National Report of Australia - Universal Periodic Review 2021

Annex 1

Australia’s second cycle UPR recommendations 2015 – Status of implementation

Note: A number of recommendations are identified as being “implemented – ongoing”, reflecting Australia’s view that the recommendation expresses an aspiration that calls for ongoing governmental effort.

| **Rec No.** | **Recommendation and recommending state/s** | **Australia’s response (February 2016)** | **Australia's implementation actions** |
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| **1, 2** | Ratify/consider ratification of the international human rights instruments to which it is not a party and bring its internal legal framework into line with international obligations (*Trinidad and Tobago, Plurinational State of Bolivia*) | Notes (will not consider further at this time) | On 21 December 2017, the Australian Government ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Upon ratification, Australia made a declaration under Article 24 of OPCAT to postpone National Preventive Mechanism (NPM) obligations for up to three years. The Australian Government is using this time to work with state and territory governments to establish Australia’s NPM, given they manage many places of detention. For information about progress in implementing OPCAT, see recommendation 21, 23-27.  Australia is not intending to ratify any other treaties at this time.  Australia’s domestic legal framework implements and is consistent with Australia’s international obligations. |
| **3-20, 22, 28, 29** | Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (*Ghana, Peru, Ukraine, Serbia, Estonia, Georgia, Italy, Lithuania, Luxembourg, Montenegro, Paraguay, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Albania, Azerbaijan, Benin, France, Denmark Mozambique, Philippines*) | Notes (will consider further) – Updated to Acceptsin 2018 mid-term review | **Implemented**  See Recommendation 1 and 2.  Ratification of OPCAT is an important step in improving the oversight and conditions of places of detention in Australia, and it reflects the Australian Government’s commitment to preventing torture and mistreatment. For information about progress in implementing OPCAT, see recommendation 21, 23-27. |
| **21, 23-27** | Ratify and implement OPCAT and establish a National Preventive Mechanism for places of detention (*Republic of Moldova, Czech Republic, New Zealand, Chile, Hungary, Sweden*) | Notes (will further consider) – Updated to Accepts in third cycle review 2020 | **Partially Implemented**  See Recommendation 3-20, 22, 28 and 29.  On ratification, Australia made a declaration under Article 24 of OPCAT to delay its National Preventive Mechanism (NPM) obligations for up to three years. Australia’s obligation to accept visits by the UN Subcommittee on Prevention of Torture (SPT) commenced upon entry into force.  Australia’s NPM will be established as a cooperative network of Commonwealth, state and territory oversight bodies facilitated by an NPM Coordinator. On 1 July 2018, the Office of the Commonwealth Ombudsman commenced as Australia’s NPM Coordinator and as the NPM body for places of detention under the control of the Commonwealth.  States and territories are considering the nomination of NPMs to ensure implementation is effectively achieved at both levels of government. Western Australia has already nominated the Western Australian Ombudsman and the Office of the Inspector of Custodial Services as its NPM bodies.  On 24 September 2019, the Commonwealth Ombudsman released his first report as NPM Coordinator which detailed Australia’s readiness to implement OPCAT based on engagement with and self-assessment by the entities that currently have, or may have in future, a role in oversight and inspection of places and detention. On 29 June 2020, the Human Rights Commissioner published his final report, *Implementing OPCAT in Australia*. The report makes 17 recommendations about how OPCAT should be implemented in Australia following consultation with civil society. |
| **30-33** | Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (*Italy, Portugal, Uruguay, Albania*) | Notes (will not consider further at this time) | The Australian Government is not proposing to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights at this time. The Australian Government considers the rights and opportunities afforded by this instrument are adequately protected in the existing instruments to which Australia is a party, in combination with domestic legislation, policies and practices.  The Australian Government played a constructive role in the development of the Optional Protocol to ICESCR and will monitor future developments in relation to the protocol. |
| **34, 35** | Ratify the Optional Protocol to the CRC on communications procedures (OP-CRC-IC) (*Italy, Montenegro*) | Notes (will not consider further at this time) | The Australian Government is not proposing to ratify the Optional Protocol to the Convention on the Rights of the Child (CRC) on Communications Procedures at this time.  The Australian Government considers the rights and opportunities afforded by this instrument are adequately protected in the existing instruments to which Australia is a party. Children are able to bring communications under the complaints mechanisms to which Australia is a party – the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. |
| **36-49, 237, 238** | Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) / Consider reviewing existing migration policies to address concerns that hinder accession to the ICRMW/ 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 (*Mexico, Algeria, Ghana, Plurinational State of Bolivia, Turkey, Sri Lanka, Egypt, Honduras, Indonesia, Senegal, Sierra Leone, Bahrain, Benin, Chile, Philippines, Albania*) | Notes (will not consider further at this time) | The Australian Government protects the human rights of all migrants and temporary entrants under existing domestic and international law, including the human rights and labour conventions to which Australia is a party. The Australian Government has considered the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) and is not intending to become a party at this time.  The Australian Government considers the rights and opportunities afforded by this instrument are adequately protected in the existing instruments to which Australia is a party, in combination with domestic legislation, policies and practices. The Australian Government regards the combination of strong domestic and international protections already in place to be sufficient.  Australia supports safe and fair migration to protect the rights of migrant workers and reduce their vulnerability to trafficking through the TRIANGLE in ASEAN program and implementation of the recommendations made by the Migrant Workers’ Taskforce. |
| **50-54** | Consider ratifying the International Convention on the Protection of All Persons from Enforced Disappearance (*Ghana, Japan, Sierra Leone, Uruguay, Cuba*) | Notes (will not consider further at this time) | The Australian Government has considered the International Convention for the Protection of All Persons from Enforced Disappearance and is not intending to become a party at this time. The Australian Government considers the rights and opportunities afforded by this instrument are adequately protected in the existing instruments to which Australia is a party, in combination with domestic legislation, policies and practices. Australia already has international human rights obligations prohibiting conduct covering enforced disappearance and provides protection against enforced disappearances in its criminal law. |
| **55** | Consider ratifying the Amendments to the Rome Statute of the ICC adopted in Kampala, Uganda in 2010 (*Ghana*) | Notes (will further consider) | Australia is a strong supporter of accountability for serious international crimes and of the International Criminal Court.  Australia is considering ratification of the 2010 Amendments to the Rome Statute of the International Criminal Court in accordance with its usual domestic processes. |
| **56** | Ratify the ILO Minimum Age Convention, 1973 (No. 138) (*Uzbekistan*) | Notes (will further consider) | Australia is considering ratification of the Minimum Age Convention 1973 (No. 138) in accordance with its usual domestic processes. |
| **57** | Ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (*Chile*) | Notes (will not consider further at this time) | The Australian Government is not intending to become a party to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) at this time. The Australian Government considers the rights and opportunities afforded by this instrument are adequately protected in the existing instruments to which Australia is a party, in combination with domestic legislation, policies and practices. The Australian Government considers existing laws and policies are consistent with the overarching purpose of the Convention. |
| **58** | Continue its efforts at the international level towards the prevention of crimes against humanity (*Armenia*) | Accepts | **Implemented**  The Australian Government will continue to advocate at the international level for the prevention of crimes against humanity, and mass atrocities more broadly, as part of its advocacy on Responsibility to Protect (R2P).  Australia’s key engagement on atrocity prevention in the UN system is via our ongoing partnership with the UN Office on Genocide Prevention and the Responsibility to Protect, which works to advance national, regional and international efforts to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement.  Australia has provided submissions, including recommendations on prevention, to the UN Secretary-General’s Annual Report on the Responsibility to Protect (2018 and 2019) and the 2019 UNSG report on Genocide Prevention (HRC Res 37/26). Australia exerted influence to ensure the first thematic resolution on R2P in the Human Rights Council (A/HRC/44/L.12) was framed to help with pragmatic implementation of atrocity prevention.  Australia is also on the Steering Group of the Global Network of R2P Focal Points. We maintain ongoing partnerships with non-government organisations to support atrocity prevention and accountability efforts. These partnerships also support initiatives to address upstream factors (such as hate speech and the urging of violence) that can lead to crimes against humanity and other atrocity crimes, particularly in the Indo-Pacific region.  Australia will continue to harness likemindeds (such as the R2P Group of Friends and the Global Network of R2P Focal Points) to support maintaining R2P as a formal agenda item for the UN General Assembly. In 2018, the UN General Assembly held a plenary meeting on the “Responsibility to Protect (R2P) and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity” as part of the formal agenda of its 72nd session. Originally proposed by Australia and Ghana, this debate constituted the first formal consideration of R2P by the General Assembly since 2009. The UN General Assembly again held a plenary meeting on R2P on 27-28 June 2019 as part of the formal agenda of its 73rd session. Member states supported continued formal discussion of R2P within the General Assembly at the 74th session. |
| **59** | Withdraw its reservation on article 4 (a) of International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (*South Africa*) | Notes (will not consider further at this time) | The Australian Government periodically reviews its reservations with regard to whether they remain necessary.  Australia’s reservations to human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, are consistent with the object and purpose of these treaties and consistent with the Vienna Convention on the Law of Treaties. Australia does not intend to withdraw its reservation at this time.  Australia has a strong tradition of freedom of expression and considers that its current laws in relation to racial hatred and vilification are appropriate. Accordingly, Australia will not be introducing legislation to give any further effect to article 4(a) nor does Australia have any intention to withdraw its reservation to this article. |
| **60** | Submit overdue reports to:  • Committee on the Elimination of Racial Discrimination • Committee on Economic, Social and Cultural Rights • Human Rights Committee  • Committee on the Elimination of Discrimination against Women (*Sierra Leone*) | Accepts | **Implemented**  Australia has submitted all overdue reports.  Australia has established a Standing National Human Rights Mechanism to strengthen its overall engagement with United Nations human rights reporting. Two functions set out in the Terms of Reference for the Standing Mechanism are:   * responding to/follow-up on recommendations and concluding observations arising from United Nations human rights mechanisms, and * management of Australia’s UPR monitoring process, including through this UPR monitoring website which was established in December 2017. |
| **61** | Implement recommendations from the Committee against Torture (*Timor-Leste*) | Notes (will further consider) | The Australian Government considers the concluding observations of all human rights treaty bodies.  Australia reports on the Concluding Observations of the Committee Against Torture through periodic reporting processes established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Australia’s submitted its sixth periodic report to the Committee on 16 January 2019, with an appearance to follow that report in due course.  The Australian Government has established a Standing National Human Rights Mechanism to strengthen Australia’s overall engagement with United Nations human rights reporting. One function of the Standing Mechanism is to respond to and follow-up on recommendations and concluding observations arising from United Nations human rights mechanisms. |
| **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 (*Belarus*) | Notes (will further consider) | The Australian Government considers all recommendations made by the UNHCR, the UN Human Rights Treaty Bodies and HRC Special Procedures Mandate Holders in good faith. The Australian Government will continue to cooperate with all Special Procedures Mandate Holders including maintaining standing invitations to visit Australia.  The Australian Government hosted visits from five Special Rapporteurs since its second-cycle UPR:   * Special Rapporteur on the situation of human rights defenders (4 – 18 October 2016) * Special Rapporteur on the human rights of migrants (1 – 18 November 2016) * Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (28 November – 5 December 2016) * Special Rapporteur on violence against women, its causes and consequences (13 – 27 February 2017) * Special Rapporteur on the rights of Indigenous peoples (20 March – 3 April 2017). |
| **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 (*Ireland*) | Accepts | **Implemented**  See recommendation 62.  Australia was due to support a visit by representatives from the SPT, as well as visits from three Special Procedures Mandate Holders: the Working Group on Arbitrary Detention, the Special Rapporteur on African Descent and the Special Rapporteur on Housing to Australia in 2020. These visits have been delayed due to COVID-19, with some now postponed to the latter half of 2020 and some still to be rescheduled. The Australian Government is also committed to strengthening protections against reprisals for victims, human rights defenders and non-governmental organisations who cooperate with the UN. We delivered a joint statement during the Interactive Dialogue with the High Commissioner for Human Rights at the 44th (June 2020) session of the UN Human Rights Council condemning reprisals in reference to the terrorist attack on the Afghanistan Independent Human Rights Commission. Australia also regularly makes statements during the interactive dialogue with the Assistant Secretary-General on Human Rights in support of the Secretary-General’s report on reprisals, including at the 42nd (September 2019) and 39th (September 2018) sessions. At the 74th session of the UN General Assembly Third Committee (October 2019), we joined a joint statement led by the UK on reprisals against people who cooperate with the UN system, which urged States to prevent and ensure adequate protection against reprisals. |
| **64** | Analyse the possibility of creating a follow-up system to international recommendations (*Paraguay*) | Accepts | **Implemented**  In 2017 the Australian Government established a Standing National Human Rights Mechanism to strengthen its overall engagement with United Nations human rights reporting and to improve consideration of recommendations made during reporting processes. Two functions set out in the Terms of Reference for the Standing Mechanism are:   * responding to/follow-up on recommendations and concluding observations arising from United Nations human rights mechanisms, and * management of Australia’s UPR monitoring process, including through the UPR monitoring website which was established in December 2017.   The Australian Government worked with Australia’s National Human Rights Institution, the Australian Human Rights Commission (AHRC), to develop a website for reporting against and monitoring Universal Periodic Review (UPR) recommendations. The website provides a mechanism for reporting on recommendations and responses, and communicating policy and priorities as they change over time and across governments. |
| **65** | Extend the mandate of the Joint Parliamentary Committee on Human Rights to include the domestic consideration and oversight of implementation of recommendations from UN human rights mechanisms (*United Kingdom of Great Britain and Northern Ireland*) | Notes (will further consider) | The Australian Government does not propose to alter the mandate of the Committee at this time.  See recommendation 64 for more information on oversight of implementation of recommendations from UN human rights mechanisms. |
| **66** | Engage closely with civil society in the follow-up on the recommendations of the Human Rights Council (*Trinidad and Tobago*) | Accepts | **Implemented**  The Australian Government engages closely with civil society on all United Nations human rights reporting work.  The Australian Government has established a Standing National Human Rights Mechanism to strengthen its overall engagement with United Nations human rights reporting. The Terms of Reference for the Standing Mechanism include a process for consultation with the AHRC, as Australia’s National Human Rights institution, as well as civil society. One element of this process is a regular forum to consult and communicate with NGOs and the AHRC on human rights issues.  The Australian Government worked with Australia’s National Human Rights Institution, the AHRC, to develop a website for reporting against and monitoring Universal Periodic Review (UPR) recommendations. This website provides a mechanism for reporting on recommendations and responses, and communicating policy and priorities as they change over time and across governments. |
| **67** | Revise the decision to reduce the AHRC’s funds in order to guarantee its independent and effective functioning (*Hungary*) | Notes (will not consider further at this time) | In 2018-19, the AHRC’s total projected income was $22.319 million, including $16.184 million in funding from the Australian Government. This is an increase of $1.793 million in funding from the Australian Government since the 2017-18 Budget. The Commission’s total projected income for 2019-20 is $22.469 million, including $16.538 million in funding from the Australian Government.  The Australian Government is confident that the AHRC is appropriately resourced to undertake its independent statutory functions. |
| **68, 69** | Carry out an assessment of plans of action on human rights and ensure that these instruments are effective in practice / Prepare a comprehensive national action plan defining responsibilities, benchmarks and indicators to measure progress achieved (*Belarus, Panama*) | Notes (will not consider further at this time) | The Australian Government is progressing implementation of a number of National Plans and strategies to protect the rights of all Australians and respond to particular challenges. These include:   * National Plan to Reduce Violence against Women and their Children 2010-2022 * National Framework for Protecting Australia’s Children 2009-2020 * National Disability Strategy 2010-2020 * Closing the Gap * National Aboriginal and Torres Strait Islander Health Plan 2013-2023 * National Strategic Framework for Aboriginal and Torres Strait Islander Peoples’ Mental Health and Social and Economic Wellbeing 2017-2023 * National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023 * National Women’s Health Strategy 2020-2030 and National Men’s Health Strategy 2020-2030 * National Action Plan for the Health of Children and Young People 2020-2030 * National Action Plan to Combat Human Trafficking and Slavery 2015-19 and forthcoming National Action Plan to Combat Modern Slavery 2020-24.   Many of these frameworks and strategies include indicators to allow progress to be monitored. For example, the Implementation Plan of the National Aboriginal and Torres Strait Islander Health Plan 2013-2023 set goals to be achieved by 2023 for 20 indicators and data on progress is made publicly available. The Closing the Gap framework included seven targets against which progress could be measured. The National Framework for Protecting Australia’s Children 2009-2020 includes child protection indicators against which data are published online. To track progress under the National Plan to Reduce Violence against Women and their Children 2010-2022, Australian governments are investing in strengthening data collections through the National Data Collection Reporting Framework.  In addition, the Australian Government has established a Standing National Human Rights Mechanism to strengthen its overall engagement with United Nations human rights reporting (see recommendation 64 for more information).  In 2018, the AHRC launched the ‘Free and Equal: An Australian conversation on human rights’ (the National Conversation) to identify current limitations and barriers to better human rights protections, identify key principles that should underpin reforms and build agreement across the Parliament, government and community about how to collectively better promote and protect human rights. The AHRC invited submissions from the public, undertook national consultations in 2019 and convened technical workshops on relevant areas. A finalised roadmap for national human rights reform will be released in mid-2020. |
| **70 - 73** | Consolidate national human rights efforts through a federal Human Rights Act and reinvigorating the National Human Rights Plan of Action / Fully incorporate its international human-rights obligations into domestic law by introducing a comprehensive judicially enforceable federal Human Rights Act (*Indonesia, Iceland, Turkey, Canada*) | Notes (will not consider further at this time) | Human rights and the rule of law are protected and advanced through legislation, institutions, program and services and the common law. The Australian Constitution also contains a number of express and implied guarantees of rights and immunities. The Australian Government does not propose to introduce a federal Human Rights Act. The Australian Government considers that existing mechanisms provide for the protection and promotion of human rights. See Australia’s National Report for further details.  See Recommendation 68 and 69 regarding the national plans and strategies the Australian Government is progressing to protect and promote human rights. |
| **74** | Advance efforts towards the recognition of Indigenous Australians as Australia’s First People in Australia’s Constitution (*Georgia*) | Accepts | **Implemented - ongoing**  The Australian Government is committed to promoting and protecting the rights of Aboriginal and Torres Strait Islander peoples, including working towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in our Constitution. In order to frame proposals for constitutional change, the Australian Government initiated the Expert Panel on Constitutional Recognition (2012) and the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (2015). In 2017, the Referendum Council held a series of First Nations dialogues, culminating in the Uluru Statement from the Heart. This process identified that Aboriginal and Torres Strait Islander priorities for recognition included a stronger voice in legislation and decision-making, truth-telling about the past and treaties.  In 2018, the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples considered these recommendations and reported on a way forward. The Joint Select Committee acknowledged further work was needed to determine the details of an Indigenous voice to Parliament, before the Government could consider it. To progress this, the Australian Government allocated $7.3 million in 2019 for a co-design process for an Indigenous voice; as well as developing options for constitutional recognition.  The co-design process will consist of two stages: 1) the development of options for local and regional decision-making models and a national Indigenous voice; 2) consultation and engagement to refine models with Indigenous leaders, communities and other stakeholders across the country by the end of 2020. This consultation will inform further refinement of the models ahead of final recommendations to Government.  The Australian Government will hold a referendum when a consensus has been reached and it has the best chance of success. The Australian Government has not yet set a timeframe or a deadline on bringing a question for Constitutional Recognition of Indigenous Australians before the Parliament. |
| **75, 76** | Continue its ongoing efforts towards the promotion and protection of the rights of indigenous persons, through law and practice, including by giving constitutional recognition/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 (*Sri Lanka, Republic of Korea*) | Notes | See recommendation 74 for more information on constitutional recognition.  The Australian Government funds and delivers a range of programs targeted towards Aboriginal and Torres Strait Islander peoples through the Indigenous Advancement Strategy. In the 2019-20 Budget, the Australian Government allocated $5.2 billion to the Indigenous Advancement Strategy, over four years to 2022-23, for grant funding processes and administered procurement activities that address the program’s objectives. The Indigenous Advancement Strategy consolidated the administration of funding for the many different policies and programs delivered by the Australian Government into five program streams (Jobs, Land and Economy; Children and Schooling; Safety and Wellbeing; Culture and Capability; and Remote Australia Strategies).  The National Agreement on Closing the Gap is Australia’s national approach for Australian governments to work with Aboriginal and Torres Strait Islander peak representatives to invest in supporting better life outcomes for Aboriginal and Torres Strait Islander peoples. For further information on the National Agreement see recommendations 93, 94 and 98. |
| **77** | Implement the recommendations from the Special Rapporteur on Indigenous peoples (*Costa Rica*) | Notes (will further consider) | The Australian Government strongly supports the mandate of the United Nations Special Rapporteur on the rights of indigenous peoples. Australia co-sponsored the Resolution to renew the mandate of the Special Rapporteur at the 42nd session of the Human Rights Council (September 2019).  The former Special Rapporteur, Ms Victoria Tauli-Corpuz, visited Australia from 20 March - 3 April 2017 and released her final report on 7 August 2017. The Australian Government‘s reform agenda for Indigenous Affairs is making strong progress against many of the concerns that were raised in Ms Tauli-Corpuz’s report.  The National Agreement on Closing the Gap is Australia’s national approach for Australian governments to work with Aboriginal and Torres Strait Islander peak representatives to invest in supporting better life outcomes for Aboriginal and Torres Strait Islander peoples. For further information on the National Agreement see recommendations 93, 94 and 98. |
