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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-seventh session**  
18–29 January 2021

## **Compilation on Australia**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1 2</sup>**

2. The Committee on the Elimination of Discrimination against Women welcomed the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>3</sup> and the Paris Agreement.<sup>4</sup>

3. Human rights mechanisms recommended that Australia ratify the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>5</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Their Families,<sup>6</sup> the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,<sup>7</sup> the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,<sup>8</sup> and the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169),<sup>9</sup> Migration for Employment Convention (Revised), 1949 (No. 97),<sup>10</sup> and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).<sup>11</sup>

4. Human rights mechanisms also recommended withdrawing the reservations to articles 10 (2), 14 (6) and 20 of the International Covenant on Civil and Political Rights,<sup>12</sup> article 37 (c) of the Convention on the Rights of the Child,<sup>13</sup> article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>14</sup> article 11 (2) of the Convention on the Elimination of All Forms of Discrimination against Women,<sup>15</sup> and the interpretative declarations on articles 12, 17 and 18 of the Convention on the Rights of Persons with Disabilities.<sup>16</sup>

5. In 2019, the United Nations High Commissioner for Human Rights visited Australia.<sup>17</sup> She expressed hope that through a national conversation, Australia would have the



opportunity to define a human rights agenda over the next 5 to 10 years and beyond.<sup>18</sup> She reflected on rapid and challenging changes, where human rights laws and principles could help to guide policymakers to the best solutions.<sup>19</sup>

6. Australia made annual financial contributions to OHCHR.<sup>20</sup>

### **III. National human rights framework<sup>21</sup>**

7. The Special Rapporteur on the human rights of migrants recommended considering the adoption of a constitutional guarantee of human rights, a bill of rights, or a legislative guarantee of human rights – a human rights act – with a clause of precedence over all other legislation.<sup>22</sup>

8. The Special Rapporteur on the situation of human rights defenders stated that the Australian Human Rights Commission and its president had been undermined and targeted by senior public officials.<sup>23</sup> The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted that the Commission's budget had been reduced.<sup>24</sup> The Special Rapporteur on human rights defenders added that the budget cuts were amplified by the assigning of extra functions to the Commission without an adequate budget allocation.<sup>25</sup> Two treaty bodies made similar observations.

9. The Committee on the Elimination of Racial Discrimination called on Australia to reinforce the support, including financial support, provided to the Commission with a view to enabling it to discharge its functions more effectively.<sup>26</sup> The Special Rapporteur on human rights defenders recommended initiating an inquiry into the attempts by public officials to intimidate and undermine the Commission.<sup>27</sup>

10. Three Committees noted the establishment of a standing national human rights mechanism to strengthen engagement with human rights reporting.<sup>28</sup> The Committee on the Rights of the Child emphasized that the mechanism should be adequately supported by dedicated staff to enable it to engage with international human rights mechanisms.<sup>29</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>30</sup>**

11. The Special Rapporteur on racism stated that the Constitution provided no protection against racial discrimination.<sup>31</sup> The Committee on the Elimination of Racial Discrimination noted the inconsistency of anti-discrimination legislation across states.<sup>32</sup> The Human Rights Committee recommended the consolidation of existing non-discrimination provisions in a comprehensive federal law to ensure effective protection against all forms of discrimination on all the prohibited grounds and access to effective remedies for all victims of discrimination.<sup>33</sup>

12. The Human Rights Committee was concerned about reports of discrimination on the basis of ethnic, racial, cultural or religious background, with migrants from African countries being particularly targeted.<sup>34</sup> The Special Rapporteur on the rights of indigenous peoples found disturbing the numerous reports on the prevalence of racism against Aboriginal and Torres Strait Islander peoples.<sup>35</sup> The Committee on the Elimination of Racial Discrimination was concerned that expressions of racism, racial discrimination and xenophobia, including in the public sphere, in political debates and in the media, were on the rise.<sup>36</sup>

13. In 2018, the Committee on the Elimination of Discrimination against Women welcomed the 2017 amendments to the Marriage Act 1961, guaranteeing the right to marry for all couples, regardless of gender.<sup>37</sup>

14. The Human Rights Committee was concerned that infants and children born with intersex variations were sometimes subjected to invasive medical interventions for purposes

of gender assignment, often based on stereotyped gender roles and performed before the children concerned could provide informed and free consent.<sup>38</sup> The Committee on the Rights of Persons with Disabilities urged Australia to adopt legal provisions prohibiting such medical interventions on intersex children before they reached the legal age of consent.<sup>39</sup>

15. The Human Rights Committee recommended removing surgery and marital status requirements for sex change on birth, death and marriage certificates, taking into account the Committee's Views in communication No. 2172/2012, *G. v. Australia*.<sup>40</sup>

## **2. Development, the environment, and business and human rights<sup>41</sup>**

16. The Committee on Economic, Social and Cultural Rights recommended that the country increase its official development assistance to achieve the international commitment of 0.7 per cent of its gross national income.<sup>42</sup>

17. The Committee on the Rights of the Child was concerned that Australia had made insufficient progress on the goals and targets set out in the Paris Agreement and about its continuing investment in extractive industries.<sup>43</sup> The Committee on Economic, Social and Cultural Rights was concerned about the increase of carbon dioxide emissions and the country's support to new coal mines and coal-fired power stations.<sup>44</sup> The Committee on the Rights of the Child urged Australia to reduce its emissions of greenhouse gases, by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy.<sup>45</sup>

18. The Special Rapporteur on human rights defenders recommended ensuring, prior to the approval of large-scale projects, that environmental impact assessments were prepared in full transparency and with the meaningful participation of affected communities.<sup>46</sup>

19. The Committee on Economic, Social and Cultural Rights recommended establishing a regulatory framework for companies operating in Australia to ensure that their activities did not negatively affect the enjoyment of human rights; ensuring the legal liability of companies based in or managed from Australia regarding violations of those rights by their activities abroad or resulting from activities of their subsidiaries or business partners; and ensuring that private companies complied with their human rights obligations.<sup>47</sup> The Committee on the Elimination of Discrimination against Women recommended developing a national action plan on business and human rights.<sup>48</sup>

## **3. Human rights and counter-terrorism<sup>49</sup>**

20. The Committee on the Rights of the Child urged Australia to revoke the 2015 amendments to the Citizenship Act allowing for children to lose their Australian citizenship if they engaged in or were convicted of certain foreign fighting or terrorism-related conduct.<sup>50</sup>

21. The Human Rights Committee was concerned about the necessity and proportionality of certain counter-terrorism powers, including control orders, stop, search and seizure powers, preventive and post-sentence detention order regimes, and revocation of citizenship.<sup>51</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>52</sup>**

22. The Committee on Economic, Social and Cultural Rights was concerned that persons with disabilities who were deemed unfit to stand trial might be subject to indefinite detention without being convicted of a crime.<sup>53</sup> The Committee on the Rights of Persons with Disabilities was concerned about legislation, policies and practices that resulted in the arbitrary and indefinite detention of persons with disabilities.<sup>54</sup> It urged Australia to repeal any law or policy and cease any practice that enabled the deprivation of liberty on the basis of impairment.<sup>55</sup> The Committee on Economic, Social and Cultural Rights recommended ending indefinite detention of people with disabilities without conviction.<sup>56</sup>

23. The Special Rapporteur on violence against women, its causes and consequences was troubled that women and girls on remand or pretrial detention were held with convicted women.<sup>57</sup>

**2. Administration of justice, including impunity, and the rule of law<sup>58</sup>**

24. The Committee on Economic, Social and Cultural Rights was concerned about the large number of persons with cognitive or psychosocial disabilities in contact with the criminal justice system, as victims or offenders.<sup>59</sup> It recommended addressing the root causes of that problem.<sup>60</sup>

25. The Special Rapporteur on indigenous peoples stated that indigenous peoples were drastically overrepresented in the criminal justice system and that the extraordinarily high rate of incarceration among those peoples, including women and children, was a major concern.<sup>61</sup> The Human Rights Committee recommended addressing such overrepresentation.<sup>62</sup>

