity initiatives underpinned by accurate data. Government fund a new national anti-racism strategy.
33. The Commission recommends that Government support pathways to improve the representation of cultural diversity within Australian leadership.

4 Economic, social and cultural rights

(a) Right to social security

34. The Commission recommends that Government ensure JobSeeker Allowance payments provide recipients with an adequate standard of living. Welfare support programs be reformed so they are not punitive, and current models of income management be discontinued or redesigned as voluntary, opt-in schemes that are used as a 'last resort'.

(b) Children: health and education

35. The Commission recommends that Government expands and funds the delivery of child targeted mental health and support services.
36. The Commission recommends that Government fully implement the cross-curriculum priority on 'Aboriginal and Torres Strait Islander histories and cultures' and ensure availability of bilingual education.

(c) Human rights and the environment

37. The Commission recommends that Government take urgent steps to implement the Paris Agreement and integrate a human rights-based approach into all disaster recovery policies.



5 Civil and political rights

(a) Business and Human Rights

38. The Commission recommends that Government develop a National Action Plan on Business and Human Rights; and legislate for large Australian companies and those operating in high risk sectors, including extraterritorially, to conduct human rights and environmental due diligence.

(b) Slavery and Trafficking

39. The Commission recommends that Government establish an Anti-Slavery Commissioner with oversight of modern slavery statements; introduce financial penalties for non-compliance with reporting requirements; and fully implement the National Action Plan.

(c) Counter-terrorism and national security laws

40. The Commission recommends that Government amend existing counter-terrorism laws that unduly limit human rights.
41. The Commission recommends that Government amend national security laws so that they do not unduly limit human rights, particularly freedom of expression and the right to privacy.

(d) Technology

42. The Commission recommends that Government adopt a national strategy on new technologies, promoting the development and use of AI in compliance with human rights.

(e) Freedom of assembly

43. The Commission recommends that Governments ensure that all laws that regulate protest activity are consistent with the right of peaceful assembly.

(f) Freedom of religion and belief

44. The Commission recommends that Government introduce a religious discrimination law that protects all people in Australia consistently with international human rights law and other Commonwealth discrimination laws.

(g) Criminal justice system

45. The Commission recommends that Government ensure the availability of diversionary programs for Indigenous peoples and expand justice reinvestment trials. Government commit adequate, ongoing funding for Indigenous legal assistance programs.
46. The Commission recommends that Governments abolish mandatory sentencing laws and expand the use of non-custodial measures where appropriate.
47. The Commission recommends that Governments raise the minimum age of criminal responsibility to at least 14 years.
48. The Commission recommends that Governments prohibit the use of isolation and force as punishment in juvenile justice facilities.

Annex 2:

Implementation assessment of recommendations made during the 2nd cycle of the UPR: listed by country

