



Australia's Human Rights Score Card

Australia's 2nd Cycle Universal Periodic Review 2015

Australian NGO Coalition Recommendations

Constitutional, Legislative and Institutional Framework

1. Australia should fully incorporate its international human rights obligations into domestic law (with the aim of eventual Constitutional entrenchment) by introducing a comprehensive, judicially enforceable federal Human Rights Act.
2. Australia should further resource human rights education in accordance with the World Program on Human Rights Education.
3. Australia should ratify the Convention on Migrant Workers, Optional Protocol to ICESCR, Optional Protocol to the Convention against Torture, ILO Convention No. 169 on Indigenous and Tribal Peoples, the Convention against Enforced Disappearances and the Third Optional Protocol to the Convention on the Rights of the Child.
4. Australia should urgently restore funding and independence to the AHRC to enable it to effectively carry out its functions.
5. Australia should extend the mandate of the Joint Parliamentary Committee on Human Rights to include the domestic consideration, follow up and oversight of implementation of recommendations and views of UN human rights mechanisms.
6. Australia should cooperate fully, promptly, substantively and in good faith with UN human rights bodies, including the High Commissioner for Human Rights, Special Procedures of the Human Rights Council and treaty bodies, and including in relation to the conduct of visits, protection and guarantees against reprisals, and implementation of recommendations and views.

Equality and Non-Discrimination

7. Australia should enact a comprehensive Equality Act that addresses all prohibited grounds of discrimination, promotes substantive equality and provides effective remedies, including against systemic and intersectional discrimination.
8. Australia should ensure that non-discrimination and equality for Aboriginal and Torres Strait Islander Peoples is duly acknowledged and respected in the Australian Constitution, national laws and official policies, consistent with the UN Declaration on the Rights of Indigenous Peoples.

Democratic Rights and Freedoms

9. Australia should repeal laws that criminalise peaceful protest contrary to international law.
10. Australia should amend laws to ensure that association does not form the basis of criminal conviction or punishment.
11. Australia should ensure that the withholding or the threat of withholding government funding is not used to stifle free speech in the community sector.
12. Australia should create an enabling tax environment for non-government organisations to ensure that they can continue their valuable work, including advocacy.
13. Australia should repeal laws that penalise the disclosure of human rights abuses in immigration detention.
14. Australia should ensure that all persons have the right to vote subject only to restrictions that are reasonable, necessary and proportionate, in accordance with international law.

Counter-Terrorism

15. Australia should review and amend its counter-terrorism laws and practices to ensure that they are consistent with Australia's international human rights obligations.



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Administration of Justice

16. Australia should implement the recommendations of the Productivity Commission and the Senate Inquiry into Access to Justice and provide additional funding for legal assistance services, including for strategic advocacy and law reform activities.
17. Australia should implement measures to address the underlying causes of overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system, including justice reinvestment strategies and justice targets.
18. Australia should review all mandatory sentencing laws, with a view to abolishing such laws.

Poverty

19. Australia should increase social security payments to above the poverty line.
20. Australia should index all social security allowances and pensions to both wages and prices, whichever is higher, to ensure they keep pace with community living standards over time.
21. Australia should increase support to sole parents and their children to reduce child poverty.

Housing and Homelessness

22. Australia should maintain its commitment to halve homelessness by 2020 and develop a comprehensive and coordinated national housing strategy.
23. Australia should ensure the availability of social and affordable housing suitable for people with diverse housing needs through increased investment in affordable housing programs, specialist homelessness and tenant advisory services.
24. Australia should conduct an audit of laws and policies that criminalise homelessness and encourage amendment of those laws and policies at state and local levels.

Aboriginal and Torres Strait Islander Peoples

25. Australia should continue to review and implement the Special Rapporteur's recommendations, consistent with the UN Declaration on the Rights of Indigenous Peoples.
26. Australia should revise the national intervention in the Northern Territory in close cooperation with Aboriginal and Torres Strait Islander Peoples to ensure the policies and programs are rationally connected to, reasonable, and in proportion to the achievement of social development of Aboriginal and Torres Strait Islander Peoples.
27. Australia should regularly review native title laws to ensure that the lands, territories and resources of Aboriginal and Torres Strait Islander Peoples are returned in accordance with human rights standards for ownership and development.
28. Australia should reverse the onus of proof for title to lands to require evidence that lands, territories and resources have been legitimately acquired from Aboriginal and Torres Strait Islander Peoples.
29. Australia should establish a national reparations scheme, including compensation, for members of the 'Stolen Generations' and implement all recommendations contained in the *Bringing Them Home* Report, especially in relation to current child removal practices. Australia should also establish a national compensation scheme for people adversely affected by Stolen Wages policies.
30. Australia should ensure availability of, and funding for, quality community controlled services across early childhood, health, family support, housing and youth sectors, including programs to address critical overcrowding and housing shortages.
31. Australia should ensure Aboriginal and Torres Strait Islander Peoples give their consent to the development and implementation of policies and programs that impact upon their communities and futures.



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Women

32. Australia should continue to intensify efforts to address family violence including by adequately funding and evaluating its National Plan.
33. Australia should address the gendered wage gap, including collecting a range of gender disaggregated data about the needs of diverse groups of women and preventing any reduction in workplace gender equality reporting.
34. Australia should ensure that gender equality policies and programs are grounded in the concept of substantive equality and provide effective remedies to address intersectional discrimination.