26. The same Committee was concerned about reports of prison overcrowding, inadequate mental health-care facilities, solitary confinement and routine strip searches in places of detention.<sup>63</sup> It recommended eliminating overcrowding, including by increasing resort to non-custodial alternative measures, ensuring adequate mental health care for prisoners, and refraining from imposing solitary confinement, except in exceptional circumstances and for strictly limited periods.<sup>64</sup> The Committee on the Elimination of Racial Discrimination recommended improving places of detention in all states and territories in a consistent manner.<sup>65</sup>

27. The Committee on the Rights of Persons with Disabilities urged Australia to protect persons with disabilities from abuse by fellow prisoners and prison staff.<sup>66</sup> The Committee on the Elimination of Discrimination against Women recommended addressing the needs of women in prison and prosecuting and punishing all cases of sexual violence against women in detention.<sup>67</sup> The Special Rapporteur on violence against women recommended implementing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.<sup>68</sup>

28. The Human Rights Committee noted that the age of criminal responsibility for offences was 10 years.<sup>69</sup> The Committee on the Rights of the Child urged Australia to raise the minimum age of criminal responsibility to an internationally accepted level and make it conform with the upper age of 14 years.<sup>70</sup>

29. The Committee on the Rights of the Child urged Australia to bring the child justice system into line with the Convention on the Rights of the Child; prohibit the use of isolation and force as a means of coercion; promote non-judicial measures for children accused of criminal offences and, wherever possible, the use of non-custodial sentences; and, in cases where detention was unavoidable, ensure that children were detained in separate facilities and, for pretrial detention, that detention was regularly and judicially reviewed.<sup>71</sup>

**3. Fundamental freedoms and the right to participate in public and political life<sup>72</sup>**

30. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was a criminal offence. It encouraged Australia to decriminalize defamation, and place it within a civil code.<sup>73</sup>

31. Noting significant challenges faced by human rights defenders and journalists in obtaining public information,<sup>74</sup> the Special Rapporteur on human rights defenders stated that the Government should facilitate free access to information by addressing the obstacles faced.<sup>75</sup>

32. The same Special Rapporteur stated that new laws and policies had increased secrecy provisions and that the cumulative effect of those laws was to create significant barriers to reporting on human rights abuses and to whistle-blowing on misconduct in government activities.<sup>76</sup> He urged the Government to conduct a broad review of the cumulative impact of counter-terrorism and national security legislation on defenders and journalists, with a view to ensuring full protection of freedom of expression.<sup>77</sup>

33. The Special Rapporteur was alarmed to observe the trend, on the part of state and territory governments, of introducing constraints on the freedom of peaceful assembly, in particular through “anti-protest legislation”.<sup>78</sup> He recommended reviewing and revoking laws that unduly restricted the right to free and peaceful assembly.<sup>79</sup>

34. The Special Rapporteur observed evidence of regressive measures that levied enormous pressure on civil society, including the growing body of statutory laws

constraining the rights of defenders and frequent public vilification of defenders by senior public officials in what appeared to be an attempt to discredit and intimidate them and to discourage them from their legitimate work. Business actors and the media sometimes contributed to stigmatization.<sup>80</sup>

35. The Special Rapporteur stated that the introduction of the so-called gagging clauses in funding agreements resulted in the banning of organizations that received federal public funds from lobbying the Government or engaging in public campaigns. The clauses prevented those organizations from engaging in public advocacy.<sup>81</sup>

36. The Special Rapporteur recommended that the Government scrutinize and condemn violations of the rights of defenders, remove the “gagging clauses” from all federal and state funding partnerships and funding agreements and guarantee the meaningful participation of defenders and civil society in government decision-making.<sup>82</sup>

37. The Committee on the Rights of Persons with Disabilities reiterated its previous recommendation<sup>83</sup> to ensure the right of persons with disabilities to vote in elections on an equal basis with others. It recommended ensuring full accessibility of electoral processes and secret voting rights.<sup>84</sup>

38. The Human Rights Committee recommended ensuring that Queensland afforded the right to vote to convicted prisoners.<sup>85</sup> The Special Rapporteur on indigenous peoples recommended reinforcing measures by the Australian Electoral Commission to increase the number of indigenous voters to improve the exercise of their right to political participation.<sup>86</sup>

#### **4. Prohibition of all forms of slavery<sup>87</sup>**

39. The Committee on the Elimination of Discrimination against Women recommended ensuring that all victims of trafficking, irrespective of their cooperation with the prosecution authorities, had access to the human trafficking visa framework, establishing a federal compensation scheme for survivors of trafficking that granted appropriate reparations, and delinking victims’ gaining access to compensation from their cooperation in criminal proceedings.<sup>88</sup>

#### **5. Right to privacy and family life<sup>89</sup>**

40. The Special Rapporteur on human rights defenders stated that the 2015 telecommunications amendment act required telecommunications providers to retain a user’s metadata for two years, and allowed government agencies to access that data. Amendments providing for a warrant regime to govern access to metadata, which could be used to identify journalists’ confidential sources, were introduced.<sup>90</sup> The Human Rights Committee was concerned about the lack of judicial authorization for access to metadata retained by telecommunication providers and its extensive use in national security investigations. It recommended strengthening the safeguards against arbitrary interference with the privacy of individuals with regard to accessing metadata by introducing judicial control over such access.<sup>91</sup>

41. The Committee on the Rights of the Child remained concerned about the high number of children in alternative care and the overrepresentation of indigenous children in alternative care.<sup>92</sup> The Committee on the Elimination of Racial Discrimination was concerned that indigenous children faced a higher risk of being removed from their families and placed in alternative care facilities, many of which were not culturally appropriate.<sup>93</sup>

42. The Committee on the Rights of the Child urged Australia to avoid the removal of children from their families and limit removal, when it was deemed necessary, to the shortest time possible.<sup>94</sup> The Committee on the Elimination of Racial Discrimination recommended ensuring that well-resourced community-led organizations provided child and family support services.<sup>95</sup>

### **C. Economic, social and cultural rights**

#### **1. Right to work and to just and favourable conditions of work<sup>96</sup>**

43. The Committee on Economic, Social and Cultural Rights was concerned about the high rate of unemployment among the youth, and that persons with disabilities, older persons

and indigenous peoples remained disproportionately vulnerable to unemployment.<sup>97</sup> The Special Rapporteur on indigenous peoples noted that the unemployment rate for indigenous peoples was 20.8 per cent, compared with the national average of approximately 5–6 per cent, and that efforts to reach the Closing the Gap target of halving the gap in employment by 2018 had been unsuccessful.<sup>98</sup>

44. The Committee on the Rights of Persons with Disabilities was concerned about segregation of persons with disabilities employed through Australian Disability Enterprises and that such persons received a sub-minimum wage.<sup>99</sup>

45. The Committee on Economic, Social and Cultural Rights was concerned about limited progress achieved in closing the gender wage gap, attributed to persistent industrial and occupational segregation by sex, and the concentration of women in low-paid sectors and in part-time work.<sup>100</sup> The Committee on the Elimination of Discrimination against Women noted the lack of obligations on employers regarding flexible working arrangements, which contributed to the overrepresentation of women in part-time work and lower-paid sectors.<sup>101</sup>

46. The Committee on the Elimination of Discrimination against Women recommended addressing industrial and occupational segregation and establishing a national policy framework to implement the principle of equal pay for work of equal value.<sup>102</sup> The Committee on Economic, Social and Cultural Rights recommended reducing the gender wage gap, including by promoting opportunities for both men and women to reconcile their professional and family responsibilities.<sup>103</sup>

47. The ILO Committee of Experts on the Application of Conventions and Recommendations expressed hope that the necessary measures would be taken in Queensland, South Australia, Victoria and Western Australia to ensure that the formal, freely given and informed consent of convicts was required for work in privately operated prisons and for all work of prisoners for private enterprises.<sup>104</sup>

## **2. Right to social security<sup>105</sup>**

48. The Special Rapporteur on extreme poverty and human rights expressed concern about the country's austere and conditional approach to social security.<sup>106</sup>

49. The Committee on Economic, Social and Cultural Rights recommended reviewing existing conditions for eligibility to social assistance and unemployment benefits and penalties for non-compliance, so that all beneficiaries received adequate benefits, without discrimination.<sup>107</sup>