| **78, 79, 81, 106, 125, 126** | Continue to promote and strengthen the rights of Indigenous peoples, including eliminating discrimination against persons belonging to indigenous populations / Continue to address the problem associated with racial discrimination and policy disparities against Indigenous persons / Revise laws and policies to recognize and protect the rights of the minorities, including Indigenous People / Take legislative measures to continue to guarantee rights and equal treatment for the Indigenous people in order to ensure national cohesion and social harmony (*Djibouti, Holy See, Bahrain, Angola, France, Nigeria, Islamic Republic of Iran*) | Accepts | **Implemented - ongoing**  The Australian Government continues to promote and strengthen the rights of Aboriginal and Torres Strait Islander peoples through a range of laws, policies and programs. The National Agreement on Closing the Gap is Australia’s national approach for Australian governments to work with Aboriginal and Torres Strait Islander peak representatives to invest in supporting better life outcomes for Aboriginal and Torres Strait Islander peoples. For further information on the National Agreement see recommendations 93, 94 and 98.  Australia has comprehensive anti-discrimination laws at federal, state and territory level that include racial discrimination and are the subject of ongoing review and public debate. The rights of Aboriginal and Torres Strait Islander peoples in Australia are protected by the *Racial Discrimination Act 1975* (Cth) and state and territory laws. The *Racial Discrimination Act 1975* (Cth) makes discrimination on a range of grounds unlawful, including race, colour, descent and national or ethnic origin.  Australia also has had a dedicated federal Aboriginal and Torres Strait Islander Social Justice Commissioner since 1993, who works to recognise, promote and protect the human rights of Aboriginal and Torres Strait Islander peoples. The current Commissioner, June Oscar AO, is particularly focussed on the rights of Indigenous women and girls.  Australia also has had a dedicated federal Race Discrimination Commissioner since 1986. The Race Commissioner led the National Anti-Racism Strategy in 2012, and its related public awareness campaign, *Racism. It Stops With Me*. The Australian Government extended the Strategy until 2018. Elements of the National Anti-Racism Strategy are now undertaken as part of the usual business of the Australian Human Rights Commission.  Australia has included principles of self-determination for Aboriginal and Torres Strait Islander Australians in the *National Strategic Framework for Legal Assistance 2020-2025*, which provides the policy framework for all government legal assistance funding. These principles have been included in the National Legal Assistance Partnership 2020-25 between the Australian Government and all states and territories. |
| **80, 82-83** | 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" / 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 / 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 (*Bahrain*) | Notes | See Recommendation 78, 79, 81, 106, 125 and 126. |
| **84, 85, 86** | Adhere to the United Nations Declaration on the Rights of Indigenous Peoples / Develop in partnership with Aboriginal and Torres Strait Islander peoples a National Strategy to give effect to the UN Declaration on the Rights of Indigenous Peoples, and to facilitate the constitutional recognition of Aboriginal Australians (*Senegal, Estonia, Hungary*) | Notes | Australia supports and respects the principles in the United Nations Declaration on the Rights of Indigenous Peoples and considers that our laws, policies and programs are consistent with, and give practical effect to, the aims of the Declaration.  Australia’s Indigenous Affairs agenda is consistent with the Declaration, including efforts to repatriate ancestral remains and support the maintenance and revitalisation of language and culture, and our approaches to Closing the Gap to improve outcomes across social and economic areas, and respecting and recognising the ongoing connection Aboriginal and Torres Strait Islander peoples have to land.  The Australian Government is committed to recognising Indigenous Australians in the Constitution and will hold a referendum when a consensus has been reached and it has the best chance of success. See recommendation 74 for more information on actions taken towards constitutional recognition. |
| **87** | Continue to support indigenous institutions that bring cohesion to communities, such as the National Congress of the First Peoples of Australia (*Peru*) | Accepts | **Implemented**  The Australian Government continues to support institutions providing services to Aboriginal and Torres Strait Islander peoples, including through the Indigenous Advancement Strategy, which consolidated Australian Government funding for policies and programs into five program streams (Jobs, Land and Economy; Children and Schooling; Safety and Wellbeing; Culture and Capability; and Remote Australia Strategies).  Other institutions which are supported include the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). AIATSIS is a world-renowned research, collections and publishing institution that is funded by the Australian Government to promote knowledge and understanding of Aboriginal and Torres Strait Islander cultures, traditions, languages and stories.  The National Congress of Australia’s First Peoples operated from 2009 to 2019 and played an important role in representing Indigenous Australians. During this period, the Australian Government provided funding of AUD$32.3 million to support Congress’ engagement and advocacy with Indigenous Australians.  In June 2019, the National Congress went into voluntary administration. The Australian Government decided not to provide further funding on the advice of the Administrator. The Australian Government acknowledged the role the National Congress has played since its establishment in 2010 and thanked the most recent Co-Chairs for their contribution and commitment to improving the lives of Indigenous Australians.  Notwithstanding the cessation of the National Congress, the Australian Government continues to support opportunities to realise social cohesion for Indigenous Australians.  For example, the Government has allocated $7.3 million for a co-design process to improve local and regional decision-making and develop models for an Indigenous voice at a local, regional and national level. See recommendation 74 for more details on this process.  In March 2019, a formal partnership agreement between the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks), the Commonwealth Government, state and territory governments and the Australian Local Government Association (ALGA) was established. This historic agreement establishes the Joint Council on Closing the Gap, comprising the Coalition of Peaks and Indigenous Affairs Ministers from all jurisdictions. The Joint Council endorsed and agreed to the new National Partnership on Closing the Gap (National Agreement) which was developed through the partnership. The National Agreement came into effect on 27 July 2020, upon agreement by all Australian governments, the lead Convenor of the Coalition of Peaks and the President of ALGA. The National Agreement establishes new accountability mechanisms through independent reviews, and ongoing monitoring and accountability through reporting on implementation.  The Australian Government also provides funding to the National Aboriginal Community Controlled Health Organisation (NACCHO), the national peak body representing 143 Aboriginal Community Controlled Health Services that deliver culturally competent comprehensive primary health care for Aboriginal and Torres Strait Islander people. |
| **88, 89** | 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 (*Paraguay, India, Namibia*) | Accepts | **Implemented**  The Australian Government has been moving to a new way of working with Aboriginal and Torres Strait Islander leaders and communities – one that supports Aboriginal and Torres Strait Islander ownership, enables partnerships with Government, and recognises the diversity of cultures and circumstances of Aboriginal and Torres Strait Islander peoples. This aligns with the Government’s commitment to ensure Aboriginal and Torres Strait Islander communities are involved in local and regional decision making.  One example is the Aboriginal and Torres Strait Islander-designed and led Empowered Communities initiative. Empowered Communities involves Aboriginal and Torres Strait Islander communities and governments working together to set priorities, improve services and apply funding effectively at a regional level. It aims to increase Aboriginal and Torres Strait Islander ownership of decisions that affect them.  The Australian Government also engages with Aboriginal and Torres Strait Islander peoples through the National Indigenous Australians’ Agency, the Prime Minister’s Indigenous Advisory Council, Aboriginal and Torres Strait Islander community based organisations and other bodies.  The Australian Government has also committed to a process of co-design to articulate the details of an Indigenous voice. The co-design process will provide options and models for an Indigenous voice to Government at the local, regional and national level. See recommendation 74 for further information.  Australian Governments have delivered on their commitment to work in genuine partnership with Aboriginal and Torres Strait Islander people through their peak representatives to deliver the new National Agreement on Closing the Gap that came into effect on 27 July 2020 (for further information on the National Agreement see recommendations 93, 94 and 98).  The Prime Minister’s Indigenous Advisory Council was established in 2013. It provides expert policy advice to the Prime Minister on Government priorities and informs Government policy development, implementation and delivery. Members are highly regarded, pre-eminent thinkers and practitioners who have been appointed for their experience in their respective fields and bring a strong focus to policy design, implementation and practice. |
| **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 (*Namibia*) | Notes | See recommendations 88 and 89. |
| **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 (*United States of America*) | Notes (will further consider) | All Australian governments are committed to consulting with Indigenous communities over matters that affect them, recognise Aboriginal and Torres Strait Islander peoples’ cultural connections to their land, and are working to support remote communities through targeted strategies such as the Indigenous Advancement Strategy.  State and territory governments deliver municipal services to support the viability of remote communities. For example, the Australian Government’s National Partnership for Remote Housing Northern Territory with the Northern Territory Government focuses on reducing overcrowding and improving living conditions in 73 remote communities through local decision making and community engagement, developing Aboriginal Business Enterprises and improving Aboriginal employment. The Tasmanian Government works with the Aboriginal Associations of Cape Barren Island and Flinders Islands communities to develop Agreements for ongoing management to ensure continued delivery of municipal and essential services and housing. The Western Australian Government continues to provide funding for infrastructure and essential services in remote communities such as power, water and waste management in about 165 remote communities across the state. |
| **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 (*Mexico*) | Accepts | **Implemented**  The Australian Government invests in remote communities through the Indigenous Advancement Strategy and other programs that improve participation in education, training and the market economy; reduce dependence on welfare; promote social engagement; and recognise Aboriginal and Torres Strait Islander peoples’ cultural connections to their land.  Connection to land is of central importance to Aboriginal and Torres Strait Islander peoples. The recognition of Aboriginal and Torres Strait Islander rights in land and waters has been fundamental to the process of reconciliation. The Australian Government’s National Indigenous Australians Agency is working with Aboriginal and Torres Strait Islander peoples so that Aboriginal and Torres Strait Islander land can become an economic asset, as well as a cultural and spiritual asset. Australia supports Aboriginal and Torres Strait Islander land owners and native title holders to make choices about how they maximise economic development opportunities on their land through the Remote Australia Strategies Program.  Key initiatives include the Indigenous Rangers Program (IRP) and Indigenous Protected Areas (IPAs). The IRP began in 2007 as an arrangement between the Australian Government and Aboriginal and Torres Strait Islander peoples to work on Country. Today there are 127 Indigenous Ranger groups funded by the Australian Government, creating employment, training and career pathways for Indigenous Australians in land and sea management. The IPA Program was established in 1997. IPAs are areas of land and/or sea country managed, including through joint arrangements, by Indigenous groups through voluntary agreements with the Australian Government. There are 76 dedicated IPAs covering over 67 million hectares, accounting for approximately 44% of Australia’s National Reserve System. Since June 2018, the Australian Government has announced it will establish 12 new IPAs. Once dedicated, these will cover an additional 33 million hectares of land and 1.8 million hectares of sea country. Together, these programs employ around 3,000 Indigenous Australians, providing Indigenous Australians with real economic opportunities to aspire to throughout their early life and education.  The Australian Government is growing a stronger northern Australian economy through a long-term agenda of investment and support to unlock the region’s full economic potential. The Our North, Our Future: White Paper on Developing Northern Australia released in 2015 sets out a 20-year plan for investment and support to grow the north. Involving Indigenous Australians is at the heart of the agenda including Indigenous entrepreneurship, business opportunities and facilitating economic development on Indigenous-owned land in northern Australia. Indigenous land interests cover around 80 per cent of northern Australia, meaning that developing northern Australia will advance the economic interests of Indigenous people, including those living in remote communities. The Northern Australia Indigenous Reference Group advises the government on priorities for northern Australian economic development.  In 2019, the Northern Australia Indigenous Development Accord was released. This is an intergovernmental agreement focused on progressing Indigenous economic development in northern Australia. The Australian Government continues to support Indigenous economic participation through the Northern Australia Infrastructure Facility which requires each project it finances to develop a strategy for Indigenous participation, procurement and employment; every road project we fund must employ or train local Indigenous people; and we have expanded Indigenous ranger biosecurity activities in northern Australia. State and territory governments have responsibility for delivering municipal and other services to remote communities (see recommendation 91 for more information). |
| **93, 94, 98** | 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 / Continue ongoing efforts to Close the gaps in opportunities between Indigenous and non‑Indigenous Australians / Continue its efforts to close the gap between Indigenous and non-Indigenous Australians in health, education, employment opportunities and access to justice (*Thailand, Italy, Malaysia*) | Accepts | **Implemented**  Since 2007, Australia has used the Closing the Gap framework to guide and coordinate national efforts to improve the economic, health and education outcomes of Aboriginal and Torres Strait Islander peoples. Closing the Gap targets were introduced to focus efforts in the areas of life expectancy, child mortality, early childhood education, literacy and numeracy, educational attainment and employment. The latest Closing the Gap report (2020) showed that Australia is on track to meet only two of the seven targets.  In 2018, the Australian Government and all state and territory governments committed to forming a genuine formal partnership with Aboriginal and Torres Strait Islander people to finalise the Closing the Gap Refresh and provide a forum for ongoing engagement throughout implementation of the new agenda.  In March 2019, the historic partnership on Closing the Gap 2019-2029 between all Australian governments, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and the Australian Local Government Association came into effect. The Partnership includes a Joint Council on Closing the Gap comprising of 12 Aboriginal and Torres Strait Islander representatives nominated by the Coalition of Aboriginal and Torres Strait Islander Peak Organisations, alongside ministerial level representatives of Australian governments. The partnership recognises that shared decision making with Aboriginal and Torres Strait Islander peoples, through their representative organisations, in the design, implementation, monitoring and evaluation of the [National Agreement on Closing the Gap](https://www.closingthegap.gov.au/node/26) is essential to improving life outcomes for Aboriginal and Torres Strait Islander people. The Joint Council will have an ongoing role in implementation and monitoring of the agreed framework and targets.  Between October and December 2019, the Coalition of Peaks undertook a series of engagement sessions around Australia, supported by Australian governments, to inform the new National Agreement.  The new National Agreement came into effect on 27 July 2020. This is the first time an agreement designed to improve life outcomes for Aboriginal and Torres Strait Islander peoples has been developed with Aboriginal and Torres Strait Islander peoples.  Under the new National Agreement, all Australian governments will work with Aboriginal and Torres Strait Islander peoples, communities, organisations and businesses to implement the National Agreement at the national, state, territory, and local levels. This is an unprecedented shift in the way governments have previously worked to close the gap.  The National Agreement has been built around four Priority Reforms that have been directly informed by Aboriginal and Torres Strait Islander people:   * Formal partnerships and shared decision making * Building the Community Controlled Sector * Transforming Government Organisations * Shared access to data and information at a regional level   The National Agreement also focuses on 16 national socio-economic targets across areas that have an impact on life outcomes for Aboriginal and Torres Strait Islander people this includes education, employment, health and wellbeing, justice, safety, housing, land and waters, and languages. Four additional targets – on family violence, access to information, community infrastructure and inland waters – will be developed over the next year to further strengthen the National Agreement.  Each party to the National Agreement will develop their own implementation plan within 12 months of the Agreement coming into effect, and will report annually on their actions to achieve the outcomes of the Agreement.  The [Productivity Commission](https://www.pc.gov.au/) will publish a dashboard comprising data and associated supporting materials on progress towards the targets. The dashboard will be updated on a regular basis (at a minimum, annually) and will be maintained for the full term of the National Agreement. In addition to the dashboard, the Productivity Commission will complete a comprehensive, independent review of progress every three years.  For the first time, there will be Independent Aboriginal and Torres Strait Islander-led reviews within twelve months of each independent review by the Productivity Commission.  See recommendations 105, 108, 109, 110 and 211 for further information on health and education for Indigenous Australians.  In relation to access to justice, Australia has included principles of self-determination for Aboriginal and Torres Strait Islander Australians in the *National Strategic Framework for Legal Assistance 2020-2025*, which provides the policy framework for all government assistance funding. These principles have been included in the National Legal Assistance Partnership 2020-25 between the Australian Government and all states and territories. The Australian Government also funds specialist legal assistance services for Aboriginal and Torres Strait Islander peoples. |
| **95, 96** | 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 / 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 (*Canada, Croatia*) | Notes (will further consider) – Updated to accepts in third cycle review 2020 | **Partially implemented**  See recommendations 93, 94 and 98. |
| **97, 99, 100, 103, 107, 112, 127** | 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 / Take immediate measures to ensure that the Indigenous people of Australia have access to health services, education, and to full employment opportunities / 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 / 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 / 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 / Take effective legislative and practical measures for the comprehensive protection and promotion of civil, social, economic and cultural rights of Indigenous peoples / Step up efforts to address the economic and social inequalities affecting the Indigenous peoples (*Colombia, Maldives, Kenya, New Zealand, Japan, Uzbekistan, Luxembourg*) | Accepts | **Implemented - ongoing**  Australian governments are working together with Aboriginal and Torres Strait Islander peak representatives to close the gap between Indigenous and non-Indigenous Australians in education, employment, health and wellbeing, safety, housing, land and waters, languages and addressing the issues that contribute to high rates of incarceration. For more information on the National Agreement on Closing the Gap, see recommendations 93, 94 and 98.  The Australian Government funds and delivers a range of programs targeted towards improving access to services and addressing inequality through the Indigenous Advancement Strategy, which provides funding under five program streams (Jobs, Land and Economy; Children and Schooling; Safety and Wellbeing; Culture and Capability; and Remote Australian Strategies).  For example, the Indigenous Advancement Strategy (IAS) is providing over $51 million funding for a range of social and emotional wellbeing (SEWB) services across Australia. Funded activities aim to support members of the Stolen Generations and their families in particular and include individual counselling, case management, group therapy, referrals, outreach, family support, family tracing and reunions as well as SEWB workforce development and training.  The Australian Government also funds a range of Indigenous employment programs that complement mainstream programs. These include Vocational Training and Employment Centres, Tailored Employment Assistance Grants and the Employment Parity Initiative. In 2018-19, 6,980 Indigenous job seekers commenced employment through these programs, which provide training and support services that continue post-placement.  See recommendations 105, 108, 109, 110 and 211 for further information on health and education for Indigenous Australians. |
| **101, 102, 171** | 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 / Continue strengthening the efforts in promoting and protecting non-racial discriminatory policy and specifically also ensure that Aboriginal children have access to birth registration / Further strengthen efforts towards birth regulation for all, with a view to encouraging access to relevant procedures (*Poland, Timor-Leste, Turkey*) | Accepts | **Partially implemented**  See Recommendation 78, 79, 81, 106, 125 and 126 for further information regarding anti-discrimination laws and policies.  In Australia’s federal system, birth registration is the responsibility of state and territory governments. Recognising that barriers to registration exist for some Aboriginal and Torres Strait Islander peoples, states and territories are taking steps to assist Aboriginal and Torres Strait Islander families to register children at birth.  For example, the Northern Territory provides birth registration without parents having completed birth registration statements, resulting in a relatively low number of unregistered births. Northern Territory government officials also travel on bush circuit to as many communities as possible per year, issuing free laminated birth certificates and updating birth certificate details. Outreach programs also exist in other states.  Further, the Australian Government funded the mobile, Indigenous-led Pathfinders National Aboriginal Birth Certificate Program which provided free birth certificates to eligible applicants and assistance for registering their child’s birth. The program funded 7500 birth certificates between 2015 and 2017 in Queensland, New South Wales and Victoria. The objective of the activity was to provide necessary registration and birth certificate documents for children to ensure they could access education. |
| **104** | Ensure that Aboriginal and other Indigenous communities are accorded equal access to services including to judicial remedies for discrimination and racism (*Rwanda*) | Accepts | **Implemented - ongoing**  See recommendations 78, 79, 81, 106, 125 and 126 for information regarding anti-discrimination laws and policies.  See recommendations 93, 94 and 98 for information regarding the National Agreement on Closing the Gap and access to justice.  See recommendations 105, 108, 109, 110 and 211 for further information on health and education for Indigenous Australians. |
