

Table of Australia's Response to UPR Recommendations

Recommendation	Stance	Explanation
86.1. Ratify as soon as possible the Optional Protocol to the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Republic of Moldova);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.2. Speed up the process of the ratification of the OP-CAT (Azerbaijan);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.3. Ratify the OP-CAT and designate a National Preventive Mechanism for places of detention (Maldives);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.4. As a high priority, ratify the OP-CAT and establish a National Preventative Mechanism (New Zealand);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.5. Ensure the establishment of an independent supervision mechanism which would have access to all detention centres with a view to facilitating the prompt ratification of OP-CAT (Mexico);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.6. Ratify the OP-CAT without further delay (Denmark);	Accepted	The Australian Government is working with States and Territories to take the necessary steps towards ratifying the Optional Protocol.
86.7. Encouraged to accede to the remaining core human rights instruments that it is yet to become a party, especially the Convention for the Protection of All Persons from Enforced Disappearance (CED) (Thailand);	Accepted-in-part	Australia will consider becoming party to the CED, but views existing protections in place for migrant workers as adequate and does not intend to become a party to the ICRMW.
86.8. Sign and ratify the CED (France);	Accepted-in-part	Australia cannot commit to becoming party to the CED or ILO169, but will formally consider becoming a party to these treaties.
86.9. Study the possibility of signing and ratifying the CED and the ICRMW (Argentina);	Accepted-in-part	Australia will consider becoming party to the CED, but views existing protections in place for migrant workers as adequate and does not intend to become a party to the ICRMW.

Recommendation	Stance	Explanation
86.10. Consider acceding to the ICRMW (Algeria); Ratify the ICRMW (Bolivia); Complete the ratification process of the ICRMW (Turkey); Engage in consultations with civil society with a view to possible accession to the ICRMW (Philippines); Ratify the ICRMW (Bosnia and Herzegovina);	Rejected	See recommendations 7 and 9 (Australia will consider becoming party to the CED, but views existing protections in place for migrant workers as adequate and does not intend to become a party to the ICRMW).
86.11. Ratify ILO Convention No. 169 and incorporate it into its national norms (Bolivia);	Accepted-in-part	Australia cannot commit to becoming party to the CED or ILO169, but will formally consider becoming a party to these treaties.
86.12. Consider ratifying ILO Convention No. 169 (Norway);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.13. Withdraw its reservations to the Convention on the Rights of the Child (CRC) (Hungary);	Accepted-in-part	Australia will systematically review its reservations to human rights treaties, having regard to whether reservations remain necessary.
86.14. Consider withdrawing its reservations to Article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Republic of Korea);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.15. Withdraw its reservation on Article 4 (a) of the ICERD, as this reservation undermines one of the key objectives of this Convention (South Africa);	Accepted-in-part	Australia will systematically review its reservations to human rights treaties, having regard to whether reservations remain necessary.
86.16. Lift its reservations to the following international conventions: the ICERD, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the CRC (Denmark);	Accepted-in-part	Australia will systematically review its reservations to human rights treaties, having regard to whether reservations remain necessary.
86.17. Bring its legislation and practices into line with international obligations (Sweden);	Accepted	Australian Government practice is to satisfy itself that legislation and policies necessary to implement a treaty are in place before Australia becomes bound by it.
86.18. Take the necessary measures to fully incorporate into Australian legislation its international obligations in the field of human rights (France);	Accepted-in-part	The Australian Government incorporates international obligations into domestic law to the extent considered necessary, noting that some obligations are reflected in policy.