Country	No.	Recommendation	Position	Assessment on level of implementation
Albania	17	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Albania	33	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Noted	Not implemented
Albania	238	Undertake relevant safe measures on migrants trying to reach Australian borders according to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Algeria	37	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Algeria	148	Implement measures to bridge the gender pay gap	Supported	Partly implemented
Angola	106	Take legislative measures to continue to guarantee rights and equal treatment for the indigenous people in order to ensure national cohesion and social harmony	Supported	Partly implemented
Angola	209	Protect the rights of older persons and persons with disability to ensure their access to the labour market	Supported	Partly implemented
Argentina	124	Reinforce the measures to combat discrimination against minority groups, particularly towards persons with disabilities, older persons and religious minorities	Supported	Partly implemented
Argentina	284	Adopt the necessary measures to put an end to the practice of interception and return of asylum seekers, in conformity with international refugee law and international human rights law	Noted	Not implemented
Armenia	58	Continue its efforts at the international level towards the prevention of crimes against humanity	Supported	Implemented
Azerbaijan	18	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Azerbaijan	139	Prevent religiously motivated incidents against Muslims and promote multiculturalism and tolerance	Supported	Partly implemented
Azerbaijan	156	Redouble its efforts to reduce violence against women and domestic violence	Supported	Implemented
Azerbaijan	199	Prevent the excessive use of force by the police and investigate all complaints thoroughly	Supported	Partly implemented
Bahrain	47	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Bahrain	80	Work towards ensuring full respect for the human rights of indigenous people, and continue the ongoing consultations and with a serious pace with the indigenous peoples, regarding the implementation of legislation entitled "Towards a better future"	Noted	Partly implemented
Bahrain	289	Proceed with the adoption and implementation of a code of conduct for the treatment of asylum seekers, and stop the practice of intercepting and pushing back the boats of the asylum-seekers into international waters, with the implementation of measures consistent with the provisions of international law and international standards	Noted	Not implemented
Bangladesh	217	Adopt a clear road map to reach ODA target of 0.7 per cent of GNI	Noted	Not Implemented
Bangladesh	262	Repeal the provisions establishing the mandatory detention of persons entering its territory irregularly	Noted	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Bangladesh	288	Cease its practice of interceptions and “push-backs” in its borders	Noted	Not implemented
Belarus	62	Take urgent measures for the implementation of the recommendations of the UNHCR, the United Nations Human Rights Treaty Bodies and Special Procedures as regards asylum seekers and illegal migrants	Noted	Partly implemented
Belarus	68	Carry out an assessment of plans of action on human rights and ensure that these instruments are effective in practice	Noted	Not implemented
Belarus	157	Step up efforts to combat domestic violence	Supported	Implemented
Benin	19	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Benin	48	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Bhutan	170	Continue with its efforts to protect all children, protect the rights and interests of children and provide vulnerable children with better access to childhood services	Supported	Partly implemented
Botswana	138	Strengthen measures to combat racial discrimination, including against incitement of discrimination or violence on racial, ethnic or religious grounds	Supported	Partly implemented
Botswana	201	Ensure access to justice by all, including by repealing laws on mandatory sentencing	Noted	Not implemented
Brazil	227	Take concrete measures in order to ensure that any interference with the right to privacy comply with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals affected	Supported	Partly implemented
Brazil	278	In line with its tradition as a resettlement country, reverse its policies of mandatory detention and offshore processing	Noted	Not implemented
Canada	73	Consider establishing a comprehensive human rights act as recommended by the National Human Rights Consultative Committee	Noted	Not implemented
Canada	95	Implement the recommendations of the International Conference on Population and Development (ICPD) Programme of Action, to close the gap between Indigenous and non-Indigenous Australians in health, education, housing and employment	Noted	Partly implemented
Canada	184	Prohibit the non-therapeutic sterilization of any individual who is not mentally competent to consent	Noted	Not implemented
Chile	25	Ratify the Optional Protocol to the Convention against Torture and promptly implement it	Noted	Partly Implemented
Chile	49	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and promptly implement it	Noted	Not implemented
Chile	57	Ratify the ILO Convention No. 169	Noted	Not implemented
Chile	149	Establish mechanisms that would allow the reduction of the gender gap in relation to wages and representation in the labour market	Supported	Implemented
Chile	155	Penalize the ill-treatment of children, and adopt measures to investigate and punish the situations of vulnerability with regard to women and girls with disabilities	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
China	233	Continue to take comprehensive measures to effectively fight against human trafficking and stamp out the associated phenomenon of contemporary forms of slavery	Supported	Partly implemented
China	244	Treat appropriately all the refugees, migrants and asylum seekers who have reached the Australian shores, to effectively safeguard their human rights	Supported	Partly implemented
Colombia	97	Continue making progress in the implementation of the Indigenous Advancement Strategy to promote better opportunities in the areas of education, health and employment for indigenous communities	Supported	Partly implemented
Colombia	191	Strengthen measures to prevent all forms of discrimination, ill-treatment or violence against persons with disabilities	Supported	Partly implemented
Costa Rica	77	Implement the recommendations from the Special Rapporteur on the rights of indigenous peoples	Noted	Partly implemented
Costa Rica	192	Address on a priority basis to, at the administrative and legislative level, the issue of the detention of persons with disabilities who have not been convicted	Supported	Partly implemented
Croatia	96	Continue efforts to close the gap in opportunities and life outcomes between Indigenous and non-Indigenous Australians, according to the Close the Gap Campaign and its Progress and Priorities report 2015	Noted	Partly implemented
Croatia	161	Continue with implementation of the National Plan to Reduce Violence Against Women and their Children with a particular focus on support services and resources available to women living in more remote areas, and women from culturally and linguistically diverse backgrounds	Supported	Implemented
Cuba	54	Ratify the International Convention on the Protection of All Persons from Enforced Disappearance	Noted	Not implemented
Cuba	83	Revise laws and national, regional and local policies to fully recognize and protect the rights of indigenous peoples in domestic law uniformly throughout the nation	Noted	Partly implemented
Czech Republic	23	Ratify and effectively implement, before its next UPR cycle, the Optional Protocol to the Convention against Torture	Noted	Partly implemented
Czech Republic	162	Effectively implement the National Plan to Reduce Violence Against Women and Their Children and strengthen its actions to reduce violence and sexual abuse of women with disabilities and indigenous women	Supported	Partly implemented
Czech Republic	174	Abolish the mandatory minimum sentencing of juvenile offenders	Noted	Not implemented
Czech Republic	175	Improve conditions in youth detention facilities, including through ensuring independent and effective investigation of all allegations of human rights violations therein	Supported	Partly implemented
Czech Republic	206	Amend its electoral legislation so that any deprivation of the right to vote of citizens serving a prison sentence is reasonable and proportionate and applied only for the committing of the most serious crimes	Noted	Implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Democratic People's Republic of Korea	122	Put an end to racism and racial discrimination, in particular, against the indigenous people, including demolition of buildings and discontinuation of funding to essential and municipal services in indigenous communities pursued by both federal and local governments, as well as the enforced sterilization and adoption of indigenous women and children	Noted	Partly implemented
Democratic People's Republic of Korea	266	Take practical measures to cease the maltreatment of and violence against the refugees, including sexual violence by the officials in detention centres	Supported	Partly implemented
Denmark	22	Ratify the Optional Protocol to the Convention against Torture without further delay, as previously recommended	Noted	Implemented
Denmark	176	Develop alternatives to the mandatory sentencing laws placing children as young as 10 years of age in juvenile detention centres	Noted	Partly implemented
Djibouti	78	Continue to promote and strengthen the rights of Indigenous peoples	Supported	Partly implemented
Djibouti	249	Continue to respect the rights of asylum-seekers and refugees despite the difficulties	Supported	Partly implemented
Ecuador	108	Continue strengthening measures to address disparities in the access to education and health services for aboriginal and islander children and their families	Supported	Partly implemented
Ecuador	214	Strengthen the normative framework for the protection of human rights, including the monitoring, investigation and reparation for human rights violations committed by Australian enterprises in their territories and in third States	Supported	Partly implemented
Egypt	42	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Egypt	215	Further contribute to the global realization of the right to development including through ensuring that its annual ODAs (Official Development Assistance) matches the internationally agreed level of 0.7% of the GDP	Noted	Not Implemented
Egypt	225	Provide protection to the family as the natural and the fundamental unit of the society	Noted	Implemented
Estonia	7	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Estonia	85	Develop in partnership with Aboriginal and Torres Strait Islander peoples a National Strategy to give effect to the United Nations Declaration on the Rights of Indigenous Peoples, and to facilitate the constitutional recognition of Aboriginal Australians	Noted	Not implemented
Estonia	165	Remove the reservation to the Convention on the Rights of the Child, and prohibit corporal punishment of children in the home and all other settings	Noted	Not implemented
Fiji	219	Revise its Intended Nationally Determined Contribution to be in line with a fair approach taken by other industrialised countries, so as to be consistent with the full enjoyment of human rights by its people and those in neighbouring countries	Noted	Not Implemented
Fiji	245	Review its immigration laws and policies and ensure compliance with its international obligations, especially regarding the rights of children	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
France	20	Ratify the Optional Protocol to the Convention against Torture in keeping with the commitment undertaken by Australia during its previous UPR	Noted	Implemented
France	81	Strengthen measures to eliminate discrimination against persons belonging to indigenous populations	Supported	Partly implemented
France	181	End the practice of enforced sterilization of persons with disabilities for non-therapeutic reasons	Noted	Not implemented
France	228	Ensure that an Australian cannot be deprived of citizenship other than in exceptional circumstances and within the framework of a specific legal procedure	Supported	Partly implemented
France	259	Develop alternative solutions to mandatory detention of asylum seekers, particularly in the case of children	Supported	Partly implemented
Georgia	8	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Georgia	74	Advance efforts towards the recognition of Indigenous Australians as Australia's First People in Australia's Constitution	Supported	Not implemented
Germany	180	Adopt national legislation prohibiting the use of sterilization of adults without their consent, and of children	Noted	Not implemented
Germany	256	Remove children and their families and other individuals at risk, in particular survivors of torture and trauma, from immigration detention centres	Supported	Partly implemented
Germany	281	Review the policy of offshore processing of asylum seekers on Nauru and Manus Island and review the implementation of the Migration and Maritime Power Legislation Amendment Bill, making sure that the international obligation of non refoulement is strictly upheld	Noted	Not implemented
Ghana	3	Consider ratifying the Optional Protocol to the Convention against Torture	Noted	Implemented
Ghana	38	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Ghana	50	Consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance	Noted	Not implemented
Ghana	55	Consider ratifying the Amendments to the Rome Statute of the International Criminal Court adopted in Kampala, Uganda in 2010	Noted	Implemented
Ghana	269	Ensure full compliance with its international obligations regarding the right of asylum seekers and refugees by expediting the processing of applications by asylum seekers at the various processing centres	Supported	Not implemented
Greece	114	Continue concerted efforts for the preservation of the cultural and linguistic identity of Indigenous peoples	Supported	Partly implemented
Greece	166	Further promote protection of the rights of the child, giving emphasis to Indigenous Children	Supported	Partly implemented
Greece	240	Further promote the safety and living conditions of migrants, refugees and asylum seekers arriving in Australia	Noted	Partly implemented
Guatemala	260	Repeal provisions which establish compulsory detention for those who enter the country in an irregular manner	Noted	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Guatemala	286	Respect its obligation not to return intercepted migrants in international waters in conformity with international law and norms	Noted	Not implemented
Holy See	79	Continue its efforts to guarantee the human rights of Indigenous peoples	Supported	Partly implemented
Holy See	185	Provide comprehensive disability protection, with particular attention to the rights of children, while avoiding medical and political practices that affect the freedom and dignity of persons with disabilities	Supported	Partly implemented
Holy See	193	Reinforce the measures to improve conditions of detention, especially for persons with disabilities and the young, as well as to eliminate corporal punishment	Supported	Partly implemented
Holy See	251	Make every effort to guarantee the human rights of asylum seekers, bearing in mind international obligations	Supported	Partly implemented
Honduras	43	Ratify on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Honduras	82	Harmonize legislation relating to the recognition of the rights of indigenous peoples, at all levels, with the International Convention on the Elimination of All Forms of Racial Discrimination	Noted	Not implemented
Honduras	264	Review its national migration and asylum policies with a view to bring them in line with the Convention against Torture as well as the Convention on the Rights of the Child, particularly with regard to conditions of detention	Supported	Partly implemented
Hungary	26	Expedite the ratification process of the Optional Protocol to the Convention against Torture in order to allow for the early establishment of a National Preventive Mechanism	Noted	Partly implemented
Hungary	67	Revise the decision to reduce the AHRC's funds in order to guarantee its independent and effective functioning	Noted	Partly implemented
Hungary	86	Develop, in partnership with indigenous communities, a national strategy to implement the United Nations Declaration on the Rights of Indigenous Peoples	Noted	Not implemented
Iceland	71	Fully incorporate its international human-rights obligations into domestic law by introducing a comprehensive judicially enforceable federal Human Rights Act	Noted	Not implemented
Iceland	178	Raise the age of criminal responsibility to 18 years as recommended by the Committee on the Rights of the Child	Noted	Not implemented
Iceland	220	Open legal partnership models to all, regardless of their sexual orientation or gender identity	Noted	Implemented
India	89	Ensure adequate consultations with indigenous peoples in the formulation of policies affecting them	Supported	Partly implemented
India	144	Implement measures to reduce the gender pay gap and strengthen women's roles in leadership and managerial positions	Supported	Partly implemented
India	226	Review the extent and scope of laws governing secret surveillance and moderate the powers and discretion conferred on authorities in this regard	Supported	Partly implemented
India	239	Take adequate steps to promote and protect the rights of asylum seekers, refugees and migrants	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Indonesia	44	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Indonesia	70	Consolidate national human rights efforts through a federal human rights act and reinvigorating the National Human Rights Plan of Action	Noted	Not implemented
Indonesia	130	Further promote multiculturalism including by taking measures against incitement of discrimination or violence, based on race or religions, and strengthening interfaith dialogue among communities	Supported	Partly implemented
Indonesia	252	Ensure that the issues of asylum seekers and refugees are addressed in line with the principles of the Bali Process, and Australia's other human rights and humanitarian obligations	Supported	Partly implemented
Iraq	115	Take further efforts to protect the special cultures of the indigenous people and enhance protection to the cultural archaeology	Supported	Partly implemented
Ireland	63	Cooperate fully with the Special Procedures of the Human Rights Council and ensure everyone enjoys the right to unhindered access to and communication with the United Nations, its representatives and mechanisms, including by preventing and ensuring adequate protection against reprisals	Supported	Implemented
Ireland	204	Continue to work, in partnership with Aboriginal and Torres Strait Islander communities, to reduce indigenous incarceration rates	Supported	Partly implemented
Islamic Republic of Iran	126	Revise laws and policies to recognize and protect the rights of the minorities, including Indigenous People	Supported	Partly implemented
Islamic Republic of Iran	196	Guarantee the end of the unwarranted use of prisons for the management of persons with disabilities	Noted	Not implemented
Islamic Republic of Iran	197	Set up a commission of National Independent Inquiry on Violence and Abuse against People with Disability	Noted	Implemented
Israel	145	Continue introducing measures needed to close the gender pay gap	Supported	Partly implemented
Israel	186	Continue its efforts for a full implementation, in all levels, of the National Disability Strategy	Supported	Partly implemented
Israel	187	Establish a supported decision-making framework in relation with people with disabilities	Noted	Not implemented
Israel	221	Ensure that states' legislation is consistent with the amended Sex Discrimination Act 1984	Supported	Implemented
Italy	9	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Italy	30	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Noted	Not implemented
Italy	34	Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Noted	Not implemented
Italy	94	Continue ongoing efforts to close the gaps in opportunities between indigenous and non-indigenous Australians	Supported	Partly implemented
Italy	246	Review current immigration policies so to improve the rights of refugees and asylum seekers	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Italy	273	Review the new federal immigration laws so to take into consideration the humanitarian aspects of a possible expulsion of foreign citizens with permanent resident visas, especially if they do not speak the language of their citizenship or have no longer connections with the country of origin of their family	Supported	Not implemented
Japan	51	Ratify the International Convention on the Protection of All Persons from Enforced Disappearance	Noted	Not implemented
Japan	99	Make further efforts to protect and promote the human rights of indigenous people, including the taking of measures to address the issue of poverty among them	Supported	Partly implemented
Japan	254	Continue to ensure transparency and accountability in all procedures related to its treatment of refugees and asylum seekers	Supported	Partly implemented
Kenya	112	Intensify efforts in enhancing the rights of Indigenous Australians: by addressing the underlying causes of their plight, by providing opportunities in health, education, housing and employment; and addressing the high rate of their incarceration in prison	Supported	Partly implemented
Kenya	277	Review the current regional offshore processing arrangement, and policy of mandatory detention of refugees, stateless persons and migrants, and uphold all human rights obligations towards refugees, stateless persons and migrants, including the principle of non-refoulement	Noted	Not implemented
Lao People's Democratic Republic	109	Continue to implement the necessary measures to ensure indigenous children access to quality education	Supported	Partly implemented
Lao People's Democratic Republic	143	Continue to promote gender equality and increase representation of women in public services	Supported	Partly implemented
Libya	158	Continue strengthening the measures taken to reduce violence against women and their children	Supported	Implemented
Libya	188	Strengthen measures concerning people with disabilities	Supported	Partly implemented
Lithuania	10	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Lithuania	159	Further effectively fulfil the National plan to Reduce Violence against Women and their Children 2010-2022 by means of sustained funding, independent monitoring and evaluation	Supported	Partly implemented
Lithuania	172	Bring the Australian juvenile justice system in conformity with international standards, including removing minors from the adult justice system and ensuring their rehabilitation	Noted	Partly implemented
Lithuania	177	Abolish the sentencing of children to life in prison	Noted	Not Implemented
Lithuania	230	Improve coordination on trafficking, the monitoring of the implementation of anti-trafficking legislation, ensure the rights of victims are protected, including the right to redress and economic and social support	Supported	Partly implemented
Luxembourg	11	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Luxembourg	103	Step up efforts to address the economic and social inequalities affecting the indigenous peoples	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Luxembourg	255	Ensure that no child is detained on the basis of his/her immigration status	Supported	Partly implemented
Luxembourg	279	Stop the offshore processing of asylum requests	Noted	Not implemented