50. The same Committee recommended that Australia reconsider the financial cuts to the social security system.<sup>108</sup>

## **3. Right to an adequate standard of living<sup>109</sup>**

51. The Committee on Economic, Social and Cultural Rights noted an increase of poverty, including child poverty.<sup>110</sup> The Committee on the Rights of Persons with Disabilities was concerned that a significant proportion of persons with disabilities were living either near or below the poverty line.<sup>111</sup> The Committee on Economic, Social and Cultural Rights reiterated its previous recommendation to adopt a comprehensive strategy to combat poverty and promote social inclusion, while paying particular attention to disadvantaged and marginalized groups.<sup>112</sup>

52. The Committee on the Elimination of Discrimination against Women stated that single-headed households, 83 per cent of which were headed by women, were suffering the impact of the recent rise in prices for utilities and the loss of financial support.<sup>113</sup> The Special Rapporteur on poverty noted that the Social Services Legislation Amendment Act 2017 introduced a number of changes that might further increase the financial hardships borne by single-parent households.<sup>114</sup>

53. The Committee on Economic, Social and Cultural Rights was concerned about the persistent shortage of affordable housing and about the increased number of homeless persons.<sup>115</sup> The Special Rapporteur on indigenous peoples stated that housing remained in short supply in many indigenous communities, and low levels of income forced people into overcrowded or dilapidated housing.<sup>116</sup>

54. The Committee on Economic, Social and Cultural Rights recommended developing a comprehensive national housing strategy that took into account the human rights of those most vulnerable to homelessness, increasing investments in affordable housing and social housing, and effectively implementing the Remote Housing Strategy to address the precarious housing conditions of indigenous peoples in remote areas.<sup>117</sup> The Special Rapporteur recommended providing specific housing support to enable indigenous people to remain on their lands rather than migrate to urban areas.<sup>118</sup>

55. The Committee on the Rights of Persons with Disabilities recommended increasing the range, affordability and accessibility of public and social housing for persons with disabilities.<sup>119</sup>

#### **4. Right to health<sup>120</sup>**

56. The Committee on the Elimination of Discrimination against Women acknowledged the comprehensive health coverage in Australia.<sup>121</sup>

57. The Committee on the Rights of the Child urged Australia to address the disparities in health status of indigenous children, children with disabilities, children living in remote or rural areas and children in alternative care.<sup>122</sup> The Committee on the Elimination of Discrimination against Women recommended increasing funding for the provision of culturally appropriate, gender-sensitive and non-discriminatory health-care services.<sup>123</sup> The Committee on Economic, Social and Cultural Rights recommended allocating sufficient funding to the National Aboriginal and Torres Strait Islander Health Plan 2013–2023, including increased investment in the health-care services in remote areas.<sup>124</sup>

58. The Committee on the Elimination of Discrimination against Women recommended implementing the 2017 recommendation from the Children’s Commissioner to review laws, policies and practices to guarantee access to legal and prescribed abortion services, raising awareness of sexual and reproductive health rights, and creating safe zones around abortion clinics.<sup>125</sup>

59. The Committee on the Rights of the Child recommended preventing teenage pregnancies among indigenous girls, including by providing culturally sensitive and confidential medical advice and services.<sup>126</sup>

60. The Committee on the Elimination of Discrimination against Women recommended abolishing the practice of non-consensual administration of contraceptives to, the performance of abortions on, and the sterilization of, women and girls with disabilities, and developing and enforcing strict guidelines on the sexual and reproductive health rights of women and girls with disabilities who are unable to consent.<sup>127</sup> Several treaty bodies made similar recommendations.<sup>128</sup>

#### **5. Right to education<sup>129</sup>**

61. The Committee on Economic, Social and Cultural Rights was concerned about inequitable State funding for schools, leading to a form of segregation in education in which public schools were underfunded and to the concentration of disadvantaged and marginalized students in those schools.<sup>130</sup> UNESCO encouraged Australia to ensure equitable funding for schools.<sup>131</sup>

62. The Committee on Economic, Social and Cultural Rights was concerned at the limited availability of culturally appropriate early education programmes for indigenous children, especially in remote areas, and about the lower educational achievements of indigenous children.<sup>132</sup> The Committee on the Rights of the Child recommended addressing the shortcomings of the Closing the Gap measures for indigenous children to reach the targets on school attendance, retention rates, literacy and numeracy standards, paying particular attention to those children in remote areas.<sup>133</sup> The Special Rapporteur on indigenous peoples recommended that the authorities consult with indigenous communities in the development of education policies, implement school curricula that were culturally sensitive and increase the provision of bilingual education.<sup>134</sup>

63. The same Special Rapporteur recommended conducting a comprehensive review of the mainstream education curricula to ensure the inclusion of components on indigenous peoples’ history and the impact of colonization.<sup>135</sup>

64. The Committee on the Rights of Persons with Disabilities recommended addressing the increasing rate of segregation, seclusion and isolation of, and the lack of age-appropriate settings for, students with disabilities and developing a national action plan for inclusive education.<sup>136</sup> The Committee on the Rights of the Child urged Australia to ensure that all children with disabilities had access to inclusive education in mainstream schools and were provided with the support they needed.<sup>137</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>138</sup>**

65. The Committee on Economic, Social and Cultural Rights recommended addressing the remaining obstacles to achieving substantive equality between men and women.<sup>139</sup> The Committee on the Rights of Persons with Disabilities recommended strengthening measures addressing multiple and intersectional forms of discrimination against women and girls with disabilities.<sup>140</sup>

66. The Committee on the Elimination of Discrimination against Women reiterated its previous recommendation to adopt targeted measures to accelerate the participation of women in political and public life.<sup>141</sup>

67. The Human Rights Committee remained concerned that violence against women persisted and continued to have a disproportional effect on indigenous women and women with disabilities.<sup>142</sup> The Special Rapporteur on violence against women stated that domestic violence and family violence were widespread. Sexual violence within intimate partner relationships was largely a hidden problem, with low levels of reporting.<sup>143</sup>

68. The same Special Rapporteur noted the inconsistency in definitions of violence against women across jurisdictions and a lack of a federal law or harmonized national laws on violence against women.<sup>144</sup>

69. The Special Rapporteur recommended enacting a federal law on combating and preventing violence against women and domestic violence based on the Convention on the Elimination of All Forms of Discrimination against Women and the relevant general recommendations of the Committee on the Elimination of Discrimination against Women, and expanding the definitions of family and domestic violence to cover all forms of gender-based violence against women.<sup>145</sup> The Human Rights Committee recommended stepping up preventive measures, establishing an effective mechanism to report cases of domestic violence and providing victims with assistance and safe shelters.<sup>146</sup> The Committee on the Elimination of Discrimination against Women recommended the elaboration of a national action plan on violence against indigenous women and girls.<sup>147</sup>

70. The Committee on the Elimination of Discrimination against Women recommended addressing sexual harassment of women in the workplace and in educational settings, encouraging reporting and adopting gender-sensitive investigation methods.<sup>148</sup>

### **2. Children<sup>149</sup>**

71. The Committee on the Rights of the Child was concerned that some victims and survivors of abuse by religious personnel of the Catholic Church were required to sign “deeds of release”, preventing them from pursuing redress through independent secular justice mechanisms.<sup>150</sup>

72. The same Committee urged Australia to explicitly prohibit corporal punishment in law in all settings and develop awareness-raising and education campaigns on alternative forms of discipline.<sup>151</sup>

73. The Committee urged Australia to register at birth all children, in particular indigenous children, children living in remote areas and children in child protection services, and ensure they received free birth certificates.<sup>152</sup>

### **3. Persons with disabilities<sup>153</sup>**

74. The Committee on Economic, Social and Cultural Rights was concerned about high levels of violence and abuse against persons with disabilities placed in institutions or

residences.<sup>154</sup> Several mandate holders were concerned about the alleged widespread human rights violations perpetrated against children with disabilities in educational institutions, among whom autistic children were disproportionately affected.<sup>155</sup>

75. The mandate holders called on Australia to exercise due diligence to prevent, investigate, punish and provide remedies for acts of violence rooted in and fuelled by discrimination on the basis of disability, and to ensure accountability for the crimes of sexual violence against children with disabilities.<sup>156</sup>

