



Australia's Human Rights Score Card

Australia's Universal Periodic Review 2015

NGO Coalition Table of Recommendations and Suggested Australian Government Response/Actions

December 2015

This Joint NGO Submission has been prepared by the Australian NGO Coalition, and was coordinated by the National Association of Community Legal Centres and Human Rights Law Centre.

The submission has been prepared within a very tight timeframe in order to inform the Australian Government's response to the recommendations made as part of its 2015 Universal Periodic Review by the end of February 2016. As a result, the submission is intended to provide a brief guide, is not exhaustive, and has not been circulated for endorsement by the full NGO Coalition.

At the outset, the NGO Coalition makes the following brief points:

- The NGO Coalition encourages the Australian Government to be clear about what actions it will take to implement any recommendations accepted, both in its initial response in February 2016, and more fully once a detailed plan for monitoring and implementation of the recommendations is developed
- Accordingly, this submission indicates whether the NGO Coalition suggests that the Government should Accept or Note particular recommendations and outlines the suggested priority actions for the Australian Government under each recommendation, as well as possible ways to monitor implementation
- As noted at the AGD NGO Forum on 9 December 2015, the NGO Coalition strongly encourages the Federal Government to put in place mechanisms to ensure appropriate discussion with, and involvement of, State and Territory Governments in determining its response and actions with respect to relevant recommendations
- The submission does not deal with all issues of intersectionality. The NGO Coalition notes that there are a range of recommendations grouped under particular headings that are also appropriately included under other headings. The NGO Coalition suggests that in outlining its response and developing actions associated with each recommendation the Australian Government should be mindful of issues of intersectionality and the particular needs and perspectives of groups including Aboriginal and Torres Strait Islander people, women, people with disability, people from culturally and linguistically diverse communities, LGBTIQ people and older people



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- The NGO Coalition looks forward to working with the Australian Government to develop a more detailed framework for monitoring and implementation of UPR recommendations, including clear actions and SMART criteria for each UPR recommendation
- The NGO Coalition also looks forward to being consulted by, and working with, the Australian Government in relation to the voluntary commitment to develop a standing national mechanism to strengthen Australia's overall engagement with UN human rights reporting.

Please contact either Amanda Alford or Anna Brown should you wish to discuss this submission.

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
RATIFICATIONS	Ratification - General	RATIFICATIONS Ratification-General	5.1- 5.2 Ratify the international human rights instruments to which it is not a party	Accept	Ratify the following: <ul style="list-style-type: none"> • OPCAT • OP-ICESCR • OP-CRC-IC • ICRMW • ICCPED • Kampala amendments to Rome Statute • ILO 138 • ILO 169 • Third Optional Protocol to the Convention on the Rights of the Child 	Ratification of the conventions/instruments listed.

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RATIFICATIONS	Ratify OP-ICESCR	Ratify OPCAT	5.3-5.29: Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a National Preventative Mechanism (OP-CAT)	Accept	<ul style="list-style-type: none"> Meet with civil society and AHRC to discuss ratification Ratify OP-CAT and establish AHRC as the National Preventative Mechanism (NPM) Engage in and fund consultation and technical workshops on best practice models for NPM under OPCAT Provide additional resourcing to the body established as the NPM to undertake that function 	<ul style="list-style-type: none"> Ratification of OP-CAT in 2016 Technical workshops and consultations held Necessary legislative change to establish National Preventative Mechanism by March 2019 Additional resources provided to NPM
RATIFICATIONS	Ratify OP-ICESCR	Ratify OP-ICESCR	5.30-5.33 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)	Accept	Ratify OP-ICESCR	Ratification of OP-ICESCR
RATIFICATIONS	Ratify CRC-OP3	Ratify OP-CRC-IC	5.34-5.35 Ratify the Optional Protocol to the	Accept	Ratify OP-CRC-IC	Ratification of OP-CRC-IC



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			CRC on communications procedures (OP-CRC-IC)			
RATIFICATION	Ratify ICRMW	Ratify ICRMW	5.36-5.49 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	Accept	<ul style="list-style-type: none"> • Consultation with the AHRC and civil society regarding ratification • Ratify ICRMW • Australia will enact/amend legislation to implement the Convention within Australia. 	Ratification of ICRMW
RATIFICATION	Ratify ICCPED	Ratify ICCPED	5.50-5.54 Ratify the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED)	Accept	<ul style="list-style-type: none"> • Ratify ICCPED • Australia will enact/amend legislation to implement the Convention within Australia. 	Ratification of ICCPED
RATIFICATION	Ratify the Kambala Amendments to the Rome Statute	Ratify the Kambala Amendments to the Rome Statute	5.55 Ratify the Amendments to the Rome Statute of the ICC adopted in Kampala, Uganda in 2010 (Ghana);	Accept	Ratify Amendments	Ratification of Amendments
RATIFICATION	Ratify ILO 138	Ratify ILO 138	5.56. Ratify the ILO Convention No. 138 on the minimum age for admission to	Accept	<ul style="list-style-type: none"> • Australia will ratify ILO 138 • Australia will enact/amend legislation to implement the Convention within Australia. 	Ratification of ILO 138

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			employment (Uzbekistan);			
RATIFICATIONS	Ratify ILO 169	Ratify ILO 169	5.57. Ratify the ILO Convention No. 169 (Chile);	Accept	<ul style="list-style-type: none"> • Australia will ratify ILO Convention No. 169. • Australia will enact/amend legislation to implement the Convention within Australia. • Australia will undertake robust consultation with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies about decisions that affect their interests as required by ILO 169. • Australia will ensure the Department of Prime Minister and Cabinet fund the National Congress of Australia's First Peoples to advise on, monitor and review legislation and policies to ensure compliance with the requirements under the ILO Convention No.169. 	<ul style="list-style-type: none"> • New National Standing Mechanism to report at least annually on progress in giving effect to ILO Convention No. 169. • With adequate funding Congress can provide advice to governments on how to best to implement the requirements under ILO Convention No. 169 in legislation and policies to ensure compliance.
UN ENGAGEMENTS	Reservations	Reservations	5.59. Withdraw its reservation on article 4 (a) of ICERD (South Africa);	Accept	Withdraw reservation on Art 4(a) of ICERD	Withdrawal of reservation
INTERNATIONAL/ UN ENGAGEMENT			5. 165 a) Remove the reservation to the CRC, and b) prohibit corporal punishment of children	Accept	Withdraw reservation to CRC	Withdrawal of reservation

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			in the home and all other settings (Estonia);			
INTERNATIONAL/ UN ENGAGEMENT		Submit Overdue Reports	5.60. Submit overdue reports to CERD, CDESCR, CCPR and CEDAW (Sierra Leone);	Accept	<ul style="list-style-type: none"> Finalisation of overdue reports, including consultation with civil society Submit overdue reports to CERD, CDESCR, CCPR and CEDAW Put in place mechanisms to ensure all future reports are submitted in a timely way 	<ul style="list-style-type: none"> Submission of overdue reports by March 2016 No future reports overdue National Standing Mechanism (to be established) to monitor future reporting obligations.
INTERNATIONAL/ UN ENGAGEMENT		Implement Committee Recommendations	5.61. Implement recommendations from the Committee against Torture (Timor-Leste);	Accept	<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to enact/amend legislation and revise policy positions to implement recommendations from the Committee against Torture SNCRM to be established to monitor and report on engagement with special procedures 	New National Standing Mechanism established and to report at annually on progress in implementing the recommendations of the Committee against Torture

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INTERNATIONAL/ UN ENGAGEMENT			5.62 Take urgent measures for the implementation of the recommendations of the UNHCR, the United Nations Human Rights Treaty Bodies and Special Procedures as regards asylum seekers and illegal migrants (Belarus);	Accept	<ul style="list-style-type: none"> Australia will conduct an audit of recommendations by UNHCR, treaty bodies and special procedures on refugee and asylum seeker issues to determine which have not yet been implemented. This audit should include both official communications and less formal reports and advice (such as reports of UNHCR's monitoring visits to Nauru and Manus Island). Against each recommendation, develop a plan of action to progress implementation. In many cases, the recommendations are likely to have parallels with recommendations made during the UPR, thus the implementation strategies outlined elsewhere in this document will be relevant to the development of this plan of action SNCRM to be established to monitor and report on engagement with special procedures 	Once the initial audit has been completed, conduct regular reviews (e.g. on a six-monthly or annual basis) to monitor progress with implementation, with a view to having all recommendations fully implemented in advance of Australia's next UPR.
INTERNATIONAL/ UN ENGAGEMENT			5.77 Implement the recommendations from the Special Rapporteur on Indigenous peoples (Costa Rica);	Accept	<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to enact/amend legislation and revise policy positions to implement the recommendations 	New National Standing Mechanism established and to report at annually on progress in implementing the recommendations from

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					<p>of the Special Rapporteur on Indigenous peoples</p> <ul style="list-style-type: none"> • SNCRM to be established to monitor and report on engagement with special procedures 	the Special Rapporteur on Indigenous peoples
INTERNATIONAL/ UN ENGAGEMENT			5.95 Implement the recommendations of the International Conference on Population and Development (ICPD) Programme of Action, to close the gap between Indigenous and non-Indigenous Australians in health, education, housing and employment (Canada);	Accept	Australia will ensure that Federal, State and Territory governments work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to enact/amend legislation and revise policy positions to implement the recommendations of the International Conference on Population and Development (ICPD)	New National Standing Mechanism established and to report at annually on progress in implementing the recommendations from the International Conference on Population and Development recommendations.
INTERNATIONAL/ UN ENGAGEMENT		Special Procedures	5.63. Cooperate fully with the Special Procedures of the Human Rights Council and ensure everyone enjoys the right to unhindered access to	Accept	<ul style="list-style-type: none"> • Continue standing invitation to all UN Special Procedures • Resolve current issue with Special Rapporteur on Migrants to allow visit to proceed • Amend Border Force Act and other relevant legislation to provide exemption 	<ul style="list-style-type: none"> • Agreement secured to facilitate SR on Migrants visit before March 2016. • Special Rapporteur on Migrants conducts visit of Australia in 2016