Malaysia	98	Continue its efforts in closing the gap between indigenous and non-indigenous Australians in health, education, employment opportunities and access to justice	Supported	Partly implemented
Malaysia	132	Take more resolute measures in combating racial discrimination, xenophobia and prejudices against members of religious and ethnic minorities, including by actively promoting inter-cultural, inter-ethnic and inter-faith understanding and tolerance	Supported	Partly implemented
Maldives	107	Take immediate measures to ensure that the indigenous people of Australia have access to health services, education, and to full employment opportunities	Supported	Partly implemented
Maldives	167	Take immediate measures to ensure that all children have access to all levels of education and quality health services	Supported	Partly implemented
Maldives	248	Ensure all children of asylum seekers are protected	Supported	Partly implemented
Maldives	257	Cease the detention of children in immigration detention centres	Supported	Partly implemented
Maldives	261	Immediately halt mandatory detention of asylum seeker children	Supported	Partly implemented
Maldives	267	Allow human rights organisations full access to detention centres	Supported	Partly implemented
Maldives	276	Immediately close the Nauru and Manus Island detention centres	Noted	Partly implemented
Mauritius	129	Continue further with its initiative to promote community cohesion and social harmony	Supported	Partly implemented
Mexico	36	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Mexico	92	Implement policies oriented to the development of remote communities and ensure the full enjoyment of economic, social and cultural rights of indigenous peoples interested in remaining in their land of origin	Supported	Partly implemented
Mexico	203	Continue efforts to train authorities involved in the administration and handling of justice in cases that affect indigenous peoples on the human rights of this group of society and review the cases of indigenous detainees, in particular children and women, with a view to providing them adequate assistance	Supported	Partly implemented
Mexico	250	Review legislation on migration and refugee status	Supported	Partly implemented
Montenegro	12	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Montenegro	35	Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Noted	Not implemented
Morocco	118	Strengthen further already existing anti-discriminatory measures and laws	Supported	Not implemented
Morocco	168	Build on the achievements of the National Framework for Protection of Australian children (2009-2020)	Supported	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Mozambique	28	Speed up the process of the on-going consultations on the ratification of the Optional Protocol to the Convention against Torture in the hope that the country ratifies this important instrument for the protection and promotion of human rights	Noted	Implemented
Myanmar	151	Continue efforts to achieve further economic empowerment of women	Supported	Partly implemented
Namibia	90	Take all necessary measures to ensure Aboriginal and Torres Strait Islander Peoples give their consent to the development and implementation of policies and programmes that impact upon their communities and futures	Noted	Not implemented
Namibia	128	Affirm their commitment to an inclusive society by continuing to support National Anti-Racism Strategies and programmes aimed at building social cohesion and community harmony	Supported	Partly implemented
Netherlands	212	Adopt a National Action Plan to implement the Guiding Principles on Business and Human Rights	Noted	Not implemented
Netherlands	222	Revise the Marriage Act of 1961 in a way that ensures full equality with respect to the civil institution of marriage	Noted	Implemented
New Zealand	24	Ratify the Optional Protocol to the Convention against Torture and implement a National Preventative Mechanism	Noted	Partly implemented
New Zealand	127	Continue to address inequalities affecting human rights in the areas of health, education, employment and income that disproportionately affect indigenous peoples and other minority groups	Supported	Partly implemented
New Zealand	195	Introduce measures to address issues related to the treatment of persons with disabilities, including considering the implementation of recommendations from both the Australian Law Reform Commission's report on Equality, Capacity and Disability in Commonwealth Laws, and the Senate inquiry into high levels of violence and abuse of persons with disabilities in institutional and residential settings	Noted	Partly implemented
Nicaragua	123	Continue paying special attention to the implementation of national policies for marginalized or vulnerable social groups, including migrant children, aboriginals and disabled persons	Supported	Partly implemented
Nicaragua	135	Continue to promote among Australians a comprehensive campaign of tolerance and non-discrimination	Supported	Partly implemented
Nigeria	125	Continue to address the problem associated with racial discrimination and policy disparities against indigenous persons	Supported	Partly implemented
Nigeria	140	Protect the right to religious belief of all persons in Australia	Supported	Partly implemented
Nigeria	287	Give full protection to asylum seekers in accordance with international law, and abolish the practice of pushing the boats of asylum seekers back at sea	Noted	Not implemented
Norway	202	Adopt the recommendation by the Committee against Torture to review mandatory sentencing laws with a view to abolishing them	Noted	Not implemented
Norway	213	Begin a consultative process towards adoption of a National Action Plan on business and human rights	Supported	Implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Norway	270	Ensure that asylum seekers claims are processed in accordance with the Convention relating to the Status of Refugees and that detention occurs only when necessary, for a minimal period, and that access to judicial oversight of detention is ensured	Noted	Not implemented
Pakistan	152	Implement the Workplace Gender Equality Act 2013, in letter and spirit, to create socio-economic gender parity	Supported	Implemented
Pakistan	163	Ensure that incidents of violence against women and children are thoroughly investigated and perpetrators of violence are brought to justice	Supported	Implemented
Pakistan	236	Protect the rights of Migrants and eliminate unfair treatment of migrant workers, and ensure their integration in to society	Supported	Partly implemented
Pakistan	247	Ensure refugee/asylum-seekers get their rights	Supported	Partly implemented
Panama	69	Prepare a comprehensive national action plan defining responsibilities, benchmarks and indicators to measure progress achieved	Noted	Partly implemented
Panama	189	Continue implementing legislation to address the multiple forms of discrimination on the basis of disability	Supported	Partly implemented
Paraguay	13	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Paraguay	64	Analyse the possibility of creating a follow-up system to the international recommendations	Supported	Implemented
Paraguay	88	Take necessary measures to ensure consultation and participation of indigenous peoples in the processes of the elaboration of public policies that is of interest to them	Supported	Partly implemented
Paraguay	113	Reduce the rate of family separation of indigenous peoples caused, among others, by the removal of babies and children from their families and the imprisonment of juveniles and adults	Supported	Not implemented
Peru	4	Consider favourably the ratification of the Optional Protocol to the Convention against Torture	Noted	Implemented
Peru	87	Continue to support indigenous institutions that bring cohesion to communities, such as the National Congress of the First Peoples of Australia	Supported	Partly implemented
Peru	242	Take under consideration making its migration and humanitarian policies more flexible with a view to a larger reception of migrants and refugees	Supported	Implemented
Philippines	29	Step up efforts to ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Philippines	234	Expand support to human rights education and training initiatives, particularly for law enforcement officials handling migration issues	Supported	Partly implemented
Philippines	237	Consider reviewing existing migration policies to address concerns that hinder accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Plurinational State of Bolivia	2	Consider the ratification of human rights conventions to which it is not yet a State party	Noted	Partly implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Plurinational State of Bolivia	39	Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Plurinational State of Bolivia	136	Protect the rights of indigenous peoples, peasants and other people working in rural areas	Supported	Partly implemented
Plurinational State of Bolivia	137	Reinforce measures against acts of racism, discrimination, xenophobia and intolerance	Supported	Partly implemented
Poland	101	Eliminate the disparities in access to services by Aboriginal and Torres Strait Islander children and their families, especially by reviewing the Australian birth registration process in order to ensure that all children are registered at birth	Supported	Partly implemented
Poland	173	Reform the juvenile justice system in conformity with the international standards and increase the protection of children involved in penal proceedings	Supported	Partly implemented
Portugal	31	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Noted	Not implemented
Portugal	154	Make provision in its national legislation for the crime of domestic violence and take all adequate measures to eliminate it	Noted	Partly implemented
Portugal	207	Put equal emphasis and commitment on the realization of economic, social and cultural rights	Supported	Partly implemented
Portugal	210	Take measures to ensure the universal access to healthcare services, paying particular attention to the needs of persons living in rural and remote areas	Supported	Implemented
Portugal	235	Ensure that all migrant children, irrespective of their migration status, have access to education and healthcare services in the exact same terms as Australian children do	Noted	Partly implemented
Republic of Korea	76	Implement Constitutional recognition of Indigenous Australians and continue to exert efforts to fully implement the Indigenous Advancement Strategy in order to ensure the indigenous people have sufficient access to health services, education and employment opportunities	Noted	Not implemented
Republic of Korea	164	Make utmost efforts to protect women with disabilities and indigenous women from all forms of violence and discrimination	Supported	Partly implemented
Republic of Korea	241	Closely cooperate with the UNHCR and other relevant organizations to provide more adequate protection and proper treatment of asylum seekers and refugees	Supported	Partly implemented
Republic of Moldova	21	Expedite the ratification of the Optional Protocol to the Convention against Torture and establish a National Preventive Mechanism for places of detention	Noted	Partly implemented
Republic of Moldova	211	Improve the quality and coverage of its early childhood care and education for indigenous children and children living in remote areas and ensure adequate resources for implementing bilingual models of education	Supported	Partly implemented
Russian Federation	116	Remove from the Constitution provisions allowing racial discrimination	Noted	Not implemented
Russian Federation	198	Conduct a national independent investigation into cases of violence and degrading treatment of persons with disabilities and persons suffering from mental illness in institutions and homes for the disabled	Noted	Implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Russian Federation	231	Develop a National Plan to combat trafficking in human beings and protect its victims	Supported	Implemented
Rwanda	104	Ensure that Aboriginal and other indigenous communities are accorded equal access to services including to judicial remedies for discrimination and racism	Supported	Partly implemented
Rwanda	253	Ensure that Australia lives up to its international obligations regarding asylum seekers and refugees	Supported	Partly implemented
Rwanda	265	Ensure that conditions of detention are in line with international norms and standards in particular the detention of migrants and asylum seekers	Supported	Partly implemented
Senegal	45	Ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Senegal	84	Adhere to the United Nations Declaration on the Rights of Indigenous Peoples	Noted	Not implemented
Serbia	6	Initiate the accession procedure to the Optional Protocol to the Convention against Torture	Noted	Implemented
Serbia	120	Enact comprehensive equality legislation that will provide effective remedies and address discrimination on all grounds	Supported	Not implemented
Serbia	146	Address the wage gender gaps and improve the status of women in the labour market	Supported	Partly implemented
Sierra Leone	46	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Convention on Migrant Workers	Noted	Not implemented
Sierra Leone	52	Ratify the International Convention on the Protection of All Persons from Enforced Disappearance	Noted	Not implemented
Sierra Leone	60	Submit overdue reports to the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women	Supported	Implemented
Sierra Leone	147	Implement further measures to close the gender pay gap	Supported	Partly implemented
Sierra Leone	216	Increase its ODA from the current 0.33% to 0.7% of the GDP	Noted	Not Implemented
Singapore	160	Ensure the effective implementation of the National Plan to Reduce Violence against Women and their Children, in particular to protect Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, and women with disabilities	Supported	Partly implemented
Singapore	190	Continue to promote and support programmes such as the Jobs Access Gateway to equip persons with disabilities with the appropriate skills to secure gainful employment	Supported	Partly implemented
Slovakia	110	Continue to implement indigenous education reforms	Supported	Partly implemented
Slovakia	232	Consider the elaboration of a national and regional strategy for the prevention of trafficking in human beings and further promote human rights based approach to victims of trafficking	Supported	Partly implemented
Slovenia	258	Immediately end the mandatory detention of migrant children and ensure that the best interests of the children are respected	Supported	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Slovenia	263	End the policy of mandatory detention for all unauthorized arrivals, ensure that detention is only applied as a last resort, establish statutory time limits for detention and ensure access to an effective judicial remedy to review the necessity of detention	Noted	Not implemented
Slovenia	280	Ensure that all asylum seekers and refugees who arrive in Australia are processed there regardless of their mode of arrival and ensure that the conditions at the offshore processing centers comply with international law and standards	Noted	Not implemented
Slovenia	282	Ensure the full respect of the non-refoulement obligations, with regard to all asylum seekers	Supported	Not implemented
South Africa	59	Withdraw its reservation on article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination	Noted	Not implemented
South Africa	117	Enact comprehensive legislation that fully guarantees the application of the principle of non-discrimination and ensure the full enjoyment of all human rights by every member of society	Supported	Partly implemented
South Africa	142	Develop and implement policies to ensure gender equality throughout society and strengthen the promotion and protection of the rights of women, especially women from indigenous communities	Supported	Partly implemented
South Africa	208	Consider treating economic, social and cultural rights on the same footing, and with the same emphasis as civil and political rights	Supported	Partly implemented
Spain	182	Prohibit the sterilization of persons with disabilities, unless they provide their free and informed consent	Noted	Not implemented
Spain	194	Prevent the indefinite detention of persons with mental disabilities	Noted	Not implemented
Spain	223	Legally recognize same-sex marriage	Noted	Implemented
Spain	268	Allow access to independent observers to centres of detention of migrants which are outside of the Australian territory	Noted	Not implemented
Spain	285	Put an end to the practice of pushing-back boats transporting migrants to the high seas	Noted	Not implemented
Sri Lanka	41	Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Sri Lanka	75	Continue its ongoing efforts towards the promotion and protection of the rights of indigenous persons, through law and practice, including by giving constitutional recognition	Noted	Partly implemented
Sweden	27	Expedite the ratification of the Optional Protocol to the Convention against Torture and establish a National Preventative Mechanism	Noted	Partly implemented
Sweden	224	Amend the federal Marriage Act to allow same-sex couples to marry by changing the definition of marriage, and provide full recognition of same-sex marriages from overseas	Noted	Implemented
Sweden	271	Ensure that measures taken with regard to asylum-seekers are in full compliance with obligations under international law and human rights, including the principle of non-refoulement and that the detention of asylum-seekers is only done when absolutely necessary and for a minimal period of time	Supported	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Switzerland	14	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Switzerland	272	Do not detain migrants other than in exceptional cases, limit this detention to six months and bring detention conditions into line with international standards in the field of human rights, as previously recommended	Noted	Not implemented
Switzerland	283	Respect fully the principle of non-refoulement enshrined in the Convention relating to the Status of Refugees	Supported	Not implemented
Tajikistan	141	Continue to build on progress made in gender equality	Supported	Partly implemented
Tajikistan	169	Comprehensively improve the effectiveness of measures to protect the rights of the child	Supported	Partly implemented
Tajikistan	229	Continue increasing efforts to combat terrorism	Supported	Implemented
Thailand	93	Continue to work towards closing the existing gaps in the protection of human rights and the promotion of welfare for indigenous peoples in order to achieve sustainable economic and social development	Supported	Partly implemented
Thailand	133	Continue raising public awareness to combat discrimination, particularly those stemming from Islamophobia and fears of terrorism	Supported	Partly implemented
the former Yugoslav Republic of Macedonia	15	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Timor-Leste	61	Implement recommendations from the Committee against Torture	Noted	Partly implemented
Timor-Leste	102	Continue strengthening the efforts in promoting and protecting non-racial discriminatory policy and specifically also ensure that Aboriginal children have access to birth registration	Supported	Partly implemented
Timor-Leste	105	Continue strengthening the access mechanisms to social services for the Aboriginal and Torres Strait Islander children	Supported	Partly implemented
Trinidad and Tobago	1	Ratify the international human rights instruments to which it is not a party and bring its internal legal framework into line with international obligations	Noted	Partly implemented
Trinidad and Tobago	66	Engage closely with civil society in the follow-up on the recommendations of the Human Rights Council	Supported	Partly implemented
Trinidad and Tobago	119	Scale up its efforts to ensure equal protection against all forms of discrimination	Supported	Not implemented
Turkey	16	Ratify the Optional Protocol to the Convention against Torture	Noted	Implemented
Turkey	40	Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Noted	Not implemented
Turkey	72	Incorporate international human rights obligations into domestic law by adopting a comprehensive Human Rights Act at federal level	Noted	Not implemented
Turkey	171	Further strengthen efforts towards birth registration for all, with a view to encouraging access to relevant procedures	Supported	Partly implemented
Turkey	290	Instil a transparent, human rights-based approach related to the treatment of asylum seekers following their arrival, including the cessation of transfers to third countries	Noted	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Ukraine	5	Take further steps towards ratifying the Optional Protocol to the Convention against Torture	Noted	Implemented
Ukraine	113	Continue supporting the Multicultural Policy and National Anti-Racism Partnership and Strategy including by enacting comprehensive equality legislation	Supported	Partly implemented
United Arab Emirates	111	Ensure access to good-quality education, including postgraduate education and vocational training, for indigenous women	Supported	Partly implemented
United Arab Emirates	134	Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism, and Islamophobia	Supported	Partly implemented
United Kingdom of Great Britain and Northern Ireland	65	Extend the mandate of the Joint Parliamentary Committee on Human Rights to include the domestic consideration and oversight of implementation of recommendations from United Nations human rights mechanisms	Noted	Not implemented
United Kingdom of Great Britain and Northern Ireland	183	Adopt national uniform legislation prohibiting, except where there is a serious threat to life or health, the sterilisation of children and of adults with disability, in the absence of prior, fully informed and free consent	Noted	Not implemented
United States of America	91	Ensure that indigenous peoples are consulted when considering the viability of remote communities, and that those affected by closures of communities receive transitional support and unimpeded access to ancestral lands	Noted	Partly implemented
United States of America	153	Strengthen efforts to combat family violence against women and children, especially within indigenous communities	Supported	Partly implemented
United States of America	275	Closely monitor the processing of refugees and asylum seekers in offshore centers to ensure that their human rights are respected	Noted	Not implemented
Uruguay	32	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Noted	Not implemented
Uruguay	53	Accede to the International Convention on the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee	Noted	Not implemented
Uruguay	179	Raise the age of the criminal responsibility in accordance with general comment No. 10 of the Committee on the Rights of Child	Noted	Not implemented
Uruguay	205	Increase efforts to reduce the imprisonment of indigenous Australians	Supported	Partly implemented
Uruguay	274	Ensure that asylum seekers have access to legal assistance during the process and adopt measures, together with third countries, so that conditions in the processing centres in countries with which Australia has agreements, are in conformity with international laws and standards	Noted	Not implemented
Uzbekistan	56	Ratify the ILO Convention No. 138 on the minimum age for admission to employment	Noted	Not implemented
Uzbekistan	100	Take effective legislative and practical measures for the comprehensive protection and promotion of civil, social, economic and cultural rights of indigenous peoples	Supported	Partly implemented
Uzbekistan	121	Strengthen anti-discrimination legislation in order to prevent racial, religious and social discrimination	Supported	Not implemented