| **105, 108, 109, 110, 211** | Continue strengthening the access mechanisms to social services for the Aboriginal and Torres Strait Islander children / Continue strengthening measures to address disparities in the access to education and health services for aboriginal and islander children and their families / Implement the necessary measures to ensure Indigenous children access to quality education / 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 (*Timor-Leste, Ecuador, Lao People’s Democratic Republic, Slovakia, Republic of Moldova*) | Accepts | **Implemented - ongoing**  The new National Agreement on Closing the Gap came into effect on 27 July 2020 and includes socio-economic targets aimed at improving outcomes for Aboriginal and Torres Strait Islander children including in the areas of health, education, language, safety and justice, amongst other objectives. For more information on the National Agreement Closing the Gap, see recommendations 93, 94 and 98.  The Australian Government provides services for families and children through mainstream programs and through targeted services for Aboriginal and Torres Strait Islander and other vulnerable families and children. The Australian Government funds and delivers a range of programs targeted towards improving access to services and addressing inequality through the Indigenous Advancement Strategy.  *Education*  The Australian Government is working closely with Aboriginal and Torres Strait Islander communities, state and territory governments, education authorities and schools to strive for the best outcomes for Aboriginal and Torres Strait Islander students.  The Indigenous Advancement Strategy Children and Schooling Program supports activities to improve Aboriginal and Torres Strait Islander educational outcomes, opening the door to more pathways to success. Funding is provided for activities that improve family and parenting support; early childhood development, care and education; school education; youth engagement and transition; and tertiary education. The program has a critical focus on increased school attendance and improved educational outcomes that lead to employment.  For school education, the Government provides needs-based recurrent funding to support the needs of all students in Australian schools, including a dedicated funding loading for Aboriginal and Torres Strait Islander students. Over the next decade, the Government will invest a record $314.2 billion for recurrent school funding over 2018 to 2029. This includes an estimated $5.4 billion to support Aboriginal and Torres Strait Islander students.  An Indigenous Youth Education Package, announced in 2019, is providing over $200 million over four years for projects to support Aboriginal and Torres Strait Islander secondary students. It includes funding for secondary scholarships, academic and mentoring projects and boarding and residential facilities. These activities help improve access to educational opportunities, encourage student engagement at school and support Year 12 attainment. In 2020, the package will support over 20,000 students and provide funding certainty for the selected providers.  The Australian Government will continue its commitment to providing universal access to education and early childhood education to all children, including Aboriginal and Torres Strait Islander children. The *National Aboriginal and Torres Strait Islander Education Strategy* contains a set of principles and priorities that inform state and territory approaches to Aboriginal and Torres Strait Islander education. These actions build on existing national initiatives such as the Australian Curriculum and the Australian Professional Standards for Teachers to accelerate improvement of Aboriginal and Torres Strait Islander student outcomes. The Strategy has been an important part of the Government's [Closing the Gap](http://closingthegap.pmc.gov.au/) agenda.  For more information on bilingual education and the school curriculum, see recommendations 114, 115.  *Health*  Australia has universal health coverage. Free access to public hospital services, and partially or completely subsidised access to medical services (through the Medical Benefits Schedule), and medications (through the Pharmaceutical Benefits Scheme), are available to all Australian residents and certain categories of visitors to Australia. The health and wellbeing of Aboriginal and Torres Strait Islander people, including children, is also supported through a number of national frameworks to improve access to high quality and culturally appropriate care including the:   * *National Aboriginal and Torres Strait Islander Health Plan 2013-23* * *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2023*, and * *National Framework for Health Services for Aboriginal and Torres Strait Islander Children and Families* * *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples’ Mental Health and Social and Economic Wellbeing 2017-2023 and* * *National Aboriginal and Torres Strait Islander Suicide Prevention Strategy.*   The Australian Government is funding a national network of approximately 140 Aboriginal Community Controlled Health Services and around 40 other providers to deliver free at the point of access comprehensive, culturally appropriate primary health care for Aboriginal and Torres Strait Islander people.  The Australian Government is expanding access to telehealth services, such as video-conferencing by doctors, psychologists, social workers and occupational therapists, to deliver better health care services and health outcomes for people living in rural and remote areas. Uptake of Medicare telehealth services has seen an approximately nine-fold increase between 2011 and 2018-19. States and territories also provide assistance to isolated patients for the cost of travel and accommodation to see a medical specialist.  The Australian Government is working in partnership with Aboriginal and Torres Strait Islander peoples to protect against the serious threat posed by COVID-19 to Indigenous populations, particularly those in remote areas.  The Government has established the Aboriginal and Torres Strait Islander Advisory Group on COVID-19 to ensure the priorities of Indigenous Australians are considered in the development and implementation of all health responses. The Advisory Group is co-chaired by the Department of Health and the National Aboriginal Community Controlled Health Organisation to maximise Indigenous perspectives based on the principles of shared decision making and co-design and to ensure the two-way flow of information with Aboriginal Community Controlled Health services.  The Australian Government is working collaboratively with state and territory governments to protect Indigenous Australians living in remote areas by introducing legislative arrangements to enable the restriction of non-urgent, non-essential travel to remote areas. People, including residents, travelling to remote areas are required to self-isolate for 14 days before they enter. Exemptions apply for people entering remote areas to provide urgent essential services, such as food and medicine deliveries. Exemptions also apply for people entering remote areas to provide non-urgent essential services, provided they have a health management plan agreed with a human biosecurity officer. These arrangements will limit the risk of COVID-19 in remote communities and ensure essential services continue to be provided within a secure health framework. |
| **111** | Ensure access to good-quality education, including postgraduate education and vocational training, for Indigenous women (*United Arab Emirates*) | Accepts | **Implemented - ongoing**  Through the Indigenous Advancement Strategy, Australian Government funding is targeted at increased and positive participation in early childhood development, primary and tertiary education, and vocational training. While the states and territories are responsible for education delivery, the Australian Government pursues areas of national reform and provides funding for areas of national importance, including improving access to and the quality of education for Aboriginal and Torres Strait Islander peoples. For further information on policies and programs to improve access to education for Aboriginal and Torres Strait Islander people, see recommendations 105, 108, 109, 110 and 211.  Targeted and flexible programs can increase Indigenous participation in vocational training and enable specific initiatives for women and girls, for example, the Northern Territory’s Aboriginal Responsive Skilling Grants and Local Jobs employment-based apprenticeships.  The Australian Government is also supporting Aboriginal and Torres Strait Islander young people to thrive in future ready workforces through initiatives such as the Indigenous Girls’ STEM Academy (Science, Technology, Engineering and Mathematics), the Indigenous Student Success Program (ISSP), specific payments (ABSTUDY) and the Higher Education Participation and Partnerships Program (HEPPP).  The Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO, is currently leading a national consultation with Aboriginal and Torres Strait Islander women and girls to understand their priorities, needs and aspirations, for themselves and their families. Stage One of the Wiyi Yani U Thangani (Women’s Voices) project ran throughout 2018 and 2019, with the Commissioner due to report in 2020. The report will provide guidance to governments on how to better engage with and support Aboriginal and Torres Strait Islander women and girls as a leaders in their communities.  The Government is investing over $400 million over the next four years as part of the national regional, rural and remote education strategy to increase opportunities for regional and remote students to attend university, and to lift investment in regional university campuses. As part of this initiative, Indigenous students from rural and regional Australia who are admitted to their university of choice will have a guaranteed bachelor-level Commonwealth supported place at university. |
| **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 (*Paraguay*) | Accepts | **Partially implemented**  The Australian Government works closely with the state and territory governments—who are responsible for child protection laws and the criminal justice system in Australia—on justice system responses to improving Indigenous community safety. Various policies and programs operate in states and territories to reduce the separation of children from their parents. See recommendations 204 and 205 regarding reducing incarceration of Indigenous Australians.  The rights of all children are considered, protected and promoted through national policies and frameworks such as the *National Framework for Protecting Australia’s Children 2009‑2020*. The framework provides a long term national approach to enhancing the safety and well-being of Australia’s children and aims to deliver a substantial and sustained reduction in levels of child abuse and neglect over time. Aboriginal and Torres Strait Islander children are a priority cohort under the National Framework.  Under the framework, the Third Action Plan (2015-18) included a cross‑cutting focus area on improving outcomes for Aboriginal and Torres Strait Islander children to reduce the number of children experiencing abuse and neglect. The Fourth Action Plan (2018-2020) has continued this work with a particular focus on improving prevention and early intervention for at-risk children and improving outcomes for children in out-of-home care.  The Government funds the Secretariat of National Aboriginal Islander Child Care (SNAICC) to provide secretariat services to the Aboriginal and Torres Strait Islander Working Group under the National Framework. The working group provides feedback, guidance, advice and expertise on issues relating to Aboriginal and Torres Strait Islander children, young people and their families in relation to the Fourth Action Plan.  This work recognises that the rate of Aboriginal and Torres Strait Islander children in out-of-home care was nearly 11 times the rate of non-Aboriginal and Torres Strait Islander children at 30 June 2019. The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) aims to keep children connected to their families, communities, cultures and country, and to ensure the participation of Aboriginal and Torres Strait Islander people in decisions about their children’s care and protection. The ATSICPP centers on five elements: prevention, partnership, participation, placement and connection. All Australian Governments are actively working to improve compliance with the ATSICPP through legislation, policy and/or practice.  For example, the Tasmanian Government’s Strong Families, Safe Kids program is delivering a range of reforms, including trialing an Intensive Family Engagement Service for families at the brink of entering the child protection system to address risk factors and allow children to remain safely in the family home. As part of this trial, providers are working with Aboriginal families and the community to see a reduction in the number of Aboriginal children entering care.  Over the past 4 years, the Victorian Government has committed to the principles of self-determination and self-management through the Roadmap for Reform: Strong Families, Safe Children and the Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement. This has resulted in more funding and a stronger role for Aboriginal Community Controlled Organisations (ACCOs) in the design and delivery of local services and supports that are culturally-responsive and safe. The new Aboriginal Children in Aboriginal Care (ACAC) initiative has been developed to support ACCOs to assume responsibility for Aboriginal children on contractible orders and deliver a culturally-sensitive service which focuses on strengthening connection to community, culture and family. The Victorian Government is boosting the transfer of case management of Aboriginal children from child protection and non-Aboriginal community service organisations to ACCOs. Approximately 33% of all Aboriginal children in care in Victoria were case managed by an ACCO in 2018-19, almost four times the rate in 2015-16 (approximately 9%). The Aboriginal Community Initiatives Fund and the Preventing the Cycle of Violence Aboriginal Fund also provide grant funding to support Aboriginal community-led, culturally-appropriate projects that reduce family violence through prevention, education and early intervention.  The Queensland Government has developed and is implementing *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037*. It represents a long-term commitment by government and the Aboriginal and Torres Strait Islander community to work together to support, enable and equip parents with the tools and resources to successfully meet their responsibilities and empower them to make informed decisions where their children are concerned.  In 2018-19, the Northern Territory Government began implementing the internationally recognised Signs of Safety child protection practice model. Signs of Safety is an Australian developed model designed to increase child safety, empower parents and families and use the knowledge and expertise of case managers. This year over 545 department staff and 50 external agency staff have been trained in the practice framework. Signs of Safety is improving assessment of, and responses to, child abuse and neglect. By giving parents and families an equal say, this new approach to child protection encourages case workers to help tailor individual responses to each child and family situation and empower parents and families. As part of the reform process, the Northern Territory Government is investing in increasing Aboriginal family care to enable more Aboriginal children in care to be placed with family and Aboriginal Foster Carers so they can stay with family at home in culturally inclusive and appropriate settings.  In response to the Family is Culture Independent Review of Aboriginal Children and Young People in Out-of-Home Care the New South Wales Government is creating a Deputy Children’s Guardian for Aboriginal Children and Young People and establishing mechanisms for the provision of independent advice to government. |
| **114, 115** | Continue concerted efforts for the preservation of the cultural and linguistic identity of Indigenous peoples / Take further efforts to protect the special cultures of the Indigenous people and enhance protection to the cultural archaeology (*Greece, Iraq*) | Accepts | **Implemented**  The Australian Government is committed to preserving the cultural and linguistic heritage of Aboriginal and Torres Strait Islander peoples. Work is being conducted at all levels of government to preserve and promote the history, culture and language of Aboriginal and Torres Strait Islander peoples.  The Australian Institute of Aboriginal and Torres Strait Islander Studies works to preserve and promote cultural and linguistic heritage through collections, records, research and publications. The Institute is established and run by the Australian Government to undertake this vital work. The Australian Government supports the expression of Aboriginal and Torres Strait Islander culture through the Indigenous Languages and Arts (ILA) and Indigenous Visual Arts (IVAIS) programs. The ILA program which provides around $20 million annually to support Aboriginal and Torres Strait Islander peoples to express, preserve and maintain their cultures through Indigenous languages and arts activities throughout Australia. The program includes supporting 20 community-based Indigenous language centres working on capturing, revitalising and maintaining Indigenous languages. The IVAIS program delivers around $21 million each year to more than 80 Indigenous-owned art centres, as well as a number of art fairs, regional hubs and industry service organisations. Together, these organisations provide opportunities for approximately 8,000 Aboriginal and Torres Strait Islander artists and more than 500 Indigenous arts workers to engage in the visual art market, generate income and participate in the nation’s economy.  The Foundation to Year 10 Australian Curriculum includes an Aboriginal and Torres Strait Islander cross-curriculum priority to enable Indigenous Australian students to see themselves, their identities and their cultures reflected in the curriculum, and promote among all students reconciliation, respect and recognition of the world’s oldest, continuous and living culture. The Australian School Curriculum includes a Framework for Aboriginal Languages and Torres Strait Islander Languages to support the teaching and learning of all languages indigenous to Australia, irrespective of whether it is a language currently used or a language that is being revitalised.  State and territory governments also have initiatives aimed at protecting and promoting Aboriginal and Torres Strait Islander languages and cultures. For example, in the Northern Territory, the Indigenous Languages and Cultures Curriculum supports the teaching and learning of Aboriginal languages and cultures through working in partnership with owners and custodians of languages using a ‘two-way’ or ‘both-ways’ approach to curriculum where Indigenous and non-Indigenous knowledge, world views and processes are recognised and given equal status. As at 30 June 2019, 3157 students were enrolled and assessed in an Aboriginal languages and cultures program, 28 schools taught a first language program, 18 schools taught a second language program, nine schools taught a language revival program and three schools taught a language and cultural awareness program. The Northern Territory Department of Education also delivers bilingual education programs in nine schools, with customised programs delivered to each school/community in nine Aboriginal languages to support learning of English and all areas of the Australian Curriculum through students’ first language.  All Australian states and territories have legislative protection for Aboriginal and Torres Strait Islander cultural heritage and archaeology. Victoria amended its Aboriginal cultural heritage law in 2016 to recognise, for the first time in Australia, protection for Aboriginal intangible heritage, including language, traditional knowledge and arts, consistent with both the Declaration on the Rights of Indigenous Peoples and the Convention for the Safeguarding of the Intangible Heritage.  The New South Wales Aboriginal Languages Act 2017 acknowledges the significance of First Languages and their importance to every citizen of New South Wales. It seeks to promote, reawaken, nurture and grow Aboriginal languages across New South Wales. An Aboriginal Languages Trust have been appointed to provide a focused, coordinated, and sustained effort in relation to Aboriginal languages activities at local, regional and State levels. |
| **116** | Remove from the Constitution provisions allowing racial discrimination (*Russian Federation*) | Notes | The Australian Government is committed to promoting and protecting the rights of Aboriginal and Torres Strait Islander peoples, including working towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in our Constitution. See recommendation 74 for more information.  See Recommendation 78, 79, 81, 106, 125 and 126 for more information on racial discrimination. |
| **117-121** | Improve anti-discrimination protections: 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 / Strengthen further already existing anti-discriminatory measures and laws / Strengthen anti-discrimination legislation in order to prevent racial, religious and social discrimination (*South Africa, Morocco, Trinidad and Tobago, Serbia, Uzbekistan*) | Accepts | **Implemented - ongoing**  The Australian Government will continue to focus efforts on combatting all forms of discrimination and working to ensure the enjoyment of human rights by every member of society. Australia has comprehensive anti-discrimination laws at federal, state and territory level that are the subject of ongoing review and public debate. Protected attributes at the Commonwealth level include age, disability, sex, race, nationality, ethnic origin, sexual orientation, gender identity and intersex status. States and territories have laws preventing discrimination on the basis of these attributes as well as others. A strong framework is also in place at the federal level for the prevention of hate speech and the urging of violence against groups, or members of a group, on the basis of race, religion, nationality, national or ethnic origin or political opinion.  Each jurisdiction has a body dedicated to promoting human rights and equal opportunity. The AHRC works to promote human rights, such as the right to be free from discrimination on the basis of race, sex, disability or age. The AHRC is headed by a President and has dedicated Commissioners for Aboriginal and Torres Strait Islander Social Justice, Age Discrimination, Children, Disability Discrimination, Human Rights, Race Discrimination, and Sex Discrimination.  For information on work being undertaken to protect religious freedom, see recommendation 140. |
| **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 (*Democratic People’s Republic of Korea*) | Notes | See recommendations 78, 79, 81, 106, 125 and 126 for more information on racial discrimination laws.  See recommendation 91 regarding municipal and essential services for remote communities.  The Australian Government rejects the premise of this recommendation. Enforced sterilisation and adoption of Aboriginal and Torres Strait Islander women is not a policy of the Australian Government, nor of any state or territory government. Any suggestion to the contrary is misinformed. |
| **123** | Continue paying special attention to the implementation of national policies for marginalized or vulnerable social groups, including migrant children, Aboriginal and disabled persons (*Nicaragua*) | Accepts | **Implemented**  The Australian Government remains committed to implementing national policies to support marginalised and vulnerable people. The Australian Government has a range of policies and programmes for vulnerable social groups, including migrants, Aboriginal and Torres Strait Islander peoples and persons with disability.  Australia has a comprehensive system of social security. Under a range of legislation the Australian Government provides a range of payments, services and benefits, including to retirees, the unemployed, families, carers, parents, migrants, persons with disabilities, students, and Aboriginal and Torres Strait Islander peoples.  The Australian Government works to improve the lifetime wellbeing of migrants and refugees settling in Australia by responding to their specific needs, encouraging their independence and participation in the community while also operating and funding a generous Humanitarian Program. Certain children who arrived in Australia without a parent or legal guardian, and who have been granted a visa under Australia’s offshore Humanitarian Program, or granted a Protection visa in Australia may be eligible to receive accommodation and support services under the Unaccompanied Humanitarian Minors Program up to the age of 18. For more information on support for migrants and refugees see recommendations 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271.  The Australian Government’s national Multicultural Access and Equity Policy aims to ensure that Australian Government programs and services meet the needs of all persons, regardless of their cultural and linguistic background so that everyone has the opportunity to participate fully in our society.  The Australian Government continues to promote and strengthen the rights of Aboriginal and Torres Strait Islander peoples through a range of laws, policies and programs. See recommendations 97, 99, 100, 103, 107, 112 and 127 for more information.  For more information on disability policies and programs, see recommendations 185, 186, 188, 189 and 191. |
| **124** | Reinforce the measures to combat discrimination against minority groups, particularly towards persons with disabilities, older persons and religious minorities (*Argentina*) | Accepts | **Implemented - ongoing**  Australia has comprehensive anti-discrimination laws at federal, state and territory level that are the subject of ongoing review and public debate. For further information on Australia’s anti-discrimination protections, see recommendations 117-121.  Australia has had a dedicated federal Disability Discrimination Commissioner since 1993. The Commissioner’s functions include protecting the rights of persons with disability in Australia and promoting the United Nations Convention on the Rights of Persons with Disabilities.  Australia has also had a dedicated federal Age Discrimination Commissioner since 2011. The Commissioner’s functions include promoting understanding and acceptance of the *Age Discrimination Act 2004* (Cth), and protecting individuals from discrimination on the basis of age in many areas of public life, including employment, education, accommodation and the provision of goods and services.  Following a review of religious freedom in Australia, the Australian Government has committed to the introduction of a Religious Discrimination Bill which, if enacted, would provide comprehensive protection against discrimination on the basis of religious belief or activity in specified areas of public life. The Bill would also create a new office of the Freedom of Religion Commissioner in the Australian Human Rights Commission.  Australia regularly advocates for the human rights of minority groups, persons with disabilities, older persons and religious minorities by making statements and supporting resolutions on these issues in multilateral fora, including the UN Human Rights Council and the UN General Assembly Third Committee. |
| **128 - 135, 137 - 139** | 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 / Continue further with its initiative to promote community cohesion and social harmony / Further promote multiculturalism including by taking measures against incitement of discrimination or violence, based on race or religions, and strengthening interfaith dialogue among communities / 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 / Continue supporting the Multicultural Policy and National Anti-Racism Partnership and Strategy including by enacting comprehensive equality legislation / Continue raising public awareness to combat discrimination, particularly those stemming from Islamophobia and fears of terrorism / Implement public awareness campaigns to promote tolerance and respect for cultural diversity and to counter prejudice, stereotypes, discrimination, racism, and Islamophobia / Continue to promote among Australians a comprehensive campaign of tolerance and non-discrimination / Strengthen measures to combat racial discrimination, including against incitement of discrimination or violence on racial, ethnic or religious grounds / Prevent religiously motivated incidents against Muslims and promote multiculturalism and tolerance (*Namibia, Mauritius, Indonesia, Ukraine, Malaysia, Thailand, United Arab Emirates, Nicaragua, Plurinational State of Bolivia, Botswana, Azerbaijan*) | Accepts | **Implemented - ongoing**  The Australian Government, in collaboration with states and territories, promotes acceptance, mutual respect and social inclusion across Australia through a range of programs and initiatives. Australia's constitutional democracy means that people are entitled to their views as long as they operate within our legal framework.  A strong framework is in place at the federal level for the prevention of hate speech and the urging of violence against groups, or members of a group, on the basis of race, religion, nationality, national or ethnic origin or political opinion. Additionally, the *Counter-Terrorism Legislation Amendment Act (No. 1) 2016* (Cth) introduced a new offence of advocating genocide to further respond to the negative impact on our community of people who preach hate.  For more information on Australia’s anti-discrimination protections, including racial discrimination, see recommendations 117-121 and 78, 79, 81, 106, 125 and 126.  The Australian Government’s multicultural statement *Multicultural Australia: United, Strong,* *Successful*, launched in 2017, renews and reaffirms the Government’s commitment to a multicultural Australia, in which racism and discrimination have no place. The statement outlines the strategic direction and priorities for multicultural policy in Australia, including encouraging economic and social participation of new arrivals, harnessing the advantages of our diversity and shared national interest, and continuing to build harmonious and socially cohesive societies.  The Australian Government’s national Multicultural Access and Equity Policy aims to ensure that Australian Government programs and services meet the needs of all persons, regardless of their cultural and linguistic background so that everyone has the opportunity to participate fully in our society.  The federal Race Discrimination Commissioner led the National Anti-Racism Strategy and the ‘Racism. It Stops With Me’ campaign from 2011 to mid-2019. The 2015 and 2018 evaluations of National Anti-Racism Strategy found that the Strategy had a strong impact in starting conversations about racism, sending a message that racism was not acceptable, helping organisations to demonstrate leadership and empowering individuals and communities to take action against racism. The actions undertaken as part of the Strategy are now part of the ongoing work of the AHRC.  Australian governments continue to invest in Australia’s social cohesion through programs that embrace Australia’s multicultural diversity and help all communities become actively part of, and benefit from, Australia’s economic and social development. The Australian Government is supporting the Federation of Ethnic Communities’ Councils of Australia in its role as the peak body representing Australia’s Culturally And Linguistically Diverse community organisations, to advocate and promote issues on behalf of its constituency to government, business and the broader community.  In 2018-19, the Australian Government provided $5 million for Fostering Integration Grants (FIGs). This program aims to facilitate the integration of migrants by encouraging social and economic participation of migrants, promoting and encouraging Australian values, addressing issues of low social integration and supporting a greater understanding and tolerance of racial, religious and cultural diversity.  In 2019 the Australian Government invested $71 million in programs that embrace Australia’s multicultural diversity, promote social cohesion and help all communities become actively part of, and benefit from, Australia’s economic and social development. The package provided funding for Australian Government and community initiatives that:   * encourage and support new arrivals to actively become part of and contribute to Australia’s economic and social development; * build interfaith and intercultural understanding through sport, in classrooms, cultural institutions and through community-driven programs and outreach; and * encourage a diversity of perspectives in the public debate and promote resilience against harmful and divisive messages, particularly those that promote violence.   Australia supports efforts to address and eliminate racial discrimination in our engagement and advocacy in multilateral fora, including through making statements and supporting resolutions at the UN Human Right Council. For example, Australia supported the call for the Human Rights Council’s Urgent Debate on Racism and Resolution on human rights and fundamental freedoms of Africans and of people of African descent, at HRC43 in 2020. Australia welcomed the Council addressing the deplorable violence, brutality and racial discrimination against Africans and people of African descent around the world. Australia joined consensus on the Resolution, which was adopted by the Human Rights Council on 19 June 2020. |