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			and communication with the United Nations, its representatives and mechanisms, including by preventing and ensuring adequate protection against reprisals (Ireland);		for discussion/engagement with UN bodies/processes/experts SNCRM to be established to monitor and report on engagement with special procedures	<ul style="list-style-type: none"> Borderforce Act and other legislation amended to ensure individuals can provide information to UN bodies/processes/experts without exposing themselves to potential charges
INTERNATIONAL/ UN ENGAGEMENT		Monitoring UPR Recommendations	5.64. Analyze the possibility of creating a follow-up system to the international recommendations (Paraguay);	Accept	<ul style="list-style-type: none"> Undertake a consultation process to support the establishment of a standing mechanism to monitor and report on the implementation of all UN recommendations, including those arising from the UPR Establish a standing national reporting and coordination mechanism (SNCRM) that has responsibility for coordinating implementation of recommendations, including the following elements-appropriate resourcing; whole-of- 	



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					<p>government involvement; Ministerial involvement; inclusion of AHRC as observer and adviser; reporting to Parliament and publicly; engagement with state and territory governments; and a strategy for engagement with civil society and the broader public;</p> <ul style="list-style-type: none"> • Make publicly available Government reports on the status of implementation of UPR recommendations at least annually. • Develop and fund a publicly accessible website and/or tracking tool, using the NZ National Plan of Action as a guide – this implementation reporting tool could be administered by the AHRC (with additional and appropriate resources) • Engage in ongoing discussions and consultation with civil society in relation to implementation of recommendations • Establish regular and systematic engagement with the AHRC and civil society around Australia's engagement with UN mechanisms including regular dialogue ahead of each Human Rights Council session. • Establish a high-level human rights advisory group, comprised of experts from NGOs, academia and think-tanks, to advise the Government on foreign policy and 	



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					options for addressing human rights issues abroad.	
INTERNATIONAL/ UN ENGAGEMENT			5.65. Extend the mandate of the Joint Parliamentary Committee on Human Rights to include the domestic consideration and oversight of implementation of recommendations from UN human rights mechanisms (United Kingdom of Great Britain and Northern Ireland);	Accept	<ul style="list-style-type: none"> Establish the SNCRM to drive the implementation of UN recommendations and monitor and report on progress. Consider the role of the Joint Parliamentary Committee on Human Rights as part of establishing a SNCRM, including expanding the scope of the committee and any role in reporting to parliament on the activities of the SNCRM Consider dedicating a day of parliamentary business to discussion of human rights, including reporting from the JPCHR 	
INTERNATIONAL/ UN ENGAGEMENT			5.66. Engage closely with civil society in the follow-up on the recommendations of the Human Rights Council (Trinidad and Tobago);	Accept	<ul style="list-style-type: none"> Continue at least annual NGO forums to discuss human rights in Australia and monitoring and implementation of recommendations made by the Human Rights Council (either UPR recommendations or recommendations from special procedures) Establish an annual conference/event to discuss human rights in Australia Consider dedicating a day of parliamentary business to discussion of human rights, 	



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					<p>including reporting from the JPCHR. Establish a NGO stakeholder group for ongoing monitoring and implementation of UPR recommendations</p> <ul style="list-style-type: none"> • Establish regular and systematic engagement with the AHRC and civil society around Australia's engagement with UN mechanisms including regular dialogue ahead of each Human Rights Council session. • Establish a high-level human rights advisory group, comprised of experts from NGOs, academia and think-tanks, to advise the minister on foreign policy and options for addressing human rights issues abroad. • Provide funding to NGOs for actions associated with UN engagement and assisting the Government in follow-up of recommendations 	
INTERNATIONAL ENGAGEMENT	Crimes Against Humanity	International engagement	(5.58) Continue its efforts at the international level towards the prevention of crimes against humanity (Armenia)	Accept	<ul style="list-style-type: none"> • Australia will actively encourage states to ratify the Rome Statute of the International Criminal Court and to bring their national legislation in line with the obligations in that instrument (DFAT); • Encourage and support efforts to bring perpetrators of crimes against humanity (and war crimes and genocide) to justice, either through national courts or the International Criminal Court (DFAT); 	<ul style="list-style-type: none"> • Number of UPR recommendations made to non-signatory states to ratify the Rome Statute and align national legislation accordingly; number of times representations made in bilateral and



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					<ul style="list-style-type: none"> Do not support amnesties for anyone found to have committed crimes against humanity (or war crimes or genocide) (DFAT); Provide support, including funding assistance where possible, to non-governmental and other organisations that provide training and capacity building aimed at the prevention of crimes against humanity (or war crimes or genocide), including those engaged in efforts to hold perpetrators of such crimes to account (DFAT). 	<p>other discussions with non-signatory states;</p> <ul style="list-style-type: none"> Voting in support of UN resolutions (for example in the Human Rights Council) seeking to bring perpetrators to account; cooperating fully and promptly with the ICC whenever called upon to do so; supporting credible national efforts to bring perpetrators to account, including through the provision of technical assistance and funding support where possible; Where amnesties are proposed for those who have committed crimes against humanity (or war crimes or genocide), actively speaking against such proposals; Number of occasions where support, including financial assistance, provided to



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						organisations involved in the provision of relevant training and efforts to hold perpetrators to account.
INTERNATIONAL/ UN ENGAGEMENT		Overseas Development Assistance	5.215 Further contribute to the global realization of the right to development including through ensuring that its annual ODAs (Official Development Assistance) matches the internationally agreed level of 0.7% of the GDP (Egypt);	Accept		
INTERNATIONAL/ UN ENGAGEMENT			5.216 Increase its ODA from the current 0.33% to 0.7% of the GDP (Sierra Leone);	Accept		
INTERNATIONAL/ UN ENGAGEMENT			5.217 Adopt a clear road map to reach ODA target of 0.7 per cent of GNI (Bangladesh);	Accept		

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INTERNATIONAL/ UN ENGAGEMENT		International Cooperation	5.218 Enhance bilateral cooperation with other countries in the field of human rights especially through dialogue and technical assistance (Viet Nam);	Accept		
INTERNATIONAL/ UN ENGAGEMENT		Climate Change	5.219 Revise its Intended Nationally Determined Contribution to be in line with a fair approach taken by other industrialised countries, so as to be consistent with the full enjoyment of human rights by its people and those in neighbouring countries (Fiji);	Accept		
DOMESTIC FRAMEWORKS AND ENGAGEMENT	AHRC	DOMESTIC FRAMEWORKS AND ENGAGEMENT	5.67. Revise the decision to reduce the AHRC's funds in order to guarantee its	Accept	<ul style="list-style-type: none"> Reverse funding cuts to AHRC under last three Federal Budgets (in particular the funding cuts announced as part of MYEFO in December 2014 of \$5 million over 3 years) 	Additional funding provided to the AHRC in May 2016 budget



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		AHRC	independent and effective functioning (Hungary);			
DOMESTIC FRAMEWORKS AND ENGAGEMENT	National Action Plan	National Action Plan	5.68- 5.70	Accept	<ul style="list-style-type: none"> Develop a framework for the monitoring and implementation of human rights in Australia, including the UPR recommendations, which uses 'SMART' criteria In developing the framework, ensure appropriate consultation with State and Territory Governments and civil society 	
DOMESTIC FRAMEWORKS AND ENGAGEMENT	Human Rights Act	Human Rights Act	5.71-5.73 Introduce a comprehensive judicially enforceable federal Human Rights Act	Accept	Implement the recommendations made by the Report of the 2009 National Human Rights Consultation, including introducing a comprehensive, judicially enforceable federal Human Rights Act	Introduction of a Federal Human Rights Act
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS Constitutional Recognition	5.74., 5.75., 5.76(a), 5.85(b)	Accept	<ul style="list-style-type: none"> Australia will support and fund a series of Aboriginal and Torres Strait Islander Constitutional Recognition conferences (before the general Constitutional Recognition Conventions are held), facilitated by National Congress of Australia's First Peoples and other peak Aboriginal and Torres Strait Islander organisations, in urban, rural and remote locations in each State and Territory, to advise 	



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					the Constitutional Recognition Council on the constitutional recognition model chosen by Aboriginal and Torres Strait Islander communities.	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS <ul style="list-style-type: none"> General Rights UNDRIP 	5.78., 5.79., 5.80., 5.81., 5.82., 5.83., 5.84., 5.85(a), 5.86.	Accept	<ul style="list-style-type: none"> Australia will develop a national framework to implement and raise awareness about the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Australia will ensure the Department of Prime Minister and Cabinet fund the National Congress of Australia's First Peoples to advise on, monitor and review legislation and policies to ensure compliance with the requirements under the UNDRIP Amend the <i>Human Rights (Parliamentary Scrutiny) Act 2011</i> (Cth) to include the UNDRIP in the definition of human rights. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Consultation with Indigenous peoples	5.87., 5.88., 5.89., 5.90.	Accept	<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to forge agreement through COAG to: <ul style="list-style-type: none"> Support capacity building, and provide ongoing resourcing of Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to ensure that policy solutions are underpinned by the principle of self-determination, respect for Aboriginal and 	



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					<p>Torres Strait Islander people's culture and identity, and recognition of the history of dispossession and trauma experienced by many communities.</p> <ul style="list-style-type: none"> • Australia will provide long term funding to Aboriginal and Torres Strait Islander community-controlled services commensurate with need across all sectors, and their representative bodies, to lead integrated and holistic supports, ensuring quality, culturally strong services for Aboriginal and Torres Strait Islander peoples. • Australia will support the development of place-based, Aboriginal and Torres Strait Islander community- controlled services based on identification of need. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Remote communities	5.91., 5.92	Accept	<ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments adequately resource remote Aboriginal and Torres Strait Islander communities to ensure they are funded to stay open and supported to fully enjoy economic, social and cultural rights as described in the UNDRIP and ILO 169. 	