Recommendation	Stance	Explanation
86.19. Incorporate its international obligations under human rights instruments into domestic law (Jordan);	Accepted-in-part	The Australian Government incorporates international obligations into domestic law to the extent considered necessary, noting that some obligations are reflected in policy.
86.20. Continue its efforts in strengthening the mechanisms for the effective incorporation of international human rights obligations and standards into its domestic legislation (Argentina);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.21. Strengthen its human rights framework by establishing a comprehensive legislative scheme for all human rights (Timor-Leste);	Accepted-in-part	Measures introduced under Australia's Human Rights Framework will require that a statement of compatibility with Australia's human rights obligations is provided for all new federal legislation.
86.22. Consider a comprehensive Human Rights Act as recommended by the National Human Rights Consultative Committee (Canada); Incorporate its international human rights obligations into domestic law by elaborating a comprehensive, judicially enforceable Human Rights Act to ensure legislative protection of human rights (Ukraine); Fully incorporate its international human rights obligations in domestic law through the adoption of a comprehensive justiciable law on human rights (Russian Federation); Implement a federal human rights act to maximize all Australian's legal human rights protection in accordance with Australia's international obligations (Norway);	Rejected	The Australian Government considers that existing mechanisms, together with new requirements under Australia's Human Rights Framework, provide for the protection and promotion of human rights. It does not intend to introduce a Human Rights Act.
86.23. Focus on nationwide enforcement of its existing anti-discrimination law, plan adequately for nationwide implementation, especially as it relates to discrimination against indigenous persons (United States);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.24. Fully implement the Racial Discrimination Act and the revision of federal laws to be compatible with the United Nations Declaration on the Rights of Indigenous Peoples (Norway);	Accepted-in-part	The Racial Discrimination Act 1975 has been fully reinstated in relation to the Northern Territory Emergency Response as of 31 December 2010. The Australian Government supports promotion of and respect for the principles in the Declaration on the Rights of Indigenous Peoples, and considers that current federal laws are consistent with the spirit of the Declaration.
86.25. Consider reinstating, without qualification, the Racial Discrimination Act into the arrangements under the Northern Territory Emergency Response and any subsequent arrangement (Canada);	Accepted	The Racial Discrimination Act 1975 has been fully reinstated in relation to the Northern Territory Emergency Response as of 31 December 2010.
86.26. Consult with Aboriginal and Torres Strait Islander people, and take into consideration the guidelines proposed by the Australian Human Rights Commission before considering suspension of the Racial Discrimination Act for any future intervention affecting the Aboriginal and Torres Strait Islander people (Slovenia);	Accepted	The Australian Government will continue to consult with Indigenous peoples regarding the application of the Racial Discrimination Act 1975.
86.27. Facilitate the provision of sufficient funding and staffing for the Human Rights Commission and different commissioners, including the recently appointed Commissioner against racial discrimination (Bolivia);	Accepted	The Australian Government will continue to adequately fund the Australian Human Rights Commission. Australia recently announced funding for a standalone Race Discrimination Commissioner, in addition to the new position of an Age Discrimination Commissioner.
86.28. Establish a National Children's Commissioner to monitor compliance with the CRC (New Zealand);	Accepted-in-part	The Australian Government is currently exploring a possible role for a national children's commissioner.
86.29. Consider establishing an independent commissioner for child rights (Poland);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.30. Continue measures for the adoption of the new National Action Plan on Human Rights (Azerbaijan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.31. Adopt a rights-based approach to climate change policy at home and abroad, including by reducing greenhouse gas emissions to safe levels that are consistent with the full enjoyment of human rights (Maldives);	Accepted-in-part	Australia is committed to taking action to address climate change in accordance with its international commitments. This will positively impact on the continued ability to enjoy human rights. Human rights impacts will be considered as part of policy approaches to address all impacts of climate change.
86.32. Develop a comprehensive poverty reduction and social inclusion strategy, which would integrate economic, social and cultural rights (Ghana);	Accepted-in-part	The Australian Government's social inclusion agenda promotes economic, social and cultural rights, including by reducing disadvantage and increasing social, civic and economic participation.
86.33. In line with the CESCR recommendation, develop a comprehensive poverty reduction and social inclusion strategy, which should integrate economic, social and cultural rights (Pakistan);	Accepted-in-part	The Australian Government's social inclusion agenda promotes economic, social and cultural rights, including by reducing disadvantage and increasing social, civic and economic participation.
86.34. Implement the observations of the Human Rights Committee by adopting the necessary legislation to ensure that no one is extradited to a State where they would be in danger of the death penalty (France);	Accepted	The Australian Government considers that provisions of the Extradition Act 1988, regarding surrender where the offence for which extradition is sought is punishable by the death penalty, are consistent with Australia's international obligations.
86.35. Follow-up on the implementation of recommendations of human rights mechanisms (Austria);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.36. Consider implementing the recommendations of human rights treaty bodies and special procedures concerning indigenous people (Jordan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.37. Implement the recommendations made by the UN Special Rapporteur on the rights of indigenous people after his visit in 2009 (Norway);	Accepted-in-part	The Australian Government has already implemented many recommendations of the Special Rapporteur, including fully reinstating the Racial Discrimination Act 1975 in relation to the Northern Territory Emergency Response, and has provided a statement to the Human Rights Council.