| **136** | Protect the rights of Indigenous peoples, peasants and other people working in rural areas (*Plurinational State of Bolivia*) | Accepts | **Implemented**  The rights of all workers in Australia are protected under workplace relations legislation, as well as other mechanisms such as anti-discrimination and work health and safety legislation. The federal *Fair Work Act 2009* applies to the majority of employees in Australia and provides a safety net of minimum entitlements, enables flexible working arrangements and fairness at work, and prevents discrimination against employees. The Commonwealth Fair Work Ombudsman has responsibility for investigating breaches of the Act, taking enforcement action on breaches and providing education and assistance to employees and employers on their rights and responsibilities. |
| **140** | Protect the right to religious belief of all persons in Australia (*Nigeria*) | Accepts | **Partially implemented**  On 29 November 2016, the former Minister for Foreign Affairs, the Hon Julie Bishop MP, asked the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) to inquire into and report on the status of the human right to freedom of religion or belief. This inquiry considered freedom of religion around the world, including in Australia. The Committee tabled its First Interim report in November 2017, and its Second Interim Report in April 2019. In its Second Interim Report, the Committee found that Australians generally enjoy freedom of religion, but the right receives little formal protection, and recommended that the Australian Government develop legislation to give full effect to Australia’s obligations under Article 18 of the International Covenant on Civil and Political Rights. This inquiry lapsed in April 2019 upon the dissolution of the 45th Parliament.  The Australian Government appointed an Expert Panel, reporting in May 2018, to examine whether Australian law adequately protects the human right to freedom of religion. The review found that Australians enjoy a high degree of religious freedom but that there were opportunities to strengthen protections. The Australian Government released its response to the report in December 2018 and has undertaken two public consultation processes on a package of draft legislation on freedom of religion. The package includes a Religious Discrimination Bill which, if enacted, would provide comprehensive protection against discrimination on the basis of religious belief or activity in specified areas of public life. The Bill would also create a new office of the Freedom of Religion Commissioner in the AHRC.  Anti-discrimination laws in the majority of states and territories include protections against discrimination on the basis of religion. Queensland, Victoria and the Australian Capital Territory also possess positive protections for freedom of religion or belief as a result of their respective human rights legislation.  Australia also advocates internationally on behalf of those experiencing religious intolerance or abuse, raising the issue in bilateral, multilateral and regional settings, as well as through our *Official Development Assistance* (ODA) program, and in partnership with civil society organisations. |
| **141-149, 151, 152** | Continue to build on progress made in gender equality, improve the gender wage gap and strengthen the promotion and protection of the rights of women / Implement the *Workplace Gender Equality Act 2013*, in letter and spirit, to create socio-economic gender parity (*Tajikistan, South Africa, Lao People’s Democratic Republic, India, Israel, Serbia, Sierra Leone, Algeria, Chile, Myanmar*) | Accepts | **Implemented**  The Australian Government is a strong and committed advocate for gender equality, women's empowerment and the advancement of the rights of women and girls domestically and in our international efforts. The Australian Government is committed to boosting women’s workforce participation, economic security and leadership as well as ensuring that women and girls are safe from discrimination, violence and harassment.  The Australian Government’s Women’s Economic Security Statement (2018) contains measures funded over five years to improve women’s workforce participation, economic independence and earning potential. The Government aims to improve women’s workforce participation by 25 per cent by 2025.  The Australian Government is also working with the private sector to report on the gender pay gap, and assist businesses to undertake gender pay gap audits. The *Workplace Gender Equality Act 2012* requires non-government employers with 100 or more employees to report annually to Workplace Gender Equality Agency against a series of gender equality indicators. Workplace Gender Equality Agency data confirms that employers have taken action, gender equality outcomes have improved and the gender pay gap has declined by 3.9 percentage points between 2014 and 2019.  The Aboriginal and Torres Strait Islander Social Justice Commissioner is currently leading a national consultation, entitled Wiyi Yani U Thangani (Women’s Voices), with Aboriginal and Torres Strait Islander women and girls to understand their priorities, needs and aspirations, for themselves and their families. The report will provide guidance to governments on how to better engage with and support Aboriginal and Torres Strait Islander women and girls as leaders in their communities. The report is forthcoming.  Australia is one of the few countries which has compulsory reporting and collection of organisational gender equality data. The Australian Bureau of Statistics publishes the Gender Indicators Australia annually, which measure progress through multiple gender indicators across six domains of interest: economic security, education, health, work and family balance, safety and justice, democracy, governance and citizenship.  The Australian Government is working to support more women into leadership positions in both the public and private sectors. The Government has set a gender diversity target of men and women each holding 50 per cent of Government board positions overall. The Australian Government also supports the BoardLinks Program, to help identify board-ready women for Australian Government boards and the Women’s Leadership and Development Program.  The Australian Government is committed to eliminating discrimination against women. The federal *Sex Discrimination Act 1984* makes it unlawful to discriminate on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding and family responsibilities in certain areas of public life. Some employment actions are also prohibited under the *Fair Work Act 2009*, including adverse action based on protected attributes including sex. Australia has also had a dedicated federal Sex Discrimination Commissioner since 1984 to promote gender equality and counter discrimination, sexual harassment, violence against women and other barriers to equality.  See recommendation 153 for information on actions being taken to reduce violence against women. |
| **150, 203, 234** | Continue conducting awareness-raising activities on human rights, especially rights of women, children, minorities and migrants, to law enforcement officers / 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 / Expand support to human rights education and training initiatives, particularly for law enforcement officials handling migration issues (*Viet Nam, Mexico, Philippines*) | Accepts | **Implemented**  Human rights education is a key component of training and continuing development for law enforcement officers at the federal, state and territory levels. Law enforcement officers are trained about human rights through specific modules. Human rights principles are also embedded through compulsory and optional training, diversity and inclusion policies, and relevant laws.  The AHRC is an independent statutory body with functions including providing human rights training and awareness raising. In 2018, the AHRC launched its ‘National Conversation’ on human rights. This process is intended to build awareness of human rights and identify barriers to the realisation of human rights in Australia. The ‘National Conversation’ is expected to conclude in 2020.  The Australian Federal Police provides diversity and cultural awareness education and training to all new employees upon their commencement. Across the organisation, employees receive training on cultural awareness and diversity and participate in Respectful Workplace workshops. A number of state and territory police forces also undergo cultural awareness and diversity training. The Australian Federal Police also have Standard Operating Procedures and a practice guide which set out the procedures for interviews with children and intellectually impaired adults who are victims of sexual or violent offences.  The Australian Government provides a strong training and education program for all staff working on immigration matters. International Obligations training is provided to officers in immigration detention roles. Additionally, where relevant, staff receive training on refugee law, complementary protection and Australia’s non-refoulement obligations. Training is regularly reviewed for currency and is provided when staff initially commence in the relevant roles, or as refresher training. |
| **153** | Strengthen efforts to combat family violence against women and children, especially within Indigenous communities (*United States of America*) | Accepts | **Implemented - ongoing**  The Australian Government is committed to protecting women and children from family and domestic violence.  Australian governments provide and fund a number of services to support women and children who have experienced or witnessed violence. These include services within the family law system, in the child protection system and services for victims of crime. Services include online and telephone counselling services, frontline crisis services and other services to support women and children, homelessness services, protections and supports for vulnerable witnesses in judicial processes, case management services and post-separation services for children of separating parents.  The Council of Australian Governments is committed to addressing violence against women and held its second Summit on Reducing Violence Against Women in 2018. COAG and the Women’s Safety Ministers oversee the implementation of the *National Plan to Reduce Violence against Women and their Children 2010-2022*. The Family Violence Working Group of the Council of Attorneys-General also works to address violence against women.  The *National Plan to Reduce Violence against Women and their Children 2010-22* represents a commitment by the Commonwealth, state and territory governments to reduce violence against women and their children. The National Plan sets out a framework for action through four three-year Action Plans. The Fourth Action Plan 2020‑2022 has a focus on primary prevention, with a specific action to promote healthy and safe relationships and build gender equitable values through initiatives for women, children and young people. This includes a number of actions to support Aboriginal and Torres Strait Islander women, children and communities, including:   * Valuing and engaging the expertise of Aboriginal and Torres Strait Islander women and men, communities and organisations in leading the creation and implementation of solutions; * Building workforce capability to ensure delivery of holistic, trauma-informed and culturally safe supports; and * Addressing both the immediate impacts and deep underlying drivers of family and domestic violence in Aboriginal and Torres Strait Islander communities through collective action with governments, service providers and communities.   Funding is also provided through the Indigenous Advancement Strategy to respond to the immediate and structural drivers that contribute to violence in Aboriginal and Torres Strait Islander communities.  The *National Framework for Protecting Australia’s Children 2009 - 2020* provides a long-term, national approach to protecting all Australian children from abuse and neglect. The National Framework takes a public health approach with a focus on prevention and early intervention to reduce the number of children experiencing abuse and neglect. Under the National Framework, the *Fourth Action Plan 2018-2020* has continued this work with a particular focus on improving prevention and early intervention for at-risk children and improving outcomes for children in out-of-home care. Aboriginal and Torres Strait Islander children are a priority cohort under both the National Framework and the Fourth Action Plan. For further information on the protection of children from violence, abuse and neglect, see recommendation 166, 168 and 169.  States and territories have policies and programs to protect women and children from family and domestic violence, including funding for services such as counselling, outreach and crisis accommodation and investments in housing, legal system reform and research.  The Australian Government announced $150 million to support Australians experiencing family, domestic and sexual violence as a result of COVID-19. $130 million of this funding will be provided to state and territory governments, to direct to priority supports such as housing and emergency accommodation, counselling and outreach, crisis support and helplines, to meet local need. The remaining $20 million funding will boost programs under the *National Plan to Reduce Violence Against Women and Their Children* including national helpline 1800RESPECT, perpetrator interventions, the Support for Trafficked People Program, and a new national information campaign with clear information about where Australians experiencing violence can access support.  In 2018, the Australian Government also established the Australian Centre to Counter Child Exploitation (ACCCE) to drive a collaborative national response to child exploitation and abuse in Australia. The ACCCE responded to the risk of increased incidents of online sexual exploitation and abuse of children due to restrictions under COVID-19, bolstering resources within the ACCCE Child Protection Triage Unit and Covert Online Engagement Team to address the increase in referrals received. |
| **154** | Make provision in its national legislation for the crime of domestic violence and take all adequate measures to eliminate it (*Portugal*) | Notes – Updated to accepts in third cycle review 2020 | **Implemented**  Domestic violence is criminalised in Australia, at the federal, state and territory levels. All Australian governments work together to address domestic violence through the Council of Australian Governments.  States and Territories also have specific legislation to protect victims, or persons at risk, of domestic and family violence. In 2017 all jurisdictions harmonised approaches to recognising and sharing information about domestic and family violence protection orders under the National Domestic Violence Order Scheme to ensure people at risk are afforded protection under the law regardless of their location in Australia.  See recommendation 153 for more information. |
| **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 (*Chile*) | Accepts | **Implemented**  The Australian Government is committed to protecting women and children from family and domestic violence. See recommendation 153 for more information.  Australia also has a comprehensive framework to protect children from abuse and neglect. See recommendations 166, 168 and 169 for more information.  The *National Plan to Reduce Violence against Women and their Children 2010-22* recognises women with disability experience higher levels of domestic violence, family violence and sexual assault compared to other women, have difficulty accessing pathways to appropriate support and face barriers in escaping violence. Under the National Plan federal, state and territory governments are working together to better identify, support and respond to women with disability experiencing, or at risk of, domestic, family and sexual violence.  To support women and girls with disability, the Fourth Action Plan 2020-22 includes funding for:   * the eSafety Commissioner to assist women with disability to protect themselves online, including how to identify and report technology‑facilitated abuse, and provide frontline workers with the knowledge and skills they need to better help the women with disability they support. * new research projects to address gaps in the evidence base, including about violence against women with disability * community-led prevention activities, targeted to priority cohorts including women with disability * Our Watch to address violence experienced by young women with intellectual disability * Lifeline Australia to continue DV-alert, which delivers accredited face to face and eLearning workshops for frontline workers including those working with women with disabilities to recognise, respond and refer appropriately to domestic and family violence.   Australia has committed $100 million towards action against domestic and family violence as part of the *Women's Safety Package to Stop the Violence*. Through this program, the Australian Government is collaborating with state and territory governments to trial innovative technology that could keep women safe and hold perpetrators to account.  The National Disability Insurance Scheme Quality and Safeguards Commission is a new Commonwealth statutory agency established to improve the quality and safety of National Disability Insurance Scheme supports and services, including responding to complaints and reportable incidents, worker screening and the use of restrictive practices. See recommendations 195, 197 and 198 for more information about actions to address violence, abuse and neglect of people with disability. |
| **156 - 163** | Increase efforts to reduce violence against women and domestic violence / Progress the National Plan to address family violence / Further effectively fulfil the National plan to Reduce Violence against Women and their Children 2010-2022 / Ensure that incidents of violence against women and children are thoroughly investigated and perpetrators of violence are brought to justice (*Azerbaijan, Belarus, Libya, Lithuania, Singapore, Croatia, Czech Republic, Pakistan*) | Accepts | **Implemented**  See Recommendation 153.  States and territories are responsible for investigating incidents of violence against women and children and bringing perpetrators to justice. All states and territories regularly review their systems in an attempt to improve allocation of resources and responses to violence against women and children. For example, all states and territories have enacted legislation under the *National Domestic Violence Order Scheme*, to ensure that domestic violence orders issued in any state or territory will be enforceable and applicable in any other state or territory. |
| **164** | Make utmost efforts to protect women with disabilities and Indigenous women from all forms of (a) violence and (b) discrimination (*Republic of Korea*) | Accepts | **Implemented**  See recommendation 153 for information on efforts to protect women, including Indigenous women and women with disabilities, from family and domestic violence. See recommendation 155 for actions taken to protect women with disabilities from family and domestic violence. See recommendations 195, 197 and 198 for more information about actions to address violence, abuse and neglect of people with disability.  Australia has comprehensive anti-discrimination laws at federal, state and territory level that include protection for women with disabilities and Indigenous women. See recommendations 117-121 for more information on Australia’s anti-discrimination protections. See recommendation 185, 186, 188, 189 and 191 for more information on disability-specific anti-discrimination protections. See recommendations 78, 79, 81, 106, 125 and 126 for information on racial discrimination protections relevant to Indigenous Australians. |
| **165** | Remove the reservation to the CRC, and prohibit corporal punishment of children in the home and all other settings (*Estonia*) | Notes (will not consider further at this time) | Australia periodically reviews its reservations including to the Convention on the Rights of the Child (CRC) to determine whether they remain necessary. Australia’s reservation to the CRC is consistent with the object and purpose of this treaty and consistent with the Vienna Convention on the Law of Treaties, and Australia considers that the reservation remains necessary.  The physical assault of a child by any person, including family members, is prohibited by criminal legislation in all states and territories.  It remains lawful for parents in all jurisdictions to take reasonable steps to discipline their children. Reasonable chastisement, or lawful correction, remains an available defence to charges of assault by a parent or person in the place of a parent against a child under the Australian common law and in legislation in some states and territories.  All Australian governments support families to develop positive parenting strategies and improve the safety and wellbeing of children through the *National Framework for Protecting Australia’s Children 2009-2020*. Training programs are provided for people working with children in education and out of home care in relation to positive approaches to teaching and behaviour management.  The Australian Government does not endorse corporal punishment as an approach to student behaviour management in schools. It is an offence to subject a child to any form of corporal punishment in an early childhood education setting in all jurisdictions in Australia. New South Wales, Northern Territory, South Australia, Tasmania, Victoria and Western Australia have legislated to ban corporal punishment in both government and non-government schools. The Australian Capital Territory has removed provisions in legislation that provided a defence to the use of reasonable chastisement by people acting in the place of a parent, such as teachers. Legislative provisions sanctioning the use of corporal punishment in Queensland schools were repealed in 1994. Corporal punishment has been banned by policy in Queensland state schools since 1995.  In residential care settings including residential centres and foster care, corporal punishment is prohibited in Victoria, Australian Capital Territory, New South Wales, Queensland and South Australia and remains lawful in legislation in Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory. In immigration detention or alternative residential care settings, corporal punishment is not a form of behavioural management for minors.  Corporal punishment is not a sentencing option in any juvenile justice system in Australia. |
| **166, 168, 169** | Further promote protection of the rights of the child, giving emphasis to Indigenous Children / Comprehensively improve the effectiveness of measures to protect the rights of the child / Build on the achievements of the National Framework for Protection of Australian children (2009–2020) (*Greece, Tajikistan, Morocco*) | Accepts | **Implemented**  The AHRC through the National Children’s Commissioner works to promote the human rights of all Australians, including children. The National Children’s Commissioner role includes promoting discussion and awareness of human rights in relation to children, including Indigenous children. The Commissioner also undertakes programs (including research and educational programs) to promote respect for the human rights of children and to promote the enjoyment and exercise of human rights by children.  The Aboriginal and Torres Strait Islander Social Justice Commissioner is currently leading a national consultation, entitled Wiyi Yani U Thangani (Women’s Voices), with Aboriginal and Torres Strait Islander women and girls to understand their priorities, needs and aspirations, for themselves and their families. The Commissioner is due to provide her report to the Australian Government in 2020. The report will provide guidance to governments on how to better engage with and support Aboriginal and Torres Strait Islander women and girls as leaders in their communities.  The *National Framework for Protecting Australia’s Children 2009‑2020* provides a long-term, national approach to protecting all Australian children from abuse and neglect. The National Framework takes a public health approach with a focus on prevention and early intervention to reduce the number of children experiencing abuse and neglect. Under the National Framework, the *Fourth Action Plan 2018-2020* has continued this work with a particular focus on improving prevention and early intervention for at-risk children and improving outcomes for children in out-of-home care. Aboriginal and Torres Strait Islander children are a priority cohort under both the National Framework and the Fourth Action Plan. A successor plan to the National Framework is under development, building on findings from an evaluation of the National Framework, and national consultations on priorities for the successor plan. Commonwealth, State and Territory Community Services Ministers have agreed that addressing Aboriginal and Torres Strait Islander overrepresentation in child protection systems, ensuring co-design and engagement with Indigenous communities, and ensuring the voice of the child is included in decision making, would be some of the key principles underpinning the development of the new framework.  In addition to actions taken under the National Framework, significant reforms have been undertaken in recent years to improve the safety of children in Australia, particularly in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse which handed down its final report in December 2017. In response to the recommendations, the Australian Government established the National Office for Child Safety in July 2018 to provide national leadership on the development and implementation of initiatives to enhance child safety, with a particular focus on the prevention of child sexual abuse.  Key initiatives include the *National Principles for Child Safe Organisations*, *Commonwealth Child Safe Framework* and development of a *National Strategy to Prevent Child Sexual Abuse*. The Office reports to the Prime Minister. The Australian Government also committed funding to establish the National Centre for the Prevention of Child Sexual Abuse and worked closely with state and territory governments to establish nationally consistent parameters for the screening of persons who propose to engage in child-related work through the *National Standards for Working with Children Checks*. The *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* also implements a number of recommendations from the Royal Commission and strengthens the framework of offences for child abuse online, overseas and via postal service. |