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					<ul style="list-style-type: none"> Australia will ensure that the Federal government work with State and Territory governments to ensure that Aboriginal and Torres Strait Islander communities are robustly consulted and are equipped to provide free, prior & informed consent on any policy decisions made about their communities. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Close the Gap/Equal Access to Opportunities and Services	5.93., 5.94., 5.96., 5.97., 5.98., 5.99., 5.100., 5.103., 5.104., 5.105., 5.106., 5.107., 5.112.	Accept	<ul style="list-style-type: none"> Australia will ensure that the Federal, State and Territory governments implement economic development and poverty reduction strategies designed by Aboriginal and Torres Strait Islander people (through the National Congress of Australia's First peoples and other peak Aboriginal and Torres Strait Islander organisations), and supported by governments, to increase employment opportunities. This should be complemented by a robust social safety net, including the provision of adequate basic income support. Australia will ensure that the Federal, State and Territory governments set the following justice targets under the closing the gap framework, which are aimed at promoting community safety and reducing the rates at which Aboriginal and Torres Strait Islander people come into contact with the criminal justice system: 	



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					<ul style="list-style-type: none"> • Close the gap in the rates of imprisonment between Aboriginal and Torres Strait Islander people by 2040; • Cut the disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least close the gap by 2040; with priority strategies for women and children. • Australia will ensure that the Federal, State and Territory governments develop a workforce plan that will enable national coverage of services. This plan should include: <ul style="list-style-type: none"> • building the Aboriginal and Torres Strait Islander workforce with a specific focus on recruitment and retention of ATSDI people; • building the cultural competency of all relevant workforces • Prioritising Aboriginal and Torres Strait Islander organisations and service providers, procurement processes and contract negotiations. • Australia will consider the recommendations made by the Senate Standing Committees on Finance and Public Administration in its Review of Tendering under the IAS; undertake a full review of the IAS; and reverse the proposed 	

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					<p>pause to indexation in 2018 announced as part of MYEFO in December 2015.</p> <ul style="list-style-type: none"> Australia will ensure that the Department of Prime Minister and Cabinet prioritises funding Aboriginal and Torres Strait Islander peoples organisations and corporations to provide services for Aboriginal and Torres Strait Islander peoples. The IAS will provide preferential/priority funding for community-controlled Aboriginal and Torres Strait Islander organisations, with government departments, mainstream corporations and organisations being funded from mainstream funding streams. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Access to education	5.108., 5.109., 5.110., 5.111.	Accept	<ul style="list-style-type: none"> Australia will ensure the Federal, State and Territory Governments work with Aboriginal and Torres Strait Islander Peoples through the National Congress of Australia's First Peoples to continue designing an accountability framework (Congress is also a key stakeholder for consultation in Overarching Bilateral Implementation Plans for the education National Partnership Framework) to ensure education systems are monitored for their ability to provide Aboriginal and Torres Strait Islander peoples with better education outcomes. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> • Australia will ensure that schools in Aboriginal and/or Torres Strait Islander communities are resourced to teach under a bilingual education model. • Australia will ensure that the Federal Government takes a leadership role to work with the State and Territory Governments to legislate that exclusion from school is used as a matter of last resort, this should include the provision of restorative justice initiatives and healing programmes within school to enable the early resolution of issues. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Family separation	Rec 5.113.	Accept	<ul style="list-style-type: none"> • Australia will ensure that Federal, State and Territory governments' embed Aboriginal and Torres Strait Islander decision-making into all phases of the child protection system, in particular through the implementation of Aboriginal Guardianship laws and the child placement principle in all jurisdictions. This should include: <ul style="list-style-type: none"> • family decision-making processes being available to all families at the earliest opportunity; • community-based child safety structures to drive prevention strategies; and 	



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					<ul style="list-style-type: none"> • monitoring of child well-being and input into decision-making about children welfare. • Australia will ensure that Federal, State and Territory governments provide national coverage commensurate to need for holistic, culturally strong and intensive family support services, including child support, legal and counselling services, to strengthen families before and on coming into contact with the child protection system. • Australia will ensure that Federal, State and Territory governments establish, through COAG, a funding mechanism that prioritises early intervention investment to address the under-representation of Aboriginal and Torres Strait Islander children in the early childhood education and care system and over-representation of Aboriginal and Torres Strait Islander children in the child protection system. This should include an emphasis on funding for Aboriginal and Torres Strait Islander community controlled organisations that provide frontline services including child support, legal and counselling services. 	