Recommendation	Stance	Explanation
86.38. Consider implementing the recommendations of UNHCR, human rights treaty bodies and special procedures with respect to asylum-seekers and irregular immigrants especially children (Jordan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.39. Comply with the recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women concerning the sterilization of women and girls with disabilities (Denmark); Enact national legislation prohibiting the use of non-therapeutic sterilisation of children, regardless of whether they have a disability, and of adults with disability without their informed and free consent (United Kingdom); Repeal all legal provisions allowing sterilization of persons with disabilities without their consent and for non-therapeutic reasons (Belgium); Abolish non-therapeutic sterilization of women and girls with disabilities (Germany);	Accepted-in-part	The Australian Government considers that the 'best interests' test as articulated and applied in Australia is consistent with Australia's international obligations. In response to concerns expressed internationally and domestically, the Attorney-General intends to initiate further discussions with State and Territory counterparts.
86.40. Continue its laudable measures to address the plight of persons with disabilities, in particular through pursuance of the draft National Disability Strategy, and share its experience in this regard (Botswana);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.41. Complete as soon as possible a general framework of measures to ensure equality of chances for people with disabilities (Republic of Moldova);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.42. Ensure that its efforts to harmonise and consolidate Commonwealth anti-discrimination laws address all prohibited grounds of discrimination and promote substantive equality (United Kingdom);	Accepted	The consolidation of federal anti-discrimination law into a single streamlined Act will enhance the regime and give effect to the Government's commitment to prohibit discrimination on the grounds of sexual orientation and gender identity in addition to existing grounds of protection.

Recommendation	Stance	Explanation
86.43. Enact comprehensive equality legislation at the federal level (Pakistan); Grant comprehensive protection to rights of equality and non-discrimination in its federal law (India);	Accepted-in-part	See recommendations 42 and 44. At this stage, the Australian Government does not commit to enacting a substantive guarantee to equality.
86.44. Enact comprehensive legislation which prohibits discrimination on all grounds to ensure the full enjoyment of all human rights by every member of society (South Africa);	Accepted	The consolidation of federal anti-discrimination law into a single streamlined Act will enhance the regime and give effect to the Government's commitment to prohibit discrimination on the grounds of sexual orientation and gender identity in addition to existing grounds of protection.
86.45. Continue its efforts to harmonize and consolidate its domestic legislation against all forms of discrimination on the basis of international standards (Argentina);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.46. Strengthen the federal legislation to combat discrimination and ensure an effective implementation with a view to a better protection of the rights of vulnerable persons, in particular children, persons in detention and persons with disabilities (Morocco);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.47. Take firm measures to end discrimination and violence against women, children and people from vulnerable groups so as to enhance a better respect for their dignity and human rights (Viet Nam);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.48. Put an end, in practice and in law, to systematic discrimination on the basis of race in particular against women of certain vulnerable groups (Islamic Republic of Iran);	Accepted	The Australian Government considers that its current laws, policies and programs do not discriminate on the basis of race.
86.49. Further ensure that everyone is entitled to equal respect and to a fair participation with full enjoyment of equal rights and opportunities in economic, political, social and cultural developments as incorporated in the laws and plans of action (Cambodia);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.50. Take appropriate measures to reduce the development gap and social disparities so as to enhance the full enjoyment of all human rights for all Australian people, especially in the areas of economic, cultural and social rights (Viet Nam);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.51. Intensify its efforts to further combat gender discrimination (Norway);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.52. Strengthen the Sex Discrimination Act as indicated in the National Report, and consider the adoption of temporary special measures, as recommended by CEDAW (Israel);	Accepted	Legislation to strengthen the Sex Discrimination Act 1984 was passed in May 2011.
86.53. Develop and implement policies to ensure gender equality throughout society and strengthen the promotion and protection of the rights of women, especially women from indigenous communities (South Africa);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.54. Persist in its efforts in order to redress remaining gender inequalities, in particular with regard to the employment of women in the private sector (Japan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.55. Adopt targets of 40 percent representation of women on public and private sector boards (Norway);	Accepted-in-part	The Australian Government has committed to achieving 40% representation of women on public sector boards and will continue to work with the private sector to achieve gender balance in private sector leadership ranks and forums.
86.56. Remain steadfast in pursuing its policies towards gender equality, in particular through its Fair Work Act (Botswana);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.57. Further strengthen its efforts to promote equality, non-discrimination and tolerance through the monitoring of racially motivated violence and inclusion of human rights education in school and university curriculum (Thailand);	Accepted	The Australian Government will continue to take steps to monitor racial violence. Discussions with States and Territories regarding human rights education will inform the development of the Australian Curriculum.

Recommendation	Stance	Explanation
86.58. Step up measures, such as human rights education in schools, so as to promote a more tolerant and inclusive society (Japan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.59. Strengthen further the measures to combat discrimination against minority communities, including Muslim communities in Australia (Algeria);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.60. Take measures towards ensuring the equal and the full enjoyment of the basic rights of all its citizens including persons belonging to indigenous communities, and to effectively prevent and, if necessary, combat racial discrimination (Sweden);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.61. Continue its efforts to promote multicultural and racial tolerance through initiatives such as the Australian Multicultural Advisory Council and the Diversity and Social Cohesion Programme (Singapore);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.62. Take more effective measures to address discrimination and other problems related to racial and ethnic relations including by developing and implementing appropriate policy and programmes with a view to improving and strengthening relations between races and cultures (Malaysia);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.63. Strengthen its measures and continue its efforts promoting multiculturalism and social inclusion (Morocco);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.64. Continue their great efforts to put an end to all practices likely to interfere with the peaceful coexistence among the different groups of the multi-ethnic society of Australia (Yemen);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.