| **167, 170** | Take immediate measures to ensure that all children have access to all levels of education and quality health services / 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 *(Maldives, Bhutan*) | Accepts | **Implemented**  The Australian Government will continue its commitment to providing universal access to healthcare, education and early childhood education to all children.  The Australian Human Rights Commission and the National Children’s Commissioner work to promote the human rights of all Australians, including children.  See recommendations 166, 168 and 169 for more information on efforts being taken to improve child safety.  See recommendations 105, 108, 109, 110 and 211 for more information on education, health and social services for Aboriginal and Torres Strait Islander people, including children.  *Education*  Australian Government places the highest importance on ensuring that all children and young people have access to high quality education that is engaging, relevant and ensures that they get the best start in life. Education in Australia is available and free for all children from primary school through to the completion of secondary school at age 17 or 18 and is compulsory between the ages of five and fifteen to seventeen, depending on the state or territory, and the child’s date of birth. The Australian Government works with states, territories and non-government education providers to provide quality early learning, schooling, improved student outcomes and transitions to and from school through parent engagement, quality teaching and learning environments.  In 2014, the Australian Government introduced needs-based school funding which provides a base amount per primary and secondary student along with six loadings to support disadvantaged schools and facilitate achievement of priority cohorts including Aboriginal and Torres Strait Islander students and students with disability. The Australian Government is increasing investment in schools targeting evidence-based reforms to lift student achievement under the National School Reform Agreement. The Australian Government also funds programs to improve access to education and outcomes for Australians who require extra support.  For example, the Australian Government is providing funding over four years (2016 to 2020) to The Smith Family to expand its Learning for Life Program, which provides financial, practical and emotional support to help disadvantaged young Australians in primary and secondary schools and tertiary institutions to improve their educational outcomes. The total number of students supported under the program will be approximately 56,000 by 2020. The Smith Family report that students supported by Program are more likely to show up to school, complete Year 12, and end up in paid work or further study.  *Health services*  All Australian residents and certain categories of visitors to Australia can access free public hospital services, and partially or completely subsidised access to medical services (through the Medical Benefits Schedule), and medications (through the Pharmaceutical Benefits Scheme). For vulnerable groups, such as children in low-income households, the services of dentists and other allied health professionals are also subsidised. Maternal and child health nurse services are free for all children from birth to school age.  Australia protects and promotes the right to health of all children and young people through a range of policies and programs at the federal, state and territory levels.  The *National Action Plan for the Health of Children and Young People: 2020-2030* outlines Australia’s national approach to improving health outcomes for all children and young people, particularly those at greatest risk of poor health. One of the priority areas is improving health equity across populations including children and young people:   * living in rural and remote areas * who are Aboriginal and Torres Strait Islander * born into poverty * from culturally and linguistically diverse backgrounds – including those from refugee and asylum seeker families * living with disability and chronic conditions * who experience violence and/or abuse * living in out of home care * who are incarcerated * who identify as LGBTI+ and * who experience homelessness.   The *National Framework for Universal Child and Family Health Services* outlines the core services that all Australian children (from birth to eight years) and families should receive at no financial cost to themselves, regardless of where they live, and how and where they access their health care. The Framework was developed through a strong partnership between the Commonwealth, state and territory governments and the non-government sector.  The Australian Government is committed to delivering effective and efficient health services for Aboriginal and Torres Strait Islander children. Aboriginal and Torres Strait Islander children’s health is supported through a number of national frameworks including the *National Aboriginal and Torres Strait Islander Health Plan 2013-2023,* the *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013 2023*, and the *National Framework for Health Services for Aboriginal and Torres Strait Islander Children and Families.* The Australian Government funds a national network of approximately 140 Aboriginal Community Controlled Health Services and around 40 other service providers, to deliver free at the point of access culturally competent comprehensive primary health care for Aboriginal and Torres Strait Islander people. The New National Agreement on Closing the Gap continues to prioritise health outcomes for Aboriginal and Torres Strait Islander children to build upon the gains of the previous Closing the Gap agreement.  Australia recognises suicide has a devastating effect on individuals, families and communities. Australia has adopted a whole-of-government approach to suicide prevention. Australia has a wide range of programs addressing child and youth mental health. In addition to these, the Australian Government has specific suicide prevention strategies. *The Fifth National Mental Health and Suicide Prevention Plan*, endorsed by Health Ministers in August 2017, elevated suicide prevention alongside mental health for the first time in a national policy document. The Australian Government funds youth specific mental health services such as the Headspace program which provides mental health, alcohol and other drug, and social and vocational support services for young people aged 12-25 years at no or low cost.  The Australian Government is investing $9.1 million over four years to provide telehealth access for psychological services in rural and regional communities. Eligible patients in rural and remote locations will be able to access consultations with registered psychologists, occupational therapists and social workers through online channels.  The Australian Government believes immunisation is key to achieving public health outcomes and has a strong record in achieving high levels of public vaccination. Australia has generally high immunisation rates which have increased steadily over time. The Australian Government funds a range of vaccinations for eligible people under the *National Immunisation Program*, which ensures children, adults and the elderly can access the vaccines at no cost. |
| **172** | Bring the Australian juvenile justice system in conformity with international standards, including removing minors from the adult justice system and ensuring their rehabilitation (*Lithuania*) | Notes | Under Australia’s federal system of government, responsibility for criminal law, law enforcement and corrections is shared between the Commonwealth, states and territories. A child or young person charged with a state or Commonwealth offence is dealt with according to the laws and procedures of the state and territory in which the offence is committed, including diversion, rehabilitation and restorative justice programs. While youth justice systems vary between jurisdictions, all states and territories have established separate Children’s Courts to deal with criminal matters involving children and young people. All jurisdictions employ diversionary measures for children and young people. These may include warnings, cautions, youth justice conferences and referrals to specific community-based programs. Once in court, alternative sentencing options may include community-based orders (both supervised and unsupervised), home detention, community service and rehabilitation orders.  See recommendations 173 and 175 for more information on youth justice.  See recommendations 178 and 179 for more information on the minimum age of criminal responsibility in Australia.  Australian state and territory governments recognise the importance of maintaining separate places of detention for children and adults and ensure this separation in the vast majority of circumstances. The Queensland *Youth Justice and Other Legislation Inclusion of 17-year-old Persons Amendment Act 2016* commenced on 12 February 2018, transitioning 17-year-olds out of the adult criminal justice system into the youth justice system. The Queensland Government has moved to strengthen provisions for this under section 33 of its new *Human Rights Act 2019*, which states that an accused child who is detained, or a child detained without charge, must be segregated from all detained adults. The Queensland Department of Youth Justice is working towards full compliance with the Queensland *Human Rights Act 2019*. |
| **173, 175** | Reform the juvenile justice system in conformity with the international standards and increase the protection of children involved in penal proceedings / Improve conditions in youth detention facilities, including through ensuring independent and effective investigation of all allegations of human rights violations therein (*Poland, Czech Republic*) | Accepts | **Implemented - ongoing**  See recommendation 172 for more information on the Australian youth justice system and recent reforms.  On 21 December 2017, the Australian Government ratified OPCAT. This is an important step in improving the oversight and conditions of places of detention in Australia, including places where children and young people may be detained, and it reflects the Australian Government’s commitment to preventing torture and mistreatment. Australian jurisdictions are working to implement the standards of OPCAT, including in relation to youth justice.  Australian governments are taking active steps to improve their youth justice systems and ensure respect for the rights of children in detention. All Australian jurisdictions have oversight bodies for places of detention, including youth justice.  On 28 July 2016, the Australian Government and the Northern Territory Government announced a Royal Commission and Board of Inquiry into the youth detention and child protection systems in the Northern Territory. On 17 November 2017, the Royal Commission’s final report was publicly released. At October 2019, of the 218 recommendations that were the responsibility of the Northern Territory, 90 were complete, 83 were well progressed, 42 were underway, and 3 were not yet started. The Australian Government responded to the Report in 2018, supporting or in principle supporting the majority of the 28 recommendations for which it has sole or joint responsibility. The Australian Government has committed to review its current annual investment of over $4.2 billion in the Northern Territory to improve outcomes for children and young people in the Northern Territory. The Australian Government is working with the Northern Territory Government, Indigenous representatives and communities to implement the recommendations. The Productivity Commission released the Report of its Inquiry into Expenditure on Children in the Northern Territory in April 2020. The Productivity Commission proposed four key areas of reform, including coordinating funding underpinned by regional plans, longer-term, more collaborative contracting, better data at the regional and community level, and strong supporting institutions.  In the state of Victoria, a significant program of work is underway to implement all of the recommendations arising out of a 2017 whole-of-system, independent review of the youth justice system in that state. This work program is focused on ensuring that the Victorian youth justice system’s custodial operations, infrastructure, case management, programs and interventions and staffing models, practices and approaches come together to support and respond appropriately to the different risks and needs of children and young people in youth detention, and across the broader system.  In August 2019, the Department of the Premier and Cabinet received funding to conduct a review of complaints handling systems in youth detention to inform reforms associated with recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. An external consultant was appointed to undertake the Review throughout February and March 2020. The recommendations are geared towards improving complaints handling in youth detention through reforms to internal and external complaints handling processes. See recommendations 178 and 179 for more information on the minimum age of criminal responsibility in Australia. |
| **174, 176, 201, 202** | Abolish the mandatory minimum sentencing of juvenile offenders / Ensure access to justice by all, including by repealing laws on mandatory sentencing / Adopt the recommendation by the UN Committee against Torture to review mandatory sentencing laws with a view to abolishing them (*Czech Republic, Denmark, Botswana, Norway*) | Notes (will not consider further at this time) | The Australian Government considers mandatory minimum sentences are appropriate for the most serious of offences. Mandatory minimum sentences are applied only to a small number of criminal offences at a federal, state and territory level, and are applied only when a person has been convicted of the relevant offence as a result of a criminal trial. The Australian Government’s firearm enforcement and border protection priorities require that mandatory minimum sentences apply to these more serious offences. Mandatory sentences do not apply to any offences committed by children under federal law.  The position on mandatory sentencing varies in the states and territories. The Australian Capital Territory does not have mandatory sentencing for either adults or children and New South Wales and Queensland do not have mandatory sentencing for children. A number of jurisdictions have mandatory sentencing in specific circumstances. For example, South Australia imposes a mandatory sentence of life imprisonment in respect of youths convicted of murder while Tasmania imposes mandatory imprisonment for an offence causing serious bodily harm to a police officer. Where a youth is convicted of murder, they must be sentenced as an adult. States and territories do not intend to abolish existing mandatory sentencing arrangements. |
| **177** | Abolish the sentencing of children to life in prison (*Lithuania*) | Notes (will not consider further at this time) | States and territories have primary responsibility for criminal justice, including adult and juvenile corrections. Children can be sentenced to life imprisonment across states and territories for a small number of extremely serious offences and in very limited circumstances. States and territories do not intend to abolish the sentencing of children to life in prison. |
| **178, 179** | Raise the age of criminal responsibility to 18 years as recommended by the CRC (*Iceland, Uruguay*) | Notes (will not consider further at this time) | The minimum age of criminal responsibility in Australia is 10 years old. In all Australian jurisdictions there is a rebuttable presumption that a child aged between 10 and 14 years of age is not criminally responsible (*doli incapax*). A child of this age can only be found criminally responsible where the child knows that their conduct was wrong. This is a question of fact and the onus of proof falls on the prosecution. This presumption provides a safeguard against the prosecution of children between 10 and 14 years who do not have an understanding of the wrongfulness of their conduct, and recognises that the capacity to understand the difference between right and wrong is still evolving in children at that age.  Australian governments are working together through a Council of Attorneys‑General working group to consider whether to raise Australia’s minimum age of criminal responsibility. This will include consideration of the principle of doli incapax. Once the working group’s report is finalised, it will then be a decision for each jurisdiction whether to raise the minimum age of criminal responsibility within its relevant legislation. The Northern Territory has separately given in-principle support of a recommendation of the Northern Territory Royal Commission to raise the age of criminal responsibility from 10 to 12 years.  Australian state and territory governments will continue to focus on reducing contact of children and youth with the adult criminal justice system. |
| **180-184** | Prevent enforced sterilisation: Adopt national legislation prohibiting the use of sterilization of adults without their consent, and of children / End the practice of enforced sterilization of persons with disabilities for non-therapeutic reasons (*Germany, Spain, France, United Kingdom of Great Britain and Northern Ireland, Canada*) | Notes (will not consider further at this time) | The Australian Government supports the right of all people to make free and informed decisions about whether to have a sterilisation procedure, where they have capacity to independently make this decision. A sterilisation procedure for non-therapeutic reasons may only occur in Australia with the person's consent, or with authorisation from a court or guardianship tribunal if the person is unable to give valid consent.  All jurisdictions have guardianship tribunals to decide a range of matters for people who have an impaired capacity to make independent decisions, including regarding sterilisation. In most Australian jurisdictions, the test applied is whether a procedure is in a person’s best interests.  The Commonwealth’s jurisdiction in sterilisation cases exists only under the *Family Law Act 1975* and is confined to matters involving the welfare of children.  While parents generally have the authority to consent to medical procedures for their children, the courts have determined that such authority does not extend to cases where a medical procedure is non-therapeutic, invasive and irreversible and carries a significant risk of the wrong decision being made where the consequences of a wrong decision would be particularly grave. When authorisation is sought from a court, in considering whether to authorise such procedures, the Family Court’s paramount consideration is whether the procedure is in the child’s best interests. Evidence must be given to satisfy the court that the treatment is in the child’s best interests, which must include evidence from a relevant expert witness, including, but not limited to, a medical or psychological professional.  Over the past two decades, the regulation of sterilisation of persons with disabilities has been subject to a number of inquiries and reviews and Australian, state and territory laws have been significantly reformed to provide better protection for people with disabilities than has historically been the case. For example, in New South Wales, the *Children and Young Persons (Care and Protection) Act 1998* provides that sterilisations can only be carried out on a child where it is necessary to save the child’s life or to prevent serious damage to the child’s psychological or physical health. |
| **185, 186, 188, 189, 191** | Strengthen measures concerning people with disabilities / Continue implementing legislation to address the multiple forms of discrimination on the basis of disability / 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 / Continue its efforts for a full implementation, in all levels, of the National Disability Strategy (*Holy See, Israel, Libya, Panama, Colombia*) | Accepts | **Implemented**  The *National Disability Strategy 2010-2020* is Australia’s overarching framework for disability reform. The Strategy is a national policy framework for all levels of government to improve the lives of people with disability, reduce violence, abuse and neglect of persons with disabilities, and to ensure they have every opportunity to be full and active participants in community life. Implementation of the Strategy is guided by three separate implementation plans, covering the periods 2011-2014, 2015-2018 and 2019-2020.  The Australian Government has announced a range of initiatives which will be implemented during the period of the third implementation plan, including:   * A national disability information gateway to help all people with disability and their families locate and access services in their communities * A new seven per cent employment target in the Australian Public Service for people with disability * Introduction of a new carer services delivery model to help carers manage their daily challenges, improve their health and wellbeing and plan for their future.   The Australian Government continues to work with state and territory governments to implement the Strategy, and to develop a new strategy at the conclusion of the current NDS. To ensure that people with disability are at the centre of design of the new strategy, the Australian Government, in collaboration with state and territory and local governments, will lead a series of accessible targeted consultation and engagement activities.  Since 2013, Australia has been implementing the National Disability Insurance Scheme (NDIS) to support Australians with significant and permanent disability, their families and carers. Based on an insurance rather than a welfare approach, the NDIS represents a critical departure from previous approaches to the delivery of disability services in Australia which primarily funded service providers. The NDIS aims to ensure that people with a permanent and significant disability will receive supports based on their needs, they will have choice and control over that support and the costs are controlled through an insurance approach. It provides funding to each eligible person to purchase supports and services that are reasonable and necessary to assist them to meet their goals and aspirations. For more information on efforts to improve quality and safety in the NDIS and address violence, abuse and neglect of people with disability, see recommendations 195 and 197, 198.  The Australian Government is committed to supporting carers of persons with disability, a medical condition, mental illness or a person who is frail due to age. Through the provision of funding for supports, services and financial assistance, the Australian Government helps carers remain engaged in the community, participate in the workforce and stay healthy while continuing their caring role. In 2015, the Australian Government committed to the development of an Integrated Plan for Carer Support Services which outlines actions to recognise, support and sustain the vital work of unpaid carers. The Integrated Carer Support Service has been rolled out in a two-phase approach, with the first phase implemented in July 2019 and the second from April 2020, to provide access to early-intervention supports that are proven to improve long term outcomes for carers.  The *Disability Discrimination Act 1992* (Cth) provides protection against direct and indirect discrimination on the basis of disability in a range of areas of public life including employment, education, access to premises and the provision of goods, services and facilities. In addition, section 31 of the Act allows the Attorney-General to make binding disability standards. There are three standards currently in force including the Disability Standards for Accessible Public Transport 2002, the Disability Standards for Education 2005, and the Disability (Access to Premises – Buildings) Standards 2010. The standards provide further guidance to the rights and obligations under the Act. The standards are each reviewed every five years to ensure their effectiveness.  See recommendations 197 and 198 for information on the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.  Australia has had a dedicated federal Disability Discrimination Commissioner since 1993. The Commissioner’s functions include protecting the rights of persons with disability in Australia and promoting the United Nations Convention on the Rights of Persons with Disabilities. |
| **187** | Establish a supported decision-making framework in relation with people with disabilities (*Israel*) | Notes (will further consider) | In November 2014, the Australian Law Reform Commission (ALRC) report ‘Equality, Capacity and Disability in Commonwealth Laws’ recommended that the reform of relevant Commonwealth, state and territory laws should be consistent with National Decision‑Making Principles including: the equal right to make decisions; support in decision‑making; recognising that the will, preferences and rights of a person who may require decision-making support must direct decisions that affect their lives; and that legal frameworks must contain appropriate and effective safeguards for persons who may require decision‑making support. The ALRC report continues to inform Australian Government consideration about how persons with disabilities can be better supported to make decisions.  The Australian Guardianship and Administration Council National Standards of Public Guardianship were amended in 2016, noting the ALRC report, to reflect the rights in the Convention on the Rights of Persons with Disabilities. The 2016 Standards provide that staff providing a guardianship service will ensure that all reasonable efforts are made to support represented persons to exercise their own decision-making capacity to the extent possible under relevant legislation.  The Australian Government is currently considering the recommendations of the ALRC report alongside related recommendations from other recent reports on disability and capacity. Australian governments at federal, state and territory level are continuing to consider how persons with disabilities can be better supported to make decisions.  For example, Victoria recently passed into law a new *Guardianship and Administration Act 2019*. The Act implements the ALRC’s decision-making principles by providing the Victorian Civil and Administrative Tribunal with the power to make a Guardianship Order over a person with impaired decision-making capacity. Notably, the Act contains provisions to allow the tribunal to preserve and support a person’s decision-making capacity as far as practicable.  In relation to decision-making under the NDIS, the National Disability Insurance Scheme Act 2013 and associated NDIS Rules provides for the appointment of a nominee where an NDIS participant may lack decision-making capacity. This is intended to align with state and territory arrangements under statutory arrangements such as guardianship. The 2019 Independent Review of the NDIS Act recommended that disability ministers work collaboratively to resolve the intersections between nominees, guardianship, and supported decision-making under the NDIS. The Commonwealth Government is currently considering this recommendation. Further, the NDIS supports people with a permanent and significant disability that affects their ability to take part in everyday activities. The NDIS aims to ensure that people with a disability will receive supports based on their needs, they will have choice and control over that support, and the costs are controlled through an insurance approach. |