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					<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments implement strategies that enable communities to develop and deliver their own holistic healing approaches to respond to the impacts of the intergenerational trauma experienced by many Aboriginal and Torres Strait Islander people. 	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Language and culture	5.114., 5.115.	Accept	<ul style="list-style-type: none"> Australia will ensure the creation of a new National Aboriginal and Torres Strait Islander languages body to: <ul style="list-style-type: none"> oversee the implementation of the many recommendations from the multiple reviews, reports and implement the actions from the National Indigenous Languages Policy; coordinate language funding; develop training and performance standards; coordinate measures to improve Indigenous language interpreting and language services and encourage understanding and connections between language groups; and conduct mapping, strategic planning and prioritisation of a suite of maintenance and revival activities nationally, in conjunction with State education departments, State or Regional Aboriginal language centres, and 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					community groups and support local approaches by communities and Traditional Owners as part of its core work.	
INDIGENOUS AUSTRALIANS		INDIGENOUS AUSTRALIANS/ Imprisonment of Indigenous Australians	5.203., 5.204., 5.205.	Accept	<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to forge agreement through COAG to: <ul style="list-style-type: none"> Establish a national, holistic and whole-of-government strategy to address imprisonment and violence rates. Jointly establish, or task, an independent central agency with Aboriginal and Torres Strait Islander oversight to co-ordinate a comprehensive, current and consistent national approach to data collection and policy development relating to Aboriginal and Torres Strait Islander imprisonment and violence rates. Australia will ensure that the Federal, State and Territory governments prioritise budgetary and other measures to progressively invest increased resources into services and programs that strengthen communities and address the underlying causes of crime, leading to lower prisoner numbers and less expenditure on prisons. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments work in partnership with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies and State and Territory governments to support the identification and development of place-based 'justice reinvestment' sites. • Australia will ensure that the Federal, State and Territory governments ensure that individuals with multiple and complex needs (ie have a disability or are experiencing poverty, mental illness, drug or alcohol addiction, homelessness or unemployment) are effectively supported, including by adequately resourcing service providers to improve co-ordination. • Australia will ensure that the Federal, State and Territory governments provide legal assistance services including ATSILS, FVPLSs, Community Legal Centres (CLCs) and Legal Aid Commissions with funding to meet the civil, family and criminal legal needs of Aboriginal and Torres Strait Islander people, with priority given to services that are Aboriginal and Torres Strait Islander community controlled. • Australia will ensure that the Federal, State and Territory governments increase access to 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>culturally-appropriate early intervention programs including support and programs based on voluntary participation which address:</p> <ul style="list-style-type: none"> • family violence; • drug and alcohol issues; • mental health issues; and • employment and training. <ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments fund the development of culturally-appropriate early intervention and prevention programs <ul style="list-style-type: none"> • including community legal education and outreach programs undertaken by ATSILS and FVPLS; and • targeted at women experiencing multiple needs (e.g. family violence, substance abuse and mental health issues). • Australia will ensure that the Federal, State and Territory governments urgently finalise an official diagnostic tool for Foetal Alcohol Spectrum Disorder (FASD) and recognise FASD as a disability, whilst at the same time ensuring that mothers of children with FASD are not stigmatised or criminalised. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments support diversion programs for people with disability. • Australia will ensure that the Federal, State and Territory governments develop and implement strategies which are aimed at building stronger and collaborative relationships between police and Aboriginal and Torres Strait Islander communities, organisations and their representative bodies. These strategies should improve police interaction with the community and build the capacity of police to respond to family violence, mental health issues and other complex situations, in a culturally safe way. • Australia will ensure that the Federal, State and Territory governments establish police policies and programs that promote diversion from the criminal justice system. For example, establishing targets and incentivising smart practices, such as referrals to appropriate health or other support services. • Australia will ensure that the Federal, State and Territory governments implement programs to increase awareness of the prevalence and impact of disability and mental health on offending behaviour/crime/contact with the 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>justice system, and provide options for better policing and judicial administration.</p> <ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments promote community-based initiatives, such as night patrols, that promote public safety measures and community empowerment. • Australia will ensure that the Federal, State and Territory governments end custodial sentencing for low level offences, expand diversion schemes and community-based service orders, and ensure equitable access by Aboriginal and Torres Strait Islander people to non-custodial sentencing options. • Australia will ensure that the Federal, State and Territory governments reduce unnecessary remand by expanding bail accommodation, case management for remand and other bail support programs. • Australia will ensure that the Federal, State and Territory governments increase the availability of interpreters for legal and other services, particularly in remote and regional areas. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments provide adequate support to Aboriginal and Torres Strait Islander people navigating the justice system, including the provision of legal assistance. For example, additional supports should be provided to individuals with multiple and complex needs, particularly those with mental and cognitive impairments. • Australia will ensure that the Federal, State and Territory governments move away from strict compliance models in regards to both parole and bail condition breaches, particularly relating to technical breaches or low level breaches (except in family/domestic violence-related matters). • Australia will ensure that the Federal, State and Territory governments support the development and implementation of; <ul style="list-style-type: none"> • culturally competent and specialist courts, such as Koori Courts, Murri Courts and Drug Courts; and • community-led therapeutic and restorative justice approaches including healing circles and youth conferencing. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> • Australia will ensure that the Federal, State and Territory governments increase access to Aboriginal and Torres Strait Islander specific counselling services, drug and alcohol services, healthcare, disability supports and offence specific programs (e.g. family violence). This should include both before entering custody, during imprisonment, at time of release and post-release. This should include a specific focus on increasing access to services for victim/survivors of violent crimes that are imprisoned. • Australia will ensure that the Federal, State and Territory governments improve the accessibility and availability of Aboriginal and Torres Strait Islander specific education/training and employment programs in prisons. • Australia will ensure that the Federal, State and Territory governments provide intensive wrap-around support programs both pre- and post-release. This should include appropriate: <ul style="list-style-type: none"> • Family, health and disability services; • Employment and training programs; and • Supported affordable housing/accommodation for individuals post release 	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> Australia will ensure that the Federal, State and Territory governments ensure support programs are specifically designed by and for Aboriginal and Torres Strait Islander people, and in the first instance provided by Aboriginal community-controlled organisations. 	
DISCRIMINATION AND SOCIAL COHESION	Anti-discrimination & Rights of Minority Groups	Gender and anti-discrimination <i>(or include in a single discrimination section)</i>	5.117 – 5.120 & 5.124	Accepted	<p>Enact a comprehensive Equality Act that addresses all prohibited grounds of discrimination (including domestic violence as a protected attribute), promotes substantive equality and provides effective remedies, including against systemic and intersectional discrimination and implements the remaining recommendations of the 2008 Senate Committee inquiry into the Sex Discrimination Act and the Senate Committee inquiry into the <i>Human Rights and Anti-Discrimination Bill (Exposure Draft)</i>.</p> <p>Note: relevant SDG targets - 5.1, 5.5, 5a, 5c & 8.8</p>	
DISCRIMINATION AND SOCIAL COHESION	Rights of Minority Groups	Rights of Minority Groups	5.123, 5.124, 5.126, 5.127, 5.136	Accept	<ul style="list-style-type: none"> Enhance the impact of the Multicultural Access and Equity policy by enabling a robust whole-of-government implementation, following a human rights-based approach, and by applying the policy principles of all areas of government policy and practice that affect ethnic minority groups Australia will ensure that legislation of the Commonwealth, States and Territories does not 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>directly nor indirectly discriminate on the basis of race, colour or national or ethnic origin.</p> <ul style="list-style-type: none"> • Australia will develop a framework with Aboriginal and Torres Strait Islander Peoples to implement and raise awareness about the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in consultation with Aboriginal and Torres Strait Islander people • Provide funding to the Australian Human Rights Commission for full-time Disability Discrimination and Age Discrimination Commissioners and appoint full-time Commissioners to both those roles following a merit selection process when the current part-time Commissioner's term expires in mid-2016 • For recommendation 5.124 specifically with respect to older persons: implement the recommendations of the ALRC's Access All Ages- Older Workers and Commonwealth Laws (ALRC Report 120); and respond to and implement the recommendations of the Australian Human Rights Commission's Willing to Work Inquiry 	
DISCRIMINATION AND SOCIAL COHESION	Social cohesion, racial discrimination and	DISCRIMINATION AND SOCIAL COHESION/ Social cohesion, racial	5.124, 5.128, 5.129, 5.130, 5.131, 5.132, 5.133, 5.134, 5.135, 5.137, 5.138, 5.139, 5.140	Accept	Double the budget provided to the Australian Human Rights Commission to implement the National Anti-Racism Strategy and the <i>Racism. It Stops with Me</i> campaign, with a view of achieving broader reach and greater systemic change, and	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
	religious vilification	discrimination and religious vilification			expanding the scope of the Strategy and the campaign to address religious intolerance and discrimination.	
DISCRIMINATION AND SOCIAL COHESION		DISCRIMINATION AND SOCIAL COHESION/ Racial discrimination in the Constitution	5.116.	Accept	<ul style="list-style-type: none"> Australia will ensure that any proposal taken to a referendum on Constitutional Recognition will include the removal of section 25 that envisages the states discriminating on the basis of race. 	
GENDER EQUALITY		VIOLENCE AGAINST WOMEN AND GENDER EQUALITY Women's leadership and workplace engagement	5.141, 5.142, 5.143, 5.144, 5.146, 5.149, 5.151 and 5.152	Accepted	<p>Develop policies which treat child care, paid parental leave, protection from pregnancy discrimination and discrimination on return to work and tax reform as interdependent elements of a cohesive workplace engagement strategy for women.</p> <p>Consider the recommendations from the Productivity Commission's Inquiry into Childcare and Early Childhood Learning and the Senate Education and Employment Legislation Committee inquiries into the <i>Fair Work Amendment (Gender Pay Gap) Bill 2015</i> and the <i>Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015</i>.</p> <p>Adopt targets of at least 30% representation of women on public and private sector boards,</p>	<p>WGEA annual reporting on reductions in pay gap and women in management positions</p> <p>Work Life Balance surveys</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>including indigenous women and women from ethnic minorities, with a view to adopting compulsory quotas if targets are not met in three years; and implement and find the recommendations of the pay equity report, <i>Making it Fair</i>.</p> <p>Amend the <i>Fair Work Act 2009 (Cth)</i> to provide adverse action protection for survivors of violence and those caring for survivors of violence; include the status of being a survivor of violence as a protected attribute in anti-discrimination laws in all areas of public life.</p> <p>Include family violence as a protected attribute in all areas of public life in state/territory and federal anti-discrimination legislation.</p> <p>Remove reservations to CEDAW</p> <p>Note: relevant SDG targets - 5.1, 5.4, 5.5, 5a, 5c, 8.5, 8.8, 10.1, 10.2 and 17.8</p>	
GENDER EQUALITY		VIOLENCE AGAINST WOMEN AND GENDER EQUALITY	Accept	5.122, 5.153 – 5.164, 5.197-5.198, 8.180-5.184	<p>Include violence against women in institutional and residential settings and forced or coercive sterilisation and intersex medical treatment in the 3rd Action plan to the National Plan to Reduce Violence against Women and their Children.</p>	<p>Establish an independent monitoring and evaluation process for the 3rd Action plan on the National Plan to Reduce Violence against Women and their Children</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
		Violence against women, including Aboriginal and Torres Strait Islander women, women with disability, women in remote areas and women from culturally and linguistically diverse backgrounds and the National Plan.			<p>Include in the 3rd National Action Plan protections in employment and in all areas of public life and safety in family law as outlined below.</p> <ul style="list-style-type: none"> Amend the <i>Fair Work Act 2009 (Cth)</i> to provide adverse action protection for survivors of violence and those caring for survivors of violence; include the status of being a survivor of violence as a protected attribute in anti-discrimination laws in all areas of public life. Develop and fund a specialist domestic violence pathway within Legal Aid for family law that appropriately takes into account the dynamics of violence and issues of trauma. That the pathway be developed with acknowledged domestic violence experts. Remove the language of “equal shared time” and “equal shared parental responsibility” in the Family Law Act 1975 to shift culture and practice towards a greater focus on safety and risk to children. Amend the Family Law Act to provide protection for victims/survivors of domestic and family violence from direct cross-examination by a violent perpetrator and from having to directly cross-examine 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>a violent perpetrator when the victim/survivor is unrepresented.</p> <p>Ensure that Commonwealth funding for anti-violence measures includes:</p> <ul style="list-style-type: none"> • adequate and sustainable funding for specialist women's services (including community legal centres); and community controlled organisations such as Family Violence Prevention Legal Services) in order to respond to increasing demand on services that results in part from an increased awareness about domestic and family violence; • programs and services which are relevant to and appropriate for Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women in rural and remote areas, women with disabilities and women in prison; and • Funded mechanisms for independent monitoring and evaluation of the 3rd Action Plan. <p>National Action Plans on violence against women require 1) indicators and targets; (2) an institutional</p>	

AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>mechanism to monitor implementation; (3) meaningful participation of civil society and other stakeholders; (4) evaluation of practice and systems; and (5) accountable reporting procedures.</p> <p>Include family violence as a protected attribute in all areas of public life in state/territory and federal anti-discrimination legislation.</p> <p>Note: relevant SDG targets - 5.2 and 5c, 16.2, 16.3 and 16b</p>	
GENDER EQUALITY	Gender Pay Gap and representation in the labour market	VIOLENCE AGAINST WOMEN AND GENDER EQUALITY Gendered pay gap	5.144 – 5.149	Accepted	<p>Resource and work with the WGEA and ABS to obtain data disaggregated by the attributes set out in SDG target 17.8.</p> <p>Identify opportunities for using government procurement processes to promote corporate adoption of policies promoting paid parental leave, shared parental care, workplace flexibility, women's leadership and non-discrimination.</p> <p>Note: relevant SDG targets - 5.1, 5.4, 5.5, 5a, 5c, 8.5, 8.8, 10.1, 10.2, 10.4 and 17.8</p>	WGEA annual reporting on reductions in pay gap and women in management positions
GENDER EQUALITY (Family Violence)		VIOLENCE AGAINST WOMEN AND GENDER EQUALITY	5.153., 5.154., 5.156., 5.157., 5.158., 5.163., 5.159., 5.160(a), 5.161(a), 5.162(a),	Accept	<ul style="list-style-type: none"> Australia will ensure that Aboriginal and Torres Strait Islander women and their communities, organisations, and representative bodies play an important role in the COAG 2016 National Summit on Family Violence in recognition of 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
		<ul style="list-style-type: none"> • Family violence • National Plan to Reduce Violence Against Women • Violence against vulnerable groups 	5.155., 5.164., 5.160(b), 5.161(b), 5.162(b).		<p>the disproportionate rates at which they experience family violence.</p> <ul style="list-style-type: none"> • Australia will invest in national coverage of services commensurate with need for victims of violence, with priority for services that are Aboriginal and Torres Strait Islander community controlled, including Aboriginal Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Level Services (ATSILS). • Australia will ensure that Federal, State and Territory governments Invest in culturally safe and targeted early intervention and prevention strategies aimed at increasing safety and reducing the experience of violence, with a particular focus on supporting Aboriginal and Torres Strait Islander women and children. • Australia will ensure that Federal, State and Territory governments implement Aboriginal and Torres Strait Islander led strategies to increase access to safe housing, including long term secure funding for specialist homelessness services, financial assistance and access to affordable housing. Examine law reform opportunities including victims of crime compensation to assist in addressing the systemic issues that inhibit access to safe housing. 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments invest in evidence-based, culturally tailored men's behaviour change programs that enhance safety and are funded in addition to services for victims/survivors. Australia will ensure that Federal, State and Territory governments develop strategies to ensure appropriate police responses and improve access to court and other justice services for Aboriginal and Torres Strait Islander victims/survivors. 	
CHILDREN		CHILDREN/ Rights of the child	5.166., 5.170.	Accept	See Indigenous/ Family Separation/ Juvenile Justice <ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments, working in full partnership with Aboriginal and Torres Strait Islander peoples, establish independent, properly resourced and empowered national, state and territory children's commissions, with dedicated Indigenous Commissioners, to develop a culturally appropriate national agenda to ensure the full enjoyment of collective and individual human rights by Aboriginal and Torres Strait Islander children. 	
CHILDREN		CHILDREN/ Birth Registration	5.101., 5.102., 5.171.	Accept	<ul style="list-style-type: none"> Australia will ensure that Federal, State and Territory governments review of the birth registration processes to ensure registration of all children at birth; 	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> invest in awareness raising education amongst Aboriginal and Torres Strait Islander peoples about the importance of birth registration; make birth certificates provided free of charge; and provide support to people with literacy difficulties (including adequate interpreter and translation services). 	
CHILDREN		CHILDREN/ Access to education	5.211.	Accept	See INDIGENOUS AUSTRALIANS/ Access to education	
CHILDREN	Corporal Punishment	CHILDREN/ Corporal punishment	25. Prohibit corporal punishment of children in home and all other settings	Accept	<ul style="list-style-type: none"> This is largely a matter of law reform, but also involves educating the public on alternate discipline methods. Work with state and territory ministers, children's commissioners and guardians and community sector partners to the National Framework for Protecting Australia's Children to create uniform prohibition. First action: introduce a prohibition at Federal level under the <i>Crimes Act 1914</i> (Cth). Second action: Public awareness campaign and provision of educational materials on alternative discipline methods. Responsible bodies: Cth Parliament 	Incorporate in National Framework

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
CHILDREN	Rights of the Child	CHILDREN/Rights of the child	<p>8. Remove reservation from CRC</p> <p>9. Ratify optional protocol CRC</p> <p>10. Build on the achievements of a national framework and continue efforts to protect Australian children</p> <p>11. Ratify OPCAT</p>	<p>Accept 8, 9, and 11.</p> <p>Note 10 – there is an existing national framework which generates its own implementation and monitoring actions. It is too detailed to duplicate here.</p>	<ul style="list-style-type: none"> Responsible body: Cth Government through Attorney-General's Department Re. Rec 9 – ALRC & National Children's Commissioner to review existing practice See '3.5 Reservations to the Convention' in AHRC https://www.humanrights.gov.au/information-concerning-australia-and-convention-rights-child-0 	<ul style="list-style-type: none"> Impose a time frame of next CRC reporting, in which time the Attorney-General's Department has taken all necessary actions to remove the reservation from CRC, ratify the optional protocol from CRC, and ratify OPCAT.
CHILDREN / CRIMINAL JUSTICE	Juvenile Justice	CHILDREN Juvenile justice and age of responsibility	1. Bring the Australian juvenile justice in accordance to international standards, ensuring rehabilitation and to avoid life	Accept 1, 2, 3, 6, 7, 17, and 19.	<ul style="list-style-type: none"> The recommendations concerning Australia's juvenile justice system should also extend to the Australian criminal law as it applies to children. Through the Attorney-General's Department, the COAG is to take a role in negotiating and entering into a National 	<ul style="list-style-type: none"> The Agreement should be finalised in time for next CRC Reporting



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
			<p>imprisonment sentencing of children</p> <p>2. Juvenile justice system in accordance to international standards, and increase protection of children in penal proceedings</p> <p>3. Abolish mandatory minimum sentencing of juvenile offenders and improve conditions in youth detention facilities</p> <p>6. Raise age of criminal responsibility to 18, as recommended by CRC</p> <p>7. Raise the age of criminal responsibility in accordance with the CRC provisions</p> <p>17. Reduce number of young Indigenous people in detention</p> <p>19. Develop alternatives to holding children as</p>		<p>Partnership Agreement on Juvenile Justice, by which states and territories can be brought into line with international norms. This approach is preferred to legislative reform.</p> <ul style="list-style-type: none"> • Recommendations 17 and 19 are to be looked at in the context of a COAG Agreement. • Responsible bodies: Cth Government through Attorney-General's Department 	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
			young as 10 in juvenile detention centres, especially of Aboriginal children			
CHILDREN		CHILDREN Protection against violence	<p>20. Adopt measures to stop violence against women and children</p> <p>21. Incidences of violence against women and children investigated and perpetrators of violence brought to justice</p> <p>22. Effectively implement a national plan to reduce violence against women and children</p> <p>23. Disability protection, with particular attention to the rights of children while avoiding medical and political practices that affect freedom and dignity of persons with disabilities and</p>	<p>Note 20, 21, 22 – there is a national framework which generates its own implementation and monitoring actions (although the measures and responses may not yet be sufficient)</p> <p>Note 23 – overly complex</p>	<ul style="list-style-type: none"> Action for Recommendation 24: enhance current promotion, public awareness, and educational activities surrounding tolerance in an Australian context. 	<ul style="list-style-type: none"> Such enhancements to commence with 12 months. Impact of enhancement to be evaluated after 2 years and before 3 years.



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
			<p>eliminate corporal punishment</p> <p>24. Promote tolerance among Australians, paying especial attention to migrant children, Aboriginals and disabled</p>	Accept 24		
CRIMINAL JUSTICE		CRIMINAL JUSTICE/ Juvenile Justice	5.172., 5.173.	Accept	<ul style="list-style-type: none"> • Australia will ensure that the Federal Government takes a leadership role to work with the State and Territory Governments to legislate: <ul style="list-style-type: none"> • that the principle of detention as a measure of last resort be observed at all times for any person up to and including the age of 17; • that the age of criminal responsibility be raised to age 12 in all States and Territories (in line with recommendations from the Committee on the Rights of the Child), and ensure the presumption of legal incapacity continues to apply to 12, 13 and 14-year-olds; • that any person up to and including the age of 17, is detained in appropriate facilities. Youth detention facilities should be built for purpose and provide the supports that vulnerable children need in 	<ul style="list-style-type: none"> • Increased availability and use of specialist you the courts. • Increase in the use of diversion and non-custodial options for youth. • Rates of Aboriginal and Torres Strait Islander people in juvenile detention decreases, particularly for those under the age of 14. • Recidivism rates for Aboriginal and Torres Strait Islander juveniles decreases. • The number of young Aboriginal and Torres Strait Islander people in



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>an appropriate and therapeutic environment;</p> <ul style="list-style-type: none"> • development of specialist youth courts; and, • bail considerations and presumptions include a presumption in favour of bail for young people and that bail conditions take account of social and cultural factors and can be reasonably met by Aboriginal and Torres Strait Islander peoples. 	detention on remand decreases.
CRIMINAL JUSTICE		CRIMINAL JUSTICE/ Mandatory minimum sentencing	5.174., 5.176., 5.201., 5.202.	Accept	<ul style="list-style-type: none"> • Australia will ensure that the Federal Government takes a leadership role to work with the State and Territory Governments to legislate to abolish sentencing and bail laws that strip judges of the ability to consider the particular circumstances of a case, such as mandatory sentencing. • Australia will ensure that the Federal Government takes a leadership role to work with the State and Territory Governments to: <ul style="list-style-type: none"> • increase availability of diversion and noncustodial sentencing options; and, • set minimum standards for criminal justice legislation dealing with people with mental-health related disabilities and ensure that people with such disabilities have access to community based assessments and treatments. 	<ul style="list-style-type: none"> • Repeal of mandatory sentencing laws across jurisdictions • That Custody Notification Services are introduced in each State and Territory.

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<ul style="list-style-type: none"> Australia will ensure that the Federal Government work with State and Territory Governments to resource and implement Custody Notification Services run by the that state or Territories' Aboriginal Legal Services, as currently operated by the Aboriginal Legal Service (NSW/ACT) [correctly implementing Recommendation 224 of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)]. 	
CRIMINAL JUSTICE	Conditions in Detention	CRIMINAL JUSTICE/ Conditions in Detention	5.175. Improve conditions in youth detention facilities, including through ensuring independent and effective investigation of all allegations of human rights violations therein (Czech Republic);	Accept	State, Territory and Commonwealth Governments work together to ensure adequate processes are in place for independent and effective investigation of all allegations of human rights violations Ensure that all staff have an adequate skill-set, and training to work within the youth justice environment. Investigate of all allegations of human rights in accordance with the UN Convention of the Rights of the Child.	Consult with corrections facilities, and human rights organisations to develop and implement policies and procedures.
CRIMINAL JUSTICE	Conditions in Detention	CRIMINAL JUSTICE/Conditions in Detention	5.200. Intensify efforts to improve conditions in prisons, in particular to address the problem of overcrowding and the high mortality in prisons (Uzbekistan);	Accept	State, Territory and Commonwealth Governments work together to address the issue of overcrowding in prisons, including eliminating cramped accommodation and sharing cells built originally for one person. State, Territory and Commonwealth Governments work together to find alternatives to prison such as mental health and drug treatment facilities.	Governments invest in justice reinvestment and increase funding for legal assistance services, mental health and drug treatment facilities.