Recommendation	Stance	Explanation
86.65. Implement additional measures to combat discrimination, defamation and violence (including cyber racism) against the Arab population and Australian Muslims, against recently arrived migrants (primarily from Africa) and also foreign students (essentially coming from India) (Russian Federation);	Accepted	Australia's new multicultural policy includes a National Anti-Racism Partnership and Strategy, establishment of the Australian Multicultural Council, a 'multicultural ambassadors' program and a Multicultural Youth Sports Partnership Program.
86.66. Continue to implement the harmonization and consolidation of anti-discriminatory laws and to move forward with the promulgation of laws protecting persons against discrimination on the grounds of sexual orientation or gender (Colombia);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.67. Introduce a national legal provision prohibiting discrimination and harassment based on sexual orientation and gender (Switzerland);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.68. As a high priority, introduce Federal law which prohibits discrimination on the grounds of sexual orientation (New Zealand);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.69. Take measures to ensure consistency and equality across individual States in recognising same-sex relationships (United Kingdom);	Accepted	The Australian Government will continue to support a nationally consistent framework for relationship recognition that would need to be implemented by States and Territories.
86.70. Amend the Marriage Act to allow same-sex partners to marry and to recognize same-sex marriages from overseas (Norway);	Rejected	The Australian Government does not intend to amend the Marriage Act 1961. The Australian Government will continue to support a nationally consistent framework for relationship recognition that would need to be implemented by States and Territories.
86.71. Enact legislation to ensure the humane treatment of prisoners (Hungary);	Accepted	States and Territories are responsible for managing and operating prisons and consider that existing legislation and policies ensure humane treatment of prisoners. States and Territories will continue to deliver corrective services in accordance with standard guidelines which comply with the UN Standard Minimum Rules for the Treatment of Prisoners.

Recommendation	Stance	Explanation
86.72. Strengthen efforts to combat family violence against women and children with a particular focus on indigenous communities (United States);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.73. Adopt special legislation to prevent and combat violence against women and girls and to prosecute and punish the perpetrators (Islamic Republic of Iran);	Accepted	States and Territories have in place legislation to criminalise violent conduct and sexual assault together with mechanisms to prosecute and punish perpetrators. The Australian Government has introduced legislation to prioritise the safety of children in family law proceedings and communicate that family violence and child abuse are unacceptable.
86.74. Adapt its legislation to ensure greater security for women and children (Switzerland);	Accepted	States and Territories have in place legislation to criminalise violent conduct and sexual assault together with mechanisms to prosecute and punish perpetrators. The Australian Government has introduced legislation to prioritise the safety of children in family law proceedings and communicate that family violence and child abuse are unacceptable.
86.75. Introduce a full prohibition of corporal punishment within the family in all states and territories (Russian Federation);	Rejected	While Australia has programs in place to protect children against family violence, and laws against assault, it remains lawful for parents in all States and Territories to use reasonable corporal punishment to discipline their children.
86.76. Speed up the process for the adoption of the National Plan to Reduce Violence against Women and their Children (Azerbaijan);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.77. Take steps, in partnership with State, Territory and Local governments, to further advance and accelerate implementation of the National Action Plan to Reduce Violence against Women and Their Children, so as to effectively address prevalence of violence against these vulnerable groups (Canada);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.78. Implement a national action plan to reduce violence against women and children (Switzerland);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.