76. The Committee on the Rights of Persons with Disabilities recommended eliminating substitute decision-making and ensuring effective access to justice for persons with disabilities, without any discrimination,<sup>157</sup> ensuring due process guarantees for all persons with disabilities,<sup>158</sup> and providing adequate support and accommodation measures to persons with mental and intellectual disabilities to enable them to exercise their legal capacity before the courts.<sup>159</sup>

77. The same Committee recommended developing a national framework aimed at closing all disability-specific residential institutions and preventing transinstitutionalization.<sup>160</sup> It recommended increasing access to public and social housing for persons with disabilities,<sup>161</sup> and protecting their right to live independently and be included in the community.<sup>162</sup>

#### 4. Indigenous peoples<sup>163</sup>

78. The Committee on the Elimination of Racial Discrimination regretted that indigenous peoples' legal status was not enshrined in the Constitution.<sup>164</sup> The Human Rights Committee recommended revising the Constitution in order to recognize the special status, and fully protect the equal rights, of indigenous peoples.<sup>165</sup>

79. The Special Rapporteur on indigenous peoples stated that stark disparities and social disadvantage persisted between indigenous and non-indigenous Australians across all quality of life indicators.<sup>166</sup> The Special Rapporteur on violence against women stated that strategies such as the Closing the Gap campaign, aimed at reducing disadvantage among indigenous peoples, were not significantly meeting the targets envisaged.<sup>167</sup>

80. The Committee on the Elimination of Racial Discrimination recommended implementing well-resourced policies that aimed to improve the socioeconomic situation of indigenous peoples.<sup>168</sup> The Committee on Economic, Social and Cultural Rights recommended continuing efforts to refresh the Closing the Gap strategy and to implement other programmes to respect, protect and realize the rights of indigenous peoples, in close consultation with indigenous representative bodies and civil society.<sup>169</sup>

81. The Committee on the Elimination of Racial Discrimination was concerned that the claims of indigenous peoples to land remained unresolved and that the Native Title Act remained a cumbersome tool requiring indigenous claimants to provide a high standard of proof to demonstrate connection with the land.<sup>170</sup> It recommended protecting the land rights of indigenous peoples, including by amending the Act to lower the required standard of proof.<sup>171</sup>

82. The Special Rapporteur on indigenous peoples noted that policies to address the socioeconomic disadvantage of Aboriginal and Torres Strait Islanders did not duly respect the rights to self-determination and to full and effective participation.<sup>172</sup> The Committee on Economic, Social and Cultural Rights was concerned about the inadequacy of meaningful consultation with indigenous peoples in programmes and policies affecting them and insufficient compliance with the principle of free, prior and informed consent of indigenous peoples.<sup>173</sup>

83. The Committee on the Elimination of Racial Discrimination was concerned that extractive and development projects were carried out on lands owned or traditionally used by indigenous peoples without seeking their consent.<sup>174</sup> In 2018, the Committee issued an early warning about the impact of the Carmichael Coal Mine and Rail Project in Queensland on indigenous peoples, in light of allegations that the consultation for the project on their ancestral lands might not have been conducted in good faith and that its development did not enjoy the free, prior and informed consent of all their representatives. It requested that Australia consider suspending the project until such consent was obtained.<sup>175</sup> The Committee, with the Committee on Economic, Social and Cultural Rights, recommended ensuring that

the principle of free, prior and informed consent was incorporated into the Native Title Act 1993 and into other legislation, and fully implemented in practice.<sup>176</sup>

84. The Special Rapporteur on indigenous peoples was concerned over the Government's decision to withhold funding necessary for the effective operation of the National Congress of Australia's First Peoples.<sup>177</sup> She noted that the Government had accepted a recommendation<sup>178</sup> from the 2015 review to continue to support indigenous institutions that brought cohesion to communities.<sup>179</sup> She recommended reinstating funding for the National Congress.<sup>180</sup> The Committee on the Elimination of Racial Discrimination recommended implementing the self-determination demands of indigenous peoples, including by establishing a meaningful mechanism enabling their effective political participation.<sup>181</sup>

85. The same Committee recommended preserving and promoting indigenous culture, history and languages.<sup>182</sup> The Committee on Economic, Social and Cultural Rights recommended ensuring that indigenous languages were systematically taught in schools with a significant presence of indigenous children.<sup>183</sup>

86. The Special Rapporteur on indigenous peoples noted that 2017 marked the twentieth anniversary of the "Bringing them home" report on "stolen children" that concluded that the forced removal of indigenous children had been genocidal and had constituted a crime against humanity for which reparation was due under international law.<sup>184</sup> The Human Rights Committee recommended establishing a national reparation mechanism, including compensation schemes, for victims of the "stolen generation".<sup>185</sup>

87. The Committee on the Elimination of Racial Discrimination recommended that Australia consider adopting a national plan of action to implement the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>186</sup>

## **5. Migrants, refugees and asylum seekers<sup>187</sup>**

88. The Special Rapporteur on racism stated that Australia continued to receive a large number of migrants under the skilled labour scheme, in which the human rights of migrants needed to be further protected.<sup>188</sup> The Committee on Economic, Social and Cultural Rights was concerned about the working conditions of migrant workers, particularly those on temporary visas, who received lower wages and worked for longer hours.<sup>189</sup> The Special Rapporteur on migrants noted that many temporary migrant workers who worked in Australia for several years were barred from bringing their families to live with them.<sup>190</sup>

89. The Special Rapporteur recommended implementing a human rights-based approach to migration and border management and ensuring that the rights of migrants, including irregular migrants, were the first consideration.<sup>191</sup> The Committee on the Elimination of Racial Discrimination recommended improving the working conditions of migrant workers and increasing labour inspections.<sup>192</sup>

90. The Human Rights Committee recommended ensuring that the non-refoulement principle was secured in law and adhered to in practice, and that all asylum seekers, regardless of their mode of arrival, had access to efficient refugee status determination procedures and non-refoulement determinations.<sup>193</sup>

91. The Special Rapporteur on migrants stated that Australia had put in place a punitive approach to unauthorized maritime arrivals and treated them differently from unauthorized air arrivals. The unauthorized maritime arrivals faced obstacles that other refugees did not face, including arbitrary, mandatory and prolonged detention periods, transfer to regional processing centres, indefinite separation from their family, restrictions with regard to social services, and no access to permanent residence and citizenship.<sup>194</sup>

92. The Committee on Economic, Social and Cultural Rights remained concerned at the policy of transferring asylum seekers to the regional processing centres for the processing of their claims, despite the reports of harsh conditions prevailing in those centres and allegations of sexual abuse by the service providers. It reiterated that Australia continued to be accountable for the treatment of asylum seekers in the regional processing centres. It urged Australia to halt its policy of offshore processing of asylum claims, complete the closure of the regional processing centres, repatriate all concerned persons to Australia and process their asylum claims with all procedural safeguards.<sup>195</sup> The Special Rapporteur on migrants, the Office of the United Nations High Commissioner for Refugees (UNHCR) and several treaty bodies made similar observations and recommendations.<sup>196</sup>

93. The Committee on the Elimination of Racial Discrimination was concerned about the country's policy of indefinite, mandatory immigration detention for anyone who arrived without a visa.<sup>197</sup> The Committee on the Rights of the Child was concerned that the Migration Act prescribed mandatory detention for persons, including children, involved in irregular migration.<sup>198</sup> UNHCR remained concerned that a considerable number of refugees, asylum seekers and stateless persons were currently in situations of protracted detention.<sup>199</sup>

94. The Special Rapporteur on migrants recommended changing the laws and policies related to mandatory administrative detention of migrants in an irregular situation and asylum seekers, so that detention was decided on a case-by-case basis and pursuant to clearly defined criteria under which detention was a measure of last resort and limited to the shortest time possible and ensuring that non-custodial measures were always considered first as alternatives to detention.<sup>200</sup>

95. The Committee on the Rights of the Child recommended enacting legislation prohibiting the detention of children in regional processing countries.<sup>201</sup> In 2019, within the follow-up framework, Australia reported that it had made significant inroads to reducing the numbers of children in detention.<sup>202</sup>