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
CRIMINAL JUSTICE	Conditions in Detention	CRIMINAL JUSTICE/ Conditions in Detention	5.193. Reinforce the measures to improve conditions of detention, especially for persons with disabilities and the young, as well as to eliminate corporal punishment (Holy See);	Accept	State, Territory and Commonwealth Governments work together to ensure that people with disabilities in detention are given appropriate supports and adjustments and access to mental and general health services, and voluntary treatment. Governments across jurisdictions ensure that people with disabilities are identified promptly in order for supports and adjustments to be provided. Early intervention and diversion programs be available to people with disabilities in detention, and ensure that any allegations by people with disability of neglect, violence or abuse are investigated promptly. A 2014 report by the Castan Centre for Human Rights found that prisons are being used as 'mental health institutions of the 21st century', with high levels of mental ill health, cognitive impairment and acquired brain injury among prisoners, in a population with significant histories of abuse and neglect, substance addiction, and low levels of educational achievement	Consult with corrections facilities, and human rights organisations, advocacy organisations representing people with disabilities to develop and implement policies and procedures.
CRIMINAL JUSTICE	Excessive Use of Force	CRIMINAL JUSTICE/ Excessive use of force	5.199. Prevent the excessive use of force by the police and investigate all complaints thoroughly (Azerbaijan);	Accept	Review the threshold for use of force in all state and territory laws and police manuals. Introduce enhanced police oversight and integrity bodies in all states and territories that are institutionally, hieratically and practically independent from the police force.	Commonwealth to lead discussion around use of force at SCLJ in 2016.
CRIMINAL JUSTICE		CRIMINAL JUSTICE	Voting rights for prisoners (rec 206)	Accept	<ul style="list-style-type: none"> The Australian, State and Territory Governments should consider amending 	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>electoral legislation to reflect a uniform and human rights based approach to voting for prisoners, for example permitting prisoners serving a sentence of less than 3 or 5 years to enrol and vote; and consistent approaches to the way in which a sentence of imprisonment is defined/interpreted to remove existing inconsistencies</p> <ul style="list-style-type: none"> Queensland Government to amend its electoral law to remove the blanket ban on prisoners voting in Queensland elections 	
DISABILITY		Disability – Indefinite detention and unfit to plead AND Indigenous Australians – Imprisonment of Indigenous Australians	5.196. Guarantee the end of the unwarranted use of prisons for the management of persons with disabilities (Islamic Republic of Iran);	Accept	State, Territory and Commonwealth Governments take urgent steps end the use of prisons for the management of unconvicted persons with disabilities. A National taskforce be setup to identify and address this issue.	Consult with various peak bodies representing people with disabilities, Aboriginal and Torres Strait Islander peoples with disability, and people with disability from Culturally and Linguistically Diverse Backgrounds
DISABILITY			Indefinite Detention	Accept	<p>Adopt section 7 ALRC Report “Equality, Capacity and Disability in Commonwealth Laws” (AGD)</p> <p>Establish a LCCSC working group to reform State and Territory legislation to facilitate due legal</p>	<p>Section 7 ALRC report adopted (2016;AGD).</p> <p>LCCSC Working group established and stakeholder engagement strategy</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>process to end indefinite detention of people with disability without conviction:</p> <ul style="list-style-type: none"> - consider national and international research (i.e. ALRC, UK Law Commission, UNSW Criminal Justice and University of Melbourne Unfit to Plea) and the Senate inquiry to inform its deliberations. - develop culturally and gender specific diversionary programs & mechanisms for community based sentencing options. <p>Respond to the Senate Standing Committee on Community Affairs Inquiry into Indefinite detention of people with cognitive and psychiatric impairment in Australia (July 2016)</p> <p>Through the National Disability Strategy (NDS) establish culturally relevant administrative and disability support frameworks that enable unconvicted people with disability to receive genuine community based treatment, rehabilitation and support in the community.</p>	<p>implemented to engage key stakeholders, such as people with disability and their representative organisations, Aboriginal and Torres Strait Islander people with disability, the judiciary, legal profession:</p> <ul style="list-style-type: none"> - a nationally consistent legislative framework developed and adopted; - diversionary programs & community based sentencing options developed(2016-2019; AGD/COAG). <p>Culturally relevant administrative and disability support frameworks established (2016-2019; AGD/DSS/NDIA/COAG)</p>
DISABILITY			Violence cf gender violence	Accept	Establish a Royal Commission Inquiry into Violence and Abuse Against People with Disability in Institutional and Residential Settings. The Commission should undertake a comprehensive	Royal Commission TOR determined in consultation with people with disability and their representative

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>investigation of all forms of violence and refer matters to law enforcement agencies.</p> <p>Establish an independent, statutory, national protection mechanism that has broad functions and powers to protect, investigate and enforce findings related to situations of violence, exploitation and abuse experienced by people with disability, and that addresses the multiple and aggravated forms of ill-treatment that result from the intersection of 'disability' with other characteristics, such as gender, age, indigenous status and racial, cultural or linguistic status.</p> <p>Under NDS, the Commonwealth, States and Territories develop Disability Justice Strategies to improve access to justice for people with disability in line with the reports by the Law Reform Commission, Equality, Capacity and Disability in Commonwealth Laws, the Human Rights Commission, Equal Before the Law and Productivity Commission, Access to Justice Arrangements.</p>	<p>organisations; and resources allocated for Royal Commission implementation (2016-2019; AGD)</p> <p>The National Protection Mechanism is established following engagement with people with disability and their representative organisations (2016-2018; AGD/DSS/COAG)</p> <p>Second NDS Action Plan includes access to justice strategies. (DSS/AGD/COAG)</p>
DISABILITY			Supported decision-making 5.187 Israel	Accept	Adopt the National Decision-Making Principles and Guidelines recommended by the Australian Law Reform Commission in Equality, Capacity and Disability in Commonwealth Laws (ALRC Report 124).	Commonwealth, state and territory laws and legal frameworks concerning decision-making by persons who may require support in making decisions are reformed and are nationally



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>The Federal Government should work with, and support, State and Territory Governments to review laws and legal frameworks that deal with decision-making by people who need decision-making support to ensure they are consistent with the National Decision-Making Principles and the Commonwealth decision-making model.</p> <p>In conducting such a review, regard should also be given to:</p> <p>State and territory overnments should review laws and legal frameworks concerning individual decision-making to ensure they are consistent with the National Decision-Making Principles and the Commonwealth decision-making model. In conducting such a review, regard should also be given to:</p> <ul style="list-style-type: none"> a. interaction with any supporter and representative schemes under Commonwealth legislation; b. consistency between jurisdictions, including in terminology; c. maximising cross-jurisdictional recognition of arrangements; and d. mechanisms for consistent and national data collection (2016 – 2018 AGD/SAG) 	<p>consistent. (2016-2019; AGD/COAG)</p> <p>Interpretative declaration withdrawn before CRPD 2nd periodic review (AGD/DSS).</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>Note, given that a large proportion of older people have a disability many older people are people who need decision-making support, and as a result the decision-making needs of older people should be considered in implementing this recommendation.</p> <p>Australia will withdraw its Interpretative Declaration of CRPD Article 12.</p>	
DISABILITY			National Disability Strategy	Accept	<p>Dedicate resources to implement the Strategy.</p> <p>Develop an implementation and monitoring mechanisms that includes people with disability and their representative organisations in line with CRPD Art 33(4)</p> <p>Incorporate treaty body concluding observations and UPR recommendations into the NDS</p>	<p>A clear COAG commitment to resource the implementation of this plan. (DSS/COAG 2016)</p> <p>Implementation and monitoring mechanism established (DSS/COAG 2016)</p> <p>Second NDS Action Plan includes treaty body concluding observations and UPR recommendations (2016; DSS/COAG)</p>
DISABILITY			Employment	Accept	<p>Finalise a new disability employment framework (DEF) in time for the completion of Disability Employment Services contracts in 2018 and the full roll-out of the National Disability Insurance Scheme (NDIS) in 2018-19.</p>	<p>DEF linked to the NDS and complimentary State and Territory plans. (DSS/COAG 2018)</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					Mandate public service targets for employment of people with disability. (DSS 2016)	Agency employment of people with disability targets and workplace diversity reported in annual reports (DSS 2017)
ICESCR	Access to the Labour Market		5.209 Protect the rights of older persons and persons with disability to ensure their access to the labour market	Accept	<p>Implement the recommendations of the ALRC's Access All Ages- Older Workers and Commonwealth Laws (ALRC Report 120)</p> <p>Respond to and implement the recommendations of the Australian Human Rights Commission's Willing to Work Inquiry</p> <p>Mandate Australian and State and Territory public service targets for employment of people with disability</p> <p>Finalise a new national disability employment framework</p>	
BUSINESS AND HUMAN RIGHTS	Business and human rights	Business and Human Rights	Recs 5.212, 5.213, 5.214	Accept	The Government should engage with all stakeholders to develop a National Action Plan on Business and Human Rights.	<p>(a) a consultation is underway</p> <p>(b) a NAP has been developed and its implementation is being monitored.</p>

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
CIVIL LIBERTIES		CIVIL LIBERTIES Privacy	5.226 Review the extent and scope of laws governing secret surveillance and moderate the powers and discretion conferred on authorities in this regard (India);	Accept	<ul style="list-style-type: none"> • Australia will request the INSLM to review the extent and scope of laws governing secret surveillance. • The Australian Government will implement the recommendations of the INSLM's report. 	<ul style="list-style-type: none"> • INSLM to provide a report • Government to provide a response to and implement the recommendations of the report.
CIVIL LIBERTIES			5.227 Take concrete measures in order to ensure that any interference with the right to privacy comply with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals affected (Brazil);	Accept	<ul style="list-style-type: none"> • Refer all new legislation which interferes with the right to privacy to the Privacy Commissioner for review. For example, the Counter-Terrorism Bill (No. 1) 2015 which is currently before Parliament • Provide statutory requirement that the Government must respond to reports • Provide additional resources to the Privacy Commissioner to undertake this role • Repeal the Telecommunications (Interception and Access) Amendment (Data Retention) Act 2014 (Cth) OR at a minimum, amend the Act in line with the recommendations of the Joint Committee on Intelligence to ensure it contains appropriate safeguards. 	<ul style="list-style-type: none"> • Reports of the Privacy Commissioner following referral made publicly available to provide a report following the review • Government responds to reports • Additional resources provided to Privacy Commissioner • Telecommunications (Interception and Access) Amendment (Data Retention) Act