| **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 (*Singapore*) | Accepts | **Implemented**  The Australian government provides a range of services and support to assist people with disability to find and maintain employment.  JobAccess is the national hub for workplace and employment information for people with disability, employers and service providers. JobAccess provides tailored information to persons with disabilities and employers, connecting them with free government disability employment supports. Evaluation findings from 2018-19 will be used to improve the service delivery model.  The Australian Government is committed to changing negative attitudes and removing barriers preventing Australians with disabilities and older persons from participating fully in the labour market. In 2016, the former Age and Disability Discrimination Commissioner released the *Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with* Disability report which contained 56 recommendations for employers and government. To implement the recommendations, the Australian Government has reformed the Disability Employment Services (DES) program to improve accountability and outcomes, and provide user-friendly information about the program to people with disability. DES provides specialist employment assistance to over 272,000 participants in Australia. Over 46 per cent of participants are women. Around a third of participants are in employment three months following participation in the program. DES providers offer individualised support for the participant and employer for the first 52 weeks of the placement, and can continue providing ongoing support for as long as required.  The National Disability Recruitment Coordinator develops relationships with larger employers to increase their knowledge of the support available through DES, helps employers implement disability employment practices, and provides disability awareness training for staff.  In addition, the Employment Assistance Fund gives financial help to eligible people with disability and mental health conditions and employers to buy work related modifications, equipment, sign language services and workplace assistance and support services. |
| **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 (*Costa Rica*) | Accepts | **Implemented - ongoing**  Individuals who have a cognitive or mental health impairment may be deemed incapable of understanding the nature of criminal proceedings and may be considered unfit to plead or stand trial.  Australian governments worked together through the Council of Attorneys-General (formerly the Law, Crime and Community Safety Council) to improve the way the criminal justice system treats people with cognitive disability who are unfit to plead or found not guilty by reason of mental impairment. In 2015 a cross-jurisdictional working group was established and has developed the *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* (the National Principles). The National Principles recognise the rights of persons with cognitive or mental health impairments and seek to identify safeguards throughout the legal process and periods where a person is subject to orders. These Principles have been endorsed by all states and territories except South Australia and will be implemented in state and territory legislation. The Australian Government has committed to reviewing the National Principles in five years to ensure they remain relevant and continue to represent best practice.  The Australian Senate completed an inquiry into the Indefinite detention of people with cognitive and psychiatric impairment in Australia on 29 November 2016. The Australian Government is considering the Inquiry’s recommendations. |
| **193** | Reinforce the measures to improve conditions of detention, especially for persons with disabilities and the young, as well as to eliminate corporal punishment (*Holy See*) | Accepts | **Implemented - ongoing**  On 21 December 2017, the Australian Government ratified OPCAT. This is an important step in improving the oversight and conditions of places of detention in Australia, including places of detention for children and young people, and it reflects the Australian Government’s commitment to preventing torture and mistreatment. Australian jurisdictions are working to implement the standards of OPCAT, including in relation to youth justice. See recommendations 1-29 for information about Australia’s implementation of OPCAT.  See recommendation 165 for information on corporal punishment and recommendation 192 for information on the rights of persons with cognitive or mental health impairments in the criminal justice system. |
| **194, 196** | Prevent the indefinite detention of persons with mental disabilities / Guarantee the end of the unwarranted use of prisons for the management of persons with disabilities (*Spain, Islamic Republic of Iran*) | Notes (will further consider) | See recommendation 192.  States and territories have primary responsibility for criminal justice, including adult and juvenile corrections and have policies and programs in place to prevent indefinite detention. For example, work is underway in Western Australia to repeal and replace *the Criminal Law (Mentally Impaired Accused) Act 1996* (WA) to introduce new legislation which will abolish indefinite detention for persons with disabilities and introduce new community-based orders to allow for supervision of people with disabilities in the community. The new legislation is expected to be introduced into the Western Australian State Parliament in 2020.The Tasmanian Attorney-General requested the Tasmania Law Reform Institute undertake a review of the defence of insanity in the state’s Criminal Code and fitness to plead which has relevance to indefinite detention. The Final Report was released in December 2019 and the Tasmanian Government is considering the recommendations. |
| **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 (*New Zealand*) | Notes (will further consider) | See Recommendation 187 for information on supported decision-making and implementation of recommendations from the ALRC report.  The Senate Community Affairs References Committee released its report into violence, abuse and neglect of people with disability in institutional and residential settings in 2015. It made recommendations relating to access to justice for people with disability, supported decision making and guardianship laws. The Government response was tabled on 3 March 2017 agreeing, agreeing in principle or noting 29 of the 30 recommendations. The Australian Government carefully considered the report findings, along with work undertaken in similar state-based inquiries. The report of the Committee informed the development of the NDIS Quality and Safeguarding Framework.  The NDIS Quality and Safeguarding Framework was released in February 2017. The framework upholds the rights of people to access safe and quality services and supports under the National Disability Insurance Scheme (NDIS). One of the objectives of the framework is to reduce and eliminate the use of restrictive practices in the NDIS by introducing consistent quality requirements for disability services providers. A restrictive practice is defined as any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability. Australia is committed to respecting the dignity and human rights of all people accessing services and reducing the use of restrictive practices and ensuring that they are only used as a last resort.  A new independent Commonwealth statutory body, the NDIS Quality and Safeguards Commission, was established in 2018 to improve the quality and safety of NDIS supports and services, including responding to complaints and reportable incidents, registration of providers, worker screening and the use of restrictive practices.  See recommendations 197 and 198 for information on the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.  On 1 July 2019, New South Wales appointed its first Ageing and Disability Commissioner to strengthen the state’s ability to respond to abuse, neglect and exploitation of adults with disability and older people in both home and community settings. The Commissioner will work closely with the agencies responsible for protecting people receiving disability and aged care services, including the NDIS Commission.  In August 2020, the Australian Capital Territory enacted specific criminal offences aimed at protecting vulnerable people from exploitation and neglect. |
| **197, 198** | Set up a commission of National Independent Inquiry on Violence and Abuse against People with Disability / 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 (*Islamic Republic of Iran, Russian Federation*) | Notes (will further consider) – Updated to accepts in third cycle review 2020 | **Implemented**  In recognition of serious concerns raised regarding violence against people with disabilities, on 5 April 2019, the Prime Minister and Minister for Families and Social Services announced the establishment of a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission). The Disability Royal Commission will run for three years, delivering an interim report on 30 October 2020 and a final report on 29 April 2022. The establishment of the Royal Commission reflects the government’s commitment to take violence, abuse, neglect and exploitation of people with disability very seriously. The Royal Commission will help to inform Australian governments, institutions and the wider community on how to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation in the future. A Royal Commission is independent from government and determines its own processes, under the *Royal Commissions Act 1902* (Cth).  See recommendation 195 for more information on the NDIS Quality and Safeguarding Framework and NDIS Quality and Safeguards Commission. |
| **199** | Prevent the excessive use of force by the police and investigate all complaints thoroughly (*Azerbaijan*) | Accepts | **Implemented**  All Australian jurisdictions limit the use of force by police officers. The underpinning principle in Australia is that the use of force is to be the last resort, proportionate to the level of risk involved, and the minimum level appropriate for the safe and effective performance of police duties. Under the federal *Crimes Act 1914*, AFP officers may only use such force as is necessary and reasonable in the circumstances. Any use of force by officials in Australia is safeguarded by oversight and accountability mechanisms, including independent ombudsmen and integrity commissions, to which a person is able to make a complaint about police or law enforcement officials.  The Office of the Commonwealth Ombudsman can investigate complaints about the actions of Australian Federal Police members and the policies, practices and procedures of the Australian Federal Police as an agency. The Office of the Commonwealth Ombudsman reports to the Australian Parliament at least annually on the effectiveness of the Australian Federal Police's handling of complaints. |
| **200** | Intensify efforts to improve conditions in prisons, in particular to address the problem of overcrowding and the high mortality in prisons (*Uzbekistan*) | Accepts | **Implemented - ongoing**  See recommendations 3-20, 22, 28 and 29 regarding the implementation of OPCAT. |
| **204, 205** | Continue to work, in partnership with Aboriginal and Torres Strait Islander communities, to reduce Indigenous incarceration rates (*Ireland, Uruguay*) | Accepts | **Implemented - ongoing**  Aboriginal and Torres Strait Islander peoples account for 28% of the prisoner population in Australia, although they account for only 3.3% of the general population. Recent inquiries have sought to identify strategies to reduce this over-representation.  In March 2018, the ALRC completed an inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples, entitled Pathways to Justice*.* The ALRC made a number of recommendations to reduce the rate of Aboriginal and Torres Strait Islander incarceration, including in relation to bail, sentencing, access to justice, justice reinvestment and the link between high rates of Aboriginal and Torres Strait Islander children in the child protection system and adult incarceration.  Australia’s focus is on addressing the drivers that lead to Aboriginal and Torres Strait Islander people having higher rates of contact with the criminal justice system and poor community safety, including alcohol and drug misuse, child abuse and neglect, the impact of intergenerational and direct experiences of trauma, unemployment and poor educational attainment. The Australian Government is working with states and territories on justice system responses.  In 2018-19, the Australian Government provided $243 million through the Indigenous Advancement Strategy for activities to address the drivers of Indigenous incarceration. This includes funding for:   * social and emotional wellbeing support * violence reduction and victim support * crime prevention, diversion, rehabilitation and reintegration activities, and * alcohol and substance prevention and treatment activities.   Since 2007, Australia has used the Closing the Gap framework to guide and coordinate national efforts to improve the economic, health and education outcomes of Aboriginal and Torres Strait Islander peoples. The new National Agreement on Closing the Gap which came into effect on 27 July 2020 includes specific targets aimed at reducing the overrepresentation of both young people and adults in the justice system. The other targets under the new National Agreement help to address the drivers of Indigenous incarceration. See recommendations 93, 94 and 98 for more information on the new National Agreement.  The Australian Government also funds specialist legal assistance services for Aboriginal and Torres Strait Islander peoples.  Western Australia aims to reduce Aboriginal imprisonment through a range of initiatives to improve access to bail, increase flexibility for non-custodial sentences, divert low level offenders, increase access to evidence-based rehabilitation services, strengthen post-release supervision and support, and improve police training and accountability. In 2019, legislation was tabled in the Western Australian Parliament to address overrepresentation of Indigenous Australians in the justice system by changing the enforcement and recovery of fines, restricting imprisonment for non-payment of fines and introducing measures to assist people to pay fines. The legislation passed Parliament and received Royal Assent on 19 June 2020. It is expected to take full effect by October 2020. |
| **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 (*Czech Republic*) | Notes (will not consider further at this time) | Persons serving a full-time sentence of imprisonment of three years or longer are not entitled to vote in federal elections. Such persons are required to be enrolled, however they are not entitled to vote until they are released from prison. Persons serving a full-time sentence of imprisonment of less than three years are required to enrol and vote in federal elections.  The Australian Government is satisfied that the temporary suspension of the right to vote, for persons serving a sentence of three years or longer, is objective, reasonable, proportionate and non-discriminatory. |
| **207, 208** | Put equal emphasis and commitment on the realization of economic, social and cultural rights (*Portugal, South Africa*) | Accepts | **Implemented**  The Australian Government recognises the importance of ensuring that economic, social and cultural rights are enjoyed by all individuals within Australia without discrimination of any kind. The Australian Government implements programs, policies and practices to ensure this occurs, consistent with the obligation of progressive realisation. Australia has a universal healthcare system, provides free primary and secondary education to all children and maintains a comprehensive social security safety net. |
| **209** | Protect the rights of older persons and persons with disability to ensure their access to the labour market (*Angola*) | Accepts | **Implemented**  See recommendation 190 for information on employment services for people with disabilities.  The Australian Government’s mainstream employment service, jobactive, is the Australian Government’s way to help more people, including mature age job seekers and people with disabilities, into work. It connects job seekers with employers and is delivered by a network of jobactive providers in over 1700 locations across Australia. As at 31 July 2020, it provides employment services to approximately 360,295 job seekers aged 50 years and over (representing 26 per cent of the total case load) and 239,258 job seekers with disability (equating to around 17 per cent of the total caseload).  In the 2018-19 Budget, the Australian Government invested $189.7 million over four years for a range of jobs and skills measures to help mature age Australians to participate in the workforce, have flexibility in their later working years and retire with security. The measures include:   * trialling a new Skills and Training Incentive to encourage workers aged 45–70 years to enhance their skills and take advantage of new career opportunities; * the national rollout of the Career Transition Assistance program to assist Australians aged over 45 years with guidance and training to be competitive in their local jobs market; * expanding the Entrepreneurship Facilitators program to 20 additional locations to promote self-employment among older Australians; * working with industry, via a Collaborative Partnership on Mature Age Employment, to drive cultural change in hiring practices and combat age discrimination in workplaces; and * enhancing the wage subsidies, including Restart Wage Subsidies, designed to encourage employers to take on workers 50 years of age or older.   These measures build on the Mature Age Employment package in the 2017-18 Budget, which included enhancement of the National Work Experience Program to provide more work experience opportunities for mature age people, and Pathway to Work pilots in selected growth industries to prepare and train mature age job seekers.  Australia also has had a dedicated federal Age Discrimination Commissioner since 2011, established by the *Age Discrimination Act 2004* (Cth) whose functions include protecting individuals from discrimination on the basis of age in employment. |
| **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 (*Portugal*) | Accepts | **Implemented**  The Australian Government provides universal health coverage. Free access to public hospital services, and partially or completely subsidised access to medical services (through the Medical Benefits Schedule), and medications (through the Pharmaceutical Benefits Scheme), are available to all Australian residents and certain categories of visitors to Australia.  Many rural communities struggle to recruit and retain health professionals. The Australian Government has committed to a range of ongoing activities and programs to teach, train, attract, retain, and support our rural health workforce. The Australian Government announced The Stronger Rural Health Strategy in May 2018. The Strategy aims to build a sustainable, high quality health workforce that is distributed across the country according to community need, particularly in rural and remote areas. The Strategy will give doctors more opportunities to train and practice in rural and remote Australia and enable a stronger role for nurses and allied health professionals in the delivery of more multidisciplinary, team based models of care.  The Australian Government is expanding access to telehealth services, such as video-conferencing by doctors, psychologists, social workers and occupational therapists, to deliver better health care services and health outcomes for people living in rural and remote areas. Uptake of Medicare telehealth services has seen an approximately nine-fold increase between 2011 and 2018-19. States and territories also provide assistance to isolated patients for the cost of travel and accommodation to see a medical specialist.  To provide continued access to essential primary health services during the COVID-19 pandemic, the Australian Government is expanding subsidised telehealth services through the Medicare Benefits Schedule for all Australians and providing extra incentives to general practitioners and other health practitioners. Services will include GP services and some consultation services provided by other medical specialists, nurse practitioners, mental health treatment, chronic disease management, Aboriginal and Torres Strait Islander health assessments, services to people with eating disorders, pregnancy support counselling, services to patients in aged care facilities, children with autism, and after-hours consultations.  The Australian Government provided funding for the *Empowering our Communities* initiative to enable nine Primary Health Networks to plan and commission community-led initiatives to address the immediate support needs of drought-affected rural and regional communities and foster longer-term recovery and resilience.  The Australian Government’s *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-23* is designed to guide investment and effort in improving health outcomes for Aboriginal and Torres Strait Islander peoples. The Australian Government funds a national network of approximately 140 Aboriginal Community Controlled Health Services and around 40 other service providers, to deliver free at the point of access culturally competent comprehensive primary health care for Aboriginal and Torres Strait Islander people. Access to multidisciplinary health services for people living in rural and remote areas is improved through Australian Government outreach programs which deliver visiting services in areas that do not have sufficient permanent health professionals to meet local needs. |
| **212** | Adopt a National Action Plan to implement the UN Guiding Principles on Business and Human Rights (*Netherlands*) | Notes (will not be further considered) | The Australian Government believes that business and respect for human rights go hand-in-hand. Australia has supported the UN Guiding Principles on Business and Human Rights, since their inception in 2011. The Government is focusing on a number of key initiatives to implement the Guiding Principles and further business and human rights in Australia. Australia encourages businesses to apply the Guiding Principles in their operations in Australia and abroad. The Australian Government is not proceeding with a national action plan at this time. For information on business and human rights see recommendations 213 and 214. |
| **213, 214** | Begin a consultative process towards adoption of a National Plan on business and human rights / 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 (*Norway, Ecuador*) | Accepts | **Implemented - ongoing**  See Recommendation 212 regarding a national action plan to implement the UN Guiding Principles on Business and Human Rights.  Businesses operating in Australia must comply with all Australian laws, including those which implement our international human rights obligations. This includes domestic laws in relation to anti-discrimination, privacy, employment conditions and criminal offences for serious misconduct such as modern slavery and torture. These criminal offences can apply to businesses as well as individuals.  The Australian Government has implemented the *National Action Plan to Combat Human Trafficking and Slavery 2015-2019*. Under the Plan, the Government worked closely with business and civil society to address human trafficking, slavery and slavery-like practices, including in supply chains. Australia’s *Modern Slavery Act 2018*, which entered into force on 1 January 2019, promotes responsible business conduct by requiring large businesses and other entities with annual consolidated revenue of more than AU$100 million to report annually on their actions to address modern slavery, including the worst forms of child labour, in their global supply chains and operations. The Government is also supporting implementation of the Principles to Guide Government Action to Combat Human Trafficking in Global Supply Chains, which Australia launched in partnership with the government of the UK, US, Canada and New Zealand in September 2018 at the United Nations General Assembly.  Australia is also committed to a number of mechanisms which support responsible business conduct both within Australia, and internationally, including:   * International commitments to voluntary initiatives, codes of conduct and guidelines, including the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. * Reforms implemented by the Australian National Contact Point (AusNCP), the body responsible for implementing the OECD Guidelines for Multinational Enterprises, to enhance the transparency, visibility, accountability and independence of its complaint handling function. The new model is an innovative first among 48 other NCPs globally. * Co-convening the Financial Sector Commission on Modern Slavery and Human Trafficking, which aimed to strengthen the role of the global financial sector in fighting modern slavery and human trafficking. * Regional leadership, including as co-chair of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, including its business track the Bali Process Government and Business Forum. * Australia’s leadership role in Alliance 8.7, a global partnership assisting all UN Member States, UN agencies and businesses to promote joined up action to eradicate forced labour, modern slavery, human trafficking and the worst forms of child labour. * Providing funding support for the AHRC in partnership with the ASEAN Intergovernmental Commission on Human Rights (AICHR), to deliver the 2018 and 2019 AICHR interregional dialogues on Business and Human Rights. * From April 2020 to March 2021, Australia is chairing the Voluntary Principles on Security and Human Rights Initiative, which promotes principles that guide extractives companies in ensuring human rights standards are adhered to in their relationship with local communities. |
| **215, 216, 217,** | Ensuring that annual ODAs (Official Development Assistance) matches the internationally agreed level of 0.7% of the GDP /increase contribution (*Egypt, Sierra Leone, Bangladesh, Fiji*) | Notes (will not consider further at this time) | In the 2019-20 Budget, Australia will provide an estimated $4.044 billion in Official Development Assistance (0.21% of Gross National Income). The annual budget process in Australia involves balancing priorities across a range of areas. The Government is focussing on making our aid more effective. Innovative funding models, and partnerships with private sector players will help to deliver viable, sustainable aid. The Australian Government’s aid program reflects Australian values and contributes to sustainable economic growth and poverty reduction. Australia’s foreign aid focuses on private sector engagement, empowering women and girls, strong humanitarian responses, and building capacity and stability, particularly in our region. The Australian Government aims to build economic capacity for a future where poverty and the need for aid is reduced. |
| **218** | Enhance bilateral cooperation with other countries in the field of human rights especially through dialogue and technical assistance (*Viet Nam*) | Accepts | **Implemented**  Australia is a member of the Human Rights Council until 31 December 2020. Since taking up membership in 2018, Australia has engaged closely on country situations and made robust statements in response to human rights situations of concern in our region and beyond.  Human rights engagement is also an integral part of Australia’s bilateral relationships. Senator the Hon Marise Payne, Minister for Foreign Affairs and Minister for Women has instructed Australia’s Ambassadors and High Commissioners to ensure engagement on human rights issues is a core part of the fabric of our bilateral relationships.  Australia has formal Human Rights Dialogues with a number of countries, as well as more informal arrangements with many others. For example, Australia engaged in frank and constructive bilateral discussions and raised concerns on a range of human rights issues with Vietnam, the Lao PDR and the Islamic Republic of Iran. The most recent bilateral human rights dialogues with Vietnam, and Laos, were both held in Australia in August 2019.  Australia is also enhancing bilateral cooperation with other countries in the field of human rights through technical assistance funded under the Australian aid program. For example, in August 2018 the Australian Embassy in Hanoi signed an agreement with the AHRC to deliver capacity-building support in Vietnam. Australia also delivers capacity-building support through the AHRC in Lao PDR, including to help government officials understand and respond to the human rights challenges associated with COVID-19.  Australia provides an annual voluntary contribution to the Office of the High Commissioner for Human Rights (OHCHR), including to its office in Fiji. This supports the OHCHR in its work to advance the rights of women and girls and promote good governance and stronger democratic institutions, particularly in the Indo-Pacific, and to promote the human rights of indigenous peoples globally.  The Australian Government also provides funding to the Asia-Pacific Forum of National Human Rights Institutions, to provide technical assistance to countries wishing to create a national human rights institution, and capacity building for countries wishing to strengthen existing institutions. |