96. The Human Rights Committee recommended addressing the detention conditions in immigration facilities and refraining from applying force or physical restraints against migrants.<sup>203</sup> The Special Rapporteur on migrants recommended ensuring the independent and systematic monitoring of all detention centres and proper access to justice for all detainees.<sup>204</sup>

97. The Committee on Economic, Social and Cultural Rights was concerned that asylum seekers arriving by boat and granted temporary protection visas were banned from family unification. The Committee recommended that Australia prioritize family reunification for all asylum seekers.<sup>205</sup>

98. The Special Rapporteur on racism noted that Australia offered resettlement to thousands of recognized refugees from war-torn countries and worked with civil society organizations to offer programmes for their integration. Australia should work to create an environment of zero tolerance regarding discrimination in order to allow refugees to settle into their new communities.<sup>206</sup>

99. The Committee on Economic, Social and Cultural Rights recommended increasing the benefits for asylum seekers on bridging visas so that they enjoyed an adequate standard of living.<sup>207</sup> It recommended ensuring that refugees and asylum seekers were able to exercise their right to the highest attainable standard of health, and that asylum seekers could access appropriate child and family psychiatric care and support for their social integration.<sup>208</sup> It recommended that Australia ensure that all refugees and asylum seekers' children enjoyed the right to education, without discrimination or harassment.<sup>209</sup>

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## Notes

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Australia will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AUIndex.aspx>.

<sup>2</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.1–136.54, 136.57 and 136.59.

<sup>3</sup> See also UNHCR submission for the universal periodic review of Australia, p. 1.

<sup>4</sup> CEDAW/C/AUS/CO/8, para. 6.

<sup>5</sup> *Ibid.*, para. 61, E/C.12/AUS/CO/5, para. 60, CERD/C/AUS/CO/18-20, para. 40 and CRC/C/AUS/CO/5-6, para. 53.

<sup>6</sup> A/HRC/35/41/Add.2, para. 71, A/HRC/35/25/Add.3, para. 103, CEDAW/C/AUS/CO/8, para. 61, E/C.12/AUS/CO/5, para. 60, CERD/C/AUS/CO/18-20, para. 40 and CRC/C/AUS/CO/5-6, para. 53.

<sup>7</sup> E/C.12/AUS/CO/5, para. 59.

<sup>8</sup> CRC/C/AUS/CO/5-6, para. 52 and A/HRC/36/46/Add.2, para. 114.

<sup>9</sup> A/HRC/35/41/Add.2, para. 71, E/C.12/AUS/CO/5, para. 16 and CERD/C/AUS/CO/18-20, para. 22.

<sup>10</sup> A/HRC/35/25/Add.3, para. 103 and A/HRC/35/41/Add.2, para. 71.

<sup>11</sup> A/HRC/35/25/Add.3, para. 103 and A/HRC/35/41/Add.2, para. 71.

<sup>12</sup> CCPR/C/AUS/CO/6, para. 8. See also A/HRC/38/47/Add.1, para. 58 and A/HRC/37/51/Add.3, para. 7.

- <sup>13</sup> CRC/C/AUS/CO/5-6, para. 6, A/HRC/36/46/Add.2, para. 113, A/HRC/38/47/Add.1, para. 56 and A/HRC/37/51/Add.3, para. 7.
- <sup>14</sup> CERD/C/AUS/CO/18-20, para. 10. See also A/HRC/37/51/Add.3, para. 7.
- <sup>15</sup> CEDAW/C/AUS/CO/8, para. 10 and A/HRC/38/47/Add.1, para. 90. See also A/HRC/37/51/Add.3, para. 7.
- <sup>16</sup> CRPD/C/AUS/CO/2-3, paras. 6 and 63. See also A/HRC/37/51/Add.3, para. 7.
- <sup>17</sup> OHCHR, *United Nations Human Rights Report 2019*, p. 299.
- <sup>18</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25112&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25112&LangID=E).
- <sup>19</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25116&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25116&LangID=E).
- <sup>20</sup> OHCHR, “Management and Funding”, in *OHCHR Report 2015*, pp. 61 and 67, in *OHCHR Report 2016*, pp. 78–79, 85, 102, 104–105, 113–114, 116, 119 and 122 and in *OHCHR Report 2017*, pp. 79, 85, 105, 114–115, 117, 119, 121 and 123; OHCHR, “Funding”, in *OHCHR Report 2018*, pp. 76, 78, 86, 100, 103, 105–106, 110, 131, 138 and 155; and OHCHR, *United Nations Human Rights Report 2019*, pp. 90, 92, 100, 109, 114, 117, 120, 125, 147–148, 154 and 171.
- <sup>21</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.64, 136.67 and 136.70–136.73.
- <sup>22</sup> A/HRC/35/25/Add.3, para. 100. See also A/HRC/37/51/Add.3, para. 107, A/HRC/36/46/Add.2, para. 107, A/HRC/35/41/Add.2, para. 71, CERD/C/AUS/CO/18-20, para. 6, E/C.12/AUS/CO/5, para. 6 and CEDAW/C/AUS/CO/8, para. 12.
- <sup>23</sup> A/HRC/37/51/Add.3, para. 20. See also A/HRC/35/41/Add.2, para. 60, A/HRC/38/47/Add.1, para. 30 and A/HRC/37/51/Add.3, paras. 94 and 104.
- <sup>24</sup> A/HRC/35/41/Add.2, para. 27. See also A/HRC/38/47/Add.1, para. 30.
- <sup>25</sup> A/HRC/37/51/Add.3, para. 95. See also CCPR/C/AUS/CO/6, para. 13 and CEDAW/C/AUS/CO/8, para. 17.
- <sup>26</sup> CERD/C/AUS/CO/18-20, para. 16. See also CERD/C/AUS/CO/18-20/Add.1, paras. 2–4, CCPR/C/AUS/CO/6, para. 14, E/C.12/AUS/CO/5, para. 10, A/HRC/35/41/Add.2, para. 72, CEDAW/C/AUS/CO/8, para. 18 and letter dated 10 May 2019 from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 1, available from [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AUS/INT\\_CERD\\_FUL\\_AUS\\_34937\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AUS/INT_CERD_FUL_AUS_34937_E.pdf).
- <sup>27</sup> A/HRC/37/51/Add.3, para. 107.
- <sup>28</sup> CCPR/C/AUS/CO/6, para. 3, CERD/C/AUS/CO/18-20, para. 4, and CRC/C/AUS/CO/5-6, para. 56.
- <sup>29</sup> CRC/C/AUS/CO/5-6, para. 56.
- <sup>30</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.117–136.140 and 136.220–136.224.
- <sup>31</sup> A/HRC/35/41/Add.2, para. 16. See also A/HRC/36/46/Add.2, para. 17 and CERD/C/AUS/CO/18-20, para. 7.
- <sup>32</sup> CERD/C/AUS/CO/18-20, para. 7. See also CEDAW/C/AUS/CO/8, para. 11.
- <sup>33</sup> CCPR/C/AUS/CO/6, para. 18. See also CEDAW/C/AUS/CO/8, para. 12 and CRPD/C/AUS/CO/2-3, para. 10.
- <sup>34</sup> CCPR/C/AUS/CO/6, para. 19.
- <sup>35</sup> A/HRC/36/46/Add.2, para. 30. See also A/HRC/35/41/Add.2, para. 43 and CERD/C/AUS/CO/18-20, para. 17.
- <sup>36</sup> CERD/C/AUS/CO/18-20, para. 13. See also A/HRC/35/25/Add.3, para. 97.
- <sup>37</sup> CEDAW/C/AUS/CO/8, para. 4.
- <sup>38</sup> CCPR/C/AUS/CO/6, para. 25. See also CRPD/C/AUS/CO/2-3, para. 33, E/C.12/AUS/CO/5, para. 49, and CEDAW/C/AUS/CO/8, para. 25.
- <sup>39</sup> CRPD/C/AUS/CO/2-3, para. 34. See also E/C.12/AUS/CO/5, para. 50, CCPR/C/AUS/CO/6, para. 26, CEDAW/C/AUS/CO/8, para. 26, and CRC/C/AUS/CO/5-6, para. 31.
- <sup>40</sup> CCPR/C/AUS/CO/6, para. 28. See also CEDAW/C/AUS/CO/8, para. 50 and CCPR/C/119/D/2172/2012.
- <sup>41</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.212–136.219.
- <sup>42</sup> E/C.12/AUS/CO/5, para. 8.
- <sup>43</sup> CRC/C/AUS/CO/5-6, para. 40.
- <sup>44</sup> E/C.12/AUS/CO/5, para. 11. See also CEDAW/C/AUS/CO/8, para. 29.
- <sup>45</sup> CRC/C/AUS/CO/5-6, para. 41. See also E/C.12/AUS/CO/5, para. 12 and CEDAW/C/AUS/CO/8, para. 30.
- <sup>46</sup> A/HRC/37/51/Add.3, para. 107.
- <sup>47</sup> E/C.12/AUS/CO/5, para. 14. See also CRC/C/AUS/CO/5-6, para. 17 and A/HRC/37/51/Add.3, para. 107.
- <sup>48</sup> CEDAW/C/AUS/CO/8, para. 30.
- <sup>49</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.228–136.229.
- <sup>50</sup> CRC/C/AUS/CO/5-6, para. 23 (b).