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
						2014 (Cth) repealed or amended
		Citizenship	5.228 Ensure that an Australian cannot be deprived of citizenship other than in exceptional circumstances and within the framework of a specific legal procedure (France)	Accept	Australia will amend, where necessary, the <i>Australian Citizenship Amendment (Allegiance to Australia) Act 2015</i> (Cth), <i>Intelligence Services Act 2001</i> (Cth) and <i>Independent National Security Legislation Monitor Act 2010</i> (Cth) to require regular monitoring and review of the Act by the Parliamentary Joint Committee on Intelligence and Security and the Independent National Security Legislation Monitor.	<ul style="list-style-type: none"> • INSLM to provide a report. • Government to provide a response to the recommendations of the report.
CIVIL LIBERTIES		Counter-Terrorism	5.229 Continue increasing efforts to combat terrorism (Tajikistan);	Accept	<ul style="list-style-type: none"> • Ensure an appropriate balance between combating terrorism and respecting the rights and freedoms of people in the Australian community. • Ensure ongoing review of counter-terrorism legislation by the INSLM 	
HUMAN TRAFFICKING	Monitoring and Rights of Victims	Trafficking – Monitoring and	5.230. Improve coordination on trafficking, the	Accept	1. Definition – confirm that ‘trafficking’ is consistent with Australian usage, ie that in line with the National Action Plan to	The Anti-Slavery Commissioner submit annual reports setting out the



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
		Rights of Victims	monitoring of the implementation of anti-trafficking legislation, ensure the rights of victims are protected, including the right to redress and economic and social support (Lithuania);		<p>combat Human Trafficking and Slavery 2015-19 that the term includes all forms of human trafficking, slavery and slavery-like practices such as forced labour and forced marriage.</p> <ol style="list-style-type: none"> 2. Identify the rights of trafficked people in consultation with key stakeholders such as the AHRC, ASA, HRLC, CLCs etc 3. Recognise that there is no national, consistent pathway for economic redress. State based statutory schemes are inadequate and inconsistent across all Australian states and territories. Therefore there is a compelling need to establish a national compensation scheme to provide financial compensation/recognition to trafficked people. 4. Beyond an initial period of support, generally around 45 days, social support to trafficked people is contingent on their participation in the criminal justice process. There is a need to provide social support for trafficked people who are unable (eg through psychological trauma for example or where the perpetrator can't be identified) or unwilling (trauma) to contribute in the criminal justice process. 5. Establish a position of Anti-Slavery Commissioner. This role should be 	extent to which its objectives and priorities have been met, which will be laid before Parliament

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					independent and similar in function to the UK Anti-Slavery Commissioner.	
HUMAN TRAFFICKING	National Plan	Trafficking – National Plan	5.231. Develop a National Plan to combat trafficking in humans beings and protect its victims (Russian Federation);	Accept (complete)	The Australian Government through the AGD, released the National Action Plan to Combat Human Trafficking and Slavery 2015-19 in 2015. This plan was developed in consultation with the National Roundtable on Human Trafficking and Slavery.	The National Action Plan sets out that the Attorney-General's Department is responsible for monitoring the implementation of the Plan
HUMAN TRAFFICKING	National Plan	Trafficking – National Plan	5.232. Consider the elaboration of a national and regional strategy for the prevention of trafficking in human beings and further promote human rights based approach to victims of trafficking (Slovakia);	Accept	<ul style="list-style-type: none"> The Bali Process initially established to respond to people smuggling has been expanded to include human trafficking and a number of initiatives have emerged. There is a conflation of smuggling and trafficking. If an Anti-Slavery Commissioner is established and the Bali process jurisdiction maintained, that would go towards providing a specific focal point for anti-slavery, anti-trafficking measures Establish the position of Anti-Slavery Commissioner. 	The Anti-Slavery Commissioner submit annual reports setting out the extent to which its objectives and priorities have been met, which will be laid before Parliament
HUMAN TRAFFICKING	Human Trafficking and Slavery	Trafficking – Human Trafficking and Slavery	5.233. Continue to take comprehensive measures to effectively fight against human trafficking and stamp out the associated phenomenon of	Accept	<ul style="list-style-type: none"> Recognising that labour exploitation takes place on a continuum, provide greater resources to the Fair Work Commission to investigate and monitor labour exploitation of migrant workers and others. 	FWO to continue to provide information in its Annual Reports

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
			contemporary forms of slavery (China);		<ul style="list-style-type: none"> The FWO website is practically unusable. Review the functionality of the website to ensure that vulnerable people, who may not be proficient in English can access the help that they need. 	
MIGRATION	Rights of migrant workers	Rights of migrant workers	5.236		<p>Adopt policy measures that will encourage reporting of exploitation and mistreatment by migrant workers, including those who may be in breach of their visa status, by linking migrant workers with existing community-based supports and allowing migrant workers who have been trafficked or subject to significant exploitation to remain in Australia to pursue civil remedies of compensation from their employer or participate in Fair Work processes.</p> <p>Take legislative measures to address the gap at the intersection of the <i>Fair Work Act</i> and the <i>Migration Act</i> which creates uncertainty about the applicability of the <i>Fair Work Act</i> to unlawful migrant workers who may be unknowingly or unwillingly in breach of their visa conditions, to ensure that the <i>Fair Work Act</i> explicitly applies to migrant workers, regardless of their visa status.</p>	
MIGRATION		Treatment of migrants and asylum seekers	5.240	Accept	Review services provided under the Status Resolution Support Services (SRSS) program to ensure that asylum seekers living in the community	In line with UNHCR guidelines on reception of asylum seekers, develop policy guidelines outlining



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>receive support sufficient to ensure an adequate standard of living.</p>	<p>minimum standards of treatment for asylum seekers living in the community.</p> <p>Revise income support rates under SRSS to a level which more accurately reflects the cost of living. At a minimum, people seeking asylum who are eligible for SRSS should receive income support at full Centrelink rates rather than 89%.</p> <p>Grant work rights to asylum seekers living in the community and provide access to targeted employment support services. Vulnerable asylum seekers who are not able to find employment should be given access to increased income support to reduce the risk of destitution and homelessness.</p> <p>Expand education and training opportunities to</p>



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
						<p>ensure the young asylum seekers have study options beyond high school. For example, people seeking asylum could be granted access to Commonwealth-supported university places, HECS-HELP loans and subsidised TAFE places.</p> <p>Grant asylum seekers access to the Adult Migrant English Program on the same basis as temporary and permanent humanitarian visa holders.</p> <p>Provide funding for additional SRSS caseworkers to alleviate high client-to-worker caseloads and fund specialist caseworker positions to meet specific needs (such as housing).</p>
MIGRATION		Rights of asylum seekers	5.239, 5.241, 5.244, 5.247, 5.249, 5.251, 5.252, 5.253	Accept	Repeal provisions of the <i>Migration Act 1958</i> and the Migration Regulations which discriminate against refugees and asylum seekers on the basis of their mode of arrival, including: excision; Temporary Protection Visas and Safe Haven Enterprise Visas; the Code of Behaviour; and restrictions on access to family reunion opportunities.	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					(These recommendations can also be met through implementing other recommendations, as detailed in this document.)	
		Transparency	5.254, 5.290	Accept	<p>Repeal provisions of the Australian Border Force legalisation which may act to prevent individuals from revealing human rights violations they have witnessed in detention <i>OR</i> introduce whistleblower protections to ensure that people revealing human rights violations will not be penalised.</p> <p>Establish independent and transparent monitoring bodies for detention facilities in Australia and for the offshore processing operations in Nauru and Manus Island.</p> <p>Facilitate access by the Special Rapporteur for the Human Rights of Migrations to detention facilities in Australia and in Nauru and Manus Island.</p>	
MIGRATION		Review existing legislation	5.245, 5.246, 5.250, 5.264, 5.273	Accept	<p>See Rights of asylum seekers; Transparency; Rights of the child; Mandatory detention; Detention of children; Conditions of detention; Processing; Non-refoulement; Offshore processing; Pushbacks.</p> <p>Repeal provisions of the <i>Migration Amendment (Character and General Visa Cancellation) Act 2014</i> to abolish mandatory cancellation powers, restore former thresholds for visa cancellation and abolish new cancellation powers under s 109 and 116 of the Act.</p>	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
MIGRATION		Increase refugee intake	5.242	Accept	Maintain the size of Australia's Refugee and Humanitarian Program at 20,000 places annually. Delink the offshore component of the Refugee and Humanitarian Program from the onshore component to maximise the availability of resettlement places.	
MIGRATION		Rights of the child	5.248, 5.235	Accept	Amend the <i>Immigration (Guardianship of Children Act) 1946</i> to remove the Minister for Immigration as guardian of unaccompanied children and appoint an independent guardian who can effectively safeguard the best interests of the child.	
MIGRATION		Mandatory detention	5.259, 5.260, 5.262, 5.263, 5.270(b), 5.271(b), 5.272, 5.277	Accept	Amend the <i>Migration Act 1958</i> to: allow for discretion in decisions to detain (replacing the current mandatory system); introduce a time limit for immigration detention of six months for adults; establish a system of periodic judicial review of decisions to detain; and prohibit the detention of children in closed facilities or, failing that, introduce a time limit of 30 days for the detention of children.	
MIGRATION		Detention of children	5.255, 5.256, 5.257, 5.258, 5.261, 5.274	Accept	Amend the <i>Migration Act 1958</i> to prohibit the detention of children in closed facilities. If this does not occur, introduce provisions to the <i>Act</i> stipulating that children may only be held as a last resort and for the shortest possible time and establishing a time limit of 30 days for the detention of a children.	
MIGRATION		Conditions of detention	5.243, 5.265, 5.266,	Accept	Amend the <i>Migration Act 1958</i> to codify minimum standards of detention both onshore and offshore,	Implement the recommendations of UNHCR