Country	No.	Recommendation	Position	Assessment on level of implementation
Uzbekistan	200	Intensify efforts to improve conditions in prisons, in particular to address the problem of overcrowding and the high mortality in prisons	Supported	Partly implemented
Uzbekistan	243	Improve conditions of reception and detention of refugees and migrants in accordance with international standards	Supported	Partly implemented
Viet Nam	150	Continue conducting awareness-raising activities on human rights, especially rights of women, children, minorities and migrants, to law enforcement officers	Supported	Partly implemented
Viet Nam	218	Enhance bilateral cooperation with other countries in the field of human rights especially through dialogue and technical assistance	Supported	Implemented



Endnotes

- 1 These are referred to during the submission and include ratification of OPCAT and marriage equality legislation.
- 2 Australian Human Rights Commission, *Free and Equal: An Australian conversation on human rights* (February 2019) <<https://www.humanrights.gov.au/free-and-equal>>.
- 3 A table listing the implementation status of the 290 recommendations made to Australia in the second UPR is included at Annex A. The table indicates which recommendations have been implemented, partly implemented, not implemented and not supported at the time of the UPR.
- 4 The implementation matrix, with explanatory commentary on why the Commission has ranked each recommendation as either fully, partially or not implemented, is **ATTACHED** to this submission. Of the 290 recommendations made to Australia in 2015, approximately 16% of all recommendations (including those supported and noted) have been **fully** implemented over the past four years, approximately 50% have been **partly** implemented and approximately 34% **not** implemented.
- 5 See for example: United Nations Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Australia*, UN Doc CEDAW/C/AUS/CO/8 (25 July 2018). At https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en (viewed 6 March 2020); Australian Human Rights Commission, *Report to the UN Committee on the Rights of the Child* (2018). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/report-un-committee-rights-child-2018>; Australian NGO Coalition, *Australia's Compliance with the International Covenant on Civil and Political Rights: Australian NGO Coalition Submission to the Human Rights Committee* (September 2017). At <https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59c364bb64b05fb1d2438e2f/1505977580713/18623-PUB+ICPPR+Report+for+HRLC+2017+%28WEB%29.pdf> (viewed 6 March 2020).
- 6 Recommendations 136.36–136.49.
- 7 Australian Human Rights Commission, *Implementing OPCAT in Australia* (June 2020). At <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>.
- 8 The *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) establishes the Parliamentary Joint Committee on Human Rights and requires the preparation of Statements of Compatibility with Human Rights with all bills and most legislative instruments introduced to Parliament for consideration. The Act defines human rights as the rights and freedoms recognised or declared by the International Convention on the Elimination of all Forms of Racial Discrimination; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination Against Women; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. See further: Parliament of Australia, *Parliamentary Joint Committee on Human Rights*, <http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights> (viewed 1 July 2020).
- 9 Australia has implemented a number of restrictions in response to the COVID-19 pandemic including significant restrictions on freedom of assembly and freedom of movement, often accompanied by increased police enforcement powers. Many measures and restrictions have been introduced through delegated legislation which has not been subject to oversight of parliament. At the federal level, this has included changes to visa arrangements and restricting travel overseas. See, for example, *Migration (LIN 20/122: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020* (Cth) and *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* (Cth). At a State and Territory level, delegated legislation has been used to implement measure including self-isolation orders, restrictions of visitors to aged care facilities and restrictions on the size and place of gatherings. See, for example, *Public Health (COVID-19 Gatherings) Order (No 3) 2020* (NSW) and *COVID-19 Emergency Response (Schedule 1) Regulations 2020* (SA). Other legislated restrictions have often been passed quickly with minimal parliamentary scrutiny and have included increased powers for police.
- 10 Australian Human Rights Commission, *Discussion Paper: Priorities for federal discrimination law reform* (1 August 2019). At https://humanrights.gov.au/sites/default/files/document/publication/ahrc_discrimination_law_reform_2019.pdf.
- 11 Australian Human Rights Commission, *Free and Equal: An Australian conversation on human rights* (February 2019). At <https://www.humanrights.gov.au/free-and-equal>.
- 12 This was established following Australia's 2nd UPR.
- 13 Australian Human Rights Commission, *Children's Rights Report 2019—In Their Own Right: Children's Rights in Australia* (2019) 49. At <https://humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2019>.
- 14 Recommendation 136.203, 136.150 and 136.234.
- 15 United Nations General Assembly, *Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples*, GA Res 69/2, UN Doc No A/69/L.1, [7]-[8]. At https://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/L.1 (viewed 9 January 2020). Recommendations 136.75, 136.77, 136.84, 136.85.
- 16 This occurs through the operation of s51(xxvi) and s25.
- 17 Voluntary commitment by Australia: Human Rights Council, 31st session, Agenda Item 6. *Report of the Working Group on the Universal Periodic Review: Australia* (13 January 2016), UN Doc A/HRC/31/14. At <https://undocs.org/A/HRC/31/14> (viewed 9 January 2020).