Recommendation	Stance	Explanation
86.79. Implement immediately the National Plan to Reduce Violence against Women and their Children (Norway);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.80. Implement the National Action Plan to reduce violence against women and their children, including through an independent supervision mechanism that involves civil society organizations and take into account the specific situation of indigenous women and migrants (Mexico);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.81. Effectively implement the national policy to reduce violence against women (Philippines);	Accepted	The National Plan for Violence Against Women and their Children is a 12-year agreement between Australian, State and Territory governments, including an outcome that 'Indigenous Communities are Strengthened'.
86.82. Ensure that all victims of violence have access to counselling and assistance with recovery (Hungary);	Accepted	The Australian, State and Territory governments will continue to provide services to victims of violence including counselling and, where appropriate, financial assistance through victims of crime compensation schemes.
86.83. Continue to work and coordinate with countries in the region to strengthen the regional framework to deal with irregular migration and human trafficking in a comprehensive and sustainable manner, bearing in mind international human rights and humanitarian principles (Thailand);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.84. Strengthen further its commitment to the Bali process as the principal mechanism in the region which deals with people smuggling and trafficking (Indonesia);	Accepted	Australia is committed to the Bali Process as the principal forum on people smuggling and trafficking in the region.
86.85. Consider using the OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking as a guide in its anti-trafficking measures (Philippines);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.86. Increase its efforts to fight human trafficking (Azerbaijan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.87. Increase efforts to criminally prosecute trafficking offenders, including employers and labour recruiters who subject migrant workers to debt bondage and involuntary servitude (United States);	Accepted	The Australian Government is reviewing its people trafficking and slavery offences to ensure that law enforcement has the best tools available to investigate and prosecute perpetrators.
86.88. Take effective legal measures to prohibit the use of excessive force and “Tasers” by the police against various groups of peoples (Islamic Republic of Iran);	Accepted-in-part	The Australian, State and Territory governments will continue to take effective legal measures to prohibit the use of excessive force by the police. Australia does not intend to prohibit the use of Tasers by Australian police, but notes that safeguards are in place to ensure appropriate use.
86.89. Further improve the administration of justice and the rule of law including by setting up appropriate mechanisms in order to ensure adequate and independent investigation of police use of force, police misconduct and police related deaths (Malaysia);	Accepted	A range of oversight mechanisms exists to ensure scrutiny of police use of force, misconduct or police-related deaths in Australia. This includes oversight by the federal Ombudsman. States and Territories have independent authorities that investigate claims made against police as well as any deaths in custody.
86.90. Implement specific steps to combat the high level of deaths of indigenous persons in places of detention (Russian Federation);	Accepted	The Australian Government will continue to address Indigenous incarceration and deaths in custody, including by funding prevention, diversion and rehabilitation programs. States and Territories will continue to implement programs aimed at preventing Indigenous deaths in custody.
86.91. Introduce a requirement that all deaths in custody be reviewed and investigated by independent bodies tasked with considering prevention of deaths and implement the recommendations of Coronial and other investigations and enquiries (New Zealand);	Accepted	All deaths in custody are independently investigated by State and Territory Coroners courts and recommendations are considered by State and Territory governments. Australia has a National Deaths in Custody Program to monitor all deaths.

Recommendation	Stance	Explanation
86.92. Increase the provision of legal advice to indigenous peoples with due translation services reaching especially indigenous women of the most remote communities (Bolivia);	Accepted	The Australian Government has increased funding by 14.5% for Indigenous-specific legal services over 2010-14. It will continue to work with States and Territories to build the capacity of Indigenous language interpreter services.
86.93. Implement measures in order to address the factors leading to an overrepresentation of Aboriginal and Torres Strait Islanders communities in the prison population (Austria);	Accepted	See recommendation 90. The Australian Government will continue to address over-representation of Indigenous people in prison, including by funding Indigenous-specific Legal Services (see recommendation 92) and diversion and recidivism programs. States and Territories have a range of programs in place to address this issue.
86.94. Examine possibilities to increase the use of non-custodial measures (Austria);	Accepted	Imprisonment will continue to be viewed as a sentence of last resort in Australian courts. A range of alternatives is available, including home-detention orders and other community-based orders.
86.95. Enhance the contacts and communication between Aboriginal and Torres Strait Islanders communities and representatives of the law enforcement officials and enhance the training of those officials with respect to cultural specificities of the above communities (Austria);	Accepted	The Australian Federal Police and State and Territory police have a range of cultural awareness and human rights training in place. Additional human rights training will be delivered throughout the federal public sector including the AFP from 2011.
86.96. Improve the human rights elements of its training for law enforcement personnel (United States);	Accepted	The Australian Federal Police and State and Territory police have a range of cultural awareness and human rights training in place. Additional human rights training will be delivered throughout the federal public sector including the AFP from 2011.
86.97. Establish a National Compensation Tribunal, as recommended in the “Bringing Them Home” report, to provide compensation to Aboriginal and Torres Strait Islander people that are negatively affected by the assimilation policy, particularly as it applies to children unfairly removed from their families and the parents of those children (Slovenia);	Rejected	In February 2008, the Australian Government offered the National Apology in recognition of the grief and suffering inflicted on Stolen Generations. The Australian Government will continue to work in partnership to address the immediate and practical needs of the Stolen Generations. Some States have introduced compensation schemes for children abused in state care or removed from their families.