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>in line with UNHCR's Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers.</p> <p>Take immediate action to improve conditions in offshore detention centres, with a particular focus on accommodation, sanitation and access to essential services (such as healthcare and education).</p> <p>Take immediate action to protect asylum seekers subject to offshore processing from physical and sexual assault.</p>	<p>based on its monitoring visits to Nauru and Manus Island.</p> <p>Implement the recommendations of the Moss Review.</p> <p>Where conditions cannot be satisfactorily improved or safety cannot be assured, asylum seekers and refugees subject to offshore processing should be immediately returned to Australia.</p>
MIGRATION	Conditions in Detention	Maltreatment of and violence against refugees	5.266	Accept	<p>Adopt practical measures to prevent violence against refugees, including sexual violence, by officials and others in detention centres</p> <p>Note: relevant SDG targets - 5.1 and 5.6</p>	
MIGRATION		Independent oversight	5.267, 5.268		See Transparency.	
MIGRATION		Processing	5.269, 5.270(a), 5.274	Accept	Repeal provisions of the <i>Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014</i> to: reinstate the former criteria for granting refugee status, including references to the Refugee Convention; and restore a single statutory system for processing asylum	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					claims (including access to statutory merits review), regardless of a person's mode of arrival. Reinstate access to the Immigration Advice and Application Assistance Scheme for all asylum seekers in need, regardless of their mode of arrival.	
MIGRATION		Non-refoulement	5.271(a), 5.277, 5.281(b), 5.282, 5.283	Accept	Repeal provisions of the <i>Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014</i> relating to <i>refoulement</i> . See also Processing and Pushbacks.	
MIGRATION		Offshore processing	5.275, 5.276, 5.277, 5.278, 5.279, 5.280, 5.281(a), 5.290	Accept	Repeal provisions of the <i>Migration Act 1958</i> relating to offshore processing. Abolish the current offshore processing operations and return all refugees and asylum seekers currently on Nauru and Manus Island (including those who have been released from detention) to Australia. See also Conditions of Detention.	
MIGRATION		Pushbacks	5.284, 5.285, 5.286, 5.287, 5.288, 5.289	Accept	Cease all practices which result in the return of asylum seekers without a fair and thorough assessment of their claims, including: "enhanced screening"; screening of asylum claims at sea; and turnbacks of boats carrying asylum seekers.	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					Repeal provisions of the <i>Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014</i> relating to maritime powers to detain and transfer.	
MISCELLANEOUS	Family	Protection of the family as the natural and fundamental unit of society	5.225	Note	<p>Australia recognises families in all their diversity, including single parent families, families headed by same sex couples and/or lesbian, gay, bisexual, transgender and intersex people Aboriginal and Torres Strait Islander kinship structures and other kinship structures from a variety of cultures.</p> <p>Australia also recognises that women's human rights, particularly sexual and reproductive rights and rights relating to public and economic participation, exist independently of her role within any family structure.</p> <p>Note: relevant SDG targets - 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5a, 5b and 5c.</p>	
MISCELLANEOUS		MISCELLANEOUS/ Sterilisation and adoption of Indigenous women and children	5.122.	Accept	See INDIGENOUS AUSTRALIANS/ Family separation	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
SOGIIS / LGBTI		Same sex marriage	Recs 5.222, 5.223, 5.224(a)	Accept	<p>Australia will legislate / support legislation for same-sex marriage.</p> <p><i>Note: We stress that were the Government to simply state that it intends to hold a plebiscite on the question of same-sex marriage, this would not be consistent with the recommendations. It would, in effect, be a public opinion poll on whether to accept the recommendations and legally recognise same-sex marriages. To ensure consistency with the recommendations, the Government must (at least) commit to legislate / support legislation for same-sex marriage in the event that a plebiscite is successful.</i></p>	
SOGIIS / LGBTI			Rec 5.224(b)	Accept	<p>Australia will recognise overseas same-sex marriages under Commonwealth law and work with state and territory governments to ensure that overseas same-sex marriages are recognised under state and territory relationship recognition schemes.</p>	
SOGIIS / LGBTI			Rec 5.220	Accept	<p>Australia will work with state and territory governments to ensure that there are legal partnership models that recognise LGBTI relationships</p>	

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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
SOGIIS / LGBTI		Discrimination on the basis of SOGII status	Rec 5.221	Accept	Australia will remove state and territory exemptions from the <i>Sex Discrimination Act 1984</i> in line with its voluntary commitment	<p>If any states or territories apply for time limited specific exemptions in relation to particular laws or thematic areas, the Government will consult with civil society before determining the outcome of such request.</p> <p>State and Territory Governments to amend laws to ensure consistency with the SDA.</p>
DISABILITY AND SOGII/ LGBTI		Sterilisation	Recs 5.180, 5.184	Accept	<p>Australia will adopt national legislation prohibiting forced or coerced sterilisation of persons, including persons with a disability or an intersex variation, without the full and informed consent of the individual concerned - consistent with international best practice and human rights standards.</p> <p>In this case of people with an intersex variations, this legislation should be directed at any non-therapeutic surgeries or medical treatment.</p> <p>The two reform processes need not be linked – i.e. separate bills may be drafted.</p>	<p>The Commonwealth Government will develop draft a law draft or laws in close consultation with civil society in Q1 2016.</p> <p>LCCSC to discuss issue at first meeting in 2016.</p> <p>LCCSC to approve development of national framework for regulation, monitoring and oversight of medical procedures</p>



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
					<p>Develop measures to prohibit forced or coercive sterilisation and medically unnecessary treatments through discussion at the Law, Crime and Community Safety Council (LCCSC).</p> <p>The Commonwealth, states and territories to work together on a framework that provides for regulation, monitoring and oversight of medical procedures performed on intersex infants, children and young people.</p> <p>The Commonwealth Government will also work with states and territories to encourage reform to ensure that people, including children and young people, can alter their birth certificate consistent with how they live and identify, without evidence of medical intervention (surgery or otherwise) consistent with international best practice and human rights standards.</p>	<p>performed on intersex infants, children and young people.</p> <p>Framework on intersex medical treatment to be co-designed with relevant stakeholders throughout 2016 and completed in 2017.</p> <p>State and Territory Governments to amend birth, deaths and marriages legislation to change gender marker without evidence of medical intervention, surgical or otherwise.</p>
SOGIIS / LGBTI		Birth registration	Rec 5.171	<p>Accept*</p> <p><i>* seek further clarification on the meaning of this</i></p>	<p>The Commonwealth Government will also work with states and territories to encourage reform to ensure that people, including children and young people, can alter the gender marker on their birth certificate consistent with how they live and identify, without the need for sterilising surgeries (or any medical treatment – consistent with</p>	



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AGD General Theme	AGD Batch	NGO Suggested Theme/Grouping	Recommendation(s)	Accept or Note	Implementation Actions	Monitoring Implementation
				<i>recommendation</i>	international best practice and human rights standards).	

Voluntary Commitments made by Australia

Constitutional Recognition	See comments above in relation to relevant recommendation.
Syrian Resettlement	Continue to resettle refugees from Syria in line with UNHCR's resettlement priorities. Consider establishing an Emergency Response contingency quota over and above the annual Refugee and Humanitarian Program intake to provide additional capacity to respond to urgent protection needs during emergency situations, such as the current crisis in Syria.
Family Violence	See comments above in relation to relevant recommendations.
Unfitness to Plead	See comments above in relation to relevant recommendation.
Death Penalty	



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<p>Older Persons</p>	<p>Australia will include a dedicated section on the rights of older people in Australia in all relevant human rights treaty and UPR reports, and appropriately consult civil society representatives (including older persons organisations) in compiling those reports</p> <p>Australia will seek to have the rights of older persons reflected in UN resolutions and encourage existing Special Rapporteurs to consider the application of their mandate to older persons in close collaboration with the Special Rapporteur on the enjoyment of all human rights by older persons. For example, Australia will invite the Special Rapporteur on the enjoyment of all human rights by older persons to visit Australia in 2016 or 2017.</p> <p>Australia will make recommendations about the rights of older persons, where appropriate, in the UPRs of other Member States</p> <p>Australia will engage more fully with the work of the Open-Ended Working Group on Ageing and the Independent Expert on the Enjoyment of Human Rights by Older Persons, including attending OEWGA sessions and working with civil society and the Australian Human Rights Commission prior to each session.</p> <p>Australia will, together with the Age Discrimination Commissioner, convene a national roundtable that includes representatives from Government and civil society, to discuss ways to better use existing UN human rights reporting mechanisms as well as the potential need for a new International Convention on the Rights of Older Persons</p>
<p>LGBTIQ/SOGII discrimination</p>	<p>See comments above in relation to relevant recommendations</p>
<p>Foreign Aid</p>	
<p>Voluntary Commitment – AHRC</p>	<p>See comments above in relation to relevant recommendation.</p>



Australia's Human Rights Score Card

Voluntary Commitment – Standing mechanism for engagement with UN	See comments above in relation to relevant recommendation and note the Coalition welcomes ongoing engagement about the appropriate mechanism.
Voluntary Commitment –Monitoring/implementation of UPR	See comments above in relation to relevant recommendations and note the Coalition welcomes ongoing engagement about this issue.