- 18 National Indigenous Australians Agency, *Indigenous Voice*, <<https://www.indigenous.gov.au/topics/indigenous-voice>> (viewed 10 January 2020). Processes since 2011 include the formation of the Expert Panel on Constitutional Recognition of Indigenous Australians, the Recognise Campaign established by Reconciliation Australia with funding from the Australian Government, the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, the enactment of the Aboriginal and Torres Strait Islander Peoples Recognition Act and the convening of the Referendum Council Dialogues. See: Australian Human Rights Commission, *Submission to the Expert Mechanism on the Rights of Indigenous Peoples for its Study on Recognition, Reparations and Reconciliation* (29 February 2019). At https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/StudyRRR/Australia_NHR11.pdf.
- 19 Australian Human Rights Commission, *Submission to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples* (29 July 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=81afbee8-381f-40a4-a758-b1384881e633&subId=658933> (viewed on 10 January 2020).
- 20 Recommendations 136.103, 136.98, 136.94, 136.107 and 136.108.
- 21 National Indigenous Australians Agency, *Closing the Gap: Report 2020* (February 2020) 11. At <https://ctgreport.niaa.gov.au/>.
- 22 National Indigenous Australians Agency, *Closing the Gap: Report 2020* (February 2020) 65, 33. At <https://ctgreport.niaa.gov.au/>.
- 23 Close the Gap Campaign, *Close the Gap Report: Our Choices, Our Voices* (2019). At <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/close-gap-report-our> (viewed 15 January 2019).
- 24 National Aboriginal Community Controlled Health Organisation, *A new way of working Talking about what's needed to close the gap in life outcomes between Aboriginal and Torres Strait Islander people and other Australians*. At <https://www.naccho.org.au/wp-content/uploads/FINAL-discussion-booklet-a-new-way-of-working-09.09.pdf>.
- 25 SNAICC – National Voice for our Children, National Family Violence Prevention Legal Services Forum and National Aboriginal and Torres Strait Islander Legal Services, *Strong Families, Safe Kids: Family violence response and prevention for Aboriginal and Torres Strait Islander children and families* (September 2017). At https://www.nationalfvpls.org/images/files/SNAICC-NATSILS-NFVPLS_Strong_Families_Safe_Kids-Sep_2017.pdf.
- 26 Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report* (ALRC Report 133, March 2018). At <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>.
- 27 SCRGSP (Steering Committee for the Review of Government Service Provision) 2016, *Overcoming Indigenous Disadvantage: Key Indicators 2016*, Productivity Commission (2016) 4.98 and table 4A.12.13. At <https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016/report-documents/oid-2016-overcoming-indigenous-disadvantage-key-indicators-2016-report.pdf>.
- 28 Australian Human Rights Commission, *Wiyi Yani U Thangani* (forthcoming).
- 29 Australian Law Reform Commission, *Connection to Country: Review of the Native Title Act 1993* (ALRC Report 126, June 2015). At <https://www.alrc.gov.au/publication/connection-to-country-review-of-the-native-title-act-1993-cth-alrc-report-126/>.
- 30 Workplace Gender Equality Agency, *Australia's Gender Pay Gap Statistics* <<https://www.wgea.gov.au/data/fact-sheets/australias-gender-pay-gap-statistics>> (viewed 6 January 2020). For factors that contribute to the gender pay gap; see also: KPMG, *She's Price(d)less: The economics of the gender pay gap. Prepared for Diversity Council Australia (DCA) and the Workplace Gender Equality Agency* (August 2019). At <https://www.wgea.gov.au/data/wgea-research/shes-pricedless-the-economics-of-the-gender-pay-gap>; and AHRC, *Submission to the Finance and Public Administration References Committee on Gender segregation in the workplace and its impact on women's economic equality* (March 2017). At <https://www.humanrights.gov.au/our-work/legal/submission/gender-segregation-workplace-and-its-impact-womens-economic-equality>. Recommendations: 136.149, 136.146, 136.152, 136.145, 136.147, 136.148 and 136.144.
- 31 Recommendation 136.151. See: ASFA Research and Resource Centre, *Superannuation account balances by age and gender* (October 2017). At https://www.superannuation.asn.au/ArticleDocuments/359/1710_Superannuation_account_balances_by_age_and_gender.pdf.aspx (viewed 6 January 2020); Roger Wilkins, 'The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 16' (Statistical Report No 13, Melbourne Institute, University of Melbourne, 2018) 35–38; Senate Economics References Committee, Parliament of Australia, 'A Husband is Not a Retirement Plan: Achieving Economic Security for Women in Retirement' (Report, 2016) 5–15, 119; and Australian Human Rights Commission (AHRC), 'Accumulating Poverty? Women's Experiences of Inequality over the Lifecycle' (Issue paper, AHRC, 2009) 22–23.
- 32 The Commission notes the need for the implementation of outstanding recommendations from the 2008 Senate Inquiry into the effectiveness of the *Sex Discrimination Act 1984* (Cth) in eliminating discrimination and promoting gender equality; as well as the need for other amendments to the *Sex Discrimination Act* relating to domestic violence. See: Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Effectiveness of the Sex Discrimination Act* (December 2008). At http://www.aph.gov.au/binaries/senate/committee/legcon_ctte/sex_discrim/report/report.pdf (viewed 6 March 2020); United Nations Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Australia*, UN Doc CEDAW/C/AUS/CO/8 (25 July 2018). At https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en (viewed 6 March 2020); Australian Human Rights Commission, *Supporting Working Parents: Pregnancy and Return to Work National Review – Report* (2014) 118. At <https://www.humanrights.gov.au/publications/supporting-working-parents-pregnancy-and-return-work-national-review-report>; Australian Human Rights Commission, *Discussion paper: Priorities for federal discrimination law reform* (2019). At <https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/discussion-paper-priorities-federal-discrimination-law>; Australian Human Rights Commission, *Submission to the Attorney-General's Department*

- on Consolidation of Commonwealth Discrimination Law (2011). At <http://www.humanrights.gov.au/consolidation-commonwealth-discrimination-law#Heading689> (viewed 21 March 2015); Australian Human Rights Commission, *Supplementary Submission to the Attorney-General's Department on Consolidation of Commonwealth Discrimination Law – Domestic and Family Violence* (2012). At <http://www.humanrights.gov.au/consolidation-commonwealth-discrimination-law-domestic-and-family-violence> (viewed 21 March 2015).
- 33 UN Women, *Policy Brief: The Impact of COVID-19 on Women* (9 April 2020). At <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/policy-brief-the-impact-of-covid-19-on-women-en.pdf?la=en&vs=1406>.
- 34 Australian Human Rights Commission, *Respect@Work: Sexual Harassment National Inquiry Report* (2020). At https://www.humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020?mc_cid=1065707e3c&mc_eid=%5bUNIQID%5d.
- 35 Recommendations 136.159, 136.160, 136.161 and 136.162.
- 36 Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia: continuing the national story 2019: in brief* (2019). At <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-and-sexual-violence-in-australia-c/contents/table-of-contents>; and Australian Bureau of Statistics, *Recorded Crime – Victims, Australia, 2018* (26 June 2019). At <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4510.0~2018~Main%20Features~Victims%20of%20Family%20and%20Domestic%20Violence%20related%20offences~6> (viewed 6 March 2020).
- 37 Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Framework foundations 2: Think pieces, stakeholder consultations, issues, implications and approach Companion document to Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia* (2015) 14. At <https://www.ourwatch.org.au/getmedia/a415a239-5de6-4dbd-806d-4e92a53e532e/Change-the-story-framework-foundations-2.pdf.aspx>; and Australian Human Rights Commission, *A Conversation in Gender Equality* (2017). At <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/conversation-gender-equality-2017>.
- 38 Recommendations 136.209 and 136.124.
- 39 Australian Human Rights Commission, 'Commission welcomes National Plan on elder abuse' (Media Release, 22 March 2019). At <https://www.humanrights.gov.au/about/news/commission-welcomes-national-plan-elder-abuse> (viewed 3 January 2020).
- 40 One in three organisations indicated there is an age over which they are reluctant to recruit – the majority of organisations nominated the age 50 as "too old". See: Australian Human Rights Commission, *Employing Older Workers* (2018). At <https://www.humanrights.gov.au/our-work/age-discrimination/publications/employing-older-workers-2018>.
- 41 Australian Law Reform Commission, *Elder Abuse—A National Legal Response* (ALRC Report 131, June 2017). At <https://www.alrc.gov.au/publication/elder-abuse-a-national-legal-response-alrc-report-131/>.
- 42 Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability* (2016). At <https://www.humanrights.gov.au/our-work/age-discrimination/projects/willing-work-national-inquiry-employment-discrimination>.
- 43 Australian Bureau of Statistics, *2049.0 Census of Population and Housing: Estimating homelessness, 2016: Key Findings* (2018). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2049.0> (viewed 3 January 2018).
- 44 Australian Human Rights Commission, *Older Women's Risk of Homelessness: Background Paper* (2019). At <https://www.humanrights.gov.au/our-work/age-discrimination/publications/older-womens-risk-homelessness-background-paper-2019>.
- 45 Recommendations: 136.180, 136.181, 136.182, 136.183 and 136.184. See: Australian Human Rights Commission, *Information Concerning Australia's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women* (12 June 2018) [25]. At https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUS/INT_CEDAW_IFN_AUS_31439_E.pdf (viewed 3 January 2020); Australian Human Rights Commission, 'Information Relating to Australia's Joint Fifth and Sixth Report under the Convention on the Rights of the Child, Second Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and Second Report on the Optional Protocol on the Involvement of Children in Armed Conflict' (1 November 2018) [204]-[205]. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/report-un-committee-rights-child-2018> (viewed 3 January 2020); and Australian Human Rights Commission, *Submission to the UN Human Rights Committee: Information Concerning Australia's Compliance with the International Covenant on Civil and Political Rights* (18 September 2017) [61]. At https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUS/INT_CCPR_NHS_AUS_28980_E.pdf (viewed 3 January 2020).
- 46 Recommendation 136.187.
- 47 Australian Law Reform Commission, *Equality, Capacity and Disability in Commonwealth Laws* (ALRC Report 124, August 2014). At <https://www.alrc.gov.au/publications/equality-capacity-disability-report-124>.
- 48 Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (24 October 2019). At <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> (viewed 2 January 2020). Recommendations 136.209 and 136.190.
- 49 Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability* (2016). At <https://www.humanrights.gov.au/our-work/age-discrimination/projects/willing-work-national-inquiry-employment-discrimination>.
- 50 Australian Human Rights Commission, *A Future Without Violence: Quality, Safeguarding and Oversight to Prevent and Address Violence against People with Disability in Institutional Settings* (June 2018). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/future-without-violence-2018>. Recommendations: 136.155, 136.160, 136.162, 136.164 and 136.191.