| **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 (*Fiji*) | Notes | Under the Paris Agreement the Australian Government has committed to reduce emissions by 26 to 28 per cent below 2005 levels by 2030. This is a significant contribution to global climate action.  On a per person basis, Australia’s commitment is among the most ambitious of developed countries, representing a halving of emissions per person and a two thirds reduction in emissions per unit of GDP.  Australia consistently meets and beats our emissions reduction targets. We are forecast to beat our Kyoto-era targets and we are committed to doing the same with our 2030 target.  Australia has a comprehensive suite of policies to meet its emissions reduction commitments, encourage innovation and to back new and emerging technologies.  The $3.5 billion Climate Solutions Package maps out how we will meet our 2030 target down to the last tonne. The latest official projections show that we are on track to meet and beat our 2030 target by 16 million tonnes.  The Government is working on Australia’s recommunication of our Nationally Determined Contribution. |
| **220, 222, 223, 224** | Legalise same-sex marriage / Open legal partnership models to all, regardless of their sexual orientation or gender identity / Revise the Marriage Act of 1961 in a way that ensures full equality with respect to the civil institution of marriage (*Iceland, Netherlands, Spain, Sweden*) | Notes | On 7 December 2017, the Australian Parliament passed the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* providing marriage equality in Australia. The Act entered into force on 9 December 2017. Marriage is now defined in the *Marriage Act 1961* (Cth) as the ‘union of 2 people to the exclusion of all others, voluntarily entered into for life’. The right to marry under Australian law is no longer determined by sex or gender. Foreign same-sex marriages are also legally recognised in Australia. Most states and territories have relationship recognition schemes for de facto couples, regardless of the sexual orientation or gender identity of the parties (similar to civil unions). |
| **221** | Ensure that states’ legislation is consistent with the amended Sex Discrimination Act 1984 (*Israel*) | Accepts | **Implemented**  The Australian Government believes that people are entitled to respect, dignity and the opportunity to participate in society and receive the protection of the law regardless of their sexual orientation, gender identity or intersex status. The *Sex Discrimination Act 1984* (Cth) prohibits discrimination on these grounds in a range of areas of public life. A review of Commonwealth laws found these laws are able to operate consistently with protections in the Sex Discrimination Act against discrimination on the grounds of sexual orientation, gender identity and intersex status.  Exemptions for Australian state and territory laws from the operation of protections under the *Sex Discrimination Act* *1984* ceased on 31 July 2016—except specific exemptions for Western Australian surrogacy and assisted reproductive technology laws which ceased on 31 July 2017. Actions taken under state and territory laws that are inconsistent with the Commonwealth Sex Discrimination Act may, in the event of a legal challenge, be found by a court to be discriminatory. |
| **225** | Provide protection to the family as the natural and the fundamental unit of the society (*Egypt*) | Notes | The Australian Government recognises that stable, loving families are a bedrock of society. |
| **226** | Review the extent and scope of laws governing secret surveillance and moderate the powers and discretion conferred on authorities in this regard (*India*) | Accepts | **Implemented**  The Australian Government has robust independent oversight of its national security and counter-terrorism laws to ensure that our laws are reasonable, necessary and proportionate. Australia’s counter-terrorism and national security laws also remain under regular review.  The *Independent National Security Legislation Monitor Act 2010* provides for the appointment of the Independent National Security Legislation Monitor (INSLM). The INSLM independently reviews the operation, effectiveness and implications of national security and counter-terrorism laws, and considers whether the laws contain appropriate protections for individual rights, remain proportionate to terrorism or national security threats, and remain necessary. The INSLM has access to all relevant material, including classified material, can compel answers to questions, and holds public and private hearings. INSLM reports are provided to the Prime Minister or the Attorney-General and are tabled promptly in Parliament.  In 2018 the Australian Government commissioned a Comprehensive Review of the Legal Framework of the National Intelligence Community (NIC), which comprises intelligence agencies and functions across the Australian Government, to ensure agencies operate under a legislative framework which is clear, coherent and contains consistent protections for Australians. Accountability and oversight of the NIC formed a key component of the review. The review presented a classified report to the Australian Government in December 2019, and will provide an unclassified version of the report in 2020.  The Commonwealth Ombudsman has broad and independent oversight powers of around 20 law enforcement agencies (including state and territory agencies) and has a mandate to review certain covert and intrusive powers to ensure agencies are using their powers as Parliament intended. Such reviewable powers include telecommunications interception, access to telecommunications data and surveillance devices. The Commonwealth Ombudsman achieves this role by conducting inspections involving auditing records and testing agencies’ processes and systems. Independent oversight of Commonwealth intelligence agencies is provided by the Inspector General of Intelligence and Security (IGIS). The IGIS conducts reviews to ensure that agencies act legally and with propriety, comply with laws and guidelines and respect human rights.  The Australian Government passed data retention legislation in 2015 which mandated that telecommunications providers retain certain subsets of data for law enforcement and national security investigations for a period of two years. This legislation is currently being reviewed by the Parliamentary Joint Committee on Intelligence and Security (PJCIS) which is due to report by 13 April 2020.  The PJCIS is considering the ongoing effectiveness of the scheme, taking into account changes in the use of technology since it was introduced. The PJCIS will also reassess the appropriateness of the dataset and the retention period, security requirements in relation to data stored under the regime, and oversight of the regime.  The Australian Government passed the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* (Assistance and Access Act) in December 2018 to address issues law enforcement agencies and intelligence agencies face in gaining lawful access to intelligible versions of communications. The legislation has been reviewed twice by the PJCIS, and is currently undergoing a third review, which is due to be finalised on 30 September 2020. In 2018, the legislation was also reviewed by the Parliamentary Joint Committee on Human Rights, the Commonwealth mechanism for assessing the human rights compatibility of legislation. The Independent National Security Legislation Monitor also reviewed the Assistance and Access Act following a referral by the PJCIS in 2019. The Independent National Security Legislation Monitor provided his report to the PJCIS on 30 June 2020. The Government will carefully consider the findings of these reviews, which will inform any amendments to the Assistance and Access Act.  States and territories also contain laws governing secret surveillance and moderation of powers. For example, Queensland has a legislative framework for surveillance devices used in Queensland. These provisions, contained in Chapter 13 of the *Police Powers and Responsibilities Act 2000* (the Act), are regularly reviewed by the Queensland Police Service, as part of the Ministerial review requirements into the operation of the Act (see section 807) and updated as necessary. The last amendments to Chapter 13 were in 2017. Legislation is thoroughly examined by parliamentary committees and is the subject of public consultation before passage. The legislation contains strong safeguards to protect the rights of Queenslanders, with further independent and external oversight from the Public Interest Monitor. Additionally, with the passage of the *Human Rights Act 2019*, Queensland Government departments, including the Queensland Police Service, have reviewed their portfolio legislation to assess its compatibility with the protected human rights. |
| **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 (*Brazil*) | Accepts | **Implemented**  The Australian Government has ensured that national security, counter-terrorism and telecommunications interception legislation are subject to strict safeguards, oversight and ongoing review. The Australian Government’s data retention regime includes safeguards, oversight and accountability mechanisms. For example, the regime includes a proportionality test to be considered when seeking the disclosure of telecommunications data. This requires authorised officers to be satisfied on reasonable grounds that the interference with an individual’s privacy is justifiable and proportionate with regard to specific factors, for example, the gravity of the conduct involved.  Data retention ensures that a specified range of telecommunications data is available for major investigations, such as cybercrime, counter‑terrorism and child exploitation offences. It prevents telecommunications providers from deleting this critical information purely because it is unnecessary for business purposes.  Industry is obliged to protect and encrypt retained data, which is also subject to the protections provided in the *Privacy Act 1988* (Cth) and Part 13 of the *Telecommunications Act 1997* (Cth).  Australia has adopted legislative measures to give effect to the right of persons not to be subjected to arbitrary or unlawful interference with their privacy, pursuant to the International Covenant on Civil and Political Rights. The *Privacy Act 1988* is principles based legislation (in line with the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data 1980). The Privacy Act protects the privacy of individuals by regulating the collection, use, disclosure and storage of personal information.  Further, the Commonwealth Ombudsman is a statutory office that has oversight on law‑enforcement agencies’ exercise of covert and intrusive powers under Australia’s Telecommunications (Access and Interception) Act 1979 and other Commonwealth legislation. The Ombudsman provides assurance to the public that agencies are using their powers as the Parliament of Australia intended and if not, holds those agencies to account.  In addition, when introducing new laws into Parliament, the Government must provide a Statement of Compatibility with Human Rights that describes how a bill or legislative instrument engages Australia’s human rights obligations. Statements of Compatibility are reviewed by the Parliamentary Joint Committee on Human Rights, within the Parliament of Australia. Reviews of new laws are also conducted by independent bodies including the Independent National Security Legislation Monitor (INSLM). The Inspector-General of Intelligence and Security reviews Australia’s intelligence agencies to ensure the agencies act legally, with propriety and respect to human rights.  The Office of the Australian Information Commissioner is the national privacy regulator and promotes and upholds individuals’ rights to have their personal information protected. |
| **228** | Ensure that an Australian cannot be deprived of citizenship other than in exceptional circumstances and within the framework of a specific legal procedure (*France*) | Accepts | **Implemented**  Dual citizens may only be deprived of their citizenship for certain conduct incompatible with the safety and shared values of the Australian community, including engaging in terrorism-related activities.  Australian citizenship is a common bond, involving reciprocal rights and obligations. Where dual citizens engage in conduct - such as terrorism - that is incompatible with the shared values of the Australian community, the person has acted inconsistently with their allegiance to Australia and the person’s citizenship may cease. A person’s Australian citizenship cannot cease if it would render the person stateless.  The *Australian Citizenship Act 2007* (the Citizenship Act) provides that the Minister may, in appropriate circumstances, decide to rescind a notice provided to an affected individual advising of the loss of their Australian citizenship and exempt the individual from the operation of the relevant section of the Act. This would result in the individual’s Australian citizenship being taken to never have ceased. An individual may also seek judicial review of the basis upon which their citizenship ceased.  Additionally, under Section 34 of the Citizenship Act, in certain circumstances the Minister can revoke Australian citizenship where a person acquired it by conferral and they have committed a serious offence against an Australian law or foreign law or have committed migration-related fraud. The structure of this revocation power means that a conviction must be secured before the Minister is empowered to consider whether or not it is in the public interest for a person to remain an Australian citizen. For revocation due to a serious offence, the relevant conviction must have taken place after making the application to become an Australian citizen and the serious offence itself must have taken place at any time before the person became an Australian citizen. Furthermore, the Minister cannot revoke a person’s Australian citizenship on the grounds of committing a serious offence if they are not a national or citizen of another country. |
| **229** | Continue increasing efforts to combat terrorism (*Tajikistan*) | Accepts | **Implemented**  The Australian Government regularly reviews legislation and capabilities to meet emerging challenges. Australia’s legislative framework contains thresholds and safeguards to ensure the powers available are proportionate, regularly reviewed, and only used where appropriate and where there is a fundamental risk to public safety.  In 2015 the COAG released Australia’s Counter-Terrorism Strategy which sets the framework for preventative activities, the response to, investigation of, and recovery from, terrorist acts and the preparations to support these activities. Australia’s National Counter-Terrorism Plan sits below and complements the Strategy, and outlines the arrangements, governance and operational responsibilities of Australian governments and agencies engaged in countering terrorism.  At a special meeting of the COAG on counter-terrorism on 5 October 2017, Australian leaders agreed to a package of legislative and practical measures to further strengthen a nationally consistent approach to countering the evolving terrorism threat. Such measures included:   * improving interoperability between jurisdictions by signing an updated Intergovernmental Agreement of National Counter-Terrorism Agreements and noting a strengthened National Counter-Terrorism Plan; * amending legislation to allow intervention at the early stages of preparations for a terrorist act and enhancing the pre-charge detention regime under Part 1C of the *Crimes Act 1914*. * pursuing a national approach to assessing and managing threats and improving information sharing to prevent radicalisation and violent extremism.   To remain responsive to evolving threats and changing environments, the Australian Parliament has passed 19 tranches of national security legislation through the Parliament of Australia since 2014. This is the most significant program of national security legislation reform since September 2001.  Terrorism is a global challenge, and the Australian Government works closely with our international partners in the region and beyond. This includes bilateral and multilateral engagement, supporting a range of capability-development and capacity-building activities across the globe and particularly in the Indo-Pacific Region. |
| **230, 231, 232, 233** | 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 / Develop a National Plan to combat trafficking in humans beings and protect its victims / 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 / Continue to take comprehensive measures to effectively fight against human trafficking and stamp out the associated phenomenon of contemporary forms of slavery (*Lithuania, Russian Federation, Slovakia, China*) | Accepts | **Implemented**  The Australian Government’s comprehensive, whole-of-government strategy to combat human trafficking and slavery has been in place since 2004 and is founded on four central pillars including prevention and deterrence, detection and investigation, prosecution and compliance and victim support and protection. Together, the measures under the four pillars address the full cycle of human trafficking and slavery from recruitment to reintegration and give equal weight to the critical areas of prevention, enforcement and victim support. Each pillar is informed by the overarching consideration of the rights and needs of trafficked people, ensuring all stages of the Australian Government’s response to human trafficking and slavery are focused on the needs of victims.  The implementation of this strategy is overseen by the Interdepartmental Committee on Human Trafficking and Slavery (IDC) under Australia’s *National Action Plan to Combat Human Trafficking and Slavery 2015-19*. The IDC is responsible for reporting to the Australian Government on the effectiveness of the strategy, and ensuring that emerging issues are addressed on a whole-of-government basis.  Australia provides a comprehensive range of support services for suspected victims of human trafficking and slavery-related offences through the Australian Government’s Support for Trafficked People Program.  Australia’s *Modern Slavery Act 2018* (Cth), which entered into force on 1 January 2019, promotes responsible business conduct by requiring large businesses and other entities with annual consolidated revenue of more than AU$100 million to report annually on their actions to address modern slavery, including the worst forms of child labour, in their global supply chains and operations. This legislation will assist the business community in Australia to take proactive and effective actions to address modern slavery. In a world-first, the legislation also requires the Australian Government to publish an annual Commonwealth statement on its own efforts to combat modern slavery risks in government procurement and investments. The first annual statement is required to be published by December 2020. To support implementation of the Act, the Australian Government has established a Modern Slavery Business Engagement Unit, which works closely with businesses and civil society to support compliance with the Act, including by providing advice to over 500 reporting entities since January 2019. The Government tabled its first report to Parliament on its efforts to implement the Act on 18 June 2020.  The Australian Government has comprehensively criminalised human trafficking, slavery and slavery-like practices, including forced labour and forced marriage, under the *Criminal Code Act 1995* (Cth). Penalties for these offences range from four years’ imprisonment for debt bondage, to 25 years’ imprisonment for slavery and trafficking in children. Australia continues to monitor the implementation and effectiveness of our legislative framework, which is a key area of focus under the National Action Plan.  The *Crimes Act 1914* (Cth) provides a range of protections for vulnerable witnesses giving evidence in federal criminal proceedings, including victims of human trafficking and slavery. These protective measures are intended to ensure that vulnerable witnesses are able to give effective evidence to the court, including by minimising intimidation, additional trauma, fear for their personal safety and undue public embarrassment.  Australia has developed and implemented its *National Action Plan to Combat Human Trafficking, Slavery and Slavery‑like Practices 2015-19.* In December 2019, the Australian Government announced it was developing a new five-year *National Action Plan to Combat Modern Slavery 2021-25* and has conducted an extensive public consultation process to inform its development. |
| **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 (*Portugal*) | Notes | The Australian Government operates a generous Humanitarian Program, and ensures, under policy settings, that refugee and humanitarian applicants are not excluded from the program due to a health condition or disability. Australia’s offshore Humanitarian Program has a strong focus on providing resettlement for vulnerable women and children. For 2019-20, the Australian Government has set a target of 20 percent of offshore places for this group, up from 15 percent in 2018-19 and 10 percent in 2017-18. In 2018-19, almost 40 percent of humanitarian visas were granted to people aged 0 to 17 years old. This age group has been granted the greatest proportion of humanitarian visas in each year from 2013-14 to 2018-19.  The Australian Government funds the Humanitarian Settlement Program to provide initial settlement support to people, including children and their families, who arrive under the Humanitarian Program. Service providers develop an individualised case management plan for each client receiving services, including youth and children.  In addition, humanitarian, refugee and Protection visa holders have access to Australia’s healthcare scheme, Medicare, and its public health system. Holders of these visas also have access to support that includes work rights, employment services, other health services including the Program of Assistance for Survivors of Torture and Trauma, income support, translating and interpreting services, complex case support and access to education for school-aged children.  Certain children who arrived in Australia without a parent or legal guardian, and who have been granted a visa under Australia’s offshore Humanitarian Program, or granted a Protection visa in Australia, may be eligible to receive accommodation and support services under the Unaccompanied Humanitarian Minors Program until they turn 18. The Program services facilitate access to health services as required, and include a focus on establishing and maintaining engagement with education and training. |
| **236** | Protect the rights of Migrants and eliminate unfair treatment of migrant workers, and ensure their integration in to society (*Pakistan*) | Accepts | **Implemented**  The Australian Government protects the human rights of all migrants and temporary entrants under existing domestic and international law, including the human rights and labour conventions to which Australia is a party. The Australian Government has considered the ICMRW and is not intending to become a party at this time.The Australian Government regards the combination of strong domestic and international protections already in place to be sufficient.  The Australian Government works to improve the lifetime wellbeing of migrants and refugees settling in Australia by responding to their specific needs, encouraging their independence and participation in the Australian community.  The Australian Government’s settlement programs are based on the principles of early intervention, needs-based services and fostering social and economic participation. These programs have a strong emphasis on supporting pathways to employment, education and English language training, as positive factors in supporting access to work and participation in society.  The Australian Government funds the Humanitarian Settlement Program to provide initial settlement support to people who arrive under the Humanitarian Program.  In addition, humanitarian and refugee visa holders have access to Australia’s healthcare scheme, Medicare, and its public health system. Holders of these visas also have access to support that includes work rights, employment services, other health services including the Program of Assistance for Survivors of Torture and Trauma, income support, translating and interpreting services, complex case support and access to education for school-aged children.  Under Australian law, migrant workers are afforded the same protections as all other workers in Australia, including under the National Employment Standards.  Other programs that assist migrants to participate in Australian society include:   * The Strong and Resilient Communities (SARC) grants program which focuses on strengthening the capacity of communities experiencing disadvantage to become more resilient and inclusive through greater community engagement, participation and belonging in the local communities. * The Try, Test and Learn fund, which consists of a number of projects aimed at improving the employment outcomes of migrants and refugees. This includes projects that, for example, prepare migrant and refugee women for work in aged-care and disability-care sectors, as well as programs that provide vulnerable migrants and refugees with mentoring, work-readiness and work experience to build their skills and capabilities. |