Recommendation	Stance	Explanation
86.98. Take regular measures to prevent hate speech, including prompt legal action against those who incite discrimination or violence motivated by racial, ethnic or religious reasons (Brazil);	Accepted	The Australian Government will continue to administer a strong framework for the prevention of hate speech and incitement to violence.
86.99. Develop a National Pay Strategy to monitor pay gaps mechanisms and establish a comprehensive child care policy, as recommended by CEDAW (Israel);	Accepted-in-part	The Australian Government will continue to progress policies to redress gender pay inequity and implement early childhood education and care reforms.
86.100. Remove, in law and in practice, restrictions on the rights of workers to strike, as recommended by the CESCR (Israel);	Accepted-in-part	The Australian Government is committed to reintroducing legislation to abolish the Australian Building and Construction Commission and remove a range of industry-specific regulations. The Government considers that provisions of the Fair Work Act 2009 in relation to collective bargaining and industrial action are consistent with Australia's international obligations, and achieve the right balance between the interests of Australian employees, employers and their representatives.
86.101. Step up efforts to ensure that people living in the remote and rural areas, in particular the indigenous peoples, receive adequate support services relating to accommodation and all aspects of health and education (Malaysia);	Accepted	The Australian Government will continue to take measures to ensure adequate support services are delivered to people in remote and rural areas.
86.102. Reform the Native Title Act 1993, amending strict requirements which can prevent the Aboriginal and Torres Strait Islander peoples from exercising the right to access and control their traditional lands and take part in cultural life (United Kingdom);	Accepted-in-part	The Australian Government continually reviews the operation of the native title system through practical, considered and targeted reforms. Legislation provides for Indigenous Australians to access, and to perform cultural activities on, their traditional lands through statutory regimes and cultural heritage laws.
86.103. Institute a formal reconciliation process leading to an agreement with Aboriginal and Torres Strait Islander people (Slovenia);	Accepted-in-part	The Australian Government is committed to the process of reconciliation between Indigenous and other Australians, but does not intend to enter into a formal agreement. See recommendation 110.

Recommendation	Stance	Explanation
86.104. Continue in particular the process of constitutional reform in order to better recognize the rights of indigenous peoples (France);	Accepted	The Australian Government is committed to pursuing recognition of Indigenous peoples in the Australian Constitution and has appointed an Expert Panel to develop options and lead a wide-ranging national public consultation and engagement program.
86.105. Continue to implement its efforts to attain the constitutional recognition of indigenous peoples (Colombia);	Accepted	The Australian Government is committed to pursuing recognition of Indigenous peoples in the Australian Constitution and has appointed an Expert Panel to develop options and lead a wide-ranging national public consultation and engagement program.
86.106. Revise its Constitution, legislation, public policies and programmes for the full implementation of the Declaration of the Rights of Indigenous Peoples (Bolivia); Ensure effective implementation of the Declaration on the Rights of Indigenous People, including in the Northern Territory, and provide adequate support to the National Congress of Australia's First Peoples to enable it to address the needs of indigenous people (Ghana); Develop a detailed framework to implement and raise awareness about the UN Declaration on the Rights of Indigenous Peoples in consultation with indigenous peoples (Hungary); Take further steps to ensure the implementation of the Declaration on the Rights of Indigenous Peoples (Denmark);	Accepted-in-part	The Australian Government supports promotion of and respect for the principles in the Declaration. The Australian Government has committed funding in support of the establishment and early operation of the National Congress of Australia's First Peoples.
86.107. Launch a constitutional reform process to better recognize and protect the rights of the Aboriginals and Torres Strait Islanders which would include a framework covering the principles and objectives of the UN Declaration on the Rights of Indigenous Peoples and would take into account the opinions and contributions of indigenous peoples (Guatemala);	Accepted	The Australian Government is committed to pursuing recognition of Indigenous peoples in the Australian Constitution and has appointed an Expert Panel to develop options and lead a wide-ranging national public consultation and engagement program.
86.108. Include in its national norms recognition and adequate protection of the culture, values and spiritual and religious practices of indigenous peoples (Bolivia);	Accepted	Where appropriate in law and in policy, the Australian Government will continue to recognise and protect the culture and heritage of Indigenous peoples.