- 51 Recommendations 136.197 and 136.198. Australian Institute of Health and Welfare, 'Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019' (5 June 2019). At <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019/report-editions> (viewed 3 January 2020). The Commission welcomes the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC). The DRC is due to report in April 2022.
- 52 Council of Australian Governments, *National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Services Sector* (1 May 2013). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-framework-for-reducing-and-eliminating-the-use-of-restrictive-practices-in-the-disability-service-sector> (viewed 20 January 2020).
- 53 Australian Human Rights Commission, *A Future Without Violence: Quality, Safeguarding and Oversight to Prevent and Address Violence against People with Disability in Institutional Settings* (June 2018). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/future-without-violence-2018>.
- 54 Voluntary commitment made by Australia: Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, UN Doc A/HRC/31/14 (13 January 2016) [141]. At <https://undocs.org/A/HRC/31/14> (viewed 20 January 2020); and Human Rights Council, *Addendum: Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review*, UN Doc A/HRC/31/14/Add.1 (29 February 2016) [37]. At <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AUIndex.aspx> (viewed 20 January 2020). In 2019, the National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment was finalised. It is voluntary and not all states have committed to implement it. This falls short of expected actions.
- 55 Recommendations: 136.185, 136.192, 136.193, 136.194 and 136.196. See: Australian Human Rights Commission, *Submission to the Committee on the Rights of Persons with Disabilities* (25 July 2019), [66]. At <https://www.humanrights.gov.au/our-work/legal/submission/information-concerning-australias-compliance-convention-rights-persons> (viewed 4 February 2020).
- 56 Parliament of Australia, Senate Community Affairs References Committee, *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia* (29 November 2016). At https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IndefiniteDetention45/Report (viewed 20 January 2020).
- 57 *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth).
- 58 Such laws have been passed in all states and territories: *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014* (Vic); *Criminal Records Amendment (Historical Homosexual Offences) Act 2014* (NSW); *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017* (Qld); *Expungement of Historical Offences Act 2017* (Tas); *Historical Homosexual Convictions Expungement Act 2018* (WA); *Expungement of Historical Homosexual Offence Records Act 2018* (NT); *Spent Convictions (Historical Homosexual Convictions Extinguishment) Amendment Act 2015* (ACT); and *Spent Convictions (Decriminalised Offences) Amendment Act 2013* (SA).
- 59 Australian Human Rights Commission, *Consultation Paper: Protecting the Human Rights of People Born with Variations in Sex Characteristics in the context of Medical Interventions* (July 2018). At https://www.humanrights.gov.au/sites/default/files/AHRC_Consultation%20paper_2018_2.pdf (viewed 3 January 2020).
- 60 Recommendations 136.166, 136.168, 136.169, 136.170
- 61 Australian Institute of Health and Welfare, *Child protection Australia 2017–2018* (Child Welfare Series No. 70, 2019). At <https://www.aihw.gov.au/getmedia/e551a2bc-9149-4625-83c0-7bf1523c3793/aihw-cws-65.pdf.aspx?inline=true>. Rates have increased from 8.1 per 1000 children in 2014 to 8.2 per 1,000 in 2018 – a rise of 6%. However, note that this rate has fluctuated. For example in 2017 the rate was 8.7 per 1000 children.
- 62 Australian Institute of Health and Welfare, *Child protection Australia 2017–2018* (2019). At <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2017-18/contents/table-of-contents>.
- 63 SNAICC, *Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle: A Resource for Legislation, Policy, and Program Development* (June 2017). At https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf.
- 64 *Migration Act 1958* (Cth) ss 189, 196. Recommendations 136.259, 136.261, 136.258, 136.256, 136.257, 136.248 and 136.245. See also Australian Human Rights Commission, *In Their Own Right: Children's Rights in Australia* (2019) 278-295. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2019>.
- 65 Australian Human Rights Commission, *Risk management in immigration detention* (2019) 66-68. At <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/risk-management-immigration-detention-2019> (8 January 2020).
- 66 As at 31 March 2020. Department of Home Affairs, *Immigration Detention and Community Statistics Summary* (31 March 2020) 11. At <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-march-2020.pdf>.
- 67 Commonwealth Ombudsman Michael Manthorpe, 'Statement by the Commonwealth Ombudsman Michael Manthorpe on the management of COVID-19 risks in immigration detention facilities' (Statement, 1 July 2020). At https://www.ombudsman.gov.au/__data/assets/pdf_file/0013/111235/1-July-2020-Statement-by-the-Commonwealth-Ombudsman-Michael-Manthorpe-on-the-management-of-COVID-19-risks-in-immigration-detention-facilities.pdf.

- 68 Australian Human Rights Commission, *Submission No. 11 to the Joint Standing Committee on Migration Review processes associated with visa cancellations made on criminal grounds* (27 April 2018); Australian Human Rights Commission, *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload'* (2019). At <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>.
- 69 The "Legacy Caseload" is the group of approximately 30,000 asylum seekers who arrived in Australia by boat prior to 1 January 2014.
- 70 Australian Human Rights Commission, *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload'* (2019) 35-37. At <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>. See also Parliamentary Joint Committee on Human Rights, Parliament of Australia, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Fourteenth Report of the 44th Parliament* (28 October 2014) [1.412]. At https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2014/Fourteenth_Report_of_the_44th_Parliament.
- 71 Australian Human Rights Commission, *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload'* (2019) 56-57. At <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>.
- 72 Australian Human Rights Commission, *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload'* (2019) 92. At <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>.
- 73 Australian Human Rights Commission, *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload'* (2019) 68-70. At <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>.
- 74 See: Australian Human Rights Commission, *Submission No 54 to Senate Standing Committee on Legal and Constitutional Affairs on the Migration Amendment (Repairing Medical Transfers) Bill 2019 [Provisions]* (21 August 2019); *Ms BK, Ms CO and Mr DE on behalf of themselves and their families v Commonwealth of Australia* [2018] AusHRC 128; Australian Human Rights Commission, 'Children on Nauru' (Media Release, 23 October 2018); Elizabeth Elliott and Hasantha Gunasekera, *The Health and Well-Being of Children in Immigration Detention: Report to the Australian Human Rights Commission – Monitoring Visit to Wickham Point Detention Centre, Darwin, NT* (Report, 2016); Australian Human Rights Commission, *The Forgotten Children: National Inquiry into Children in Immigration Detention* (November 2014). At https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf; Australian Human Rights Commission, 'Children on Nauru' (Media Release, 23 October 2018). At <https://www.humanrights.gov.au/about/news/media-statement-children-nauru> (viewed 9 January 2020); United Nations Committee on Economic, Social and Cultural Rights, *Concluding observations on fifth periodic report on Australia*, 61st sess, UN Doc E/C.12/Aus/CO/5 (11 July 2017). At tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/AUS/CO/5&Lang=En; United Nations High Commissioner for Refugees, *UNHCR Factsheet on the Situation of Refugees and Asylum Seekers on Manus Island, Papua New Guinea* (Factsheet, 21 January 2018); United Nations High Commissioner for Refugees, *Medical Expert Mission Papua New Guinea 10 to 16 November 2017* (Report, 16 November 2017); United Nations High Commissioner for Refugees, *UNHCR Mission to Manus Island, Papua New Guinea, 15-17 January 2013* (2013). At <http://www.refworld.org/docid/5139ab872.html> (viewed 9 January 2020); Parliamentary Joint Committee on Human Rights, *Examination of the Migration (Regional Processing) package of legislation* (19 June 2013). At http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Committee_Inquiries/migration/index (viewed 9 January 2020); United Nations High Commissioner for Refugees, *UNHCR monitoring visit to the Republic of Nauru, 7 to 9 October 2013* (2013). At <http://www.unhcr.org/en-au/publications/legal/58117b931/unhcr-monitoring-visit-to-the-republic-of-nauru-7-to-9-october-2013.html> (viewed 9 January 2020); Robert Cornall, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre* (Department of Immigration and Border Protection, 23 May 2014). At <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-robert-cornall.pdf>; United Nations Committee against Torture, *Concluding observations on the combined fourth and fifth periodic reports of Australia*, UN Doc CAT/C/AUS/CO/4-5 (23 December 2014) 6. At https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/AUS/CO/4-5&Lang=En; Philip Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru* (Department of Immigration and Border Protection, 6 February 2015). At <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-conditions-circumstances-nauru.pdf>; Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Incident at the Manus Island Detention Centre from 16 February to 18 February 2014* (December 2014) 37-54. At ; Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Observations on communications transmitted to Governments and replies received*, United Nations Human Rights Council, 28th sess, Agenda Item 3, UN Doc A/HRC/28/68/Add.1 (5 March 2015). At http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_Add.1_en.doc (viewed 9 January 2020); Select Committee on the recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru, Parliament of Australia, *Taking responsibility: Conditions and circumstances at Australia's Regional Processing Centre in Nauru* (August 2015) 59-86. At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/~media/Committees/nauru_ctte/Final_Report/report.pdf.
- 75 *Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019* (Cth).