- <sup>51</sup> CCPR/C/AUS/CO/6, para. 15.
- <sup>52</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.139, 136.192 and 136.194.
- <sup>53</sup> E/C.12/AUS/CO/5, para. 45. See also CRPD/C/22/D/17/2013, para. 8.4 and CRPD/C/22/D/18/2013, para. 8.4.
- <sup>54</sup> CRPD/C/AUS/CO/2-3, para. 27. See also CRPD/C/16/D/7/2012, paras. 8.7–8.9, CRPD/C/22/D/17/2013, paras. 8.8–8.10, and CRPD/C/22/D/18/2013, paras. 8.8–8.10.
- <sup>55</sup> CRPD/C/AUS/CO/2-3, para. 28.
- <sup>56</sup> E/C.12/AUS/CO/5, para. 46. See also CRPD/C/AUS/CO/2-3, para. 28.
- <sup>57</sup> A/HRC/38/47/Add.1, para. 58. See also A/HRC/36/46/Add.2, para. 15.
- <sup>58</sup> For relevant recommendations see A/HRC/31/14, paras. 136.172–136.179, 136.191, 136.193, 136.195–136.196, 136.198 and 136.200–136.205.
- <sup>59</sup> E/C.12/AUS/CO/5, para. 45. See also CRC/C/AUS/CO/5-6, para. 47.
- <sup>60</sup> E/C.12/AUS/CO/5, para. 46.
- <sup>61</sup> A/HRC/36/46/Add.2, paras. 11 and 66. See also A/HRC/36/46/Add.2, paras. 67, 73 and 74, A/HRC/35/41/Add.2, para. 43, A/HRC/38/47/Add.1, paras. 53 and 60, CCPR/C/AUS/CO/6, para. 39, CRC/C/AUS/CO/5-6, para. 47, CEDAW/C/AUS/CO/8, para. 51, CAT/C/AUS/CO/4-5/Add.1, para. 19 and CERD/C/AUS/CO/18-20, paras. 25 and 27.
- <sup>62</sup> CCPR/C/AUS/CO/6, para. 40. See also A/HRC/36/46/Add.2, para. 113, CEDAW/C/AUS/CO/8, para. 52, CRC/C/AUS/CO/5-6, para. 48 and CERD/C/AUS/CO/18-20, para. 28.
- <sup>63</sup> CCPR/C/AUS/CO/6, para. 41. See also CEDAW/C/AUS/CO/8, para. 55 and A/HRC/38/47/Add.1, paras. 51–53.
- <sup>64</sup> CCPR/C/AUS/CO/6, para. 42 (a)–(c). See also CEDAW/C/AUS/CO/8, para. 56, CRPD/C/AUS/CO/2-3, para. 30 (b) and CERD/C/AUS/CO/18-20, para. 26.
- <sup>65</sup> Letter dated 10 May 2019 from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 2.
- <sup>66</sup> CRPD/C/AUS/CO/2-3, para. 30. See also CRPD/C/16/D/7/2012, para. 8.9 and CRPD/C/22/D/17/2013, para. 8.10.
- <sup>67</sup> CEDAW/C/AUS/CO/8, para. 56.
- <sup>68</sup> A/HRC/38/47/Add.1, para. 94.
- <sup>69</sup> CCPR/C/AUS/CO/6, para. 43. See also CERD/C/AUS/CO/18-20, para. 26 and A/HRC/36/46/Add.2, para. 75.
- <sup>70</sup> CRC/C/AUS/CO/5-6, para. 48. See also CERD/C/AUS/CO/18-20, para. 26, CCPR/C/AUS/CO/6, para. 44 and A/HRC/36/46/Add.2, paras. 77 and 113.
- <sup>71</sup> CRC/C/AUS/CO/5-6, para. 48. See also CERD/C/AUS/CO/18-20, para. 26, A/HRC/38/47/Add.1, para. 56 and A/HRC/36/46/Add.2, para. 113.
- <sup>72</sup> For the relevant recommendation, see A/HRC/31/14, para. 136.206.
- <sup>73</sup> UNESCO submission for the universal periodic review of Australia, pp. 2 and 5.
- <sup>74</sup> A/HRC/37/51/Add.3, para. 37.
- <sup>75</sup> *Ibid.*, para. 40.
- <sup>76</sup> *Ibid.*, paras. 24 and 27. See also communication AUS 5/2019, pp. 1 and 6, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- <sup>77</sup> A/HRC/37/51/Add.3, para. 35.
- <sup>78</sup> *Ibid.*, para. 43. See also communications AUS 8/2019 and AUS 1/2016, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- <sup>79</sup> A/HRC/37/51/Add.3, para. 107.
- <sup>80</sup> *Ibid.*, paras. 73–74. See also paras. 80, 81, 104 and 107 and CEDAW/C/AUS/CO/8, para. 19.
- <sup>81</sup> A/HRC/37/51/Add.3, para. 53.
- <sup>82</sup> *Ibid.*, para. 107. See also CEDAW/C/AUS/CO/8, para. 20.
- <sup>83</sup> See CRPD/C/AUS/CO/1, para. 52.
- <sup>84</sup> CRPD/C/AUS/CO/2-3, para. 54. See also CRPD/C/19/D/19/2014 and Corr.1, paras. 9 (a) (ii) and 9 (b) (i)–(iii) and CCPR/C/AUS/CO/6, para. 48.
- <sup>85</sup> CCPR/C/AUS/CO/6, para. 48.
- <sup>86</sup> A/HRC/36/46/Add.2, para. 117.
- <sup>87</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.230–136.233.
- <sup>88</sup> CEDAW/C/AUS/CO/8, para. 32.
- <sup>89</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.113 and 136.226–136.227.
- <sup>90</sup> A/HRC/37/51/Add.3, para. 32. See also communications AUS 6/2018, p. 3 and AUS 5/2018, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- <sup>91</sup> CCPR/C/AUS/CO/6, paras. 45–46.
- <sup>92</sup> CRC/C/AUS/CO/5-6, para. 33. See also CEDAW/C/AUS/CO/8, paras. 51 and 57, CERD/C/AUS/CO/18-20, para. 25.