Sexual and reproductive rights

35. Australia should ensure comprehensive decriminalisation of abortion and safe and unhindered access to reproductive health services.

People with Disability and Mental Illness

36. Australia should adopt national uniform legislation prohibiting the use of sterilisation of children, and of adults in the absence of their prior, fully informed and free consent.
37. Australian should commission a National Independent Inquiry into Violence and Abuse Against People with Disability and Mental Illness in Institutional and Residential Settings.
38. Australia should establish uniform national legislation, in line with international human rights law, to facilitate due legal process to end indefinite detention of people with disability without conviction.
39. Australia should establish a nationally consistent supported decision-making framework that strongly and positively promotes and supports people to effectively assert and exercise their legal capacity and enshrines the primacy of supported decision-making mechanisms.
40. Australia should continue work to date to eliminate involuntary treatment and restrictive practices, in all forms and settings, which restrict, inhibit and or limit the free movement and enjoyment of life of people with disability and people with mental illness.
41. Australia should conduct a comprehensive audit of laws, policies and administrative arrangements underpinning compulsory treatment to eliminate such laws and practices.
42. Australia should ensure people with mental illness have adequate and increased access to safe, appropriate and recovery-based services and supports.
43. Australia should fulfil the commitments made in the Council of Australian Governments Fourth National Mental Health Plan 2009-2014 and recommit to a longer-term and cross-sector national mental health strategy.

Refugees and Asylum Seekers

44. The Manus and Nauru detention centres should be closed and asylum seekers should have their claims processed in Australia.
45. Australia should repeal the mandatory detention provisions in the *Migration Act*, codify that asylum seekers be detained only as a last resort, stipulate in law maximum time limits on immigration detention and introduce a system of periodic judicial review of all decisions to detain.
46. Australia should ensure that all asylum seekers have their protection claims fairly and thoroughly assessed under Australia's standard refugee determination process.
47. Australia should ensure that refugees subject to adverse security assessments have the same right to seek merits review as Australian citizens and permanent residents. Where an adverse assessment remains in place, consideration should always be given to whether any risk can be managed in a manner less restrictive than indefinite detention.



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Sexual Orientation, Gender Identity and Intersex Status

48. Australia should reduce the high levels of violence faced by LGBTI Australians by adopting the Australian Senate's recommendations to ban unnecessary medical intervention (including genital surgeries) on people with intersex variations; and conduct activities to reduce bullying and harassment of LGBTI people, particularly youth.
49. Australia should recognise self-affirmed sex/gender on birth certificates without requiring medical treatment, or a person to be unmarried, and should include classifications other than male or female, such as 'X'.
50. Australia should legislate for marriage equality and harmonise the legal protection of children in LGBTI-headed families.

Children

51. Australia should develop a National Plan for Children to ensure stronger legislative protections and enforcement of the rights of children under the CROC.
52. Australia should implement the recommendations of the Australian Human Rights Commission's 2014 *The Forgotten Children* Report.

Minorities

53. Australia should ensure that the Multicultural Access and Equity Policy is underpinned by a strong social inclusion agenda, and that its implementation is binding on all government programs and agencies, as part of a whole-of-government approach.
54. Australia should strengthen measures to combat race discrimination, including against incitement of discrimination or violence on racial, ethnic or religious grounds, particularly through education and intercultural dialogue.

Older Persons

55. Australia should engage with the work of the UN Open-Ended Working Group on Ageing and the Independent Expert on the enjoyment of all human rights by older persons to strengthen protection and promotion of the rights of older persons.
56. Australia should review and enact model, uniform national laws protecting older persons from abuse, neglect and exploitation and ensuring older people are involved in decisions about their health and care.
57. Australia should implement the recommendations of the ALRC's 2013 Inquiry and develop a National Mature Age Persons Workforce Participation Plan.
58. Australia should develop and fund targeted programs to support longevity including in relation to combating social isolation, intergenerational activities and use of technology.

Prisons and Prison Conditions

59. Australia should provide prisoners with community standard healthcare, including access to quality mental health care. Harmful practices, such as strip-searching and solitary confinement, should be phased out.



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Police

60. Australia should establish independent effective mechanisms to investigate police related deaths and complaints, legislate to regulate the use of force in a human rights compliant manner, and mandate human rights and anti-racism training for police.
61. Data on use of force and field contacts should be publically released and monitored by an independent body.

Business and Human Rights

62. Australia should begin a consultative process towards adoption of a National Action Plan on business and human rights.

International Assistance

63. Australia should implement a human rights-based approach to overseas development co-operation, including through the establishment of human rights safeguards and monitoring mechanisms such as an Independent Ombudsman for its aid program.
64. Australia should progressively increase aid and development cooperation to at least 0.7% of GNI in line with internationally agreed development targets.

Privacy

65. Australia should guarantee the right to privacy of all people in Australia and should ensure any measures relating to metadata are reasonable, necessary and proportionate and contain appropriate safeguards.

Trafficking

66. Australia should promote a human rights based approach and ensure the rights of victims of trafficking are protected, including the right to redress and economic and social support for victims.

Sex Workers

67. Australia should encourage a consistent approach to decriminalisation of sex work and introduce measures to tackle discrimination against sex workers.

Climate change

68. Australia should take urgent steps to address climate change and its negative human rights implications, including through programmes to reduce emissions, increase renewables, and provide sustainable assistance to communities affected or displaced by the effects of climate change.