- 76 Australian Human Rights Commission, 'Human Rights Commissioner on the 'Medevac law' (Media Release, 22 August 2019). At <https://www.humanrights.gov.au/about/news/human-rights-commissioner-medevac-law> (viewed 7 July 2020). Australian Human Rights Commission, *Submission to the Senate Legal Constitutional Affairs Committee Inquiry into the Migration Amendment (Repairing Medical Transfers) Bill 2019* (21 August 2019). At <https://www.humanrights.gov.au/our-work/legal/submission/migration-amendment-repairing-medical-transfers-bill-2019>.
- 77 The Scanlon Foundation, *Mapping Social Cohesion* (2019). At <https://scanloninstitute.org.au/sites/default/files/2019-11/Mapping%20Social%20Cohesion%202019.pdf>; and Kathleen Blair et al, *Challenging Racism Project 2015-16 National Survey Report* (2017) 10. At <https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A39004/datastream/PDF/view>.
- 78 Australian Human Rights Commission, 'New Report Shows Increase in Severe Islamophobic Attacks' (Media Release, 19 November 2019). At <https://www.humanrights.gov.au/about/news/new-report-shows-increase-severe-islamophobic-attacks> (viewed 7 January 2020).
- 79 See: ASIO Director General, Mike Burgess, 'Annual Threat Assessment' (Statement, 24 February 2020), <https://www.asio.gov.au/director-generals-annual-threat-assessment.html> (viewed 9 March 2020).
- 80 Australian Human Rights Commission, 'Racism undermines COVID-19 Response' (News Story, 8 April 2020). At <https://humanrights.gov.au/about/news/racism-undermines-covid-19-response> (viewed 5 June 2020).
- 81 Australian Human Rights Commission, *National Anti-Racism Strategy and Racism. It Stops with Me: Summary Evaluation and Future Direction* (2015). At <https://www.humanrights.gov.au/sites/default/files/National%20Anti-Racism%20Strategy%20Summary%20Evaluation%20and%20Future%20Direction.pdf>.
- 82 Australian Human Rights Commission, *Leading for Change: A blueprint for cultural diversity and inclusive leadership* (2016). At <https://www.humanrights.gov.au/our-work/race-discrimination/publications/leading-change-blueprint-cultural-diversity-and-inclusive>; Australian Human Rights Commission, *Anti-Racism in 2018 and Beyond* (2018). At <https://www.humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-2018-and-beyond-2018>; and Australian Human Rights Commission, *Leading for Change: A Blueprint for Cultural Diversity and Inclusive Leadership Revisited* (2018). At <https://www.humanrights.gov.au/our-work/race-discrimination/publications/leading-change-blueprint-cultural-diversity-and-0>.
- 83 Australian Human Rights Commission, *Leading for Change: A blueprint for cultural diversity and inclusive leadership* (2016). At <https://www.humanrights.gov.au/our-work/race-discrimination/publications/leading-change-blueprint-cultural-diversity-and-inclusive>; and Australian Human Rights Commission, *Leading for Change: A Blueprint for Cultural Diversity and Inclusive Leadership Revisited* (2018). At <https://www.humanrights.gov.au/our-work/race-discrimination/publications/leading-change-blueprint-cultural-diversity-and-0>.
- 84 Services Australia, *JobSeeker Payment* (11 June 2020) <<https://www.servicesaustralia.gov.au/individuals/services/centrelink/jobseeker-payment>> (viewed 3 July 2020).
- 85 Australian Human Rights Commission, *Submission to the Senate Community Affairs References Committee, Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia* (25 September 2019). At https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Newstartrelatedpayments/Submissions.
- 86 Services Australia, *Coronavirus Supplement* (28 April 2020) <<https://www.servicesaustralia.gov.au/individuals/services/centrelink/coronavirus-supplement>> (viewed 3 July 2020)
- 87 Services Australia, *ParentsNext* (2 April 2020) <<https://www.humanservices.gov.au/individuals/services/centrelink/parentsnext>> (viewed 3 July 2020).
- 88 Australian Human Rights Commission, *Submission to the Senate Community Affairs References Committee Inquiry into ParentsNext, including its trial and subsequent broader rollout* (1 February 2020). At <https://www.aph.gov.au/DocumentStore.ashx?id=66ebd68e-6c3b-42fa-94f1-a7b910f84d94&subId=666217>.
- 89 See: Australian Human Rights Commission, *Submission to the Senate Community Affairs Legislation Committee Inquiry into the Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019* (2 October 2019). At <https://www.humanrights.gov.au/our-work/legal/submission/senate-inquiry-social-security-administration-amendment-income-management>; Australian Human Rights Commission, *Submission to the Senate Community Affairs Legislation Committee, Inquiry into Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018* (28 July 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=eae013e-2e82-40ab-a581-72dc5336166b&subId=657916>; Australian Human Rights Commission, *Submission to the Senate Community Affairs Legislation Committee, Inquiry into the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017* (29 September 2017). At <https://www.aph.gov.au/DocumentStore.ashx?id=1fcbc7ab-efbf-4092-bb42-9c743dadf7a5&subId=560832> (viewed 22 January 2020); and Australian Human Rights Commission, *Social Justice and Native Title Report 2015* (2015) 48-61. At <https://www.humanrights.gov.au/sites/default/files/document/publication/SJRNTR2015.pdf>.
- 90 Recommendations 136.210, 136.170, 136.112, 136.127, 136.167, 136.170, 136.105, 136.92, 136.97, 136.98, 136.94, 136.107, 136.108, 136.76 and 136.95.
- 91 Australian Human Rights Commission, *Submission to the Committee on the Rights of the Child: Information relating to Australia's joint fifth and sixth report under the Convention on the Rights of the Child, second report on the Optional Protocol on the sale of children, child prostitution and child pornography, and second report on the Optional Protocol on the involvement of children in armed conflict* (1 November 2018) 36-41. At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/report-un-committee-rights-child-2018> (viewed 10 January 2020). The Commission notes that funding has been increased during the COVID-19 pandemic.

- 92 Australian Lawyers for Human Rights, Submission No 100 to Australian Human Rights Commission, *Report under article 44, paragraph 1(b), on the Convention on the Rights of the Child* (30 May 2018); NSW Aboriginal Education Consultative Group, Submission No 102 to Australian Human Rights Commission, *Report under article 44, paragraph 1(b), on the Convention on the Rights of the Child* (30 May 2018). At <https://www.humanrights.gov.au/our-work/childrens-rights/projects/reporting-uk-childrens-rights>. Recommendations 136.211 and 136.109.
- 93 Australian National Contact Point, *About*, <<https://ausncp.gov.au/about>> (viewed 31 January 2020).
- 94 Set out in Australian Border Force, *National Action Plan to Combat Modern Slavery 2020-2024: Public Consultation Paper* (December 2019) 2-3. At <https://www.homeaffairs.gov.au/reports-and-pubs/files/combat-modern-slavery-2020-24-consultation-paper.pdf> (viewed 2 March 2020)
- 95 Australian Human Rights Commission, *Submission and supplementary submission to the Parliamentary Joint Committee on Intelligence and Security, review of the 'declared area' provisions* (2017). At <https://www.aph.gov.au/DocumentStore.ashx?id=b7a13ba8-ccdf-4855-8591-4310fbd24fe1&subId=560683> and <https://www.aph.gov.au/DocumentStore.ashx?id=23470519-e723-4263-9e5b-fc0dda2eed66&subId=560683> (viewed 16 January 2020).
- 96 Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019* (22 August 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=3dbcd3df-cdaa-470c-9f6c-a4c570ff1b41&subId=668924>; and Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment Bill 2019* (8 March 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=e1748951-b005-409c-ba6e-50d704e45c51&subId=667096>.
- 97 Divisions 104 and 105 of Part 5.3 of the Criminal Code contain the control order and preventative detention order (PDO) regimes respectively. See for example: Australian Human Rights Commission, *Submission to the Acting Independent National Security Legislation Monitor* (15 May 2017). At https://www.humanrights.gov.au/sites/default/files/20170515_AHRC_Submission_INSLM_Statutory_Deadline_Review.pdf; Australian Human Rights Commission, *Submission and supplementary submission to the Parliamentary Joint Committee on Intelligence and Security review of police stop, search and seizure powers, the control order regime and the preventative detention order regime* (2017). At <https://www.aph.gov.au/DocumentStore.ashx?id=7ba218bc-14b2-468b-bed4-4c9fd3a9ac71&subId=516302> and <https://www.aph.gov.au/DocumentStore.ashx?id=766df2d3-b918-4b17-aadf-28ccca57bca5&subId=516302>; Human Rights and Equal Opportunity Commission, Submission No 158, 158A and 158B to Senate Legal and Constitutional Legislation Committee, *Inquiry into the Anti-Terrorism Bill (No 2) 2005*, 11 November 2005. At <http://www.humanrights.gov.au/submission-anti-terrorism-bill-no-2-2005>; Australian Human Rights Commission, *A Human Rights Guide to Australia's Counter-Terrorism Laws* (2008). At <https://www.humanrights.gov.au/human-rights-guide-australias-counter-terrorism-laws>.
- 98 Australian Human Rights Commission, *Submission to the Acting Independent National Security Legislation Monitor* (15 May 2017). At https://www.humanrights.gov.au/sites/default/files/20170515_AHRC_Submission_INSLM_Statutory_Deadline_Review.pdf; Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019* (22 August 2019). Available at: <https://www.aph.gov.au/DocumentStore.ashx?id=3dbcd3df-cdaa-470c-9f6c-a4c570ff1b41&subId=668924>; and Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment Bill 2019* (8 March 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=e1748951-b005-409c-ba6e-50d704e45c51&subId=667096> (viewed 16 January 2020).
- 99 Australian Human Rights Commission, *Submission to the Acting Independent National Security Legislation Monitor* (15 May 2017). At https://www.humanrights.gov.au/sites/default/files/20170515_AHRC_Submission_INSLM_Statutory_Deadline_Review.pdf (viewed 16 January 2020); Australian Human Rights Commission, *Submission and supplementary submission to the Parliamentary Joint Committee on Intelligence and Security review of police stop, search and seizure powers, the control order regime and the preventative detention order regime* (2017). At <https://www.aph.gov.au/DocumentStore.ashx?id=7ba218bc-14b2-468b-bed4-4c9fd3a9ac71&subId=516302> and <https://www.aph.gov.au/DocumentStore.ashx?id=766df2d3-b918-4b17-aadf-28ccca57bca5&subId=516302>.
- 100 Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019* (14 October 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=3264b3cf-063d-48b1-8668-39d76111ec2a&subId=671324>. See also: Australian Human Rights Commission, Submission No 13 to Parliamentary Joint Committee on Intelligence and Security, *Inquiry into the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015* (16 July 2015). At <http://www.aph.gov.au/DocumentStore.ashx?id=8cfea01e-ec16-4074-8edf-dcc4d0625ee2&subId=354238> (viewed 16 January 2020).
- 101 Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Inquiry into the Counter-Terrorism Legislation Amendment Bill (No. 1) 2015* (9 December 2015). At <https://www.aph.gov.au/DocumentStore.ashx?id=080c06ef-59cb-4d40-9132-f1664588c82c&subId=407290> (viewed 27 February 2020); Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment Bill 2019* (8 March 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=e1748951-b005-409c-ba6e-50d704e45c51&subId=667096> (viewed 27 February 2020).