- 93 CERD/C/AUS/CO/18-20, para. 25. See also A/HRC/36/46/Add.2, para. 87.
- 94 CRC/C/AUS/CO/5-6, para. 34. See also CEDAW/C/AUS/CO/8, paras. 52 and 58 and CERD/C/AUS/CO/18-20, para. 26.
- 95 CERD/C/AUS/CO/18-20, para. 26. See also CEDAW/C/AUS/CO/8, para. 52 and A/HRC/36/46/Add.2, para. 114.
- 96 For relevant recommendations, see A/HRC/31/14, paras. 136.144–136.149, 136.151–136.152 and 136.209.
- 97 E/C.12/AUS/CO/5, para. 23. See also [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3342131:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3342131:NO).
- 98 A/HRC/36/46/Add.2, para. 57. See also A/HRC/35/41/Add.2, paras. 48-49.
- 99 CRPD/C/AUS/CO/2-3, para. 49.
- 100 E/C.12/AUS/CO/5, para. 25. See also CEDAW/C/AUS/CO/8, para. 43.
- 101 CEDAW/C/AUS/CO/8, para. 43.
- 102 *Ibid.*, para. 44.
- 103 E/C.12/AUS/CO/5, para. 26. See also CEDAW/C/AUS/CO/8, para. 44 and [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3335407:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3335407:NO).
- 104 See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3780323:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3780323:NO).
- 105 For relevant recommendations, see A/HRC/31/14, para. 136.207.
- 106 Communication AUS 5/2017, p. 18.
- 107 E/C.12/AUS/CO/5, para. 32. See also CERD/C/AUS/CO/18-20, para. 24.
- 108 E/C.12/AUS/CO/5, para. 32.
- 109 For the relevant recommendation, see A/HRC/31/14, para. 136.207.
- 110 E/C.12/AUS/CO/5, para. 39.
- 111 CRPD/C/AUS/CO/2-3, para. 51.
- 112 E/C.12/AUS/CO/5, para. 40. See also CRPD/C/AUS/CO/2-3, para. 52.
- 113 CEDAW/C/AUS/CO/8, para. 45 (c).
- 114 Communication AUS 5/2017, p. 11.
- 115 E/C.12/AUS/CO/5, para. 41. See also CEDAW/C/AUS/CO/8, paras. 45 and 51.
- 116 A/HRC/36/46/Add.2, para. 59. See also E/C.12/AUS/CO/5, para. 41 and CEDAW/C/AUS/CO/8, para. 51.
- 117 E/C.12/AUS/CO/5, para. 42. See also CEDAW/C/AUS/CO/8, paras. 46 and 52 and A/HRC/36/46/Add.2, para. 112.
- 118 A/HRC/36/46/Add.2, para. 112.
- 119 CRPD/C/AUS/CO/2-3, para. 38 (b); see also para. 52 (c).
- 120 For relevant recommendations, see A/HRC/31/14, paras. 136.180–136.184 and 136.210.
- 121 CEDAW/C/AUS/CO/8, para. 49.
- 122 CRC/C/AUS/CO/5-6, para. 36; see also para. 19.
- 123 CEDAW/C/AUS/CO/8, para. 52, and see also para. 50.
- 124 E/C.12/AUS/CO/5, para. 44. See also CERD/C/AUS/CO/18-20, para. 24.
- 125 CEDAW/C/AUS/CO/8, para. 50.
- 126 CRC/C/AUS/CO/5-6, para. 39.
- 127 CEDAW/C/AUS/CO/8, para. 26.
- 128 CRPD/C/AUS/CO/2-3, para. 34, CCPR/C/AUS/CO/6, para. 24, CRC/C/AUS/CO/5-6, para. 31 and E/C.12/AUS/CO/5, para. 46.
- 129 For relevant recommendations, see A/HRC/31/14, paras. 136.108–136.109, 136.111, 136.167 and 136.211.
- 130 E/C.12/AUS/CO/5, para. 53.
- 131 UNESCO submission, p. 5.
- 132 E/C.12/AUS/CO/5, para. 51. See also CEDAW/C/AUS/CO/8, para. 51.
- 133 CRC/C/AUS/CO/5-6, para. 43. See also UNESCO submission, p. 5.
- 134 A/HRC/36/46/Add.2, para. 110. See also E/C.12/AUS/CO/5, para. 52 and UNESCO, p. 5.
- 135 A/HRC/36/46/Add.2, para. 110. See also CEDAW/C/AUS/CO/8, para. 52 and CERD/C/AUS/CO/18-20, para. 37.
- 136 CRPD/C/AUS/CO/2-3, para. 46. See also communication AUS 2/2017, p. 4, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- 137 CRC/C/AUS/CO/5-6, para. 43. See also E/C.12/AUS/CO/5, para. 56 and communication AUS 2/2017, p. 4.
- 138 For relevant recommendations, see A/HRC/31/14, paras. 136.141–136.143 and 136.153–136.164.

- <sup>139</sup> E/C.12/AUS/CO/5, para. 22. See also CEDAW/C/AUS/CO/8, para. 22.
- <sup>140</sup> CRPD/C/AUS/CO/2-3, para. 12.
- <sup>141</sup> CEDAW/C/AUS/CO/8, para. 36.
- <sup>142</sup> CCPR/C/AUS/CO/6, para. 21. See also CEDAW/C/AUS/CO/8, para. 27 and 51, CERD/C/AUS/CO/18-20, para. 27, E/C.12/AUS/CO/5, para. 33, CAT/C/AUS/CO/4-5/Add.1, paras. 2–13 and A/HRC/38/47/Add.1, paras. 41–43.
- <sup>143</sup> A/HRC/38/47/Add.1, paras. 36–37.
- <sup>144</sup> *Ibid.*, para. 88. See also CEDAW/C/AUS/CO/8, para. 27.
- <sup>145</sup> A/HRC/38/47/Add.1, paras. 90–91.
- <sup>146</sup> CCPR/C/AUS/CO/6, paras. 21–22. See also E/C.12/AUS/CO/5, para. 34, CEDAW/C/AUS/CO/8, para. 28 and CAT/C/AUS/CO/4-5/Add.1, paras. 2–13.
- <sup>147</sup> CEDAW/C/AUS/CO/8, para. 52 (f). See also A/HRC/36/46/Add.2, para. 116 and A/HRC/36/46/Add.2, para. 96.
- <sup>148</sup> CEDAW/C/AUS/CO/8, para. 48.
- <sup>149</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.101–136.102, 136.155, 136.165–136.166 and 136.170–136.171.
- <sup>150</sup> CRC/C/AUS/CO/5-6, para. 29.
- <sup>151</sup> *Ibid.*, para. 28. See also UNESCO submission, pp. 4–5.
- <sup>152</sup> CRC/C/AUS/CO/5-6, para. 23 (a). See also CEDAW/C/AUS/CO/8, para. 40.
- <sup>153</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.186–136.191 and 136.197–136.198.
- <sup>154</sup> E/C.12/AUS/CO/5, para. 35. See also A/HRC/38/47/Add.1, para. 64.
- <sup>155</sup> Communication AUS 2/2017, p. 4. See also CRC/C/AUS/CO/5-6, paras. 29 and 33.
- <sup>156</sup> See communication AUS 2/2017, p. 4.
- <sup>157</sup> CRPD/C/AUS/CO/2-3, para. 26.
- <sup>158</sup> *Ibid.*, para. 26 (c). See also CRPD/C/16/D/7/2012, para. 9 (b) (i), CRPD/C/22/D/17/2013, para. 9 (b) (i), and CRPD/C/22/D/18/2013, para. 9 (b) (i).
- <sup>159</sup> CRPD/C/16/D/7/2012, para. 9 (b) (ii), CRPD/C/22/D/17/2013, para. 9 (b) (ii), and CRPD/C/22/D/18/2013, para. 9 (b) (ii). See also CRPD/C/20/D/35/2016, para. 8 (b) (i), CRPD/C/15/D/13/2013, para. 9 (a) (ii) and (b) (i), and CRPD/C/15/D/11/2013, para. 9 (b) (i).
- <sup>160</sup> CRPD/C/AUS/CO/2-3, para. 38.
- <sup>161</sup> *Ibid.*, para. 38.
- <sup>162</sup> CRPD/C/22/D/17/2013, para. 9 (b) (iii) and CRPD/C/22/D/18/2013, para. 9 (b) (iii). See also E/C.12/AUS/CO/5, para. 46.
- <sup>163</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.74–136.115 and 136.125–136.127.
- <sup>164</sup> CERD/C/AUS/CO/18-20, para. 19. See also E/C.12/AUS/CO/5, para. 15, CEDAW/C/AUS/CO/8, para. 11 and CCPR/C/AUS/CO/6, para. 49.
- <sup>165</sup> CCPR/C/AUS/CO/6, para. 50. See also A/HRC/35/41/Add.2, para. 71, CEDAW/C/AUS/CO/8, para. 12, E/C.12/AUS/CO/5, para. 16 and CERD/C/AUS/CO/18-20, para. 20.
- <sup>166</sup> A/HRC/36/46/Add.2, para. 11. See also CERD/C/AUS/CO/18-20, paras. 17 and 23.
- <sup>167</sup> A/HRC/38/47/Add.1, para. 47. See also A/HRC/36/46/Add.2, paras. 57 and 104, CERD/C/AUS/CO/18-20, para. 17 and E/C.12/AUS/CO/5, para. 15.
- <sup>168</sup> CERD/C/AUS/CO/18-20, para. 24.
- <sup>169</sup> E/C.12/AUS/CO/5, para. 16. See also A/HRC/35/41/Add.2, para. 72, A/HRC/36/46/Add.2, para. 108, CERD/C/AUS/CO/18-20, para. 18, E/C.12/AUS/CO/5/Add.1, paras. 2–3 and letter dated 1 April 2019 from the Committee on Economic, Social and Cultural Rights addressed to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 1, available at [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/AUS/INT\\_CESCR\\_FUL\\_AUS\\_34553\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/AUS/INT_CESCR_FUL_AUS_34553_E.pdf).
- <sup>170</sup> CERD/C/AUS/CO/18-20, para. 21. See also E/C.12/AUS/CO/5, para. 15, CCPR/C/AUS/CO/6, para. 51 and CEDAW/C/AUS/CO/8, para. 51.
- <sup>171</sup> CERD/C/AUS/CO/18-20, para. 22. See also CCPR/C/AUS/CO/6, para. 52, E/C.12/AUS/CO/5, para. 16 and A/HRC/36/46/Add.2, para. 118.
- <sup>172</sup> A/HRC/36/46/Add.2, para. 104.
- <sup>173</sup> E/C.12/AUS/CO/5, para. 15. See also CERD/C/AUS/CO/18-20, para. 21.
- <sup>174</sup> CERD/C/AUS/CO/18-20, para. 21; see also para. 19.
- <sup>175</sup> Available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/AUS/8816&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/AUS/8816&Lang=en).
- <sup>176</sup> E/C.12/AUS/CO/5, para. 16 and CERD/C/AUS/CO/18-20, para. 22. See also CCPR/C/AUS/CO/6, para. 50.
- <sup>177</sup> Communication AUS 7/2016, p. 4, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also A/HRC/36/46/Add.2, para. 42,