Recommendation	Stance	Explanation
86.109. Promote the inclusion and participation of indigenous peoples and Torres Strait Islanders in any process or decision-making that may affect their interests (Bolivia);	Accepted	The Australian Government recognises the importance of engaging in good faith consultation with Indigenous peoples in relation to decisions that affect them. See recommendation 110.
86.110. Strengthen efforts and take effective measures with the aim of ensuring enjoyment of all rights for indigenous people, including participation in decision-making bodies at all levels (Bosnia and Herzegovina);	Accepted	The National Congress of Australia's First Peoples will provide a central mechanism with which government, the corporate and community sectors can engage and partner on reform initiatives.
86.111. Ensure that its legislation allows for processes of consultations in all actions affecting indigenous peoples (Mexico);	Accepted	The Australian Government recognises the importance of engaging in good faith consultation with Indigenous peoples in relation to decisions that affect them. No legislative barriers to consultation have been identified.
86.112. Continue to engage with the Aboriginal population and Torres Strait Islanders and ensure the equal protection of their fundamental rights (Indonesia);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.113. Increase the participation of the Aboriginal and Torres Strait Islanders communities in the process of closing the gap in opportunities and life outcomes (Austria);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.114. Continue the implementation of policies aimed at improving the living standards of indigenous peoples and take all the necessary measures to eradicate discrimination against them (France);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.115. Continue its efforts to narrow the gap in opportunities and life outcomes between indigenous and non-indigenous Australians (Singapore);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.116. Intensify its on-going efforts to close the gap in opportunities and life outcomes between Indigenous and non-Indigenous peoples, especially in the areas of housing, land title, healthcare, education and employment (Thailand);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.117. Continue addressing effectively the socio-economic inequalities for indigenous people (Jordan);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.118. Carry out, in consultation with the communities concerned, a comprehensive assessment of the effectiveness of actions and strategies aimed at improving socio-economic conditions of indigenous peoples and if necessary correct these actions (Belgium);	Accepted	The Council of Australian Governments Reform Council will provide a comprehensive report each year on progress against relevant targets.
86.119. Take immediate legal measures to remove restrictions against access of indigenous women and children to appropriate health and education services and employment opportunities (Islamic Republic of Iran);	Accepted	No legal impediments to access have been identified.
86.120. Continue efforts to increase the representation of indigenous women in decision making posts (Morocco);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.121. Safeguard the rights of refugees and asylum seekers (Sweden);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.122. Honour all obligations under Articles 31 and 33 of the Convention relating to the Status of Refugees and ensure that the rights of all refugees and asylum-seekers are respected, providing them access to Australian refugee law (Slovenia);	Accepted	The Australian Government is committed to providing protection to refugees consistent with its international obligations.
86.123. Ensure the processing of 'asylum seekers' claims in accordance with the UN Refugee Convention and that they are detained only when strictly necessary (Norway);	Accepted	Australian Government policy is that asylum seekers are only placed in immigration detention if they fall within the following groups: unauthorised arrivals (for health, identity and security checks); unlawful non-citizens presenting unacceptable risks to the community; and unlawful non-citizens repeatedly refusing to comply with visa conditions.

Recommendation	Stance	Explanation
86.124. Cease the practice of <i>refoulement</i> of refugees and asylum-seekers, which puts at risk their lives and their families' lives (Slovenia);	Accepted	The Australian Government does not forcibly return persons where to do so would be in breach of non-refoulement obligations under the Refugees Convention or relevant international human rights treaties.
86.125. Ensure in its domestic law that the principle of <i>non-refoulement</i> is respected when proceeding with the return of asylum-seekers to countries (Ghana);	Accepted	The Australian Government does not forcibly return persons where to do so would be in breach of non-refoulement obligations under the Refugees Convention or relevant international human rights treaties.
86.126. Repeal the provisions of the Migration Act 1958 relating to the mandatory detention (Pakistan); Revise the Migration Law of 1958 so that federal initiatives do not penalise foreign migrants in an irregular situation (Guatemala);	Rejected	The Australian Government considers mandatory detention an essential component of strong border control, which manages risks to the community. Mandatory detention is based on unauthorised arrival and not on individuals seeking asylum. Immigration detention policy and the operation of detention facilities in Australia is subject to close scrutiny from both domestic and international bodies.
86.127. Review its mandatory detention regime of asylum seekers, limiting detention to the shortest time reasonably necessary (Ghana);	Accepted	Mandatory detention is based on unauthorised arrival and not on individuals seeking asylum. Indefinite or otherwise arbitrary detention is not acceptable and the length and conditions of detention are subject to regular review.
86.128. Address the issue of children in immigration detention in a comprehensive manner (Philippines);	Accepted	See recommendation 129.
86.129. Ensure that no children are held in detention on the basis of their migratory status and that special protection and assistance is provided to unaccompanied children (Brazil);	Accepted-in-part	Since October 2010, the Australian Government has relocated significant numbers of unaccompanied minors and vulnerable family groups from immigration detention facilities into community-based accommodation, while their immigration status is resolved. In limited circumstances, children may still be accommodated in low-security facilities within the immigration detention network. The Government aims to relocate half of all children in immigration detention facilities to community-based accommodation by the end of June 2011.