- 102 Australian Human Rights Commission, *Submission to the INSLM Review of Prosecution and Sentencing of Children for Commonwealth Terrorist Offences* (15 June 2018). At https://www.inslm.gov.au/sites/default/files/australian_human_rights_commission.pdf (viewed 16 January 2020); Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019* (22 August 2019). Available at: <https://www.aph.gov.au/DocumentStore.ashx?id=3dbcd3df-cdaa-470c-9f6c-a4c570ff1b41&subId=668924>; and Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism Legislation Amendment Bill 2019* (8 March 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=e1748951-b005-409c-ba6e-50d704e45c51&subId=667096> (viewed 16 January 2020). See also: Australian Human Rights Commission, *Submission and supplementary submission to the Parliamentary Joint Committee on Intelligence and Security review of the Counter-Terrorism (Temporary Exclusion Orders) Bill 2019* (8 March 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=372fe9e7-3d94-4ba4-9bad-ef0c1084111&subId=667095> (viewed 16 January 2020); Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019* (14 October 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=3264b3cf-063d-48b1-8668-39d76111ec2a&subId=671324>; and Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Review of ASIO's Questioning and Detention Powers* (22 January 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=a7f45ce3-66ed-426a-919a-24c5c572230f&subId=563202>.
- 103 These powers include: the secrecy provisions in Division 122 of the *Criminal Code* (Cth). See: Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Inquiry into the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017* (24 January 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=1482dc19-ac10-430d-b02f-bae8d11ce99d&subId=562820> (16 January 2020); the espionage offences in Division 91 of the *Criminal Code*. See Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Inquiry into the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017* (24 January 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=1482dc19-ac10-430d-b02f-bae8d11ce99d&subId=562820>; non-disclosure provisions linked to 'special intelligence operations' under the *Australian Security Intelligence Organisation Act 1979* (Cth). See, for example: Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security Inquiry into the National Security Legislation Amendment Bill (No. 1) 2014* (21 August 2014). At <https://www.humanrights.gov.au/submissions/submission-inquiry-national-security-legislation-amendment-bill-no-1-2014> (viewed 15 January 2020). See also: Human Rights Council, *Report of the special rapporteur on the situation of human rights defenders on his mission to Australia* (28 February 2018) UN Doc A/HRC/37/51/Add.3) 7; the mandatory data retention regime under the *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015* (Cth): *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014* (14 January 2015). At <https://www.humanrights.gov.au/our-work/legal/submission/inquiry-telecommunications-interception-and-access-amendment-data>.
- 104 Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the mandatory data retention regime* (1 July 2019). At <https://www.aph.gov.au/DocumentStore.ashx?id=b0f852cb-7ce3-4b96-a26e-e6a3ac099836&subId=668050>.
- 105 See especially the intrusive and covert powers introduced by the *Telecommunications and Other Legislation (Assistance and Access) Act 2018* (Cth). Australian Human Rights Commission, *Submission to the Parliamentary Joint Committee on Intelligence and Security review of the Telecommunication and Other Legislation Amendment (Assistance and Access) Bill 2018* (12 October 2018). At <https://www.aph.gov.au/DocumentStore.ashx?id=a7b9ff25-7c09-41e9-b97a-56dae1ac0e94&subId=661055>.
- 106 Australian Human Rights Commission, 'Freedom of speech and Annika Smethurst' (Media Release, 15 November 2019). At <https://www.humanrights.gov.au/about/news/opinions/freedom-speech-and-annika-smethurst> (viewed 16 January 2020). The Commission is also concerned about restrictions on political speech by public servants: Australian Human Rights Commission, *Amicus Curiae: Comcare v. Banerji (C12/2018)* (12 December 2018). At https://www.hcourt.gov.au/assets/cases/03-Canberra/c12-2018/Comcare-Banerji_HRC.pdf.
- 107 See Australian Human Rights Commission, *Human rights and technology: Discussion Paper* (December 2019). At https://tech.humanrights.gov.au/sites/default/files/2019-12/TechRights_2019_DiscussionPaper.pdf.
- 108 *Workplaces (Protection from Protesters) Act 2014* (Tas); *Summary Offences and Sentencing Amendment Act 2014* (Vic); *G20 (Safety and Security) Law 2013* (Qld); *Criminal Code Amendment (Prevention of lawful activity) Bill 2015* (WA); and *Summary Offences and Other Legislation Amendment Act 2019* (Qld). See also: Australian Human Rights Commission, *Submission to the UN Human Rights Committee: Information Concerning Australia's Compliance with the International Covenant on Civil and Political Rights* (18 September 2017) [121]. At https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AUS/INT_CCPR_NHS_AUS_28980_E.pdf (viewed 14 January 2020); and Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders. *Communication to Australia* (3 December 2019). At <https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/5df088d34ba53f728440e587/1576044757116/Communication+to+Australia+03.12.2019.pdf> (viewed 14 January 2020).

- 109 The Commission is concerned that the Australian Government's draft religious discrimination law contains provisions that are inconsistent with international human rights law. See Australian Human Rights Commission, *Submission to the Attorney General's Department: Religious Freedom Bills second exposure draft* (31 January 2020). At <https://www.humanrights.gov.au/our-work/legal/submission/religious-freedom-bills-second-exposure-draft>; and Australian Human Rights Commission, *Submission to the Attorney General's Department: Religious Freedom Bills* (27 September 2019). At <https://www.humanrights.gov.au/our-work/legal/submission/religious-freedom-bills> (viewed 3 February 2020).
- 110 Australian Bureau of Statistics, *Prisoners in Australia, Aboriginal and Torres Strait Islander Prisoner Characteristics*, 4517.0 (8 December 2016). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2016~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics~5> (viewed 17 January 2020).
- 111 Productivity Commission, *Report on Government Services 2020: youth justice services* (January 2020). At <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/community-services/youth-justice>; Australian Institute of Health and Welfare, *Youth Justice in Australia 2017–2018*. At <https://www.aihw.gov.au/reports/youth-justice/youth-justice-australia-2017-18/contents/table-of-contents>; and Legislative Assembly of the Northern Territory 13th Assembly Social Policy Scrutiny Committee, *Public Hearing Transcript: Youth Justice and Related Legislation Amendment Bill 2019* (30 May 2019). At https://parliament.nt.gov.au/_data/assets/pdf_file/0008/704969/85-2019-Corrected-Transcript-Public-Hearing-Thursday-30-May-2019.pdf (viewed 17 January 2020).
- 112 Australian Human Rights Commission, *Equal before the Law – Towards Disability Justice Strategies* (February 2014). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law>; Law Council of Australia, *The Justice Project Final Report* (August 2018). At <https://www.lawcouncil.asn.au/justice-project/final-report>; and Human Rights Watch, *"I Needed Help, Instead I Was Punished" – Abuse and Neglect of Prisoners with Disabilities in Australia* (6 February 2018). At <https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities>.
- 113 Australian Human Rights Commission, *Imprisonment rates of Indigenous women a national shame* (News Story, 2 May 2018). At <https://www.humanrights.gov.au/about/news/imprisonment-rates-indigenous-women-national-shame> (viewed 17 January 2020).
- 114 See, for example: *Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012* (Qld); *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013* (Qld); *Criminal Code Act Compilation Act 1913* (WA) s 297, 318; *Crimes Amendment (Murder of Police Officers) Act 2011* (NSW); *Sentencing Amendment (Violent Offences) Act 2008* (NT); *Sentencing Amendment (Mandatory Minimum Sentence) Act 2013* (NT); *Criminal Code Amendment Act (No 2) 1996* (WA); *Criminal Code Amendment Act 2009* (WA); *Sentencing Legislation Amendment Act 2014 No. 6* (WA); *Criminal Organisations Control Act 2012* (WA); *Crimes Amendment (Gross Violence Offences) Act 2013* (VIC).
- 115 These laws undermine rule of law principles, may lead to arbitrary detention, and disproportionality affect Aboriginal and Torres Strait Islander people. Australian Human Rights Commission, *Amicus Curiae: Magaming v The Queen [2013] HCA 40* (11 October 2013). At <https://www.humanrights.gov.au/our-work/legal/submissions/submission-court-intervener-and-amicus-curiae> (viewed 17 January 2020); Law Council of Australia, *The Justice Project Final Report – Part 1 – People with Disability* (August 2018). At <https://www.lawcouncil.asn.au/justice-project/final-report>; and Australian Law Reform Commission, *Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133, March 2018). At <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>; See: *Sentencing Act* (NT) s 78DH; *Criminal Code 1913* (WA) ss 297, 318, 401 (4). See also: recommendations 136.174 and 136.176.
- 116 Recommendations 136.178 and 136.179.
- 117 Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Findings and Recommendations* (2017). At <https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-findings-and-recommendations.pdf>; Western Australian Office of the Inspector of Custodial Services, *Behaviour management practices at Banksia Hill Detention Centre* (June 2017). At <https://www.oics.wa.gov.au/reports/behaviour-management-practices-at-banksia-hill-detention-centre/> (viewed 17 January 2020); Victorian Commission for Children and Young People, *The same four walls: inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system* (2017). At <https://ccyp.vic.gov.au/upholding-childrens-rights/systemic-inquiries/the-same-four-walls/>; and Law Council of Australia, *The Justice Project Final Report – Part 1 – People with Disability* (August 2018) 24. At <https://www.lawcouncil.asn.au/justice-project/final-report>.

Further Information

Australian Human Rights Commission

Level 3, 175 Pitt Street
SYDNEY NSW 2000
GPO Box 5218
SYDNEY NSW 2001

Telephone: (02) 9284 9600

Complaints Infoline: 1300 656 419

General enquiries and publications: 1300 369 711

TTY: 1800 620 241

Fax: (02) 9284 9611

Website: **www.humanrights.gov.au**

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