- E/C.12/AUS/CO/5, para. 15, CERD/C/AUS/CO/18-20, para. 19, CCPR/C/AUS/CO/6, para. 49 and CEDAW/C/AUS/CO/8, para. 51.
- <sup>178</sup> For the full text of the recommendation see A/HRC/31/14, para. 136.87 (Peru).
- <sup>179</sup> A/HRC/36/46/Add.2, para. 44. See also communication AUS 7/2016, p. 4.
- <sup>180</sup> A/HRC/36/46/Add.2, para. 108. See also communication AUS 7/2016, p. 5, E/C.12/AUS/CO/5, para. 16, CCPR/C/AUS/CO/6, para. 50 and CEDAW/C/AUS/CO/8, para. 52.
- <sup>181</sup> CERD/C/AUS/CO/18-20, para. 20.
- <sup>182</sup> *Ibid.*, para. 37. See also CRC/C/AUS/CO/5-6, para. 24.
- <sup>183</sup> E/C.12/AUS/CO/5, para. 58. See also UNESCO, p. 5.
- <sup>184</sup> A/HRC/36/46/Add.2, para. 92.
- <sup>185</sup> CCPR/C/AUS/CO/6, para. 54.
- <sup>186</sup> CERD/C/AUS/CO/18-20, para. 22. See also A/HRC/36/46/Add.2, para. 108.
- <sup>187</sup> For relevant recommendations, see A/HRC/31/14, paras. 136.235–136.290.
- <sup>188</sup> A/HRC/35/41/Add.2, para. 66.
- <sup>189</sup> E/C.12/AUS/CO/5, para. 27. See also CERD/C/AUS/CO/18-20, para. 34.
- <sup>190</sup> A/HRC/35/25/Add.3, para. 49. UNHCR submission, p. 8.
- <sup>191</sup> A/HRC/35/25/Add.3, para. 101.
- <sup>192</sup> CERD/C/AUS/CO/18-20, para. 35. See also E/C.12/AUS/CO/5, para. 28.
- <sup>193</sup> CCPR/C/AUS/CO/6, para. 34. See also CERD/C/AUS/CO/18-20, para. 33, CRC/C/AUS/CO/5-6, para. 45, CCPR/C/AUS/CO/6/Add.1, paras. 1–10, CAT/C/AUS/CO/4-5/Add.1, paras. 20–27, CAT/C/60/D/681/2015, and CAT/C/60/D/701/2015.
- <sup>194</sup> A/HRC/35/25/Add.3, paras. 36–37. See also E/C.12/AUS/CO/5, para. 17 and CCPR/C/AUS/CO/6, paras. 33 and 35.
- <sup>195</sup> E/C.12/AUS/CO/5, paras. 17–18. See also E/C.12/AUS/CO/5, paras. 43 and 51 and E/C.12/AUS/CO/5/Add.1, paras. 4–6, and letter dated 1 April 2019 from the Committee on Economic, Social and Cultural Rights to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 1, available at [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/AUS/INT\\_CESCR\\_FUL\\_AUS\\_34553\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/AUS/INT_CESCR_FUL_AUS_34553_E.pdf).
- <sup>196</sup> A/HRC/35/25/Add.3, paras. 118–120, UNHCR submission, p. 4, CEDAW/C/AUS/CO/8, paras. 53–54, CERD/C/AUS/CO/18-20, paras. 30–31, CCPR/C/AUS/CO/6, paras. 35–36, CRPD/C/AUS/CO/2-3, para. 36 and CRC/C/AUS/CO/5-6, paras. 44–45. See also CCPR/C/AUS/CO/6/Add.1, paras. 11–19, CERD/C/AUS/CO/18-20/Add.1, para. 83, letter dated 10 May 2019 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 2 and E/C.12/AUS/CO/5, para. 18 (b). See also letter dated 1 April 2019 from the Committee on Economic, Social and Cultural Rights addressed to the Permanent Mission of Australia to the United Nations Office and other international organizations in Geneva, p. 1.
- <sup>197</sup> CERD/C/AUS/CO/18-20, para. 32. See also CCPR/C/AUS/CO/6, para. 37 and CEDAW/C/AUS/CO/8, para. 53.
- <sup>198</sup> CRC/C/AUS/CO/5-6, para. 44.
- <sup>199</sup> UNHCR submission, pp. 4–5.
- <sup>200</sup> A/HRC/35/25/Add.3, paras. 108 and 110. See also UNHCR submission, p. 5, CEDAW/C/AUS/CO/8, para. 54, CERD/C/AUS/CO/18-20, para. 33, CRC/C/AUS/CO/5-6, para. 45, CCPR/C/AUS/CO/6, para. 38, CCPR/C/116/D/2229/2012, CCPR/C/116/D/2233/2013 and A/HRC/WGAD/2017/71.
- <sup>201</sup> CRC/C/AUS/CO/5-6, para. 45 (d). See also CCPR/C/AUS/CO/6, para. 38 and CRPD/C/AUS/CO/2-3, para. 14 (e) and UNHCR submission, p. 6.
- <sup>202</sup> CCPR/C/AUS/CO/6/Add.1, para. 43.
- <sup>203</sup> CCPR/C/AUS/CO/6, para. 38.
- <sup>204</sup> A/HRC/35/25/Add.3, paras. 121 and 124.
- <sup>205</sup> E/C.12/AUS/CO/5, paras. 37–38. See also UNHCR submission, p. 8 and CEDAW/C/AUS/CO/8, para. 54 (e).
- <sup>206</sup> A/HRC/35/41/Add.2, para. 66.
- <sup>207</sup> E/C.12/AUS/CO/5, para. 32.
- <sup>208</sup> *Ibid.*, paras. 44 and 46.
- <sup>209</sup> *Ibid.*, para. 52. See also CRC/C/AUS/CO/5-6, para. 45.