Recommendation	Stance	Explanation
86.130. Take efficient measures to improve the harsh conditions of custody centres in particular for minorities, migrants and asylum seekers (Islamic Republic of Iran);	Accepted	Australian Government policy is that people in immigration detention are treated fairly and reasonably and that conditions of detention ensure their inherent dignity. Care is taken to ensure that people in immigration detention are not subjected to harsh conditions, are treated with respect and dignity and are provided with a safe and secure environment.
86.131. Consider alternatives to the detention of irregular migrants and asylum seekers, limit the length of detentions, ensure access to legal and health assistance and uphold its obligations under the Vienna Convention on Consular Relations (Brazil);	Accepted-in-part	See recommendations 126 and 132, 127 and 129. All persons in immigration detention have the right to request and receive consular access at any time without delay, and have access to appropriate health care commensurate with care available to the broader Australian community.
86.132. Do not detain migrants other than in exceptional cases and limit this detention to six months and bring detention conditions into line with international standards in the field of human rights (Switzerland);	Rejected	The Australian Government considers mandatory detention an essential component of strong border control, which manages risks to the community. Mandatory detention is based on unauthorised arrival and not on individuals seeking asylum. Immigration detention policy and the operation of detention facilities in Australia is subject to close scrutiny from both domestic and international bodies.
86.133. Ensure all irregular migrants have equal access to and protection under Australian law (Timor-Leste);	Rejected	There is some differentiation in the treatment of persons who arrive, or remain, in an irregular manner. Consistent with Australia's international obligations, all refugee determinations are assessed against the Refugees Convention through a process that provides procedural fairness and access to independent merits and judicial review.
86.134. Continue to work and coordinate with countries in the region to strengthen the regional framework to deal with irregular migration and human trafficking in a comprehensive and sustainable manner, bearing in mind international human rights and humanitarian principles (Thailand);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.

Recommendation	Stance	Explanation
86.135. Protect Official Development Assistance from budgetary cuts in the context of the international crisis and making every effort to bring it to the internationally agreed target of 0.7 per cent of GDP (Algeria);	Accepted	The Australian Government has committed to increasing aid to 0.5% of Gross National Income by 2015-16. As economic and fiscal conditions permit, the Government will then progressively increase Australia's official development assistance until it reaches 0.7% of GNI.
86.136. Investigate allegations of torture in the context of counter-terrorism measures, give publicity to the findings, bring perpetrators to justice and provide reparation to the victims (Brazil);	Accepted	The Australian Government recently strengthened its legislative prohibition on torture. Statutory victims of crime compensation schemes operate in all States and Territories. Australia's legal system provides for individuals to challenge actions and decisions of Government authorities. The Australian Government may also provide discretionary financial assistance.
86.137. Carry out a review of all 50 newly adopted laws since 2001 on combating terrorism, and of their application in practice so as to check their compliance with Australia's human rights obligations (Russian Federation);	Accepted	The Australian Government has undertaken comprehensive reviews of national security and counter-terrorism legislation. In April 2011, the Government appointed a new Independent National Security Legislation Monitor to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation.
86.138. Review the compatibility of its legislative framework to combat terrorism with its international obligations in the field of human rights and remedy any possible gaps (Belgium);	Accepted	The Australian Government has undertaken comprehensive reviews of national security and counter-terrorism legislation. In April 2011, the Government appointed a new Independent National Security Legislation Monitor to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation.
86.139. Continue to ensure that its legislation and methods to combat terrorism are in accordance with the International Covenant on Civil and Political Rights (Republic of Moldova);	Accepted	The Australian Government has undertaken comprehensive reviews of national security and counter-terrorism legislation. In April 2011, the Government appointed a new Independent National Security Legislation Monitor to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation.

Recommendation	Stance	Explanation
86.140. Ensure, in particular through its Independent National Security Legislation Monitor, that its national legislation is in keeping with its international obligations in the field of human rights (Switzerland);	Accepted	The Australian Government has undertaken comprehensive reviews of national security and counter-terrorism legislation. In April 2011, the Government appointed a new Independent National Security Legislation Monitor to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation.
86.141. Continue to share its experiences for the promotion of human rights in the region and the world (Lao People's Democratic Republic);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.142. Actively continue to implement the best practice and policy for the promotion and protection of the rights and living conditions, and to narrow the gap in living standards in favour of the vulnerable groups in the country (Lao People's Democratic Republic);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.143. Continue the consultation with civil society in a follow-up to its UPR (Poland);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.144. Continue to promote and protect human rights internationally through bilateral and multilateral dialogue to enhance human right capacity regionally across the Asia-Pacific and globally through the AusAID programme (Cambodia);	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.
86.145. Continue its efforts for the promotion and protection of human rights in the world and in their country (Chad).	Already reflected	Australia accepts the recommendation on the basis it is reflected in existing laws or policies and Australia will continue to take steps to achieve relevant outcomes.