| **239-241, 243, 244, 247, 249-253, 265, 266, 269, 271** | Take adequate steps to promote and protect the rights of asylum seekers, refugees and migrants / Further promote the safety and living conditions of migrants, refugees and asylum seekers arriving in Australia / Closely cooperate with the UNHCR and other relevant organizations to provide more adequate protection and proper treatment of asylum seekers and refugees / Improve conditions of reception and detention of refugees and migrants in accordance with international standards / Treat appropriately all the refugees, migrants and asylum seekers who have reached the Australian shores, to effectively safeguard their human rights / Ensure refugee/asylum-seekers get their rights / Review current immigration policies so to improve the rights of refugees and asylum seekers / Review legislation on migration and refugee status / Make every effort to guarantee the human rights of asylum seekers, bearing in mind international obligations / 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 / Ensure that Australia lives up to its international obligations regarding asylum seekers and refugees / Ensure that conditions of detention are in line with international norms and standards in particular the detention of migrants and asylum seekers / Take practical measures to cease the maltreatment of and violence against the refugees, including sexual violence by the officials in detention centres / 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 / 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 (*India, Greece, Republic of Korea, Uzbekistan, China, Pakistan, Djibouti, Mexico, Holy See, Indonesia, Rwanda, Rwanda, Democratic People’s Republic of Korea, Ghana, Sweden*) | Accepts | **Implemented - ongoing**  The Australian Government is committed to a managed and equitable system of migration, consistent with our international obligations and respect for the human rights of migrants, refugees and asylum seekers. Australia respects and complies with its *non‑refoulement* obligations.  Australia is committed to meeting its international protection obligations where engaged under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol, and other relevant conventions, particularly the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Australia further recognises the valuable contribution that refugees and migrants have provided, and continue to provide, to Australian society, culture and prosperity.  Australia engages actively with domestic and international organisations, including the UNHCR, the International Organization for Migration, and civil society organisations on a range of migration related matters. The Australian Government’s engagement, through a combination of high-level and informal consultations, allows Australia to engage with these stakeholders on issues of concern, and work with them to pursue shared objectives. Australia considers all recommendations made by the UN human rights treaty bodies, the UNHCR and Special Procedures.  The Australian Government has well managed and targeted immigration programs that are designed to meet our social and economic needs.  Australia is one of 30 countries that offer permanent resettlement places to people in humanitarian need in a managed and planned annual program. Australia consistently ranks among the top three countries that resettle refugees in the world. The Australian Government determines the relative size and composition of the refugee intake under Australia’s Humanitarian Program each year. This takes into account advice from relevant government agencies, UNHCR’s advice on global resettlement needs and views of civil society and community stakeholders provided through an annual consultation process.  The Australian Government operates a generous Humanitarian Program, including providing assisted passage, medical and related services for refugee entrants. Under this program refugee and humanitarian applicants are not excluded due to a health condition or disability. Australia’s offshore Humanitarian Program has a strong focus on providing resettlement for vulnerable women and children For 2019-20, the Australian Government has set a target of 20 percent of offshore places for this group, up from 15 percent in 2018-19 and 10 percent in 2017-18. In 2018-19, almost 40 percent of humanitarian visas were granted to people aged 0 to 17 years old. This age group has been granted the greatest proportion of humanitarian visas in each year from 2013-14 to 2018-19.  Humanitarian, refugee and Protection visa holders have access to Australia’s healthcare scheme, Medicare, and its public health system. Holders of these visas also have access to support that includes work rights, employment services, other health services including the Program of Assistance for Survivors of Torture and Trauma, income support, translating and interpreting services, complex case support and access to education for school-aged children. See recommendation 235 for information regarding access to healthcare and education for children and young people under the Humanitarian Settlement Program.  All asylum seekers who lodge a valid protection visa application in Australia have their claims assessed in a thorough process undertaken by decision makers trained in refugee law and conducted in accordance with procedural fairness requirements. Asylum seekers also have a right, constitutionally enshrined, to seek judicial review of migration decisions.  The majority of people coming to Australia comply with Australia’s migration laws. A very small percentage are detained in an immigration detention facility, if they are reasonably suspected of being an unlawful non-citizen. The Australian Government treats all people in detention with respect, dignity and fairness.  The Australian Government is committed to limiting the detention of children to circumstances of last resort and for the shortest possible period. This principle of last resort is not formally codified, other than in respect of minors in section 4AA of the *Migration Act 1958* (Cth). See recommendation 245.  Under the Migration Act, immigration detention is not limited by a prescribed timeframe but ends when the person is granted a visa or is removed from Australia. People in immigration detention may seek judicial review of the lawfulness of their detention, and request or refuse consular access or legal representation at any time.  Detainees who are unsatisfied with the conditions in immigration detention can raise concerns in person with Australian Border Force officers and service provider staff, or in writing or by telephone with the Department of Home Affairs or external scrutiny bodies.  Once all domestic remedies are exhausted, individuals may also submit a complaint to relevant United Nation bodies such as the UN Committee against Torture or the UN Human Rights Committee.  People in immigration detention are accommodated in facilities most appropriate to their needs, circumstances and risk. Services, including mental health services, are developed to suit each individual’s needs. The Australian Government is committed to respecting and upholding the inherent dignity of every person in immigration detention.  The Australian Government is committed to ensuring detainees in immigration detention are provided with high quality services commensurate to Australian standards and that the conditions in immigration detention are humane and respect the inherent dignity of the person. For information about oversight of immigration detention facilities, see recommendation 254.  Australia plays a leading role in our region to manage irregular migration and to combat transnational crime, including people smuggling and human trafficking.  The Australian Government remains committed to efforts that strengthen regional frameworks on irregular migration and human trafficking, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.  Australia provides ongoing support—through the International Organization for Migration and the UN Refugee agency (UNHCR)—in relation to the reception and processing of irregular migrants in the region. |
| **242** | Take under consideration making Australia's migration and humanitarian policies more flexible with a view to a larger reception of migrants and refugees (*Peru*) | Accepts | **Implemented**  The Australian Government has well managed and targeted immigration programs that are designed to meet our social and economic needs. The Australian Government’s permanent migration program planning levels are determined on an annual basis and when setting the size and composition of the programme, a wide range of factors are considered including stakeholder views, long-term social, demographic and economic trends as well as the family reunion needs of Australians. The Australian Government is committed to balancing migration against the needs of the labour market and the capacity of the natural and built environments, to ensure the migration settings are sustainable.  Australia is one of 30 countries that offer permanent resettlement places to people in humanitarian need in a managed and planned annual program. Australia consistently ranks among the top three countries that resettle refugees in the world. The Australian Government determines the relative size and composition of the refugee intake under Australia’s Humanitarian Programme each year. This takes into account advice from relevant government agencies, UNHCR’s advice on global resettlement needs and views of civil society and community stakeholders provided through an annual consultation process.  In September 2015, the Australian Government also committed to resettling an additional 12,000 people displaced by conflicts in Syria and Iraq, with a focus on vulnerable people and persecuted minorities. As of 21 March 2017, all visas were granted towards the 12,000 additional places.  The Australian Government has announced a ceiling of 13,750 places for the Humanitarian Program in 2020-21, a reduction from the target of 18,750 places over the past two years. The reduction reflects the Government’s commitment to ensuring the best possible settlement support for new and recent humanitarian entrants during the COVID-19 economic downturn as well as a focus on migration to support economic recovery and job creation. Australia remains committed to maintaining a generous commitment to refugee resettlement, and despite the reduction will rank as the fourth highest resettlement country in the world in 2020, based on current commitments The grant of offshore humanitarian visas was largely de-prioritised in March 2020 as part of the Government’s efforts to limit the entry and spread of COVID-19. As a consequence, the 2019-20 Program was not fully delivered. |
| **245, 246, 248, 255-259, 261, 264** | Review its immigration laws and policies and ensure compliance with its international obligations, especially regarding the rights of children / Ensure all children of asylum seekers are protected / Ensure that no child is detained on the basis of his/her immigration status / Remove children and their families and other individuals at risk, in particular survivors of torture and trauma, from immigration detention centres / Cease the detention of children in immigration detention centres / Immediately end the mandatory detention of migrant children and ensure that the best interests of the children are respected / Develop alternative solutions to mandatory detention of asylum seekers, particularly in the case of children / Immediately halt mandatory detention of asylum seeker children / 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 (*Fiji, Italy, Maldives, Luxembourg, Germany, Maldives, Slovenia, France, Honduras*) | Accepts | **Implemented - ongoing**  See Recommendation 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271 for information of support for migrants, asylum seekers and refugees and immigration detention.  The principle that a minor should only be detained in immigration detention as a measure of last resort is prescribed in Australian law, specifically section 4AA of the Migration Act. It remains the Australian Government’s position that children are not held in immigration detention centres. In the event that a child is detained, they are accommodated in alternative places of detention, such as immigration residential housing precincts designed for families, or in the community under a residence determination. Australia routinely prioritises unaccompanied minors and family groups with minor children for consideration of a community placement. This means that vulnerable non-citizens may be able to reside in the community either under residence determination arrangements (community detention) or on a bridging visa while they resolve their immigration status. Detention of children must be only a measure of last resort.  Health care and education services for children are comparable to those available to the Australian community, under the Australian public health and education systems.  All school-age children, regardless of their immigration status, disability or learning needs, are provided access to education commensurate with Australian community standards and relevant legislation for the state or territory in which they are accommodated while their immigration status is being resolved. This includes children in immigration detention, community detention and children who are on bridging visas while their immigration status is being resolved. All school-age children will start school in accordance with the school-age mandated by the relevant state or territory.  The Unaccompanied Humanitarian Minor Program facilitates care and welfare services to children and young people under 18 years of age who arrived in Australia without a parent or legal guardian, and who have been granted a visa under Australia's offshore Humanitarian Program, or granted a Protection visa in Australia.  In July 2019, the Department of Home Affairs updated its Child Safeguarding Framework, which outlines the principles, policies and procedures to safeguard the wellbeing of children receiving immigration services and incorporates the requirements of the Commonwealth Child Safe Framework.  The Australian Government takes the care and wellbeing of vulnerable people in immigration detention seriously. Some detainees may be in more vulnerable circumstances than others such as people who are frail, elderly, people who have complex health needs including mental health or where they have a history of torture, trauma or have been subject to people trafficking or domestic or family violence. People in immigration detention are accommodated in facilities most appropriate to their risk, circumstances and needs. Any detainee who discloses a history of torture and/or trauma is offered referral to specialist torture and trauma counselling.  Australia will continue to develop and enhance its policies and procedures to support the protection of children in immigration pathways, promote their welfare, and treat their best interests as a primary consideration. |
| **254** | Continue to ensure transparency and accountability in all procedures related to its treatment of refugees and asylum seekers (*Japan*) | Accepts | **Implemented**  Australia recognises the important and positive role of scrutiny bodies in providing independent oversight of the Australian Government’s immigration detention system and values the formal and informal engagement with civil society and the international community on asylum, refugee and migration matters.  The Australian Government’s immigration detention system is under independent scrutiny by a range of bodies, including the Office of the Commonwealth Ombudsman, Australian Human Rights Commission, the Australian Red Cross and international human rights organisations including the Office of the United Nations High Commissioner for Refugees, and [Office of the United Nations High Commissioner for Human Rights](http://www.ohchr.org/). Independent scrutiny reports about immigration detention facilities and practices are treated seriously and all recommendations are considered.  Independent oversight of immigration detention facilities also fall within the mandate of the Working Group on Arbitrary Detention (WGAD) and the Subcommittee on the Prevention of Torture (SPT). Australia was due to support a visit by representatives of the SPT and the WGAD in the first half of 2020, which were unfortunately delayed due to the COVID-19 pandemic. The SPT visit was triggered by Australia’s ratification of the OPCAT on 21 December 2017. See recommendations 1-29 for further information on OPCAT ratification and implementation.  The Australian Government’s case management practices ensure that any person who is detained understands the reason for their immigration detention and the choices and pathways which may be available to them, including choosing to return home or deciding whether to pursue legal remedies.  All asylum seekers have their claims assessed through a thorough process undertaken by decision makers trained in refugee law and conducted in accordance with procedural fairness requirements. They are provided with detailed written reasons for any decision to refuse a protection visa. The vast majority of asylum seekers have access to independent merits review of decisions to refuse visa applications by the Administrative Appeals Tribunal or, in certain circumstances, by the Immigration Assessment Authority. Asylum seekers also have a constitutionally enshrined right to seek judicial review of migration decisions. People in immigration detention may seek judicial review of the lawfulness of their detention, and request or refuse consular access or legal representation at any time. |
| **260, 262, 263** | Repeal provisions which establish compulsory detention for those who enter the country in an irregular manner / Repeal the provisions establishing the mandatory detention of persons entering its territory irregularly / 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 (*Guatemala, Bangladesh, Slovenia*) | Notes (will not consider further at this time) | The Australian Government considers immigration detention an essential component of effective border control. The Australian Government’s strong border protection policies have increased public confidence, enabling Australia to have one of the world’s most generous humanitarian programs.  See Recommendations 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271 for information on immigration detention. |
| **267** | Allow human rights organisations full access to detention centres (*Maldives*) | Accepts | **Implemented**  See Recommendation 254.  Due to the COVID pandemic, external scrutiny bodies have shifted, in the main, to remote immigration detention monitoring in lieu of physical site visits. The Department continues to provide access to information to support external scrutiny bodies to fulfil their legislated oversight role or humanitarian observer role. |
| **268** | Allow access to independent observers to centres of detention of migrants which are outside of the Australian territory (*Spain*) | Notes (will not consider further at this time) | Regional processing arrangements and individuals under those arrangements are the responsibility of the Governments of Nauru and Papua New Guinea (PNG). Australia does not have effective control over conduct in regional processing centres. Recommendations should be addressed to those respective governments. Further, no transferees under regional processing arrangements in Nauru and PNG are in detention. Regional Processing arrangements in Manus Province, PNG, have ended and all transferees now reside in the PNG community in Port Moresby. All transferees in Nauru are in community-based accommodation and are free to move around on the island without restriction. Notwithstanding, Australia works closely with the Government of Nauru and PNG to support independent scrutiny from a number of bodies, including the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, the [United Nations High Commissioner for Human Rights](http://www.ohchr.org/) and the Australian Commonwealth Ombudsman. Additionally, regional processing arrangements have been the subject of various Australian parliamentary inquiries and independent reviews. |
| **270** | Ensure that asylum seekers claims are processed in accordance with the UN Refugee Convention and that detention occurs only when necessary, for a minimal period, and that access to judicial oversight of detention is ensured (*Norway*) | Notes | See recommendations 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271. |
| **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 (*Switzerland*) | Notes (will not consider further at this time) | See recommendation 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271 for information on immigration detention.. |
| **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 (*Italy*) | Accepts | **Implemented**  The Australian Government is committed to protecting the community from non-citizens who pose an unacceptable risk to our safety.  Entering or remaining in Australia is a privilege, and it is expected that non-citizens are, and have been, law-abiding and satisfy the character requirement as set out in Section 501 of the *Migration Act 1958* (the Act).  When a person does not pass the character test, the Minister or his delegate will decide whether or not to refuse the application or sponsorship, or to cancel their visa. In doing so, the delegate takes into account the expectations and safety of the Australian community, as well as the non-citizen’s personal circumstances which may include consideration of non-refoulement obligations, links to the Australian community including length of residence, best interests of minor children in Australia who may be affected by the decision and extent of any impediments that the non-citizen may face if removed. Additionally, prior to a non-citizen’s removal, a removal availability assessment and other clearance processes are undertaken to ensure Australia acts in accordance with international obligations. If these pre-removal processes were to identify refoulement concerns, the person would not be available for removal while other status resolution options, including grant of a visa through ministerial intervention, are explored. The Australian Government is committed to upholding its non-refoulement obligations and not removing anyone in breach of those obligations.  In particular circumstances, non-citizens may seek merits review of a character-related visa refusal or cancellation decision through the Administrative Appeals Tribunals (AAT). Merits review involves taking a fresh look at the facts, law and policy relating to that visa decision. In doing so, the AAT takes into account the expectations and safety of the Australian community, as well as the non-citizen’s personal circumstances. The Act determines which decisions are reviewable and in which division of the tribunal they are heard. Decisions made personally by the Minister are not merits reviewable. All decisions to refuse or cancel a visa on character grounds can be reviewed by a court. |
| **274, 275** | 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 / Closely monitor the processing of refugees and asylum seekers in offshore centres to ensure that their human rights are respected (*Uruguay, United States of America*) | Notes | Under respective arrangements with the Australian Government, the Governments of Nauru and PNG have committed to treating asylum seekers with dignity and respect and in accordance with relevant human rights standards. Nauru and PNG have further provided assurances in relation to the assessment of transferees’ protection claims and compliance with non‑refoulementobligations. Both countries are also signatories or parties to a number of international human rights treaties, including the Convention relating to the Status of Refugees and the International Covenant on Civil and Political Rights.  No transferees under regional processing arrangements in Nauru and PNG are in detention. Regional Processing arrangements in Manus Province, PNG, have ended and transferees now reside in the PNG community in Port Moresby. All transferees in Nauru are in community-based accommodation and are free to move around Nauru without restriction.  Regional processing arrangements in Nauru and PNG and the individuals under those arrangements are the responsibility of the Governments of Nauru and PNG. The Governments of Nauru and PNG are responsible for assessment of protection claims for people transferred to those countries under regional processing arrangements. Any related processes, including access to legal assistance, are a matter for the respective sovereign countries.  In Australia, all asylum seekers who lodge a valid protection visa application have their claims assessed through a thorough process undertaken by decision makers trained in refugee law and conducted in accordance with procedural fairness requirements. They are provided with detailed written reasons for any decision to refuse a protection visa. The vast majority of asylum seekers have access to independent merits review of decisions to refuse visa applications by the Administrative Appeals Tribunal or, in certain circumstances, by the Immigration Assessment Authority. Asylum seekers also have a right, constitutionally enshrined, to seek judicial review of migration decisions on points of law.  People in immigration detention may also seek judicial review of the lawfulness of their detention, and request or refuse consular access or legal representation at any time. Legal assistance programs are in place for particular cohorts of vulnerable migrants such as unaccompanied minors. |
| **276, 279, 280** | Immediately close the Nauru and Manus Island detention centres / Stop the offshore processing of asylum requests / 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 centres comply with international law and standards (*Maldives, Luxembourg, Slovenia*) | Notes (will not consider further at this time) | The Australian Government remains committed to its strong border protection policies – including the policy that people who come to Australia illegally by boat will not settle in Australia. These policies have enabled us to secure our borders. Australia implements these policies in compliance with our international obligations.  The Australian Government cooperates with our regional partners to resolve the shared challenge of people smuggling and irregular migration. Regional processing, among other policies, has reduced illegal maritime travel to our region and prevented people from risking their lives at sea.  See Recommendations 274, 275. |
| **277, 281, 290** | 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 / 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 / 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 (*Kenya, Germany, Turkey*) | Notes | See Recommendation 274, 275.  The safety of unauthorised maritime arrivals and crew aboard intercepted suspected illegal entry vessels is of paramount consideration to Australia. Operation Sovereign Borders operates in compliance with all domestic and international law obligations in the regulation of people smuggling vessels and unauthorised maritime arrivals, including international human rights law, refugee law and the law of the sea, as applicable. Returns are conducted in observance of these obligations and undertaken when it is safe to do so.  Australia is also playing a leading role in our region to manage irregular migration and to combat transnational crime, including people smuggling and human trafficking.  Regional processing arrangements and individuals under those arrangement are the responsibility of respective regional processing countries. A pre-transfer assessment is conducted for every unauthorised maritime arrival prior to transfer to a regional processing country to identify whether there are any obstacles to transfer. If obstacles exist, a transfer may be delayed or the case may be referred to the Minister for exercise of his public interest exemption powers. |
| **278** | In line with its tradition as a resettlement country, reverse its policies of mandatory detention and offshore processing (*Brazil*) | Notes (will not consider further at this time) | The Australian Government, working with the Government of Nauru and PNG, is focused on resolving the current regional processing caseload through resettlement, returns and removal. Positive outflow continues through resettlement to the United States, with high rates of engagement from eligible refugees. Processes are in place to support Nauru and PNG identify durable migration solutions for all transferees, regardless of status.  The Australian Government remains committed to regional processing policy settings and intends to establish an enduring regional processing capability to deter future potential illegal immigrants from embarking on people smuggling ventures. Australia’s response to people smuggling remains firm; there is “Zero Chance” of settling in Australia if you enter by illegal maritime venture.  See recommendation 274, 275. |
| **282, 283** | Ensure the full respect of the non-refoulement obligations, with regard to all asylum seekers / Respect fully the principle of non-refoulement enshrined in the Convention relating to the Status of Refugees (*Slovenia, Switzerland*) | Accepts | **Implemented**  See Recommendation 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271; 274, 275; and 277, 281, 290. |
| **284, 285, 286, 287, 288, 289** | End the practice of interception and return of asylum seekers, in conformity with international refugee law and international human rights law / 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 / 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 (*Argentina, Spain, Guatemala, Nigeria, Bangladesh, Bahrain*) | Notes (will not consider further at this time) | See Recommendation 239-241, 243, 244, 247, 249-253, 265, 266, 269, 271; 274, 275; and 277, 281, 290.  The Australian Government remains committed to its strong border protection policies. These policies have enabled us to secure our borders. Australia implements these policies in compliance with our international obligations.  Addressing irregular migration, through secure borders, is essential in creating confidence that the Australian Government can mitigate risks, provide generous humanitarian assistance to vulnerable persons most in need, and support a wide range of migration pathways.  The safety of unauthorised maritime arrivals and crew aboard intercepted suspected illegal entry vessels is of paramount consideration to Australia. Operation Sovereign Borders operates in compliance with all domestic and international law obligations in the regulation of people smuggling vessels and unauthorised maritime arrivals, including international human rights law, refugee law and the law of the sea, as applicable. Returns are conducted in observance of these obligations and undertaken when it is safe to do so.  A critical element of the Australian Government’s policies is sending a clear message that people smugglers cannot sell a path to Australia. If people attempt to reach Australia by boat without a visa, they will be safely returned, or transferred to a regional processing country for protection claims assessment by that country. |